

r. An enforceable mechanism to limit the use of DERGs, as specifically described today.

We are taking action on a number of the items listed above in separate **Federal Register** actions.

We are proposing to approve that VOC rules implemented in all nine counties meet the RACT requirements. These rules will result in emissions reductions needed to help the DFW area attain the 8-hour NAAQS for ozone.

EPA is proposing to approve and conditionally approve these various plans in accordance with section 110 and part D of the Act and EPA's regulations.

VIII. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act 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 Clean Air Act. Accordingly, this action merely proposes to approve 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 Clean Air Act; 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.

List of Subjects in 40 CFR Part 52

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

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

Dated: July 1, 2008.

Richard E. Greene,

Regional Administrator, Region 6.

[FR Doc. E8-15805 Filed 7-11-08; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-RO3-OAR-2008-0068; FRL-8691-4]

Approval and Promulgation of Air Quality Implementation Plans; Delaware; Control of Stationary Combustion Turbine Electric Generating Unit Emissions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Delaware. This revision pertains to controlling nitrogen oxides emissions from stationary combustion turbine electric generating units. This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before August 13, 2008.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA-RO3-OAR-2008-0068 by one of the following methods:

A. *www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *E-mail:* fernandez.cristina@epa.gov.

C. *Mail:* EPA-RO3-OAR-2008-0068, Cristina Fernandez, Chief, Air Quality Planning Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA-RO3-OAR-2008-0068. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *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 *www.regulations.gov* or e-mail. The *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 *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.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., 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 in *www.regulations.gov* or

in hard copy 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: Gerallyn Duke, (215) 814-2084, or by e-mail at Duke.Gerallyn@epa.gov.

SUPPLEMENTARY INFORMATION: On September 11, 2007, the Delaware Department of Natural Resources and Environmental Control (DNREC) submitted to EPA a revision to its SIP for Regulation 1148—Control of Nitrogen Oxides (NO_x) Emissions from Stationary Combustion Turbine Electric Generating Units.

I. Background

DNREC has identified large stationary combustion turbines (CTs) as significant contributors to the release of NO_x, which is a precursor to the formation of ground-level ozone. Ozone poses a significant threat to human health especially to the young, the elderly, or anyone with impaired ability to breathe, as ozone harms the lungs.

CTs normally operate at peak times for the demand for electricity. In Delaware, peak times are in the summer and coincide with hot and humid weather conditions that are conducive to the formation of ozone. By reducing NO_x emissions from CTs during the ozone season, the likelihood that Delaware's air quality will exceed the federal standards for ozone is reduced. This regulation will affect six existing CTs in Delaware, each with an installed capacity of 1 megawatt (MW), none of which currently operate with any NO_x pollution control equipment. These six CTs emitted 2.21 tons of NO_x per day in 2002, which is the most recent year for Delaware's emissions inventory. DNREC has determined that use of water injection technology would reduce NO_x emissions by approximately 40 percent, or by 0.88 tons per day. Water injection reduces the combustion temperature and consequently reduces NO_x emissions. Delaware is part of the Philadelphia-Wilmington-Atlantic City ozone nonattainment area and it must take regulatory actions to improve air quality to meet the 8-Hour Ozone National Ambient Air Quality Standard (NAAQS) by 2010. This regulation is one of many regulatory actions that DNREC has undertaken in recent years as part of its SIP which is a federal requirement to show that Delaware's air

quality will attain compliance with the 8-Hour Ozone NAAQS by 2010. No inconsistencies or inadequacies regarding EPA policy and the Clean Air Act have been identified.

II. Summary of SIP Revision

Regulation 1148—Control of NO_x Emissions from Stationary Combustion Turbine Electric Generating Units requires that an owner or operator of an existing stationary combustion turbine electric generating unit located in Delaware with a base-load nameplate capacity of 1 MW or greater must, by May 1, 2009, either demonstrate that the existing stationary combustion turbine generating unit meets the emission limits listed below or must install NO_x emission controls designed to meet these limits: For CTs that burn gaseous fuel—42 parts per million volume (ppmv), corrected to 15 percent O₂ dry basis NO_x, and for CTs that burn liquid fuel—88 ppmv NO_x. Design of these limits was based on anticipated NO_x emissions if water injection pollution control equipment were installed.

The six CTs affected by this regulation operate without any NO_x pollution control equipment, although they are subject to regulations designed to control NO_x emissions. DNREC determined that the six sources could achieve significant reductions in their NO_x emissions through the use of water injection equipment. Water injection is a proven, feasible technology that has been used in other states to reduce NO_x emissions.

This revision will reduce NO_x emissions from CTs by 40 percent, or by 0.88 tons per day to approximately 1.33 tons per day. Such a reduction will significantly improve air quality, particularly on days when CTs normally operate, *i.e.*, hot humid days and when weather conditions are conducive to forming ground-level ozone, and is one of the many regulatory steps taken to allow DNREC to attain the NAAQS by 2010.

III. Proposed Action

EPA is proposing to approve the Delaware SIP revision for Control of Stationary Combustion Turbine Electric Generating Unit Emissions, which was submitted on September 11, 2007. This SIP revision will have a beneficial effect on air quality in the Delaware portion of the Philadelphia—Wilmington—Atlantic City ozone nonattainment area. 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 the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act 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 Clean Air Act. Accordingly, this action merely proposes to approve 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 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 Clean Air Act; 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 approval of Delaware's Stationary Combustion Turbine Engine emissions 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.

List of Subjects in 40 CFR Part 52

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

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

Dated: July 1, 2008.

Donald S. Welsh,

Regional Administrator, Region III.

[FR Doc. E8-16018 Filed 7-11-08; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 59

[EPA-HQ-OAR-2008-0411; FRL-8689-5]

RIN 2060-AP01

Consumer and Commercial Products: Control Techniques Guidelines in Lieu of Regulations for Miscellaneous Metal Products Coatings, Plastic Parts Coatings, Auto and Light-Duty Truck Assembly Coatings, Fiberglass Boat Manufacturing Materials, and Miscellaneous Industrial Adhesives

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; proposed determination and availability of draft control techniques guidelines.

SUMMARY: Pursuant to section 183(e)(3)(C) of the Clean Air Act, EPA proposes to determine that control techniques guidelines will be substantially as effective as national regulations in reducing emissions of volatile organic compounds in ozone nonattainment areas from the following five product categories: Miscellaneous metal products coatings, plastic parts coatings, auto and light-duty truck assembly coatings, fiberglass boat manufacturing materials, and miscellaneous industrial adhesives. Based on this determination, we may issue control techniques guidelines in lieu of national regulations covering these product categories. We have prepared draft control techniques guidelines for the control of volatile organic compound emissions from each of the product categories covered by this proposed determination. Once finalized, these control techniques guidelines will provide guidance to the States concerning EPA's recommendations for reasonably available control technology-

level controls for these product categories. We further propose to take final action to list the five Group IV consumer and commercial product categories addressed in this notice pursuant to Clean Air Act section 183(e).

DATES: *Comments:* Written comments on this proposed action must be received by August 13, 2008, unless a public hearing is requested by July 24, 2008. If a hearing is requested on this proposed action, written comments must be received by August 28, 2008. We are also soliciting written comments on the draft control techniques guidelines (CTG), and those comments must be submitted within the comment period for this proposed determination.

Public Hearing. If anyone contacts EPA requesting to speak at a public hearing concerning this proposed determination by July 24, 2008, we will hold a public hearing on July 29, 2008. The substance of any such hearing will be limited solely to EPA's proposed determination under Clean Air Act (CAA) section 183(e)(3)(C) that the CTGs covering the five Group IV product categories will be substantially as effective as regulations in reducing volatile organic compound (VOC) emissions in ozone nonattainment areas. Accordingly, if a commenter has no objection to EPA's proposed determination under CAA section 183(e)(3)(C), but has comments on the substance of a draft CTG, the commenter should submit those comments in writing.

ADDRESSES: Submit your comments, identified by applicable docket ID number, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- *E-mail:* a-and-r-docket@epa.gov.
- *Fax:* (202) 566-1741.
- *Mail:* Comments concerning this proposed Determination should be sent to: Consumer and Commercial Products, Group IV—Determination to Issue Control Techniques Guidelines in Lieu of Regulations, Docket No. EPA-HQ-OAR-2008-0411.

Comments concerning any draft CTG should be sent to the applicable docket, as noted below: Consumer and Commercial Products—Miscellaneous Metal and Plastic Parts Coatings, Docket No. EPA-HQ-OAR-2008-0412; Consumer and Commercial Products—Auto and Light-Duty Truck Assembly Coatings, Docket No. EPA-HQ-OAR-2008-0413; Consumer and Commercial Products—Fiberglass Boat Manufacturing Materials, Docket No.

EPA-HQ-OAR-2008-0415; or Consumer and Commercial Products—Miscellaneous Industrial Adhesives, Docket No. EPA-HQ-OAR-2008-0460, Environmental Protection Agency, EPA Docket Center, Mailcode 6102T, 1200 Pennsylvania Ave., NW, Washington, DC 20460. Comments concerning the draft revision of the Automobile Topcoat Protocol, which is referenced in the draft CTG for Auto and Light-Duty Truck Coatings, should be sent to Consumer and Commercial Products—Auto and Light-Duty Truck Assembly Coatings, Docket No. EPA-HQ-OAR-2008-0413. Please include a total of two copies.

• *Hand Delivery:* EPA Docket Center, Public Reading Room, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to the applicable docket. 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.

Public Hearing. If a public hearing is held, it will be held at 10 a.m. on July 29, 2008 at Building C on the EPA campus in Research Triangle Park, NC,