to Priority I for ozone and to retain the classification of the Las Vegas Intrastate AQCR as Priority I.

Air quality data from 2019–2021 also indicate that the maximum one-hour ozone concentration monitored in the Nevada Intrastate AQCR does not exceed the Priority I threshold for one-hour ozone. The maximum one-hour ozone concentration monitored in this region from 2019–2021 was 0.099 ppm. We are therefore not reclassifying the Nevada Intrastate AQCR priority classification and it remains as Priority III for ozone.

If finalized as proposed, the reclassification of the Northwest Nevada Intrastate AQCR from Priority III to Priority I for ozone will not generate new requirements for Nevada to submit an emergency episode contingency plan because NDEP and Washoe County—the two agencies with jurisdiction over the AQCR—already have SIP-approved emergency episode plans. Thus, our proposed reclassification of the Northwest Nevada Intrastate AQCR for ozone also does not affect our proposed approval of the Nevada SIP with respect to CAA section 110(a)(2)(G) for the 2015 ozone NAAQS.

F. Request for Public Comments

The EPA is soliciting public comments on this proposed rulemaking. We will accept comments from the public for the next 30 days. We will consider any comments received before taking final action.

V. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the NDEP rule described in section III.B.1. The EPA has made, and will continue to make, these documents generally available electronically in the docket for this rulemaking at *https://www.regulations.gov.*

VI. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *http://www.epa.gov/laws-regulations/laws-and-executive-orders.*

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 and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA because this action does not impose additional requirements beyond those imposed by state law.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities beyond those imposed by state law.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action does not impose additional requirements beyond those imposed by state law. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, will result from this action.

E. 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.

F. Executive Order 13175: Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175, because the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction, and will not impose substantial direct costs on tribal governments or preempt tribal law. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 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 action is not subject to Executive Order 13045 because it does not impose additional requirements beyond those imposed by state law.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

Section 12(d) of the NTTAA directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. The EPA believes that this action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with the CAA.

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

The state did not evaluate environmental justice considerations as part of its SIP submittal. There is no information in the record inconsistent with the stated goals of E.O. 12898 of achieving environmental justice for people of color, low-income populations, and indigenous peoples.

List of Subjects in 40 CFR Part 52

Approval and promulgation of implementation plans, Air pollution control, Environmental protection, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: January 5, 2023.

Martha Guzman Aceves,

Regional Administrator, Region IX.

[FR Doc. 2023–00328 Filed 1–10–23; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–R09–OAR–2022–0953; FRL–10502–01–R9]

Designation of Areas for Air Quality Planning Purposes; California; Coachella Valley Ozone Nonattainment Area; Reclassification to Extreme

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Under the Clean Air Act (CAA or ''Act''), the Environmental Protection Agency (EPA) is proposing to approve a request from the State of California to reclassify the Coachella Valley ozone nonattainment area from ''Severe-15'' to ''Extreme'' for the 2008 ozone national ambient air quality standards (NAAQS). This action does not reclassify any areas of Indian country within the boundaries of the Coachella Valley 2008 ozone nonattainment area. Upon final reclassification of the Coachella Valley ozone nonattainment area as an Extreme nonattainment area for the 2008 ozone NAAQS, the applicable attainment dates would be as expeditiously as practicable but no later than July 20, 2032. The EPA is proposing to establish a deadline of no later than 18 months from the effective date of reclassification for submittal of revisions to the Coachella Valley portion of the California SIP to meet additional requirements for Extreme ozone nonattainment areas. Lastly, the EPA is proposing to extend our previous limited approval of the motor vehicle emissions budgets to new budgets to be developed as part of a SIP submission meeting the Extreme area requirements for the Coachella Valley.

DATES: Written comments must arrive on or before February 10, 2023.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2022–0953 at *https://www.regulations.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *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.* If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Khoi Nguyen, Air Planning Office (AIR–2), EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105, (415) 947–4120, or by email at *nguyen.khoi@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us,'' and ''our'' refer to the EPA.

Table of Contents

I. Reclassification as Extreme Nonattainment and Extreme Area SIP Requirements

A. Reclassification as Extreme and Applicable Attainment Date

Effective July 20, 2012, the EPA designated and classified the Riverside County (Coachella Valley), California, nonattainment area (''Coachella Valley'') as ''Severe-15'' nonattainment for the 2008 ozone NAAQS.[1] Air quality in the Coachella Valley is jointly overseen by the South Coast Air Quality Management District (''District'') and the California Air Resources Board (CARB). The Coachella Valley is located within a portion of Riverside County, and its geographic borders also include Indian country under the jurisdiction of six federally recognized tribes.[2] Our classification of the Coachella Valley as a Severe-15 ozone nonattainment area established a requirement that the area attain the 2008 ozone NAAQS as expeditiously as practicable, but no later than 15 years from the date of designation as nonattainment, *i.e.,* July 20, 2027.[3]

On November 15, 2022, CARB submitted a request to the EPA seeking a voluntary reclassification of the Coachella Valley from Severe-15 to Extreme for the 2008 ozone NAAQS.[4] We are proposing to approve CARB's reclassification request under the ''voluntary reclassification'' provisions of section 181(b)(3) of the Act, which mandates that the EPA approve such a request. Upon final reclassification, the applicable attainment dates will be as expeditiously as practicable, but no later than 20 years from the area's date of designation as nonattainment, *i.e.,* July 20, 2032.

Because the State of California does not have jurisdiction over Indian country geographically located within the borders of the state, CARB's request to reclassify the Coachella Valley does not apply to Indian country under the jurisdiction of the tribes identified in 40 CFR 81.305. In these areas of Indian country, the EPA implements federal CAA programs, including reclassifications, consistent with our discretionary authority under sections 301(a) and 301(d)(4) of the CAA. When the EPA designated the Coachella Valley as nonattainment for the 2008 ozone NAAQS, we included the jurisdictional lands of the six federally recognized tribes located within the boundaries of the nonattainment area: the Agua Caliente Band of Cahuilla Indians; the Augustine Band of Cahuilla Mission Indians; the Cabazon Band of Cahuilla Indians;[5] the Santa Rosa Band of Cahuilla Indians; the Torres Martinez Desert Cahuilla Indians; and the Twenty-Nine Palms Band of Mission Indians.

This action does not reclassify any areas of Indian country within the Coachella Valley. Under the EPA's Consultation Policy, the EPA consults on a government-to-government basis with federally recognized tribal governments when the EPA's actions and decisions may affect tribal interests.[6] The EPA is currently undergoing this consultation process and any proposed reclassification of tribal lands will be addressed in a future rulemaking action.

[1] 77 FR 30088 (May 21, 2012). The 2008 ozone NAAQS is 0.075 parts per million (ppm), daily maximum 8-hour average. The 2008 ozone NAAQS is met at an ambient air quality monitoring site when the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentration is less than or equal to 0.075 ppm. See 40 CFR 50.15.

[2] For a precise definition of the boundaries of the Coachella Valley 2008 ozone nonattainment area, see 40 CFR 81.305.

[3] Throughout this document, we use ''Severe'' to refer to Severe areas that have 15 years to attain the ozone standards.''

[4] Letter dated November 15, 2022, from Steven S. Cliff, Executive Officer, CARB, to Martha Guzman, Regional Administrator, EPA Region IX (submitted electronically November 15, 2022).

[5] The designation table at 40 CFR 81.305 lists the Cabazon Band of Cahuilla Indians as the ''Cabazon Band of Mission Indians,'' which was the federally recognized name of the tribe at the time of the designation.

[6] The EPA's Consultation Policy is available at *https://www.epa.gov/tribal/epa-policy-consultation-and-coordination-indian-tribes.*

B. Clean Air Act Requirements for Extreme Ozone Nonattainment Area Plans

1. Extreme Area Plan Requirements

Under CAA section 182(e), an attainment plan for an Extreme nonattainment area must include the elements required for a Severe area as well as additional plan elements for an Extreme area.[7] Where applicable, the plan elements should reflect the reduction of the major source threshold under 182(e) from 25 tons per year (tpy) for a Severe area to 10 tpy for an Extreme area. The requirements for an Extreme area plan include, but are not limited to: (1) base year emissions inventory (CAA sections 172(c)(3) and 182(a)(1)); (2) emissions statement rule (CAA section 182(a)(3)(B)); (3) New Source Review (NSR) program (CAA sections 172(c)(5), 173, 182(a)(2)(C), 182(d) and 182(d)(2)); (4) additional reasonably available control technology (RACT) rules to address sources subject to the lower Extreme area major source threshold (CAA section 182(b)(2)); (5) reasonably available control measures (RACM) demonstration (CAA section 172(c)(1)); (6) attainment demonstration (CAA sections 172(c)(1) and 182(c)(2)(A)); (7) reasonable further progress (RFP) demonstration (CAA sections 172(c)(2), 182(b)(1), 182(c)(2)(B));[8] (8) contingency measures (CAA sections 172(c)(9) and 182(c)(9)); (9) enhanced vehicle inspection and maintenance program (CAA section 182(c)(3)); (10) clean fuels fleet program (CAA sections 182(c)(4)(A) and 246); (11) enhanced ambient air monitoring (CAA section 182(c)(1)); (12) transportation control strategies and measures to offset emissions increases from vehicle miles traveled (CAA section 182(d)(1)(A)); (13) CAA section 185 fee program (CAA sections 182(d)(3) and 185); and (14) use of clean fuels or advanced control technology for boilers (CAA section 182(e)(3)).

For the Coachella Valley, the District and State will need to submit a plan that includes all elements required under CAA section 182(e), and that demonstrates attainment of the 2008 ozone NAAQS as expeditiously as practicable but no later than July 20, 2032. The plan should identify adopted measures sufficient to make the required RFP and attainment demonstrations for the area.[9]

For areas initially designated Extreme, the CAA and the EPA's ozone SIP Requirements Rules (SRR) for the 2008 ozone NAAQS[10] generally provides, depending on the element, up to four years from the date of designation to submit the required SIP elements to the EPA. For the 2008 ozone NAAQS, the statutory deadline for SIP submissions for areas initially designated as Extreme was July 20, 2016. Under our general CAA section 301(a) authority, the EPA proposes to establish a deadline of 18 months from the effective date of the final reclassification for the State to submit SIP revisions addressing the Extreme area requirements for the Coachella Valley. This timeframe is consistent with how the EPA has handled establishing SIP submission deadlines under CAA section 182(i) for ozone areas reclassified by operation of law under CAA section 181(b)(2),[11] and generally aligns with the timeframe established in our prior reclassification of the Coachella Valley to Extreme for the 1997 ozone NAAQS.[12] We recognize that the District and CARB will require adequate time to develop and implement new measures and strategies, revise local rules, complete necessary analysis and demonstrations, and to provide adequate opportunities for public involvement.[13] The State must ensure that all required planning elements for an Extreme nonattainment area are satisfied, that public processes are completed, and that the resulting plan is sufficient to demonstrate attainment of the 2008 ozone NAAQS in the Coachella Valley as expeditiously as practicable but no later than July 20, 2032.

RACT controls for an area reclassified to a higher nonattainment classification should be implemented no later than the ozone season of the attainment year for the new classification, *i.e.,* the ozone season immediately preceding the maximum attainment date.[14] For the Coachella Valley, which has a year-round ozone season and which would have a July 20, 2032 attainment date for an Extreme classification, RACT controls would need to be implemented by January 1, 2031.

2. NSR and Title V Program Revisions

Reclassification to Extreme ozone nonattainment triggers several changes under the CAA's NSR and title V permitting programs. Under CAA sections 182(e) and 182(f), sources in Extreme nonattainment areas are defined as ''major sources'' of volatile organic compounds (VOC) or nitrogen oxides (NO_X) under the NSR and title V permitting programs if they emit at least 10 tpy of these pollutants, compared to 25 tpy in a Severe nonattainment area. Additionally, under CAA section 182(e)(1), emissions from new major sources of VOC or NO_X and major modifications in an Extreme nonattainment area must be offset at a rate of at least 1.5 to 1 (or at least 1.2 to 1 if the plan requires all existing major sources in the nonattainment area to use best available control technology). Further, under CAA section 182(e)(2), any change at a major stationary source that results in an increase in emissions from any discrete operation, unit, or other pollutant emitting activity at the source is generally considered a modification, subject to additional provisions for emissions increases that are offset through internal reductions and for equipment that is installed to comply with CAA requirements.

Accordingly, in addition to the required plan revisions discussed in section I.B.1 of this action, we are proposing to require the State to submit revised rules for the Coachella Valley that reflect the Extreme area definitions for new major sources and major modifications, and that increase the offset ratios for these sources and modifications consistent with CAA section 182(e)(1) and (2), by no later than 18 months from the effective date of the EPA's final reclassification of the area to Extreme. We are also proposing to require the State to submit any changes to the title V operating permits program for the Coachella Valley necessary to reflect the change in the major source threshold from 25 (tpy) for

[7] CAA section 182(e) specifically excludes certain Severe area requirements from the Extreme area requirements, *e.g.,* CAA section 182(c)(6), (7), and (8).

[8] CAA section 182(e) does not allow the state to use the provision at CAA section 182(c)(2)(B)(ii) that allows RFP reductions of less than three percent per year based on additional demonstrations.

[9] CAA section 182(e)(5) allows the EPA to approve an Extreme area attainment demonstration based on anticipated development of new control techniques or improvement of existing control technologies. This option requires a state to demonstrate that provisions based on these new techniques or improvements are not necessary to meet emission reductions required within the first 10 years after an area's designation as Extreme, and to submit, at least three years before implementation of the proposed provisions relying on new technology, contingency measures to be implemented in case the anticipated technologies do not achieve the planned reductions. Based on the shorter timeline to attainment (roughly nine years from reclassification), use of CAA section 182(e)(5) is not appropriate in this instance.

[10] The EPA promulgated the SRR for the 2008 ozone NAAQS at 40 CFR part 52, subpart AA.

[11] See 87 FR 60926 (October 7, 2022) (providing 18 months from effective date of final reclassification of areas to Severe). See also discussion in proposal at 87 FR 21825, 21838.

[12] 85 FR 2311 (January 15, 2020) (establishing deadline roughly 19 months after reclassification effective upon publication).

[13] See id. at 2312.

[14] See 40 CFR 51.1312(a)(3)(ii).

Severe areas to 10 tpy for Extreme areas by no later than 18 months from the effective date of final reclassification. The rationale for the EPA's deadline of 18 months from the effective date of the final action for this reclassification is discussed in Section I.B.1.

State lands in the Coachella Valley are already classified as Extreme for the 1997 ozone NAAQS,[15] and we recognize that certain Extreme area requirements may already be met through existing rules. In lieu of submitting new revised regulations to address these requirements, the State may provide a written statement certifying that it has determined that existing regulations are adequate to meet the applicable nonattainment area planning requirements of CAA section 182.

II. Motor Vehicle Emissions Budgets

Under our transportation conformity rule, as a general matter, once motor vehicle emission budgets (''budgets'') are approved, they can only be superseded by revised budgets that the EPA approves as a SIP revision. In other words, approved budgets generally cannot be superseded through an EPA adequacy finding of revised budgets, but rather only through EPA approval of the revised budgets, unless the initial approval of the budgets specifies that the EPA is limiting the duration of the approval to last only until subsequently submitted budgets are found adequate.[16]

In our previous action on the Severe area plan, we limited the duration of the approval of the budgets to last only until the effective date of the EPA's adequacy finding for any subsequently submitted budgets.[17] We limited our approval in response to a request by CARB, in light of the EPA's then-recent approval of EMFAC2017 as an updated version of the model (EMFAC2014) used for the budgets in the 2016 Coachella Valley Ozone SIP.[18] CARB stated that without the ability to replace the budgets using the budget adequacy process, the benefits of using the updated data might not be realized for a year or more after the updated SIP revision (with the EMFAC2017-derived budgets) was submitted, due to the length of the SIP approval process. We found CARB's explanation appropriate and accordingly limited the duration of the budgets.

As part of the recent reclassification request, the State also requested that the EPA revise our previous limited approval of the budgets for the Coachella Valley to allow the existing SIP-approved budgets for the Severe area plan to be replaced with new budgets for the Extreme area plan. Similar to the previous request, CARB indicated that the new budgets being developed for the SIP will be based on EMFAC2017, whereas the budgets for the SIP-approved Severe area plan were developed using EMFAC2014. We find that CARB's explanation for limiting the duration of the approval of the budgets is still appropriate and provides us with a reasonable basis on which to continue to limit the duration of the approval of the budgets to the new Extreme area plan. We also note that on November 15, 2022, the EPA approved and announced the availability of EMFAC2021 for use by State and local governments to meet CAA requirements.[19] Therefore, we propose to continue to limit the duration of our approval of the budgets in the 2016 Coachella Valley Ozone SIP until we find revised budgets developed for the Extreme area plan to be adequate.

III. Summary of Proposed Action and Request for Public Comment

Pursuant to CAA section 181(b)(3), we are proposing to grant CARB's request to reclassify the Coachella Valley ozone nonattainment area from Severe-15 to Extreme for the 2008 ozone NAAQS. Upon reclassification, the new attainment dates for the Coachella Valley ozone nonattainment area would be as expeditiously as practicable, but no later than July 20, 2032, for the 2008 ozone NAAQS. This action would not reclassify any areas of Indian country within the Coachella Valley. The EPA is proposing to establish a deadline of no later than 18 months from the effective date of the final reclassification action for the State to submit revisions to the Coachella Valley portion of the California SIP to meet the additional requirements applicable to Extreme ozone nonattainment areas.

Lastly, the EPA is proposing to continue to limit the duration of our approval of the budgets in the 2016 Coachella Valley Ozone SIP until we find revised budgets developed for the Extreme area plan to be adequate.

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.

IV. Statutory and Executive Order Reviews

Under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011), this proposed action is not a ''significant regulatory action'' and therefore is not subject to Executive Order 12866. With respect to lands under state jurisdiction, voluntary reclassifications under CAA section 181(b)(3) of the CAA are based solely upon requests by the state, and the EPA is required under the CAA to grant them. These actions do not, in and of themselves, impose any new requirements on any sectors of the economy. In addition, because the statutory requirements are clearly defined with respect to the differently classified areas, and because those requirements are automatically triggered by reclassification, reclassification does not impose a materially adverse impact under Executive Order 12866. With respect to Indian country, reclassifications do not establish deadlines for air quality plans or plan revisions. For these reasons, this proposed 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).

In addition, I certify that this proposed action 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.*), and that this proposed action 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), because the EPA is required to grant requests by states for voluntary reclassifications and such reclassifications in and of themselves do not impose any federal intergovernmental mandate, and because tribes are not subject to implementation plan submittal deadlines that apply to states as a result of reclassifications.

[15] 84 FR 32841 (July 10, 2019).

[16] 40 CFR 93.118(e)(1).

[17] 85 FR 57714 (September 16, 2020).

[18] EMFAC is short for EMission FACtor. On December 15, 2015, the EPA approved EMFAC2014 for use by State and local governments to meet CAA requirements. 80 FR 77337. On August 15, 2019, the EPA approved and announced the availability of EMFAC2017 for use by State and local governments to meet CAA requirements. See 84 FR 41717.

[19] 87 FR 68483 (November 15, 2022). As indicated in this action, the CAA requires that SIP inventories and control measures be based on the most current information and applicable models that are available when a SIP revision is developed and thus there is no grace period for use of EMFAC2021 in SIP revisions. However, the EPA also recognizes the time and level of effort that air quality planning agencies may have already undertaken in SIP development using EMFAC2017. Agencies should consult with EPA Region IX if they have questions about how the EPA's approval of EMFAC2021 affects SIP revisions under development in specific nonattainment or maintenance areas.

This proposed action also does not have tribal implications because it will 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).

Executive Order 12898 (59 FR 7629, February 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 State did not evaluate environmental justice considerations as part of its reclassification request. There is no information in the record inconsistent with the stated goals of Executive Order 12898 of achieving environmental justice for people of color, low-income populations, and indigenous peoples.

This proposed action also does not have federalism implications because it does not have substantial direct effects on the states, on the relationship between the national government and the states, nor 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). This proposed action does not alter the relationship or the distribution of power and responsibilities established in the CAA.

This proposed action also is not subject to Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because the EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation.

Reclassification actions do not involve technical standards and 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. This proposed action 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 81

Environmental protection, Air pollution control, Intergovernmental relations, Ozone.

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

Dated: January 5, 2023.

Martha Guzman Aceves,

Regional Administrator, Region IX.

[FR Doc. 2023–00330 Filed 1–10–23; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Parts 8 and 197

[Docket No. USCG–1998–3786]

RIN 1625–AA21

Commercial Diving Operations

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking; withdrawal.

SUMMARY: The Coast Guard is withdrawing the proposed rule entitled ''Commercial Diving Operations'' published in the **Federal Register** on February 19, 2015. We are taking this action because there have been changes in the industry since we published the NPRM in 2015, including new standards and technologies. We have concluded that the rule we proposed in 2015 is no longer appropriate in light of those changes. The Coast Guard may issue a new rulemaking in the future if warranted.

DATES: The advance notice of proposed rulemaking published on June 26, 1998 (63 FR 34840); comment period extended on September 23, 1998 (63 FR 50848); second advance notice of proposed rulemaking published on January 6, 2009 (74 FR 414); notice of proposed rulemaking published on February 19, 2015 (80 FR 9151), and reopening of comment period on August 24, 2015 (80 FR 51173) are withdrawn as of January 11, 2023.

ADDRESSES: The docket for this withdrawal is available at the Federal eRulemaking Portal at *https://www.regulations.gov.* Please search for docket number USCG–1998–3786.

FOR FURTHER INFORMATION CONTACT: For information about this document call or email Kenneth A. Smith, General Engineer, Vessel and Facility Operating Standards Division, CG–OES–2, U.S. Coast Guard; telephone 202–372–1413, email *Ken.A.Smith@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Background

On February 19, 2015, the Coast Guard published a notice of proposed rulemaking (NPRM) titled ''Commercial Diving Operations'' in the **Federal Register** (80 FR 9152).[1] The intent of the proposed rulemaking was to amend the regulations for commercial diving conducted from deepwater ports or deepwater port safety zones, in connection with Outer Continental Shelf activities, or from vessels that are required to have a Coast Guard certificate of inspection. The proposed rulemaking sought to amend these regulations to improve the safety of people and property involved in commercial diving operations and to protect the environment in which they operate, as well as to include current industry best practices. The proposed regulations also aimed to allow the Coast Guard to approve independent third-party organizations to assist with ensuring regulatory compliance of commercial diving regulations.

Withdrawal

The Coast Guard is withdrawing the proposed rule published on February 19, 2015. Upon further review of commercial diving technologies and standards, it is evident that significant changes have occurred in the industry and we no longer consider the original proposal an appropriate solution.

The Coast Guard will continue to assess the standards and technologies used and practiced in the commercial diving industry, support the continued development of commercial diving standards to improve commercial diving safety, oversee the work of recognized organizations, and request input from our Federal advisory committees as appropriate. The Coast Guard may decide to develop new rulemaking proposals in the future, but Unified Agenda item 1625–AA21 will be withdrawn once this notice is published.

This notice is issued under authority of 5 U.S.C. 552(a).

Dated: January 4, 2023.

W.R. Arguin,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Prevention Policy.

[FR Doc. 2023–00207 Filed 1–10–23; 8:45 am]

BILLING CODE P

[1] The Coast Guard published four additional documents related to the 2015 NPRM. We issued our first advance notice of proposed rulemaking (ANPRM) on June 26, 1998 (63 FR 34840) and extended the comment period on September 23, 1998 (63 FR 50848). On January 6, 2009, we published a second ANPRM (74 FR 414). After publishing the 2015 NPRM, we reopened the comment period on August 24, 2015 (80 FR 51173).