

Copies of the State submittal are available at the Delaware Department of Natural Resources & Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19901.

**FOR FURTHER INFORMATION CONTACT:** Rose Quinto, (215) 814-2182, or by e-mail at [quinto.rose@epa.gov](mailto:quinto.rose@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On November 1, 2007, the Delaware Department of Natural Resources and Environmental Control (DNREC) submitted a SIP revision for Regulation No. 1144—Control of Stationary Generator Emissions. The SIP revision applies to new, existing, emergency, and distributed stationary generators.

**II. Summary of SIP Revision**

Regulation No. 1144 will impact any owner of a stationary generator, except the owner of any of the following: mobile generator; residential generator for emergency power use only; certain generators whose emissions are already controlled; or generators with a standby power rating of 10 kilowatts or less. Regulation No. 1144 establishes operating requirements, fuel sulfur content limits, and recordkeeping requirements for stationary generators. The regulation will also require stationary generators which operate at times other than during emergencies for testing or for maintenance to meet certain emission standards to reduce their emissions.

**III. Proposed Action**

EPA is proposing to approve the Delaware SIP revision for Regulation No. 1144—Control of Stationary Generator Emissions submitted on November 1, 2007. This regulation will help ensure that the air emissions from new and existing stationary generators do not cause or contribute to the existing air quality problems with regard to ground-level ozone and fine particulate matter, thereby adversely impacting public health, safety and welfare. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

**IV. Statutory and Executive Order Reviews**

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed 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 proposes to approve state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed 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 proposes to approve 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 proposed rule also does 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), nor will it 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), because it merely proposes to approve a state rule implementing a Federal requirement, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This proposed rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it approves a state rule implementing a Federal standard.

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 Advancement Act of 1995 (15 U.S.C. 272 note) do not apply.

As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this proposed rule,

EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the “Attorney General’s Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings” issued under the executive order. This proposed rule pertaining to Delaware’s control of stationary generator emissions, does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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

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

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

Dated: February 25, 2008.

**Donald S. Welsh,**

*Regional Administrator, Region III.*

[FR Doc. E8-4256 Filed 3-4-08; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[Docket No. EPA-R02-OAR-2008-0005; FRL-8537-8]

**Approval and Promulgation of Implementation Plans; Motor Vehicle Emissions Budgets; State of New Jersey**

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of New Jersey. This revision updates the direct PM<sub>2.5</sub> and NO<sub>x</sub> motor vehicle emissions budgets for Mercer County, located within the New Jersey portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT, PM<sub>2.5</sub> nonattainment area. The intended effect of this rulemaking is to approve budgets that will be used to determine transportation conformity.

**DATES:** Comments must be received on or before April 4, 2008.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R02-

OAR-2008-0005, by one of the following methods:

*http://www.regulations.gov*: Follow the on-line instructions for submitting comments.

*E-mail*: [Werner.Raymond@epa.gov](mailto:Werner.Raymond@epa.gov).  
*Fax*: 212-637-3901.

*Mail*: Raymond Werner, Chief, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007-1866.

*Hand Delivery*: Raymond Werner, Chief, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007-1866. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30 excluding Federal holidays.

*Instructions*: Direct your comments to Docket ID No. EPA-R02-OAR-2008-0005. 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 whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an "anonymous access" system, which means 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 part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm*.

*Docket*: All documents in the docket are listed in the *http://*

*www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region II Office, Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007-1866. EPA requests, if at all possible, that you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8 a.m. to 4 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Matthew Laurita, [laurita.matthew@epa.gov](mailto:laurita.matthew@epa.gov) at the U.S. Environmental Protection Agency, Air Programs Branch, 290 Broadway, 25th Floor, New York, NY 10007-1866, telephone number (212) 637-3895, fax number (212) 637-3901.

**SUPPLEMENTARY INFORMATION:** This action is being proposed under a procedure called parallel processing. Under parallel processing, EPA proposes action on a state submission before it has been formally adopted and submitted to EPA, and then takes final action if: (1) The state's final submission is substantially unchanged from the submission on which this proposal is based, or (2) if significant changes in the state's final submission are anticipated and adequately described in EPA's proposal as a basis for EPA's proposed action.

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#### I. Analysis of the State's Submittal

On December 17, 2007, New Jersey submitted a state implementation plan (SIP) revision to EPA updating the existing motor vehicle emissions budgets (MVEBs) for the Mercer County, New Jersey portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT, PM<sub>2.5</sub> nonattainment area. MVEBs represent a cap that projected emissions from existing and planned highway and transit projects may not exceed. The emissions from transportation projects are evaluated through a metropolitan planning organization's (MPO's) process for determining the long-range transportation needs of a region, and its

process for scheduling projects to be completed in the short term.

New Jersey is revising the budgets for Mercer County to incorporate new planning assumptions. Since the original PM<sub>2.5</sub> MVEBs were approved by EPA (71 FR 38770, July 10, 2006), New Jersey discovered an error that underestimated the fraction of all vehicle miles traveled attributable to the heaviest category of heavy-duty trucks. The MPO responsible for transportation planning in Mercer County, the Delaware Valley Regional Planning Commission (DVRPC), is required to incorporate this updated assumption in its emissions modeling process. Approval of the revised MVEB will ensure consistency between the budget and DVRPC's planning process.

EPA allows for the establishment of MVEBs for PM<sub>2.5</sub> prior to a state submitting its first required PM<sub>2.5</sub> SIP (69 FR 40004, July 1, 2004, specifically see 69 FR 40028). These budgets are set through the establishment of an early SIP, which meets all the requirements of a SIP submittal, in which emissions from all sources, when projected from the base to a future year, show some progress toward attainment. EPA has interpreted the phrase "some progress toward attainment" to mean a 5% to 10% reduction in emissions from all sources (see 69 FR 40019). In New Jersey's original early progress SIP, the State demonstrated an overall 6.5% reduction in direct PM<sub>2.5</sub> and 32.3% reduction in NO<sub>x</sub>, a PM<sub>2.5</sub> precursor, from 2002 to 2009 within the New Jersey portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT PM<sub>2.5</sub> nonattainment area. Using the new assumptions, the State has shown reductions of 6.3% and 32.0% from 2002 to 2009 for direct PM<sub>2.5</sub> and NO<sub>x</sub>, respectively; therefore, EPA has determined that the revised MVEBs still satisfy the early progress requirements and are approvable. Once approved, the revised MVEBs will supersede the existing PM<sub>2.5</sub> MVEBs for Mercer County, New Jersey (Table 1).

TABLE 1.—EXISTING AND PROPOSED 2009 PM<sub>2.5</sub> MOTOR VEHICLE EMISSIONS BUDGETS FOR MERCER COUNTY, NEW JERSEY

[Tons per year]

Pollutant	Direct PM <sub>2.5</sub>	NO <sub>x</sub>
Existing .....	89	4,328
Proposed .....	108	5,056

## II. Proposed EPA Action

EPA is proposing to approve revisions to the PM<sub>2.5</sub> motor vehicle emissions budgets for Mercer County, New Jersey.

## III. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed 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 proposed action merely proposes to approve state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed 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 proposes to approve 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 proposed 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 proposes to approve a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This proposed 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 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 proposed 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.*).

### List of Subjects in 40 CFR Part 52

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

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

Dated: February 25, 2008.

**Alan J. Steinberg,**

*Regional Administrator, Region 2.*

[FR Doc. E8–4233 Filed 3–4–08; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 158 and 161

[EPA–HQ–OPP–2008–0010; FRL–8348–5]

RIN 2070–AD30

### Data Requirements for Antimicrobial Pesticides and Revisions to Product Chemistry Data Requirements for Conventional Pesticides; Notification to the Secretaries of Agriculture and Health and Human Services

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

**ACTION:** Notification to the Secretaries of Agriculture and Health and Human Services.

**SUMMARY:** This document notifies the public that the Administrator of EPA has forwarded to the Secretaries of Agriculture, and Health and Human Services a draft proposed rule under sections 21 and 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). As described in the Agency’s semi-annual Regulatory Agenda, the draft proposed rule updates

the data requirements in 40 CFR part 158 for the registration of antimicrobial pesticide products. Besides providing the regulated community with clearer and more transparent information, once finalized the data requirements will enhance the development of health and environmental data to conduct scientifically sound chemical/hazard risk assessments to protect human health and the environment.

**ADDRESSES:** EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2008–0010. 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](http://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 [www.regulations.gov](http://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 Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., 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:** Kathryn Boyle, Field and External Affairs Division (7506P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington DC 20460–0001; telephone number: 703.305.6304; e-mail address: [boyle.kathryn@epa.gov](mailto:boyle.kathryn@epa.gov).

### SUPPLEMENTARY INFORMATION:

#### I. General Information

##### A. Does this Action Apply to Me?

This action is directed to the public in general. It simply announces the submission of a draft proposed rule to the United States Department of Agriculture (USDA) and Department of Health and Human Services. It does not otherwise affect any specific entities. This action may, however, be of particular interest to a producer or