

APPENDIX—Continued  
REGULATORY REVIEW  
MODIFIED TEN-YEAR SCHEDULE

| 16 CFR PART | TOPIC  | YEAR TO REVIEW |
|-------------|--|----------------|
| 240         | Guides for Advertising Allowances and Other Merchandising Payments and Services .....                    | 2012           |
| 251         | Guide Concerning Use of the Word “Free” and Similar Representations .....                                | 2012           |
| 310         | Telemarketing Sales Rule .....   | 2013           |
| 801         | Hart-Scott-Rodino Antitrust Improvements Act Coverage Rules .....  | 2013           |
| 802         | Hart-Scott-Rodino Antitrust Improvements Act Exemption Rules .....                                       | 2013           |
| 803         | Hart-Scott-Rodino Antitrust Improvements Act Transmittal Rules .....                                     | 2013           |
| 304         | Rules and Regulations under the Hobby Protection Act .....   | 2014           |
| 309         | Labeling Requirements for Alternative Fuels and Alternative Fueled Vehicles .....                        | 2014           |
| 314         | Standards for Safeguarding Customer Information .....  | 2014           |
| 315         | Contact Lens Rule .....  | 2015           |
| 316         | Rules Implementing the CAN-SPAM Act of 2003 .....  | 2015           |
| 456         | Ophthalmic Practice Rules .....  | 2015           |
| 603         | Fair Credit Reporting Act (FCRA) Rules - Definitions .....   | 2015           |
| 610         | FCRA Rules - Free Annual File Disclosures .....  | 2015           |
| 611         | FCRA Rules - Prohibition Against Circumventing Treatment as a Nationwide Consumer Reporting Agency ..... | 2015           |
| 613         | FCRA Rules - Duration of Active Duty Alerts .....  | 2015           |
| 614         | FCRA Rules - Appropriate Proof of Identity .....   | 2015           |
| 698         | FCRA Rules - Summaries, Notices, and Forms .....   | 2015           |
| 460         | Labeling and Advertising of Home Insulation .....  | 2016           |
| 682         | FCRA Rules - Disposal of Consumer Report Information and Records .....                                   | 2016           |
| 410         | Deceptive Advertising as to Sizes of Viewable Pictures Shown by Television Receiving Sets .....          | 2017           |
| 312         | Children’s Online Privacy Protection Rule .....  | 2017           |
| 18          | Guides for the Nursery Industry .....  | 2018           |
| 305         | Appliance Labeling Rule .....  | 2018           |
| 311         | Test Procedures and Labeling Standards for Recycled Oil .....  | 2018           |
| 436         | Disclosure Requirements and Prohibitions Concerning Franchising .....                                    | 2018           |

[FR Doc. E8–4195 Filed 3–4–08; 8:45 am]

BILLING CODE: 6750–01–S

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R03–OAR–2007–1188; FRL–8537–5]

#### Approval and Promulgation of Air Quality Implementation Plans; Delaware; Control of Stationary Generator 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 SIP revision contains provisions to control emissions from stationary generators. This action is being taken under the Clean Air Act (CAA).

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

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA–R03–OAR–2007–1188 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–R03–OAR–2007–1188, 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–R03–OAR–2007–1188. 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 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.*

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**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-