Adequacy Status of the Submitted 2009 PM\textsubscript{2.5} Motor Vehicle Emission Budgets for Transportation Conformity Purposes for the New York Portions of New York-Northern New Jersey-Long Island, NY-NJ-CT PM\textsubscript{2.5} Nonattainment Area; New York

**Agency:** Environmental Protection Agency (EPA).

**ACTION:** Finding of adequacy.

**SUMMARY:** In this document, EPA is notifying the public that it has found the motor vehicle emissions budgets for PM\textsubscript{2.5} and NO\textsubscript{x} in the submitted attainment demonstration state implementation plans for the New York portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT PM\textsubscript{2.5} nonattainment area to be adequate for transportation conformity purposes. The transportation conformity rule requires that the EPA conduct a public process and make an affirmative decision on the adequacy of budgets before they can be used by metropolitan planning organizations in conformity determinations. As a result of our finding, the New York Metropolitan Transportation Council (excluding Putnam County) and the Orange County Transportation Council must use the new 2009 PM\textsubscript{2.5} budgets for future transportation conformity determinations.

**DATES:** This finding is effective December 1, 2010.

**FOR FURTHER INFORMATION CONTACT:**

**SUPPLEMENTARY INFORMATION:**

**Background**

On October 27, 2009, the State of New York submitted an attainment demonstration state implementation plan to EPA for the New York portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT PM\textsubscript{2.5} nonattainment area. The purpose of New York State’s submittal was to demonstrate the State’s progress toward...
attaining the 1997 PM$_{2.5}$ National Ambient Air Quality Standard (62 FR 38652, July 18, 1997). New York State’s submittal included motor vehicle emissions budgets (“budgets”) for 2009 for use by the State’s metropolitan planning organizations in making transportation conformity determinations. On January 19, 2010, EPA posted the availability of the budgets on our Web site for the purpose of soliciting public comments. The comment period closed on February 18, 2010, and we received no comments.

Today’s notice is simply an announcement of a finding that we have already made. EPA Region 2 sent a letter to New York State on October 15, 2010, stating that the 2009 motor vehicle emissions budgets in New York’s SIP for the New York portion of the New York-Northern New Jersey-Long Island, NY-NJ–CT PM$_{2.5}$ nonattainment area are adequate because they are consistent with the required attainment demonstration.

Transportation conformity is required by section 176(c) of the Clean Air Act. EPA’s conformity rule requires that transportation plans, programs, and projects conform to SIPs and establishes the criteria and procedures for determining whether or not they conform. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the National Ambient Air Quality Standards.

The criteria by which we determine whether a SIP’s motor vehicle emission budgets are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4). Please note that an adequacy review is separate from EPA’s completeness review, and it also should not be used to prejudge EPA’s ultimate approval of the SIP. Even if we find a budget adequate, the SIP could later be disapproved.

We have described our process for determining the adequacy of submitted SIP budgets in 40 CFR 93.118(f). We have followed this rule in making our adequacy determination. The motor vehicle emissions budgets being found adequate today are listed in Table 1. EPA’s finding will also be announced on EPA’s conformity Web site: http://www.epa.gov/oarag/statesources/transport/conform/adequacy.htm.

### Table 1—2009 Attainment PM$_{2.5}$ Motor Vehicle Emissions Budgets for New York

<table>
<thead>
<tr>
<th>Metropolitan Planning Organization</th>
<th>PM$_{2.5}$</th>
<th>NO$_x$</th>
</tr>
</thead>
<tbody>
<tr>
<td>NYMTC (excluding Putnam County) and OCTC</td>
<td>1.750</td>
<td>77.571</td>
</tr>
</tbody>
</table>

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and record keeping requirements.

**Authority:** 42 U.S.C. 7401–7671q.

**Dated:** October 29, 2010.

**Judith A. Enck,** Regional Administrator, Region 2.

[FR Doc. 2010–28658 Filed 11–15–10; 8:45 am] [FR Doc. 2010–28858 Filed 11–15–10; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**


**Approval and Promulgation of Implementation Plans; Texas; Emissions Banking and Trading of Allowances Program**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking a direct final action to approve portions of four revisions to the Texas State Implementation Plan (SIP) that create and amend the Emissions Banking and Trading of Allowances (EBTA) Program. The EBTA Program establishes a cap and trade program to reduce emissions of oxides of nitrogen (NOx) and sulfur dioxide (SO$_2$) from participating electric generating facilities. The Texas Commission on Environmental Quality (TCEQ) originally submitted the EBTA program to EPA as a SIP revision on January 3, 2000. Since that time, the TCEQ has submitted SIP revisions for the EBTA Program on September 11, 2000; July 15, 2002; and October 24, 2006. EPA has determined that these changes to the Texas SIP comply with the Federal Clean Air Act (the Act or CAA) and EPA regulations, are consistent with EPA policies, and will improve air quality. This action is being taken under section 110 and parts C and D of the Act.

**DATES:** This direct final rule is effective on January 18, 2011 without further notice, unless EPA receives relevant adverse comment by December 16, 2010. If EPA receives such comment, EPA will publish a timely withdrawal in the Federal Register informing the public that this rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R06–OAR–2005–TX–0012, by one of the following methods:

- www.regulations.gov: Follow the on-line instructions for submitting comments.
- E-mail: Mr. Jeff Robinson at robinson.jeffrey@epa.gov. Please also cc the person listed in the FOR FURTHER INFORMATION CONTACT paragraph below.
- U.S. EPA Region 6 “Contact Us” Web site: http://epa.gov/region6/6t6comment.htm. Please click on “6PD” (Multimedia) and select “Air” before submitting comments.
- Fax: Mr. Jeff Robinson, Chief, Air Permits Section (6PD–R), at fax number 214–665–6762.
- Mail: Mr. Jeff Robinson, Chief, Air Permits Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.
- Hand or Courier Delivery: Mr. Jeff Robinson, Chief, Air Permits Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733. Such deliveries are accepted only between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays. Special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID No. EPA–R06–OAR–2005–TX–0012. EPA’s policy is that all comments received will be included in the public docket without change and may be made available online at http://www.regulations.gov, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Do not submit information through http://www.regulations.gov or e-mail, if you believe that it is CBI or otherwise protected from disclosure. The http://www.regulations.gov website is an “anonymous access” system, which means that EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through http://www.regulations.gov, your e-mail address will be automatically captured and included as