

least five percent per year in each year after approval of the SIP revision until the CO NAAQS is attained.

It should be noted that this action does not redesignate this area from "nonattainment" to "attainment". Under section 107(d)(3)(E), the Clean Air Act requires that, for an area to be redesignated from nonattainment to attainment, five criteria must be satisfied including the submittal by the State (and approval by EPA) of a maintenance plan as a SIP revision. Therefore, the designation status of Las Vegas Valley in 40 CFR part 81 is unaffected by this action, and Las Vegas Valley will remain a "serious" nonattainment area for CO until such time as EPA finds that the State of Nevada has met the Clean Air Act requirements for redesignation to attainment.

Based on our finding of attainment by the applicable attainment date, we also find that the CAA's requirement for the SIP to provide for CO contingency provisions under CAA sections 172(c)(9) and 187(a)(3) no longer applies to Las Vegas Valley and that our remaining obligation to promulgate a Federal implementation plan ("FIP") for CO contingency provisions in Las Vegas Valley under CAA section 110(c) is permanently lifted.

#### IV. Administrative Requirements

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 finds that an area has attained a national ambient air quality standard based on an objective review of measured air quality data and finds that certain Clean Air Act requirements no longer apply. This action will not impose any new regulations, mandates, or additional enforceable duties on any public, nongovernmental, or private entity. 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 does not impose any additional enforceable duty, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 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 finds that an area has attained a national ambient air quality standard and is therefore not subject to certain specific requirements, 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.

This rule does not involve establishment of technical standards, and 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 August 1, 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).)

**Authority:** 42 U.S.C. 7401 *et seq.*

#### List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: May 20, 2005.

**Alexis Strauss,**

*Acting Regional Administrator, Region IX.*

[FR Doc. 05-10851 Filed 5-31-05; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 93

[FRL-7920-1]

RIN 2060-AN03

### Transportation Conformity Rule Amendments for the New PM<sub>2.5</sub> National Ambient Air Quality Standard: PM<sub>2.5</sub> Precursors

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

**ACTION:** Final rule; correction.

**SUMMARY:** EPA issued a final rule on May 6, 2005, (70 FR 24280) that adds the following transportation related PM<sub>2.5</sub> precursors to the transportation conformity regulations: nitrogen oxides (NO<sub>x</sub>), volatile organic compounds (VOCs), sulfur oxides (SO<sub>x</sub>), and ammonia (NH<sub>3</sub>). The final rule specifies when each of these precursors must be considered in conformity determinations in PM<sub>2.5</sub> nonattainment and maintenance areas before and after PM<sub>2.5</sub> state air quality implementation plans (SIPs) are submitted. The preamble to the final rule contains two minor errors. This notice is intended to correct these errors. All other preamble and regulatory text printed in the May 6, 2005, final rule is correct.

The Department of Transportation (DOT) is EPA's federal partner in implementing the transportation conformity regulation. We have consulted with DOT on the development of these corrections, and DOT concurs.

**DATES:** *Effective Date:* June 6, 2005.

**FOR FURTHER INFORMATION CONTACT:** Angela Spickard, State Measures and

Conformity Group, Transportation and Regional Programs Division, U.S. Environmental Protection Agency, 2000 Traverwood Road, Ann Arbor, MI 48105, *spickard.angela@epa.gov*, (734) 214-4283.

**SUPPLEMENTARY INFORMATION:** EPA issued a final rule on May 6, 2005, (70 FR 24280) that amended the transportation conformity rule (40 CFR part 93) to include the following transportation-related PM<sub>2.5</sub> precursors: nitrogen oxides (NO<sub>x</sub>), volatile organic compounds (VOCs), sulfur oxides (SO<sub>x</sub>), and ammonia (NH<sub>3</sub>). The final rule specifies when each of these precursors must be considered in conformity determinations in PM<sub>2.5</sub> nonattainment and maintenance areas before and after PM<sub>2.5</sub> state air quality implementation plans (SIPs) are submitted. The preamble to the May 6, 2005, final rule contains two minor errors. This notice is intended to correct these errors.

First, EPA is correcting one paragraph and its corresponding footnote in the discussion on *Volatile Organic Compounds* in Section III.B. *Rationale for This Final Rule* (70 FR 24284). This paragraph discusses the contribution of VOC emissions from biogenic sources (e.g., trees) to PM<sub>2.5</sub> air quality issues. The version of the paragraph printed in the May 6 final rule preamble incorrectly characterizes the existing data and analyses of biogenic source VOC emissions obtained from the PM Supersites Program. This notice corrects the paragraph regarding EPA's understanding of the PM Supersites research and provides the public with the most current reference information.

The incorrect paragraph begins at the bottom of the second column on page 24284 of the May 6 notice with "Additional research is also needed to determine \* \* \*" This paragraph should be stricken and replaced with the following:

"Additional research is also needed to determine the sources of VOC emissions that contribute most to PM<sub>2.5</sub> air quality issues. For example, according to the NARSTO Fine Particle Assessment,<sup>5</sup> secondary sources may contribute up to 50 percent of secondary organic mass, particularly in areas where photochemical transformations of emissions from biogenic sources (e.g., trees) are significant. In addition, data obtained from the Particulate Matter Supersites Program suggest that biogenic emissions may contribute significantly to secondary organic aerosols during days of peak PM<sub>2.5</sub>. Analysis of air quality samples collected in Pittsburgh from 2001 through 2002 indicates that as much as half of the

organic aerosol during peak periods may be attributable to biogenic sources (e.g., trees) as opposed to anthropogenic sources (i.e., man-made sources such as power plants and motor vehicles).<sup>6,7</sup> The Supersites Program has also collected data on the contribution of biogenic source emissions in other locations in the U.S., including Atlanta, Georgia.<sup>8,9</sup> However, these findings have not yet been published and peer-reviewed. The contribution of biogenic emissions to PM<sub>2.5</sub> air quality issues is important because biogenic emissions cannot be controlled."

The footnote five on page 24284 of the May 6 notice should be stricken and replaced with the footnote five below. In addition, new footnotes six through nine are added in the corrected paragraph:

<sup>5</sup>McMurry, P., Shepherd, M., Vickery, J. (ed.) *Particulate Matter Science for Policy Makers—A NARSTO Assessment*. Cambridge: Cambridge University Press, 2004.

<sup>6</sup>Cabada J. C., S. N. Pandis, R. Subramanian, A. L. Robinson, A. Polidori, and B. Turpin (2004) Estimating the secondary organic aerosol contribution to PM<sub>2.5</sub> using the EC tracer method, *Aerosol Sci. Technol.*, 38S, 140-155.

<sup>7</sup>Millet D. B., N. M. Donahue, S. N. Pandis, A. Polidori, C. O. Stanier, B. J. Turpin, and A. H. Goldstein (2005) Atmospheric volatile organic compound measurements during the Pittsburgh Air Quality Study: Results, interpretation, and quantification of primary and secondary contributions, *J. Geophys. Res.*, 110, D07SO7, 10.1029/2004JD004601.

<sup>8</sup>'Sources of carbon in PM<sub>2.5</sub> based on 14C and tracer analysis,' Edgerton, Eric S., John J. Jansen, Mei Zheng and Benjamin E. Hartsell (September 2004), 8th International Conference on Carbonaceous Particles in the Atmosphere, Vienna, Austria.

<sup>9</sup>'Source apportionment of PM<sub>2.5</sub> using a three-dimensional air quality model and a receptor model,' Park, S-K, L. Ke, B. Yan, A. G. Russell, M. Zheng (2005), Proceedings of an AAAR international specialty conference—Particulate Matter Supersites Program and Related Studies, Atlanta, Georgia."

Second, EPA is correcting a footnote in Section III.C.5. *State of the Science* (70 FR 24288) and renumbering two footnotes in this section. Footnotes six and seven in the May 6 final rule should be renumbered as footnotes 10 and 11 in the text referencing the footnotes at the top of the third column on page 24288, and in the footnotes themselves. Footnote seven in the May 6 final rule (corrected to be footnote 11 in this notice) provides a reference to the draft NARSTO Fine Particle Assessment issued in February 2003. EPA is correcting this footnote to include the reference for the final NARSTO report. EPA believes it is important to make

this correction to avoid confusion and provide the public with the most current published information.

The correct footnote is as follows:

<sup>11</sup>McMurry, P., Shepherd, M., Vickery, J. (ed.) *Particulate Matter Science for Policy Makers—A NARSTO Assessment*. Cambridge: Cambridge University Press, 2004."

No changes are being made to the final rule language or other preamble language published on May 6, 2005, through this action. EPA finds good cause to make this correction notice effective less than 30 days after publication in the **Federal Register**. The final rule published on May 6 will become effective on June 6, 2005. Today's correction notice does not make any changes to the final rule. This correction notice only clarifies explanatory text and corrects reference citations in the preamble to the final rule which are intended to provide the public with EPA's rationale for its decision. Therefore EPA concludes that it will be in the public interest to have this correction notice also become effective on June 6, 2005.

**Authority:** 42 U.S.C. 7401-7671q.

Dated: May 25, 2005.

**Jeffrey R. Holmstead,**  
*Assistant Administrator for Office of Air and Radiation.*

[FR Doc. 05-10853 Filed 5-31-05; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[OPP-2005-0078; FRL-7714-1]

### Tetraconazole; Pesticide Tolerances for Emergency Exemptions

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

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes time-limited tolerances for residues of tetraconazole 1-[2-(2,4-dichlorophenyl)-3-(1,1,2,2-tetrafluoroethoxy) propyl]-1H-1,2,4-triazole in or on soybean, poultry, and eggs. This action is in response to EPA's granting of emergency exemptions under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of the pesticide on soybeans. This regulation establishes maximum permissible levels for residues of tetraconazole in these food commodities. The tolerances will expire and are revoked on December 31, 2009.