

analysis with, or possess), or propose to handle 4,4'-DMAR.

According to HHS, 4,4'-DMAR has a high potential for abuse, has no currently accepted medical use in treatment in the United States, and lacks accepted safety for use under medical supervision. DEA's research confirms that there is no commercial market for 4,4'-DMAR in the United States. Additionally, queries of DEA's STRIDE/STARLiMS and the NFLIS databases in February, 2020, did not generate any reports of 4,4'-DMAR, suggesting that it is not trafficked in the United States. Therefore, DEA estimates that no U.S. entity currently handles 4,4'-DMAR and does not expect any U.S. entity to handle 4,4'-DMAR in the foreseeable future. DEA concludes that no U.S. entity would be affected by this rule if finalized. As such, the proposed rule will not have a significant effect on a substantial number of small entities.

#### *Duplicative, Overlapping, and Conflicting Rules*

DEA is the only agency with authority to schedule drugs under the CSA. DEA has not identified any duplicative, overlapping, or conflicting rules with the proposed rule.

#### *Unfunded Mandates Reform Act of 1995*

In accordance with the Unfunded Mandates Reform Act (UMRA) of 1995, 2 U.S.C. 1501 *et seq.*, DEA has determined and certifies that this action would not result in any Federal mandate that may result "in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more (adjusted for inflation) in any 1 year \* \* \*." Therefore, neither a Small Government Agency Plan nor any other action is required under UMRA of 1995.

#### *Paperwork Reduction Act*

This action does not impose a new collection of information requirement under the Paperwork Reduction Act, 44 U.S.C. 3501–3521. This action would not impose recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

#### *Congressional Review Act*

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996 (Congressional Review Act (CRA)). This rule will not result in: An annual effect on the

economy of \$100,000,000 or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based companies to compete with foreign-based companies in domestic and export markets.

#### **List of Subjects in 21 CFR Part 1308**

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

For the reasons set out above, 21 CFR part 1308 is proposed to be amended to read as follows:

#### **PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES**

■ 1. The authority citation for 21 CFR part 1308 continues to read as follows:

**Authority:** 21 U.S.C. 811, 812, 871(b), unless otherwise noted.

■ 2. In § 1308.11, redesignate paragraphs (f)(4) through (f)(8) as paragraphs (f)(5) through (f)(9) and add a new paragraph (f)(4) to read as follows:

##### **§ 1308.11 Schedule I.**

*   *   *   *   *	
(f) *   *   *	
(4) 4,4'-Dimethylaminorex (4,4'-DMAR; 4,5-dihydro-4-methyl-5-(4-methylphenyl)-2-oxazolamine; 4-methyl-5-(4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine).	1595
*   *   *   *   *	

**Uttam Dhillon,**

*Acting Administrator.*

[FR Doc. 2020-07095 Filed 4-6-20; 8:45 am]

**BILLING CODE 4410-09-P**

#### **ENVIRONMENTAL PROTECTION AGENCY**

##### **40 CFR Part 52**

**[EPA-R09-OAR-2020-0151; FRL-10007-67-Region 9]**

#### **Finding of Failure To Attain the 1987 24-Hour PM<sub>10</sub> Standard; Reclassification as Serious Nonattainment; Pinal County, Arizona**

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to determine

that the West Pinal County, Arizona nonattainment area did not attain the 1987 24-hour national ambient air quality standards (NAAQS or "standard") for particulate matter with a diameter of ten micrometers or smaller (PM<sub>10</sub>) by December 31, 2018, the statutory attainment date for the nonattainment area. This proposal is based on the EPA's calculation of the PM<sub>10</sub> design value for the nonattainment area over the 2016–2018 period, using complete, quality-assured, and certified PM<sub>10</sub> monitoring data. If the EPA makes a final determination that West Pinal County has failed to attain the PM<sub>10</sub> NAAQS by its attainment date, then Clean Air Act (CAA) section 188(b)(2) requires that the nonattainment area be reclassified to Serious by operation of law. Within 18 months from the effective date of a reclassification to Serious, the State must submit State Implementation Plan (SIP) revisions that comply with the statutory and regulatory requirements for Serious PM<sub>10</sub> nonattainment areas.

**DATES:** Written comments must be received on or before May 7, 2020.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R09-OAR-2020-0151 at <https://www.regulations.gov>. For comments submitted at [Regulations.gov](https://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](https://www.regulations.gov). The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Jerry Wamsley, EPA Region IX, (415) 947-4111, [wamsley.jerry@epa.gov](mailto:wamsley.jerry@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document, “we,” “us” and “our” refer to the EPA.

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**I. Background and Regulatory Context**

The EPA sets the NAAQS for certain ambient air pollutants at levels required to protect public health and welfare. Particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers (microns), or PM<sub>10</sub>, is one of the ambient air pollutants for which the EPA has established health-based standards, and we have promulgated and revised the PM<sub>10</sub> NAAQS several times.

The EPA revised the NAAQS for particulate matter on July 1, 1987, replacing standards for total suspended particulates (TSP, particulate less than 30 microns in diameter) with new standards applying only to particulate matter up to 10 microns in diameter.<sup>1</sup> In 1987, the EPA established two PM<sub>10</sub> NAAQS, an annual standard and a 24-hour standard. An area attains the 24-hour PM<sub>10</sub> standard of 150 micrograms per cubic meter (µg/m<sup>3</sup>) when the expected number of days per calendar year with a 24-hour concentration exceeding the standard (referred to as an “exceedance”) over a three-year period, is equal to or less than one.<sup>2</sup> The annual PM<sub>10</sub> standard was revoked on October 17, 2006.<sup>3</sup>

On May 31, 2012, the EPA designated a portion of state lands in Pinal County, Arizona (“West Pinal County”) as nonattainment for the 1987 p.m.<sub>10</sub> NAAQS based on 2006–2008 data.<sup>4</sup> As a result of the nonattainment designation, West Pinal County was

classified as a “Moderate” PM<sub>10</sub> nonattainment area.

For a PM<sub>10</sub> nonattainment area classified as Moderate under the CAA, section 188(c) of the CAA states that the Moderate area attainment date is “as expeditiously as practicable, but no later than the end of the sixth calendar year after the area’s designation as nonattainment.” Consequently, the applicable attainment date for West Pinal County, designated nonattainment in 2012, was December 31, 2018. CAA section 188(b)(2) requires the EPA to determine whether any PM<sub>10</sub> nonattainment area classified as Moderate attained the 24-hour PM<sub>10</sub> NAAQS by the area’s attainment date and requires the EPA to make such a determination within six months after that date. If the EPA determines that a Moderate area has not attained the NAAQS by the relevant attainment date, then the area shall be reclassified as a Serious area by operation of law. As discussed previously, the 1987 24-hour PM<sub>10</sub> NAAQS is met when the expected number of exceedances averaged over a three-year period is equal to or less than one at each monitoring site within the nonattainment area.

**II. Criteria for Determining That an Area Has Attained the 1987 24-Hour PM<sub>10</sub> NAAQS**

Generally, the EPA’s determination of whether an area’s air quality meets the 1987 24-hour PM<sub>10</sub> NAAQS is based on three years of complete, quality-assured data that has been gathered at established state and local air monitoring stations (SLAMS) in a nonattainment area and entered into the EPA’s Air Quality System (AQS) database.<sup>5</sup> Data from ambient air monitors operated by state or local agencies in compliance with the EPA monitoring requirements must be submitted to AQS. Monitoring agencies certify annually that these data are accurate to the best of their knowledge. Accordingly, the EPA relies primarily on data in AQS when determining the attainment status of nonattainment areas.

Ambient air quality data must generally meet data completeness requirements for each year under consideration. The completeness requirements are met when at least 75 percent of the scheduled sampling days for each quarter have valid data.<sup>6</sup> The data requirements for showing that a monitor has failed an attainment test, and thus recorded a violation of the

PM<sub>10</sub> standard, are less stringent and the 75 percent data capture requirement does not apply provided there is sufficient data to unambiguously establish nonattainment of the standard.<sup>7</sup>

**III. The EPA’s Proposed Action and Associated Rationale**

This proposed action is pursuant to the EPA’s statutory obligation, under CAA section 188(b)(2), to determine whether the West Pinal County nonattainment area has attained the 1987 24-hour PM<sub>10</sub> NAAQS by its December 31, 2018 attainment date. As discussed in Section II, a nonattainment area’s ambient data must meet several criteria if the EPA is to determine that the nonattainment area has met the 24-hour PM<sub>10</sub> NAAQS. These criteria include complete, quality-assured and certified data collected from a valid ambient air quality monitoring network and a design value calculated from the ambient data to be less than the applicable NAAQS.

**A. Data Completeness, Network Review, and Certification of Data**

In accordance with 40 CFR part 50, Appendices J and K, a finding of attainment of the 1987 24-hour PM<sub>10</sub> NAAQS must generally be based upon complete, quality-assured data gathered at monitoring sites in the nonattainment area and entered in the AQS. For the 24-hour PM<sub>10</sub> standard, Appendix K provides that all data produced by SLAMS and other sites submitted to the EPA in accordance with the part 58 requirements be used for evaluating attainment.<sup>8</sup>

The PM<sub>10</sub> ambient air quality monitoring data collected within the West Pinal County nonattainment area for the 2016–2018 three-year period must meet data completeness criteria, or otherwise unambiguously establish nonattainment according to 40 CFR part 50, Appendix K, section 2.3. The ambient air quality monitoring data completeness requirements are met when quarterly data capture rates for all four quarters in a calendar year over a three-year period are at least 75 percent. For the purposes of this proposal, we reviewed the data for the 2016–2018 period for completeness and determined that the PM<sub>10</sub> data met the completeness criterion for all 12 quarters at PM<sub>10</sub> monitoring sites in the West Pinal County nonattainment area.<sup>9</sup>

<sup>7</sup> 40 CFR part 50, Appendix K, section 2.3(a).

<sup>8</sup> 40 CFR part 50, Appendix K, section 2.3(a).

<sup>9</sup> AQS Design Value Report, dated March 5, 2020, included within our docket. Also, refer to Table 1

Continued

<sup>1</sup> 52 FR 24634 (July 1, 1987).

<sup>2</sup> An exceedance is defined as a daily value that is above the level of the 24-hour standard, 150 µg/m<sup>3</sup>, after rounding to the nearest 10 µg/m<sup>3</sup> (i.e., values ending in five or greater are to be rounded up). Consequently, a recorded value of 154 µg/m<sup>3</sup> would not be an exceedance because it would be rounded to 150 µg/m<sup>3</sup>; whereas, a recorded value of 155 µg/m<sup>3</sup> would be an exceedance because it would be rounded to 160 µg/m<sup>3</sup>. See 40 CFR part 50.6 and 40 CFR 50 Appendix K, section 1.0.

<sup>3</sup> 71 FR 61144 (October 17, 2006).

<sup>4</sup> 77 FR 32024 (May 31, 2012). The boundaries for the West Pinal County nonattainment area are described in 40 CFR 81.303.

<sup>5</sup> AQS is the EPA’s national repository of ambient air quality data.

<sup>6</sup> 40 CFR part 50, Appendix K, section 2.3.

The EPA's determination as to whether an area has attained the PM<sub>10</sub> NAAQS pursuant to CAA section 188(b)(2) is based on monitored ambient air quality data. The validity of this determination of attainment depends in part on whether the monitoring network adequately measures ambient PM<sub>10</sub> levels in the nonattainment area. The Pinal County Air Quality Control District ("Pinal County") is the governmental agency with the authority and responsibilities under the State's laws for collecting ambient air quality data for the West Pinal County nonattainment area. Pinal County submits annual monitoring network plans to the EPA. These plans discuss the status of the ambient air monitoring network, as required under 40 CFR part 58. The EPA reviews these annual network plans for compliance with the applicable reporting requirements in 40 CFR 58.10. With respect to PM<sub>10</sub>, the EPA has found that the annual network plans submitted by Pinal County meet the applicable requirements under 40 CFR part 58.<sup>10</sup> Furthermore, we concluded from our 2019 Technical

Systems Audit of Pinal County's ambient air quality monitoring program that the ambient air monitoring network currently meets or exceeds the requirements for the minimum number of monitoring sites designated as SLAMS for PM<sub>10</sub> in the West Pinal County nonattainment area.<sup>11</sup> Pinal County certifies annually that the data it submits to AQS are quality-assured and has done so for each year relevant to our determination of attainment, 2016–2018.<sup>12</sup>

#### *B. Finding of Failure To Attain the PM<sub>10</sub> NAAQS*

As discussed previously, the EPA's evaluation of whether the West Pinal County nonattainment area has met the 1987 24-hour PM<sub>10</sub> NAAQS is based on our review of the monitoring data, the adequacy of the PM<sub>10</sub> monitoring network in the nonattainment area, and the reliability of the data collected by the network. The PM<sub>10</sub> standard is attained when the expected number of exceedances, averaged over a three-year period, is less than or equal to one. The expected number of exceedances

averaged over a three-year period at any given monitor is known as the PM<sub>10</sub> design value for that site. The PM<sub>10</sub> design value for the nonattainment area is the highest design value from a monitor within that area. Three consecutive years of air quality data are required to show attainment of the PM<sub>10</sub> standard.

Table 1 provides the 2018 PM<sub>10</sub> design values for all regulatory monitoring sites measuring PM<sub>10</sub> within the West Pinal County nonattainment area, expressed as a single value representing the average expected exceedances over the three-year period, 2016–2018.<sup>13</sup> The PM<sub>10</sub> data show that the design values at multiple monitoring sites are greater than 1.0 estimated annual average exceedances of the 1987 24-hour PM<sub>10</sub> NAAQS. Consequently, the EPA proposes to determine, based upon three years of complete, quality-assured and certified data from 2016–2018, that the West Pinal County nonattainment area did not attain the 1987 24-hour PM<sub>10</sub> NAAQS by the applicable attainment date of December 31, 2018.

**TABLE 1—2018 DESIGN VALUES FOR THE 1987 24-HOUR PM<sub>10</sub> NAAQS AT AIR QUALITY MONITORING SITES IN THE WEST PINAL COUNTY NONATTAINMENT AREA, BASED ON 2016–2018 DATA**

Monitoring site	AQS identification number	Design value
Casa Grande Downtown .....	04–021–0001–3	4.1
Coolidge <sup>a</sup> .....	04–021–3004–1	2.0
Stanfield .....	04–021–3008–3	14.3
Combs .....	04–021–3009–3	2.0
Pinal County Housing .....	04–021–3011–3	7.4
Eloy <sup>b</sup> .....	04–021–3014–3/04–021–3014–1	6.0
Hidden Valley .....	04–021–3015–3	32.8
Maricopa 1405/Maricopa <sup>c</sup> .....	04–021–3016–3/04–021–3010–3	3.4

*Source:* EPA AQS Design Value Report, dated March 5, 2020. Table 1 includes only data from monitoring sites in the nonattainment area. Additional information can be found in the EPA AQS Violation Day Count Report, dated March 18, 2020, and included in our docket.

<sup>a</sup> The AQS Design Value Report contains design values for two monitors at the Coolidge monitoring site. The second monitor (04–021–3004–2) is a collocated quality assurance monitor and is not used for comparison to the NAAQS.

<sup>b</sup> The EPA manually calculated the design value for the Eloy monitoring site by combining data from a manual monitor (04–021–3014–1) with data from a continuous monitor (04–021–3014–3) that replaced the manual monitor in early 2016. The monitors are reflected separately in the AQS Design Value Report. We have provided this combined design value in the EPA 2018 PM<sub>10</sub> Design Value Report, available from the EPA Air Trends website at <https://www.epa.gov/air-trends/air-quality-design-values> and in our docket via an Excel spreadsheet.

<sup>c</sup> Pinal County relocated the Maricopa site (04–021–3010) to the Maricopa 1405 site (04–021–2016) in January 2017. The EPA approved this relocation; consequently, the data from both sites are combined to form one continuous record for calculating a design value. See correspondence from Gwen Yoshimura, Acting Manager, Air Quality Analysis Office, EPA Region IX, to Michael Sundblom, Director, Pinal County Air Quality Control District, dated December 15, 2016. The monitors are reflected separately, however, in the AQS Design Value Report. We have provided this combined design value in the EPA 2018 PM<sub>10</sub> Design Value Report, available from the EPA Air Trends website at <https://www.epa.gov/air-trends/air-quality-design-values> and in our docket via an Excel spreadsheet.

If the EPA determines that a Moderate nonattainment area has failed to attain

the PM<sub>10</sub> NAAQS by its applicable attainment date, then CAA section

188(b)(2) provides that the area shall be reclassified as a Serious area by

below and its endnotes for additional information concerning the Eloy and Maricopa monitoring sites.

<sup>10</sup> We have included in our docket the correspondence transmitting our annual network reviews, e.g., correspondence dated October 30, 2018, from Gwen Yoshimura, Manager, Air Quality Analysis Office, EPA Region IX, to Michael Sundblom, Director, Pinal County Air Quality Control District.

<sup>11</sup> We have included in our docket the correspondence concerning the most recent audit; see correspondence dated September 24, 2019, from Elizabeth J. Adams, Director, Air and Radiation Division, EPA Region IX, to Michael Sundblom, Director, Pinal County Air Quality Control District.

<sup>12</sup> We have included in our docket Pinal County's annual data certifications for 2016, 2017 and 2018, e.g., correspondence dated April 25, 2019, from Josh DeZeeuw, Air Quality Manager, Pinal County Air Quality Control District, to Gwen Yoshimura,

Manager, Air Quality Analysis Office, EPA Region IX. Annual data certification requirements can be found at 40 CFR 58.15.

<sup>13</sup> A design value is calculated using a specific methodology from monitored air quality data and is used to compare an area's air quality to a NAAQS. The methodologies for calculating expected exceedances for the 24-hour PM<sub>10</sub> NAAQS are found in 40 CFR part 50, Appendix K, Section 2.1(a).

operation of law. Accordingly, if the EPA takes final action on our proposed determination that the West Pinal County Moderate area failed to attain the 1987 24-hour PM<sub>10</sub> NAAQS by December 31, 2018, the area will be reclassified to Serious. The EPA is taking comment on this proposed finding of failure to attain and reclassification of the West Pinal County PM<sub>10</sub> nonattainment area from Moderate to Serious.

#### IV. Summary of Our Proposed Action

In accordance with section 188(b)(2) of the CAA, the EPA is proposing to determine that the West Pinal County Moderate nonattainment area did not attain the 1987 24-hour PM<sub>10</sub> NAAQS by its applicable attainment date of December 31, 2018. Our proposed determination that West Pinal County failed to attain the PM<sub>10</sub> NAAQS is based on complete, quality-assured, and certified PM<sub>10</sub> monitoring data for the appropriate three-year period, 2016–2018. We are soliciting comment on this proposed finding that the West Pinal County Moderate nonattainment area failed to attain the 24-hour PM<sub>10</sub> NAAQS.

If we finalize our action as proposed, West Pinal County will be reclassified as a Serious PM<sub>10</sub> nonattainment area by operation of law and will be subject to all applicable Serious area attainment planning and nonattainment New Source Review requirements. This includes the requirement to submit a Serious area air quality plan within 18 months of the effective date of our final rule, per section 189(b)(2) of the CAA. This Serious area air quality plan must demonstrate attainment of the 24-hour PM<sub>10</sub> NAAQS by December 31, 2022, ten years after the area's designation to nonattainment, per section 188(c)(2) of the CAA.

We will accept comments from the public on these proposals for the next 30 days. The deadline and instructions for submission of comments are provided in the **DATES** and **ADDRESSES** sections at the beginning of this preamble.

#### V. Statutory and Executive Order Reviews

*A. Executive Order 12866: Regulatory Planning and Review, and Executive Order 13563: Improving Regulation and Regulatory Review*

This action is not a significant regulatory action under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and Executive Order 13563 (76 FR 3821, January 21, 2011), and therefore was not submitted to the

Office of Management and Budget (OMB) for review.

*B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs*

This action is not an Executive Order 13771 regulatory action because it is not a significant regulatory action under Executive Order 12866.

*C. Paperwork Reduction Act*

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501–3521) because it does not contain any information collection activities.

*D. Regulatory Flexibility Act*

I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. This action will not impose any requirements on small entities. This proposed action, if finalized, would require the state to adopt and submit SIP revisions to satisfy the statutory requirements that apply to Serious areas and would not itself directly regulate any small entities. We continue to be interested in the potential impacts of the proposed rule on small entities and welcome comments on issues related to such impacts.

*E. Unfunded Mandates Reform Act*

This action does not contain any unfunded mandate of \$100 million or more and does not significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1531–1538). This action itself imposes no enforceable duty on any state, local, or tribal governments, or the private sector. This action proposes to determine that the West Pinal County nonattainment area failed to attain the 1987 24-hour PM<sub>10</sub> NAAQS by its applicable attainment date, which would trigger reclassification as a Serious nonattainment area and existing statutory timeframes for the state to submit SIP revisions. Such a reclassification in and of itself does not impose any federal intergovernmental mandate.

*F. Executive Order 13132: Federalism*

This action does not have federalism implications. It will not 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). The requirement to submit SIP revisions to meet the 1987 24-hour PM<sub>10</sub> NAAQS is imposed by the CAA. This proposed rule does not alter the distribution of power and responsibilities established in the CAA. Thus, Executive Order 13132 does not apply to this action. In the spirit of Executive Order 13132 and consistent with EPA policy to promote communications between the EPA and state and local governments, the EPA specifically solicits comments on this proposed action from state and local officials.

*G. Executive Order 13175, Consultation and Coordination With Indian Tribal Governments*

This action does not have tribal implications as specified in Executive Order 13175. No areas of Indian country are located within the West Pinal County PM<sub>10</sub> nonattainment area. Therefore, no tribal areas are implicated in the area that the EPA is proposing to find failed to attain the 1987 24-hour PM<sub>10</sub> NAAQS by the applicable attainment date. The CAA and the Tribal Authority Rule establish the relationship of the federal government and tribes in developing plans to attain the NAAQS, and this rule does nothing to modify that relationship. Thus, Executive Order 13175 does not apply to this action.

*H. Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks*

The EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order. This proposed action is not subject to Executive Order 13045 because the effect of this proposed action, if finalized, would be to reclassify the West Pinal County nonattainment area as Serious nonattainment for the 1987 24-hour PM<sub>10</sub> NAAQS, which would trigger additional Serious area planning requirements under the CAA. This proposed action does not establish an environmental standard intended to mitigate health or safety risks.

*I. Executive Order 13211, Actions That Significantly Affect Energy Supply, Distribution, or Use*

This proposed rule is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

*J. National Technology Transfer and Advancement Act*

This action 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 it does not involve technical standards.

*K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Population*

Executive Order 12898 (59 FR 7629, Feb. 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. The EPA has determined that this action will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. The effect of this proposed action, if finalized, would be to reclassify the West Pinal County nonattainment area as Serious nonattainment for the 1987 24-hour PM<sub>10</sub> NAAQS, which would trigger additional Serious area planning requirements under the CAA.

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

Environmental protection, Air pollution control, Particulate matter, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

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

Dated: March 30, 2020.

**John Busterud,**

*Regional Administrator, Region IX.*

[FR Doc. 2020-07005 Filed 4-6-20; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 63**

[EPA-HQ-OAR-2020-0016; FRL-10007-29-OAR]

**RIN 2060-AU25**

**National Emission Standards for Hazardous Air Pollutants: Phosphoric Acid Manufacturing**

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

**ACTION:** Proposed rule.

**SUMMARY:** This action proposes to amend the National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Phosphoric Acid Manufacturing source category. The proposed amendment is in response to a petition for rulemaking by an industry stakeholder on the mercury emission limit based on the maximum achievable control technology (MACT) floor for existing sources set in a rule that was finalized on August 19, 2015 ("2015 Rule"). All six of the existing calciners used to set this MACT floor were located at the PCS Phosphate Company, Inc. ("PCS Phosphate") facility in Aurora, North Carolina ("PCS Aurora"). PCS Phosphate asserted that data received since the rule's promulgation indicate that the MACT floor did not accurately characterize the average emission limitation achieved by the units used to set the standard. Based on these new data, the U.S. Environmental Protection Agency (EPA) proposes to revise the mercury MACT floor for existing calciners.

**DATES:**

*Comments.* Comments must be received on or before May 22, 2020.

*Public hearing.* If anyone contacts us requesting a public hearing on or before April 13, 2020, we will hold a hearing. Additional information about the hearing, if requested, will be published in a subsequent **Federal Register** document and posted at <https://www.epa.gov/stationary-sources-air-pollution/phosphate-fertilizer-production-plants-and-phosphoric-acid>. See **SUPPLEMENTARY INFORMATION** for information on requesting and registering for a public hearing.

**ADDRESSES:** You may send comments, identified by Docket ID No. EPA-HQ-OAR-2020-0016 by any of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov/> (our preferred method). Follow the online instructions for submitting comments.
  - *Email:* [a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov).
- Include Docket ID No. EPA-HQ-OAR-

2020-0016 in the subject line of the message.

- *Fax:* (202) 566-9744. Attention Docket ID No. EPA-HQ-OAR-2020-0016.

- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Docket ID No. EPA-HQ-OAR-2020-0016, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

- *Hand/Courier Delivery:* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operation are 8:30 a.m.-4:30 p.m., Monday-Friday (except federal holidays).

*Instructions:* All submissions received must include the Docket ID No. for this rulemaking. Comments received may be posted without change to <https://www.regulations.gov/>, including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** For questions about this proposed action, contact Mr. John Feather, Sector Policies and Programs Division (D243-04), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541-3052; fax number: (919) 541-4991 and email address: [feather.john@epa.gov](mailto:feather.john@epa.gov).

**SUPPLEMENTARY INFORMATION:**

*Public hearing.* Please contact Ms. Nancy Perry at (919) 541-5628 or by email at [perry.nancy@epa.gov](mailto:perry.nancy@epa.gov) to request a public hearing, to register to speak at the public hearing, or to inquire as to whether a public hearing will be held.

*Docket.* The EPA has established a docket for this rulemaking under Docket ID No. EPA-HQ-OAR-2020-0016. All documents in the docket are listed in *Regulations.gov*. Although listed, 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. Publicly available docket materials are available either electronically in *Regulations.gov* or in hard copy at the EPA Docket Center, Room 3334, WJC West Building, 1301 Constitution Avenue NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding