

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**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 14, 2008. 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, approving the redesignation of the State College Area to attainment for the 8-hour ozone NAAQS, the associated maintenance plan, the 2002 base year emission inventory, and the MVEBs identified in the maintenance plan, may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: November 1, 2007.

Donald S. Welsh,
Regional Administrator, Region III.

■ 40 CFR parts 52 and 81 are 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.*

Subpart NN—Pennsylvania

■ 2. In § 52.2020, the table in paragraph (e)(1) is amended by adding an entry at the end of the table to read as follows:

§ 52.2020 Identification of plan.

*	*	*	*	*
(e)	*	*	*	
(1)	*	*	*	

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
8-Hour Ozone Maintenance Plan and 2002 Base Year Emissions Inventory.	State College (Centre County).	06/12/07	11/14/07 [Insert page number where the document begins].	

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PART 81—[AMENDED]

■ 3. The authority citation for part 81 continues to read as follows:

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

■ 4. In § 81.339, the table entitled "Pennsylvania—Ozone (8-Hour Standard)" is amended by revising the

entry for the State College, PA, Centre County to read as follows:

§ 81.339 Pennsylvania.

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PENNSYLVANIA—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
State College, PA: Centre County	12/14/07	Attainment.		

^a Includes Indian County located in each county or area, except otherwise noted.
¹ This date is June 15, 2004, unless otherwise noted.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2006-0321; FRL-8153-5]

Sethoxydim; Pesticide Tolerance Technical Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendment.

SUMMARY: EPA issued an amendment establishing tolerances for combined residues of sethoxydim; 2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one; and its metabolites containing the 2-cyclohexen-1-one moiety (calculated as sethoxydim) in or on buckwheat grain, buckwheat flour, okra, borage seed, borage meal, fresh

dillweed leaves, radish tops, turnip greens, and vegetable, root and tuber, group 1 (72 FR 8916, February 28, 2007). The tolerances were requested by Interregional Research Project No. 4 (IR-4) under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA). Because of a technical error with the structure of the regulatory table, the amendments adding new commodities to the sethoxydim tolerances could not be made. This technical amendment is being issued to correctly show the content of § 180.412(a).

DATES: This final rule is effective November 14, 2007.

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2006-0321. To access the electronic docket, go to <http://www.regulations.gov>, select "Advanced Search," then "Docket Search." Insert the docket ID number where indicated and select the "Submit" button. Follow the instructions on the regulations.gov web site to view the docket index or access available documents. All documents in the docket are listed in the docket index available in regulations.gov. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (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 in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Drive Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: Barbara Madden, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington DC 20460-0001; telephone number: (703) 305-6463; e-mail address: madden.barbara@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

The Agency included in the final rule a list of those who may be potentially affected by this action. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under the **FOR FURTHER INFORMATION CONTACT**.

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

In addition to using regulations.gov, you may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr>.

II. What Does this Technical Amendment Do?

In the February 28, 2007 issue of the **Federal Register**, EPA issued an amendment establishing tolerances for combined residues of sethoxydim; 2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one; and its metabolites containing the 2-cyclohexen-1-one moiety (calculated as sethoxydim) (72 FR 8916). The amendments removed the commodities: "Beet, garden", "Beet, sugar, roots", "Carrot, roots", "Horseradish", and "Tuberous and corm vegetablecrop subgroup"; and added borage, meal at 10 ppm; borage, seed at 6.0 ppm; buckwheat, flour at 25 ppm; buckwheat, grain at 19 ppm; dillweed, fresh leaves at 10; okra at 2.5 ppm; radish, tops at 4.5 ppm; turnip, greens at 5.0 ppm, and vegetable, root and tuber, group 1 at 4.0 ppm to the table in § 180.412(a). The tolerances were requested by Interregional Research Project No. 4 (IR-4) under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA). The Office of Federal Register removed those commodities that were designated for removal; however, because of a technical problem with the structure of the table as it appeared in the February 28, 2007 amendment to § 180.412(a), the Office of the Federal Register could not incorporate those commodities that were added. This technical amendment is being issued to correctly promulgate and show the content of § 180.412(a).

II. Why is this Technical Amendment Issued as a Final Rule?

Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), provides that, when an Agency for good cause finds that notice and public procedure are impracticable,

unnecessary or contrary to the public interest, the Agency may issue a final rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making this technical amendment final without prior proposal and opportunity for comment, because the use of notice and comment procedures are unnecessary to effectuate this technical amendment. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(3)(B).

IV. Do Any of the Statutory and Executive Order Reviews Apply to this Action?

No. This action is a technical amendment to a previously published final rule and does not impose any new requirements. EPA's compliance with the statutes and Executive Order for the underlying rule is discussed in Unit VI. of the February 28, 2007, final rule (72 FR 8916).

V. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before a rule may take effect, the Agency promulgating the rule must submit a rule report 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 this final rule in the **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: November 2, 2007.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

■ Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.412, revise paragraph (a) to read as follows:

§ 180.412 Sethoxydim; tolerances for residues.

(a) *General.* Tolerances are established for combined residues of the

herbicide 2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one (CAS Reg. No. 74051-80-2) and its metabolites containing the 2-cyclohexen-1-one moiety (calculated as the herbicide) in or on the following commodities:

Commodity	Parts per million
Alfalfa, forage	40.0
Alfalfa, hay	40.0
Almond, hulls	2.0
Apple, dry pomace	0.8
Apple, wet pomace	0.8
Apricot	0.2
Asparagus	4.0
Bean, dry, seed	20.0
Bean, forage	15.0
Bean, hay	50.0
Bean, succulent	15.0
Beet, sugar, molasses	10.0
Beet, sugar, tops	3.0
Blueberry	4.0
Borage, meal	10
Borage, seed	6.0
Buckwheat, flour	25
Buckwheat, grain	19
Caneberry subgroup 13A	5.0
Canola/rapeseed	35.0
Canola/rapeseed, meal	40.0
Cattle, fat	0.2
Cattle, meat	0.2
Cattle, meat byproducts	0.2
Cherry, sweet	0.2
Cherry, tart	0.2
Citrus, molasses	1.5
Citrus, dried pulp	1.5
Clover, forage	35.0
Clover, hay	50.0
Coriander	4.0
Corn, field, grain	0.5
Corn fodder	2.5
Corn forage	2.0
Corn, sweet, forage	3.0
Corn, sweet, kernel plus cob with husks removed	0.4
Corn, sweet, stover	3.5
Cotton, seed, soapstock	15
Cotton, undelinted seed	5.0
Cranberry	2.0
Dillweed, fresh leaves	10
Egg	2.0
Flax, meal	7
Flax, seed	5.0
Flax, straw	2.0
Fruit, citrus	0.5
Fruit, pome	0.2
Goat, fat	0.2
Goat, meat	0.2
Goat, meat byproducts	1.0
Grape	1.0
Grape, raisin	2.0
Hog, fat	0.2
Hog, meat	0.2
Hog, meat byproducts	1.0
Horse, fat	0.2
Horse, meat	0.2
Horse, meat byproducts	1.0
Juneberry	5.0
Lentil, seed	30.0
Lingonberry	5.0
Milk	0.5
Nectarine	0.2
Nut, tree, group 14	0.2

Commodity	Parts per million
Okra	2.5
Peach	0.2
Pea, dry, seed	40.0
Pea, field, hay	40.0
Pea, field, vines	20.0
Peanut	25.0
Peanut, soapstock	75.0
Pea, succulent	10.0
Peppermint, tops	30.0
Pistachio	0.2
Potato, flakes	8.0
Potato, granules	8.0
Potato, processed potato waste	8.0
Poultry, fat	0.2
Poultry, meat	0.2
Poultry, meat byproducts	2.0
Radish, tops	4.5
Salal	5.0
Safflower	15.0
Sheep, fat	0.2
Sheep, meat	0.2
Sheep, meat byproducts	1.0
Soybean	16.0
Soybean, hay	10.0
Spearmint, tops	30.0
Strawberry	10.0
Sunflower, meal	20.0
Sunflower, seed	7.0
Tomato, concentrated products	24
Tomato, dry pomace	12.0
Turnip, greens	5.0
Vegetable, brassica, leafy, group 5	5.0
Vegetable, bulb, group 3	1.0
Vegetable, cucurbit, group 9	4.0
Vegetable, fruiting, group 8	4.0
Vegetable, leafy, except brassica, group 4	4.0
Vegetable, root and tuber, group 1	4.0

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2005-0305; FRL-8156-6]

Isxadifen-ethyl; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of isxadifen-ethyl (ethyl 5,5-diphenyl-2-isoxazoline-3-carboxylate; CAS Reg. No. 163520-33-0) and its metabolite 4,5-dihydro-5,5-diphenyl-3-isoxazolecarboxylic acid when used as an inert ingredient (safener) in or on corn, sweet, kernel plus cob with husks removed; corn, sweet, forage; corn, sweet, stover; corn, pop, grain; corn, pop, stover; and corn, oil. EPA is also revising existing

tolerances for residues of isxadifen-ethyl in or on corn, field, forage and corn, field, hay, and removing the seasonal application rate specification from existing tolerances. Interregional Research Project Number 4 (IR-4) and Bayer CropScience requested certain tolerance amendments for the inert ingredient safener isxadifen-ethyl under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective November 14, 2007. Objections and requests for hearings must be received on or before January 14, 2008, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2005-0305. To access the electronic docket, go to <http://www.regulations.gov>, select "Advanced Search," then "Docket Search." Insert the docket ID number where indicated and select the "Submit" button. Follow the instructions on the www.regulations.gov web site to view the docket index or access available documents. All documents in the docket are listed in the docket index available in the www.regulations.gov. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (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 in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. The 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: Tracy Ward, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: 703-308-9361; e-mail address: ward.tracyh@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