

Docket number	File date	Presenter or requester
Prohibited: CP06-365-000 ..... CP06-366-000 ..... CP06-376-000 ..... CP06-377-000 .....	12-5-08	Rory Cox.
Exempt: CP07-62-000 ..... CP07-63-000 ..... CP08-31-000 ..... CP08-31-000 .....	12-3-08 11-24-08 11-24-08	Hon. C.A. Dutch Ruppertsberger. Hon. Andrew E. Dinniman. Barbara M. Kelley.

**Kimberly D. Bose,**  
Secretary.  
[FR Doc. E8-30099 Filed 12-18-08; 8:45 am]  
BILLING CODE 6717-01-P

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-8755-2]

**Delaware; Adequacy Status of the 2008 Reasonable Further Progress Plan for the Delaware Portion of the Philadelphia-Wilmington-Atlantic City 8-Hour Ozone Nonattainment Area Motor Vehicle Emission Budgets**

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

**ACTION:** Notice of adequacy.

**SUMMARY:** In this notice, EPA is notifying the public that we have found that the Motor Vehicle Emissions Budgets (MVEBs) in the Reasonable Further Progress Plan (RFP) submitted as a State Implementation Plan (SIP) revision on June 13, 2007 by the Delaware Department of Natural Resources and Environmental Control (DNREC), are adequate for transportation conformity purposes. As a result of EPA's finding, the State of Delaware must use the MVEBs from the June 13, 2007 RFP Plan for future conformity determinations for the 8-hour ozone standard.

**DATES:** These MVEBs are effective January 5, 2009.

**FOR FURTHER INFORMATION CONTACT:** Martin Kotsch, U.S. EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103 at (215) 814-3335 or by e-mail at: [kotsch.martin@EPA.gov](mailto:kotsch.martin@EPA.gov). The finding is available at EPA's conformity Web site: <http://www.epa.gov/otaq/stateresources/transconf/cursips.htm>.

**SUPPLEMENTARY INFORMATION:** Throughout this document "we," "us," or "our" refer to EPA. The word "budgets" refers to the motor vehicle emission budgets for volatile organic compounds (VOCs) and nitrogen oxides (NO<sub>x</sub>). The word "SIP" in this

document refers to the RFP Plans for the Delaware portion of the Philadelphia-Wilmington-Atlantic City Ozone Nonattainment Area submitted to EPA as SIP revisions on June 13, 2007.

Today's notice is simply an announcement of a finding that EPA has already made. In this notice, EPA is notifying the public that we have found that the MVEBs in the RFP for 2008, submitted on June 13, 2007 by DNREC, are adequate for transportation conformity purposes. As a result of EPA's finding, the State of Delaware must use the MVEBs from the June 13, 2007 RFP Plan for future conformity determinations for the 8-hour ozone standard. This finding has also been announced on EPA's conformity web site: <http://www.epa.gov/otaq/stateresources/transconf/pastsips.htm>. The adequate MVEBs are provided in the following table:

TABLE 1—DELAWARE MOTOR VEHICLE EMISSIONS BUDGETS

Nonattainment area	2008 Reasonable Further Progress	
	VOC (tpd)	NO <sub>x</sub> (tpd)
New Castle County .....	21.35	10.61
Kent County .....	9.68	4.14
Sussex County	12.86	7.09

Transportation conformity is required by section 176(c) of the Clean Air Act, as amended in 1990. EPA's conformity rule requires that transportation plans, programs and projects conform to state air quality implementation plans, and establishes the criteria and procedures for determining whether or not they do. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards. The criteria by which we determine whether a SIP's motor vehicle emission budgets are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4).

Please note that an adequacy review is separate from EPA's completeness review, and it also should not be used to prejudice EPA's ultimate approval of the SIP. Even if we find a budget adequate, the SIP could later be disapproved. We have described our process for determining the adequacy of submitted SIP budgets in 40 CFR 93.118(f), and have followed this rule in making our adequacy determination.

Dated: December 5, 2008.

**William T. Wisniewski,**  
Acting Regional Administrator, Region III.  
[FR Doc. E8-30207 Filed 12-18-08; 8:45 am]  
BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-8755-3]

**Pennsylvania; Adequacy Status of the 2008 Reasonable Further Progress Plan for the Pennsylvania Portion of the Philadelphia-Wilmington-Atlantic City 8-Hour Ozone Nonattainment Area Motor Vehicle Emission Budgets**

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

**ACTION:** Notice of adequacy.

**SUMMARY:** In this notice, EPA is notifying the public that we have found that the Motor Vehicle Emissions Budgets (MVEBs) in the Reasonable Further Progress Plan (RFP) submitted as a State Implementation Plan (SIP) revision on August 29, 2007 by the Pennsylvania Department of Environmental Protection (PADEP), are adequate for transportation conformity purposes. As a result of EPA's finding, the Commonwealth of Pennsylvania must use the MVEBs from the August 29, 2007 RFP Plan for future conformity determinations for the 8-hour ozone standard.

**DATES:** These MVEBs are effective January 5, 2009.

**FOR FURTHER INFORMATION CONTACT:** Martin Kotsch, U.S. EPA, Region III, 1650 Arch Street, Philadelphia, PA

19103 at (215) 814-3335 or by e-mail at: [kotsch.martin@EPA.gov](mailto:kotsch.martin@EPA.gov). The finding is available at EPA's conformity Web site: <http://www.epa.gov/otaq/stateresources/transconf/cursips.htm>.

#### SUPPLEMENTARY INFORMATION:

Throughout this document "we," "us", or "our" refer to EPA. The word "budgets" refers to the motor vehicle emission budgets for volatile organic compounds (VOCs) and nitrogen oxides (NO<sub>x</sub>). The word "SIP" in this document refers to the RFP Plans for the Pennsylvania portion of the Philadelphia-Wilmington-Atlantic City Ozone Nonattainment Area submitted to EPA as SIP revisions on August 29, 2007.

Today's notice is simply an announcement of a finding that EPA has already made. EPA Region III sent a letter to PADEP on November 20, 2008 stating that the MVEBs in the RFP Plan are adequate for transportation conformity purposes. As a result of EPA's finding, the State of Pennsylvania must use the MVEBs from the August 29, 2007 RFP Plan for future conformity determinations for the 8-hour ozone standard. This finding has also been announced on EPA's conformity Web site: <http://www.epa.gov/otaq/stateresources/transconf/pastsips.htm>. The adequate MVEBs are provided in the following table:

TABLE 1—PENNSYLVANIA MOTOR VEHICLE EMISSIONS BUDGETS

Nonattainment area	2008 Reasonable Further Progress	
	VOC (tpd)	NO <sub>x</sub> (tpd)
Philadelphia .....	61.09	108.78

Transportation conformity is required by section 176(c) of the Clean Air Act, as amended in 1990. EPA's conformity rule requires that transportation plans, programs and projects conform to state air quality implementation plans and establishes the criteria and procedure for determining whether or not they do. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards. The criteria by which we determine whether a SIP's motor vehicle emission budgets are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4). Please note that an adequacy review is separate from EPA's completeness review, and it also should not be used to prejudge EPA's ultimate approval of

the SIP. Even if we find a budget adequate, the SIP could later be disapproved. We have described our process for determining the adequacy of submitted SIP budgets in 40 CFR 93.118(f), and have followed this rule in making our adequacy determination.

Dated: December 5, 2008.

**William T. Wisniewski,**

*Acting Regional Administrator, Region III.*

[FR Doc. E8-30206 Filed 12-18-08; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2008-0790; FRL-8754-4]

### Asbestos-Containing Materials in Schools; State Request for Waiver From Requirements

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

**ACTION:** Notice of proposed approval and request for comments.

**SUMMARY:** This action provides notice and an opportunity for public hearing, and solicits written comments on EPA's proposed waiver of the requirements of the Federal asbestos-in-schools program for the State of New Hampshire. A waiver request will be granted if EPA determines that the State of New Hampshire is implementing or intends to implement a state program of asbestos inspection and management that is at least as stringent as the federal program. This action provides notice and an opportunity for a public hearing, and solicits written comments on the waiver request submitted by the State of New Hampshire.

**DATES:** Written comments under Docket ID Number EPA-HQ-OPPT-2008-0790 must be received by February 17, 2009. Each comment must include the name and address of the submitter. Any request for a public hearing must be in writing, and be received on or before February 17, 2009, and detail specific objections to the grant of the waiver. If, during the comment period, EPA receives such a request for a public hearing, EPA will schedule a public hearing in New Hampshire following the comment period. EPA will announce the date of the public hearing in the **Federal Register**.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-HQ-OPPT-2008-0790, by one of the following methods:

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

2. *E-mail:* [bryson.jamesm@epa.gov](mailto:bryson.jamesm@epa.gov).

3. *Fax:* (617) 918-0563.

4. *Mail:* Docket ID Number EPA-HQ-OPPT-2008-0790, Asbestos Coordinator, Region 1—New England, Environmental Protection Agency, One Congress Street, Suite 1100 Mailcode SEP, Boston, MA 02114-2023.

5. *Hand Delivery or Courier:* James M. Bryson, Asbestos Coordinator, Region 1—New England, Environmental Protection Agency, One Congress Street, Suite 1100 Mailcode SEP, Boston, MA 02114-2023. 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 5, excluding Federal holidays.

*Instructions:* Direct your comments to Docket ID Number EPA-HQ-OPPT-2008-0790. 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 through <http://www.regulations.gov> or e-mail, information that you consider to be CBI or otherwise protected.

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 electronic docket are listed in the <http://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.