Children from Environmental Health Risks and Safety Risks” (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA’s role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States, EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the Federal Register. A major rule cannot take effect until 60 days after it is published in the Federal Register. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 14, 2005. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

EPA-APPROVED IOWA REGULATIONS

<table>
<thead>
<tr>
<th>Iowa citation</th>
<th>Title</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
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<td>Chapter 22—Controlling Pollution</td>
<td>567–22.9</td>
<td>Special Requirements for Visibility Protection</td>
<td>04/20/05</td>
<td>09/13/05 [insert FR page number where document begins]</td>
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

Approval and Promulgation of Implementation Plans; New York; Revised Motor Vehicle Emissions Budgets for 1990 and 2007 using MOBILE6

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a revision to the New York State Implementation Plan (SIP) for the attainment and maintenance of the 1-hour national ambient air quality standard (NAAQS) for ozone. Specifically, EPA is approving New York’s revised 1990 and 2007 motor vehicle emission budgets recalculated using MOBILE6 and modified date for submittal of the State’s mid-course review. The intended effect of this action is to approve a SIP revision that will help the State continue to plan for attainment of the 1-hour NAAQS for ozone in its portion of the New York-Northern New Jersey-Long Island nonattainment area (New York Metropolitan NAA).

EFFECTIVE DATE: This rule will be effective October 13, 2005.

ADDRESSES: Copies of the state submittals are available at the following...
addresses for inspection during normal business hours:
Environmental Protection Agency,
Region 2 Office, Air Programs Branch,
290 Broadway, 25th Floor, New York,
New York 10007–1866.
Environmental Protection Agency, Air
and Radiation Docket and Information
Center, Air Docket (6102), 401 M
Street, SW., Washington, DC 20460.
New York State Department of
Environmental Conservation, Office of
Air and Waste Management, 14th
Floor, 625 Broadway, Albany, New
York 12233–1010.
FOR FURTHER INFORMATION CONTACT:
David Risley, Air Programs Branch, 290
Broadway, 25th Floor, New York, NY
10007–1866, (212) 637–3741.
SUPPLEMENTARY INFORMATION:
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Actions?
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Revised with MOBILE6
B. Are New York’s motor vehicle emissions
budgets approvable?
C. Modified Date for Submittal of the Mid-
course Review
III. Conclusions
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I. Background
On October 28, 2003 EPA published
a notice of proposed rulemaking (68 FR
61379) regarding a SIP revision
submitted by the State of New York for
the attainment and maintenance of the
1-hour NAAQS for ozone. That notice
proposed to approve: Revised 1990 and
2007 motor vehicle emission budgets
recalculated using MOBILE6; and a
modified date for submittal of the
State’s mid-course review. The intended
effect was to propose a Sip revision that will help the State
continue to plan for attainment of the 1-
hour NAAQS for ozone in its portion of
the New York Metropolitan NAA.
The proposed SIP revision was
initially submitted to EPA on January
29, 2003 and later supplemented by a
June 2, 2003 submission. A detailed
description of New York’s submittal and
EPA’s rationale for the proposed action
were presented in the October 28, 2003
notice of proposed rulemaking and will
not be restated here.
II. Comments
EPA received only one set of
comments on the proposed approval,
from the New York State Department of
Environmental Conservation, in a letter
dated January 18, 2005. The comments
contained revised 2007 motor vehicle
emissions budgets resulting from
updated planning assumptions
including changes to vehicle registration
data and diesel fraction data. The data
revisions decrease estimated volatile
organic compound (VOC) emissions by
2.7 tons per year in 2007, a decrease of
nearly 2 percent of the total on-road
VOC emission inventory. Additionally,
the data revisions increase estimated
oxides of nitrogen (NOx) emissions by
3.4 tons per year in 2007, an increase of
nearly 1.4 percent of the total on-road
NOx emission inventory. These
revisions to the 2007 VOC and NOx
motor vehicle emissions budgets are
relatively small and do not change the
results of the State’s conclusion that the
budgets as revised using MOBILE6
continue to be consistent with the
State’s 1-hour ozone attainment
demonstration. The method used to
demonstrate this consistency is
described further below, and in more
detail in the October 28, 2003 notice of
proposed rulemaking.
III. What Are the Details of EPA’s
Specific Actions?
A Motor Vehicle Emissions Budgets
Revised With MOBILE6
New York’s revised budgets contained
in the January 29, 2003 submittal and
subsequently updated by New York’s
June 29, 2003 addendum and the State’s
January 28, 2005 comment letter, are
summarized in Table 1 below. EPA has
found that New York’s revised
MOBILE6 budgets are consistent with
its 1-hour ozone Attainment
Demonstration. EPA has articulated its
policy regarding the use of MOBILE6 for
SIP development in its “Policy
Guidance on the Use of MOBILE6 for
SIP Development and Transportation
Conformity” 1 and “Clarification of
Policy Guidance for MOBILE6 in Mid-
course Review Areas.” 2 New York
included in the January 29, 2003
submittal a relative reduction comparison to show that its 1-Hour
Ozone Attainment Demonstration SIP continues to demonstrate attainment using revised MOBILE6 budgets for the
New York Metropolitan NAA. This
relative reduction comparison was
subsequently updated in New York’s
June 29, 2003 addendum and again in
its comments of January 18, 2005, see
Table 2. New York’s attainment

<table>
<thead>
<tr>
<th>Year</th>
<th>MOBILE5-Base Budgets</th>
<th>MOBILE6-Base Budgets</th>
</tr>
</thead>
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<tr>
<td>1990</td>
<td>512</td>
<td>596</td>
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<tr>
<td>2007</td>
<td>233.4</td>
<td>179.3</td>
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</table>

As shown in Table 2, New York’s
relative reduction comparison shows
that for the New York Metropolitan
NAA the percent reductions in VOC and
NOx budgets obtained through the use
of MOBILE6 are greater than the percent
reductions calculated with MOBILE5-
based budgets. As such, New York’s
MOBILE6 SIP revision satisfies the
conditions outlined in EPA’s MOBILE6
Policy guidance, and demonstrates that
the new levels of motor vehicle
emissions calculated using MOBILE6
continue to support achievement of the
projected attainment of the 1-Hour
Ozone NAAQS by the attainment date of
2007 for the New York Metropolitan
NAA, i.e. the SIP continues to
demonstrate its purpose.

B. Are New York’s Motor Vehicle
Emissions Budgets Approvable?
EPA’s October 28, 2003 notice of
proposed rulemaking (68 FR 61379)
determined that New York’s revised

<table>
<thead>
<tr>
<th>Year</th>
<th>MOBILE5-Base Budgets</th>
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</thead>
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<tr>
<td>1990</td>
<td>44.8</td>
<td>66.7</td>
</tr>
<tr>
<td>2007</td>
<td>54.4</td>
<td>69.9</td>
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</table>

As shown in Table 2, New York’s
relative reduction comparison shows
that for the New York Metropolitan
NAA the percent reductions in VOC and
NOx budgets obtained through the use
of MOBILE6 are greater than the percent
reductions calculated with MOBILE5-
based budgets. As such, New York’s
MOBILE6 SIP revision satisfies the
conditions outlined in EPA’s MOBILE6
Policy guidance, and demonstrates that
the new levels of motor vehicle
emissions calculated using MOBILE6
continue to support achievement of the
projected attainment of the 1-Hour
Ozone NAAQS by the attainment date of
2007 for the New York Metropolitan
NAA, i.e. the SIP continues to
demonstrate its purpose.
the State
York
revision. This submittal revises New
York’s revised budgets contained in the
January 29, 2003 submittal and
subsequently updated by New York’s
June 29, 2003 addendum and the State’s
January 28, 2005 comment letter. EPA is
taking action to find these budgets
adequate and concurrently approve these
budgets. The revised 2007
attainment budget will apply for the
New York Metropolitan Transportation
Council’s transportation conformity
purposes.

G. Modified Date for Submittal of the
Mid-Course Review
As described in EPA’s October 28,
2003 proposal, New York requested to
revise the date by which it would
submit a required mid-course review of
the SIP’s ability to meet attainment on-
time. In order to be consistent with
surrounding states and to include the
benefit of the regional NO\textsubscript{x} program in
its mid-course review, New York
revised its commitment to perform a
mid-course review to December 31,
2004 which is consistent with EPA
guidance. New York has performed the
mid-course review and has submitted it
to EPA for review.

III. Conclusions
EPA is taking final action to approve
New York’s January 29, 2003 SIP
revision. This submittal revises New
York’s 1990 and 2007 motor vehicle
emission budgets using MOBILE\textsubscript{6} and
modifies the planned date to complete
the State’s mid-course review to
December 31, 2004. In accordance with
the parallel processing procedures, EPA
has evaluated New York’s final SIP
revision submitted on January 29, 2003
and supplemental information
submitted on June 29, 2003 and New
York’s January 18, 2005 comment letter and
finds that no substantial changes
were made from the proposed SIP
New York has demonstrated that its
revised 1-Hour Ozone Attainment
Demonstration SIP for the New York
Metropolitan NAA continues to
demonstrate attainment with the revised
MOBILE\textsubscript{6} inventories.

IV. Statutory and Executive Order
Reviews
Under Executive Order 12866 (58 FR
51735, October 4, 1993), this action is
not a “significant regulatory action” and
therefore is not subject to review by the
Office of Management and Budget. For
this reason, this action is also not
subject to Executive Order 13211,
“Actions Concerning Regulations That
Significantly Affect Energy Supply,
Distribution, or Use” (66 FR 28355, May
22, 2001). This action merely approves
state law as meeting Federal
requirements and imposes no additional
requirements beyond those imposed by
state law. Accordingly, the
Administrator certifies that this rule
will not have a significant economic
impact on a substantial number of small
entities under the Regulatory Flexibility
Act (5 U.S.C. 601 et seq.). Because this
rule approves pre-existing requirements
under state law and does not impose any
additional enforceable duty beyond
that required by state law, it does not
contain any unfunded mandate or
significantly or uniquely affect small
governments, as described in the
Unfunded Mandates Reform Act of 1995
(Pub. L. 104–4). This rule also does not have tribal
implications because it will not have a
substantial direct effect on one or more
Indian tribes, on the relationship
between the Federal Government and
Indian tribes, or on the distribution of
power and responsibilities between
the Federal Government and Indian tribes,
as specified by Executive Order 13175
(65 FR 67249, November 9, 2000). This
action also does not have Federalism
implications because it does not have
substantial direct effects on the States,
on the relationship between the national
government and the States, or on the
distribution of power and
responsibilities among the various
levels of government, as specified in
Executive Order 13132 (64 FR 43255,
August 10, 1999). This action merely
approves a state rule implementing a
Federal standard, and does not alter the
relationship or the distribution of power
and responsibilities established in the
Clean Air Act. This rule also is not
subject to Executive Order 13045
“Protection of Children from
Environmental Health Risks and Safety
Risks” (62 FR 19885, April 23, 1997),
because it is not economically
significant.

In reviewing SIP submissions, EPA’s
role is to approve state choices,
provided that they meet the criteria of
the Clean Air Act. In this context, in the
absence of a prior existing requirement
for the State to use voluntary consensus
standards (VCS), EPA has no authority to
disapprove a SIP submission for
failure to use VCS. It would thus be
inconsistent with applicable law for
EPA, when it reviews a SIP submission,
to use VCS in place of a SIP submission
that otherwise satisfies the provisions of
the Clean Air Act. Thus, the
requirements of section 12(d) of the
National Technology Transfer and
272 note) do not apply. This rule does
not impose an information collection
burden under the provisions of the
Paperwork Reduction Act of 1995 (44
U.S.C. 3501 et seq.).

The Congressional Review Act, 5
U.S.C. 801 et seq., as added by the Small
Business Regulatory Enforcement
Fairness Act of 1996, generally provides
that before a rule may take effect, the
agency promulgating the rule must
submit a rule report, which includes a
copy of the rule, to each House of the
Congress and to the Comptroller General
of the United States. EPA will submit a
report containing this rule and other
required information to the U.S. Senate,
the U.S. House of Representatives, and
the Comptroller General of the United
States prior to publication of the rule in
the Federal Register. A major rule
cannot take effect until 60 days after it
is published in the Federal Register.
This action is not a “major rule” as
defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean
Air Act, petitions for judicial review of
this action must be filed in the United
States Court of Appeals for the
appropriate circuit by November 14,
2005. Filing a petition for reconsideration by the Administrator of
this final rule does not affect the finality
of this rule for the purposes of judicial
review nor does it extend the time
within which a petition for judicial
review may be filed, and shall not
postpone the effectiveness of such rule
or action. This action may not be
challenged later in proceedings to
enforce its requirements. (See section
307(b)(2))

List of Subjects in 40 CFR Part 52
Environmental protection, Air
pollution control, Incorporation by
reference, Nitrogen dioxide, Ozone,
Reporting and recordkeeping
requirements, Volatile organic
compounds.

Dated: August 11, 2005.
Kathleen C. Callahan,
Acting Regional Administrator, Region 2.

Part 52, chapter II, title 40 of the Code
of Federal Regulations is amended as
follows:

PART 52—[AMENDED]

1. The authority citation for part 52
continues to read as follows:
Authority: 42 U.S.C. 7401 et seq.
ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

Cyfluthrin; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of cyfluthrin in or on almond hulls, cucurbit vegetable crop group 9, fruiting vegetable group 8; grass forage; grass hay; grape; grape; raisin, leafy Brassica greens, subgroup 5B; leafy vegetable group, except Brassica, group 4: pistachio; pome fruit group 11; stone fruit group 12: tuberous and corm vegetable subgroup 1C; peanut, peanut; hay; pea and bean, dried shelled, except soybean, subgroup 6C; tree nuts, Crop Group 14; turnip greens; wheat forage; wheat hay; and wheat straw. Bayer CropScience and the Interregional Research Project Number 4 (IR-4), Technology Centre and Rutgers University have requested the tolerances under the Federal Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA).

DATES: This regulation is effective September 13, 2005. Objections and requests for hearings must be received on or before November 14, 2005.

ADDRESSES: To submit a written objection or hearing request follow the detailed instructions as provided in Unit VI of the SUPPLEMENTARY INFORMATION. EPA has established a docket for this action under docket identification (ID) number OPP–2005–0205. All documents in the docket are listed in the EDOCKET index at http://www.epa.gov/edocket/. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in EDOCKET or in hard copy at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Olga Odiott, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–9369; e-mail address: odiott.olga@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

• Crop production (NAICS code 111), e.g., agricultural workers; greenhouse, nursery, and floriculture workers; farmers.
• Animal production (NAICS code 112), e.g., cattle ranchers and farmers, dairy cattle farmers, livestock farmers.
• Food manufacturing (NAICS code 311), e.g., agricultural workers; farmers; greenhouse, nursery, and floriculture workers; ranchers; pesticide applicators.
• Pesticide manufacturing (NAICS code 32532), e.g., agricultural workers; commercial applicators; farmers; greenhouse, nursery, and floriculture workers; residential users.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under: FOR FURTHER INFORMATION CONTACT.

B. How Can I Access Electronic Copies of this Document and Other Related Information?

In addition to using EDOCKET (http://www.epa.gov/edocket/), you may access this Federal Register document electronically through the EPA Internet under the “Federal Register” listings at http://www.epa.gov/fedrgstr/. A frequently updated electronic version of 40 CFR part 180 is available at E-CFR Beta Site Two at http://www.epa.gov/e-cfr sulfates/home/guidel.htm/.