

Secretary of the Treasury (or his/her delegate) to approve regulations related to certain customs revenue functions.

#### List of Subjects

##### 19 CFR Part 10

Alterations, Bonds, Customs duties and inspection, Exports, Imports, Preference programs, Repairs, Reporting and recordkeeping requirements, Trade agreements.

##### 19 CFR Part 24

Financial and accounting procedures.

##### 19 CFR Part 102

Customs duties and inspections, Imports, Reporting and recordkeeping requirements, Rules of Origin, Trade agreements.

##### 19 CFR Part 162

Administrative practice and procedure, Customs duties and inspection, Penalties, Trade agreements.

##### 19 CFR Part 163

Administrative practice and procedure, Customs duties and inspection, Exports, Imports, Reporting and recordkeeping requirements, Trade agreements.

##### 19 CFR Part 178

Administrative practice and procedure, Exports, Imports, Reporting and recordkeeping requirements.

#### Amendments to the CBP Regulations

■ Accordingly, the interim rule amending Parts 10, 24, 102, 162, 163, and 178 of the CBP regulations (19 CFR Parts 10, 24, 102, 162, 163, and 178), which was published at 72 FR 58511 on October 16, 2007, is adopted as a final rule with two technical corrections as discussed above and set forth below.

#### PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

■ 1. The general authority citation for Part 10 and the specific authority for Subpart N continue to read as follows:

**Authority:** 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States), 1321, 1481, 1484, 1498, 1508, 1623, 1624, 3314;

\* \* \* \* \*

Section 10.801 through 10.829 also issued under 19 U.S.C. 1202 (General Note 30, HTSUS) and Public Law 109-169, 119 Stat. 3581 (19 U.S.C. 3805 note).

#### § 10.804 [Amended]

■ 2. In § 10.804, paragraph (a)(2)(vi) is amended by adding the word “the” immediately before the word “territory”.

#### § 10.822 [Amended]

■ 3. In § 10.822, paragraph (b) is amended by removing the word “terms” in the first sentence and adding, in its place, the word “term”.

**Jayson P. Ahern,**

*Acting Commissioner, U.S. Customs and Border Protection.*

Approved: July 17, 2008.

**Timothy E. Skud,**

*Deputy Assistant Secretary of the Treasury.*

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**BILLING CODE 9111-14-P**

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 52

[EPA-R03-OAR-2007-0449; FRL-8696-6]

#### Approval and Promulgation of Air Quality Implementation Plans; Delaware; Reasonably Available Control Technology Under the 8-Hour Ozone National Ambient Air Quality Standard

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Delaware. This SIP revision pertains to the requirements in meeting the reasonably available control technology (RACT) under the 8-hour ozone national ambient air quality standard (NAAQS). These requirements are based on: Certification that previously adopted RACT controls in Delaware’s SIP that were approved by EPA under the 1-hour ozone NAAQS are based on the currently available technically and economically feasible controls, and that they continue to represent RACT for the 8-hour implementation purposes; the adoption of new or more stringent regulations that represent RACT control levels; and a negative declaration that certain categories of sources do not exist in Delaware. This action is being taken under the Clean Air Act (CAA).

**DATES:** *Effective Date:* This final rule is effective on August 22, 2008.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2007-0449. All documents in the docket are listed in the <http://www.regulations.gov> website. Although listed in the electronic docket, some information is not publicly available, i.e., 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 electronically through <http://www.regulations.gov> or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. 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 19903.

**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 May 30, 2008 (73 FR 31043), EPA published a notice of proposed rulemaking (NPR) for the State of Delaware. The NPR proposed approval of the requirements of RACT under the 8-hour ozone NAAQS. The formal SIP revision was submitted by Delaware on October 2, 2006. A supplement to this SIP revision was submitted on October 5, 2006.

##### II. Summary of SIP Revision

Delaware’s SIP revision contains the requirements of RACT set forth by the CAA under the 8-hour ozone NAAQS. Delaware’s SIP revision satisfies the 8-hour RACT requirements through (1) certification that previously adopted RACT controls in Delaware’s SIP that were approved by EPA under the 1-hour ozone NAAQS are based on the currently available technically and economically feasible controls, and continues to represent RACT for the 8-hour implementation purposes; (2) the adoption of new or more stringent regulations that represent RACT control levels; and (3) a negative declaration that certain CTG or non-CTG major sources of VOC and NO<sub>x</sub> sources do not exist in Delaware. Other requirements of the Delaware’s 8-hour RACT and the rationale for EPA’s proposed action are explained in the NPR and will not be restated here. No public comments were received on the NPR.

##### III. Final Action

EPA is approving the 8-hour RACT as a revision to the Delaware SIP. Delaware’s SIP revision contains the requirements of RACT set forth by the CAA under the 8-hour ozone NAAQS. This SIP revision was submitted on October 2, 2006 and a supplement submittal on October 5, 2006.

**IV. Statutory and Executive Order Reviews**

**A. General Requirements**

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 action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- 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 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 rule 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.

**B. Submission to Congress and the Comptroller General**

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 action 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).

**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 September 22, 2008. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action 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, pertaining to the Delaware's RACT provisions under the 8-hour ozone NAAQS, may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

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

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

Dated: July 15, 2008.

**Donald S. Welsh,**  
*Regional Administrator, Region III.*

■ 40 CFR part 52 is 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 I—Delaware**

■ 2. In § 52.420, the table in paragraph (e) is amended by adding the entry at the end of table for the Delaware RACT under the 8-hour ozone NAAQS.

**§ 52.420 Identification of plan.**

\* \* \* \* \*  
(e) \* \* \*

Name of non-regulatory SIP revision	Applicable geographic or non-attainment area	State submittal date	EPA approval date	Additional explanation
* * *	* * *	* * *	* * *	* * *
RACT under the 8-Hour NAAQS	Delaware (Statewide)	10/02/2006	[Insert FEDERAL REGISTER page number where the document begins] 07/23/2008.	

[FR Doc. E8-16833 Filed 7-22-08; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[EPA-HQ-OPP-2002-0302; FRL-8372-5]

### Dichlorvos (DDVP); Order Denying NRDC's Objections and Requests for Hearing

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

**ACTION:** Final Order.

**SUMMARY:** In this order, EPA denies objections to, and requests for hearing on, a prior order denying a petition requesting that EPA revoke all pesticide tolerances for dichlorvos under section 408(d) of the Federal Food, Drug, and Cosmetic Act. The objections and hearing requests were filed on February 1, 2008, by the Natural Resources Defense Council ("NRDC"). The Original petition was also filed by NRDC.

**DATES:** This order is effective July 23, 2008.

**ADDRESSES:** EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2002-0302. To access the electronic docket, go to <http://www.regulations.gov>, and search for the docket number. Follow the instructions on the regulations.gov website 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 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 Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open 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:** Susan Bartow, Special Review and Reregistration Division (7508P), Office of Pesticide Programs, Environmental

Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: 703-603-0065; e-mail address: [bartow.susan@epa.gov](mailto:bartow.susan@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

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

In this document EPA denies objections and hearing requests by the Natural Resources Defense Council ("NRDC") concerning EPA's denial of NRDC's petition to revoke pesticide tolerances. This action may also be of interest to agricultural producers, food manufacturers, or pesticide manufacturers. Potentially affected entities may include, but are not limited to those engaged in the following activities:

- Crop production (North American Industrial Classification System ("NAICS") code 111), e.g., agricultural workers; greenhouse, nursery, and floriculture workers; farmers.
- Animal production (NAICS code 112), e.g., cattle ranchers and farmers, dairy cattle farmers, livestock farmers.
- Food manufacturing (NAICS code 311), e.g., agricultural workers; farmers; greenhouse, nursery, and floriculture workers; ranchers; pesticide applicators.
- Pesticide manufacturing (NAICS code 32532), e.g., agricultural workers; commercial applicators; farmers; greenhouse, nursery, and floriculture workers; residential users.

This listing is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The NAICS codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

###### B. How Can I Access Electronic Copies of this Document?

In addition to accessing an electronic copy of this **Federal Register** document through the electronic docket at <http://www.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>. You may also access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's pilot e-CFR site at <http://www.gpoaccess.gov/ecfr>.

##### C. Acronyms

The following is a list of acronyms used in this order:

CSFII - Continuing Survey of Food Intakes by Individuals  
 CNS - Central Nervous System  
 DDVP - dichlorvos  
 EDSTAC - Endocrine Disruptor Screening and Testing Advisory Committee  
 EPA - Environmental Protection Agency  
 FACA - Federal Advisory Committee Act  
 FDA - Food and Drug Administration  
 FIFRA - Federal Insecticide, Fungicide, and Rodenticide Act  
 FFDA - Federal Food, Drug, and Cosmetic Act  
 FQPA - Food Quality Protection Act of 1996  
 HSRB - Human Studies Review Board  
 IRED - Interim Reregistration Eligibility Decision  
 LOAEL - Lowest Observed Adverse Effect Level  
 MOE - Margin of Exposure  
 MRID - Master Record Identification  
 NOAEL - No Observed Adverse Effect Level  
 NRDC - Natural Resources Defense Council  
 OECD - Organisation for Economic Co-operation and Development  
 PAD - Population Adjusted Dose  
 ppm - parts per million  
 RBC - red blood cell  
 RED - Reregistration Eligibility Decision  
 rfd - Reference Dose  
 SDWA - Safe Drinking Water Act  
 SOP - Standard Operating Procedure  
 USDA - United States Department of Agriculture

## II. Introduction

### A. What Action Is the Agency Taking?

In this order, EPA denies objections, and requests for a hearing on those objections, to an earlier EPA order, (72 FR 68662 (December 5, 2007)), denying a petition to revoke all tolerances established for the pesticide dichlorvos ("DDVP") under the Federal Food, Drug, and Cosmetic Act ("FFDCA"), 21 U.S.C. 346a. (Refs. 1 and 2). Both the objections and hearing requests, as well as the petition, were filed with EPA by NRDC.

NRDC's petition, filed on June 2, 2006, pursuant to FFDCA section 408(d)(1), asserted numerous grounds as to why the DDVP tolerances allegedly fail to meet the FFDCA's safety standard. This petition was filed as EPA was completing its reassessment of the safety of the DDVP tolerances pursuant to FFDCA section 408(q). (Ref. 3). In response to the petition, EPA undertook an extensive review of its DDVP safety evaluation in the tolerance reassessment decision. Based on certain concerns raised by NRDC, EPA determined it was necessary to incorporate updated data on numerous points and to adopt revised and more conservative assumptions, in its DDVP risk assessments. This led to complete revisions of both EPA's assessments of