

TABLE 1—ONE-HOUR OZONE DATA FOR THE SOUTHEAST DESERT 1-HOUR OZONE NONATTAINMENT AREA

General location	Site (AQS ID)	Expected exceedances by year			Expected exceedances 3-year average 2011–2013
		2011	2012	2013	
Antelope Valley/Los Angeles County	Lancaster (06–037–9033)	0.0	0.0	0.0	0.0
Coachella Valley/Riverside County	Indio (06–065–2002)	0.0	0.0	0.0	0.0
Coachella Valley/Riverside County	Palm Springs (06–065–5001)	0.0	1.0	0.0	0.3
Northern portion of SE Desert AQMA/San Bernardino County	Barstow (06–071–0001)	0.0	0.0	0.0	0.0
SW portion of SE Desert AQMA/San Bernardino County	Hesperia (06–071–4001)	1.0	0.0	0.0	0.3
SW portion of SE Desert AQMA/San Bernardino County	Phelan (06–071–0012)	0.0	0.0	0.0	0.0
SW portion of SE Desert AQMA/San Bernardino County	Victorville (06–071–0306)	0.0	0.0	0.0	0.0
Joshua Tree National Park/San Bernardino County	Yucca Valley (06–071–9002)	0.0	0.0	0.0	0.0

Source: AQS Quick Look Report, May 9, 2014 (in the docket to this proposed action).

Generally, the highest ozone concentrations in the Southeast Desert occur in the far southwestern portion of the area, near mountain passes through which pollutants are transported to the Southeast Desert from the South Coast Air Basin. As shown in table 1, the highest three-year average of expected exceedances at any site in the Southeast Desert for 2011–2013 is 0.3 at Palm Springs in Riverside County and Hesperia in San Bernardino County. The calculated exceedance rate of 0.3 represents attainment of the 1-hour ozone standard (a three-year average of expected exceedances less than or equal to 1).

Taking into account the extent and reliability of the applicable ozone monitoring network, and the data collected therefrom and summarized in table 1, we propose to determine that the Southeast Desert has attained the 1-hour ozone standard (as defined in 40 CFR part 50, appendix H) based on the most recent three years of monitoring data for the area (2011–2013). Data for 2014 will be reviewed prior to our final action to ensure that it is consistent with continued attainment of the 1-hour ozone standard in the Southeast Desert.

III. Proposed EPA Action and Request for Public Comment

EPA is proposing to determine that the Southeast Desert Area has attained the 1-hour ozone standard based on complete, quality-assured and certified ambient air quality monitoring data for the 2011–2013 monitoring period.

EPA is soliciting public comments on the issues discussed in this document or on other relevant matters. We will accept comments from the public on this proposal for the next 30 days. We will consider these comments before taking final action.

IV. Statutory and Executive Order Reviews

This action proposes to make a determination based on air quality data and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999); is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and,
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Oxides of nitrogen, Ozone, Volatile organic compounds.

Dated: August 12, 2014.

Alexis Strauss,

Acting Regional Administrator, Region IX.

[FR Doc. 2014–20220 Filed 8–22–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–HQ–OAR–2012–0233; FRL–9915–73–OAR]

Air Quality Designations for the 2010 Sulfur Dioxide (SO₂) Primary National Ambient Air Quality Standard: Notice of Action Denying Petitions for Reconsideration and Stay Request

AGENCY: Environmental Protection Agency.

ACTION: Action denying petitions for reconsideration and stay request.

SUMMARY: The Environmental Protection Agency (EPA) is providing notice that it has responded to two petitions for reconsideration of a rule published in the **Federal Register** on August 5, 2013, that promulgated the initial air quality designations for the 2010 Primary SO₂ National Ambient Air Quality Standard (NAAQS) for certain areas in the United States. The rule is titled “Air Quality Designations for the 2010 Sulfur Dioxide (SO₂) Primary National

Ambient Air Quality Standard.” One petition was submitted by the Treasure State Resource Industry Association and Yellowstone County, and the other petition was submitted by the Montana Sulphur and Chemical Company (the Petitioners). The EPA carefully considered these petitions and supporting information, along with information contained in the rulemaking docket, in reaching decisions on these petitions. The EPA denied the petitions for reconsideration in separate letters to the Petitioners dated August 14, 2014. The letters explain the EPA’s reasons for the denials. One of the Petitioners also requested that the EPA stay the

effectiveness of the designations rule, pending reconsideration. Because the EPA denied the reconsideration requests, the EPA also denied the stay request.

DATES: The petitions for reconsideration and stay request were denied August 14, 2014.

FOR FURTHER INFORMATION CONTACT: Rhonda Wright, Air Quality Policy Division, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Mail code C539-04, Research Triangle Park, NC 27711; telephone: (919) 541-1087; email: wright.rhonda@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Where can I get copies of this document and other related information?

This **Federal Register** notice, the petitions for reconsideration and the response letters to the Petitioners are available in the EPA’s docket established for the rulemaking to promulgate the air quality designations for the 2010 SO₂ NAAQS, under Docket ID No. EPA-HQ-OAR-2012-0233. The table below identifies the Petitioners, the date the EPA received the petitions, the document identification number of the petitions, the date of the EPA’s responses and the document identification numbers for the EPA’s responses.

Petitioner	Dates of petitions to the EPA	Petition: document No. in docket	Date of the EPA response	The EPA response: document No. in docket
Billings, MO Nonattainment Area				
Montana Sulphur & Chemical Company ... Treasure State Resource Industry Association and Yellowstone County.	October 4, 2013	-0356	August 14, 2014	[INSERT No.]
	November 26, 2013	-0360	August 14, 2014	[INSERT No.]

All documents in the docket are listed in the index at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., confidential business information or other information where 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 through <http://www.regulations.gov> or in hard copy at EPA’s Docket Center, Public Reading Room, U.S. Environmental Protection Agency, William Jefferson Clinton West Building, 1301 Constitution Avenue, Northwest, Room 3334, Washington, DC 20004. This Docket Center is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air Docket is (202) 566-1742.

In addition, the EPA has established a Web site for the SO₂ designations rulemaking at <http://www.epa.gov/so2designations>. This **Federal Register** notice, the petitions for reconsideration and the response letters to the Petitioners are also available on this Web site along with other information relevant to the designations process.

II. Judicial Review

Section 307(b)(1) of the Clean Air Act indicates which Federal Courts of Appeal have venue for petitions for review of final actions by the EPA. This section provides, in part, that petitions for review must be filed in the Court of Appeals for the District of Columbia Circuit (i) when the agency action consists of “nationally applicable regulations promulgated, or final actions taken, by the Administrator,” or (ii) when such action is locally or regionally applicable, if “such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.” In the rule establishing air quality designations for the 2010 SO₂ NAAQS, the EPA determined that the actions are of nationwide scope and effect for the purposes of section 307(b)(1). [See 78 FR 47191, 47197 (August 5, 2013)].

The EPA has determined that its actions denying these petitions for reconsideration also are of nationwide scope and effect because they directly relate to the SO₂ designations rulemaking that the EPA previously determined is of nationwide scope and effect. Thus, any petition for review of the final letters denying the petitions for reconsideration must be filed in the Court of Appeals for the District of Columbia Circuit on or before October 24, 2014.

Dated: August 15, 2014.

Janet McCabe,

Acting Assistant Administrator, Office of Air Radiation.

[FR Doc. 2014-20216 Filed 8-22-14; 8:45 am]

BILLING CODE 6560-50-P

COUNCIL ON ENVIRONMENTAL QUALITY

40 CFR Parts 1500, 1501, 1502, 1503, 1505, 1506, 1507, and 1508

Effective Use of Programmatic NEPA Reviews

AGENCY: Council on Environmental Quality.

ACTION: Notice of Availability, Request for Public Comments on Draft Guidance on Effective Use of Programmatic National Environmental Policy Act Reviews.

SUMMARY: The Council on Environmental Quality (CEQ) is publishing draft guidance on when and how Federal agencies can effectively use National Environmental Policy Act (NEPA) programmatic reviews. Guidance on programmatic NEPA reviews has been requested by the agencies and attention on programmatic NEPA reviews has increased as agencies are increasingly undertaking broad landscape scale analyses for proposals that affect the resources they manage. This guidance is designed to assist agency decision-makers and the public