

II. Summary of SIP Revision and EPA Analysis

EPA is proposing to approve those portions of Delaware's November 22, 2016, SIP submission addressing 7 DE Admin. Code 1124 Section 1.4 and 7 DE Admin. Code 1142 Section 2.3.1.6. Delaware's 2016 SIP submission shows that these two provisions have been removed from Delaware's regulations,⁶ and EPA has confirmed that these two provisions are no longer in Delaware's regulations.⁷ Based on Delaware's request to remove these sections from the Delaware SIP, EPA proposes to find that Delaware's November 22, 2016, SIP revision, for 7 DE Admin. Code 1124 Section 1.4 and 7 DE Admin. Code 1142 Section 2.3.1.6 only, is consistent with CAA requirements and addresses two of the seven deficiencies that EPA identified in the 2015 SSM SIP Action with respect to the Delaware SIP. Delaware's 2016 SIP submission also made small, non-substantive style changes to other sections of 7 DE Admin. Code 1142, which EPA is proposing to approve. These changes consisted of inserting the words "subsection" or "section" before references to specific regulatory provisions to conform to Delaware's regulatory style requirements. Also, on July 11, 2022, EPA published a Final Rule which removed the SSM provisions contained in 7 DE Admin. Code 1108, from the Delaware SIP.⁸ EPA will act on the revisions that address the deficiencies in 7 DE Admin. Code 1104 Section 1.5, 7 DE Admin. Code 1105 Section 1.7, 7 DE Admin. Code 1109 Section 1.4, and 7 DE Admin. Code 1114 Section 1.3 in a separate action or actions.

III. Proposed Action

EPA is proposing to approve that portion of Delaware's November 22, 2016, SIP submission addressing 7 DE Admin. Code 1124 Section 1.4 and 7 DE Admin. Code 1142 Section 2.3.1.6. These specific provisions have been removed from Delaware's regulations and this action is proposing to remove these two provisions from the EPA-approved Delaware SIP. EPA is further proposing to determine that this portion of Delaware's 2016 SIP revision corrects two of the seven deficiencies identified in the June 12, 2015, SIP call. EPA is not reopening the 2015 SSM SIP Action and

⁶ See Appendix A to Delaware's November 21, 2016, SIP submission, found in the docket for this action.

⁷ See www.regulations.delaware.gov/AdminCode/title7/1000/1100/1124.pdf and www.regulations.delaware.gov/AdminCode/title7/1000/1100/1142.pdf.

⁸ 87 FR 41074.

is only taking comment on whether this SIP revision is consistent with CAA requirements and whether it addresses the inadequacies in the two specific Delaware SIP provisions (7 DE Admin. Code 1124 Section 1.4 and 7 DE Admin. Code 1142 Section 2.3.1.6) identified in the 2015 SSM SIP Action.

IV. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference the amendments to 1124, Control of Volatile Organic Compound Emissions, and 1142, Specific Emission Control Requirements, in section 52.420, as explained in Section II of this preamble. EPA has made, and will continue to make, these materials generally available through www.regulations.gov and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- 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);

- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rule, which corrects some of the deficiencies in Delaware's SIP identified in the June 12, 2015, SIP call, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Volatile organic compounds.

Diana Esher,

Acting Regional Administrator, Region III.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 152

[EPA-HQ-OPP-2019-0701; FRL-7542-04-OCSPP]

RIN 2070-AK56

Notification of Submission to the Secretary of Agriculture; Pesticides; Addition of Chitosan (Including Chitosan Salts) to the List of Active Ingredients Permitted in Exempted Minimum Risk Pesticide Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of submission to the Secretary of Agriculture.

SUMMARY: This document notifies the public as required by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) that the EPA Administrator has forwarded to the Secretary of the United States Department of Agriculture (USDA) a draft final rulemaking regulatory document concerning “Pesticides; Addition of Chitosan (Including Chitosan Salts) to the List of Active Ingredients Permitted in Exempted Minimum Risk Pesticide Products (RIN 2070–AK54).” The draft regulatory document is not available to the public until after it has been signed and made available by EPA.

DATES: See Unit I. under **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2019–0701 is available at <https://www.regulations.gov>. That docket contains historical information and this **Federal Register** document; it does not contain the draft final rule. Additional instructions on visiting the docket,

along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Sara Kemme, Mission Support Division (7101M), Office of Program Support, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 566–1217; email address: kemme.sara@epa.gov.

SUPPLEMENTARY INFORMATION:

I. What action is EPA taking?

FIFRA section 25(a)(2)(B) requires the EPA Administrator to provide the Secretary of USDA with a copy of any draft final rule at least 30 days before signing it in final form for publication in the **Federal Register**. The draft final rule is not available to the public until after it has been signed by EPA. If the Secretary of USDA comments in writing regarding the draft final rule within 15 days after receiving it, then the EPA Administrator shall include the comments of the Secretary of USDA and the EPA Administrator’s response to those comments with the final rule that

publishes in the **Federal Register**. If the Secretary of USDA does not comment in writing within 15 days after receiving the draft final rule, then the EPA Administrator may sign the final rule for publication in the **Federal Register** any time after the 15-day period.

II. Do any statutory and Executive Order reviews apply to this notification?

No. This document is merely a notification of submission to the Secretary of USDA. As such, none of the regulatory assessment requirements apply to this document.

List of Subjects in 40 CFR Part 152

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

Dated: October 4, 2022.

Michal Freedhoff,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

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