

Federal agencies and the States and establishes specific review procedures the Federal government must follow as it carries out policies which affect state or local governments. OSHA has included in the Background section of today's request for public comments an explanation of the relationship between Federal OSHA and the State Plans under the OSH Act. Although it appears that the specific consultation procedures provided in section 6 of Executive Order 13132 are not mandatory for final approval-related decisions under the OSH Act (including revocation of final approval), which neither impose a burden upon the state nor generally involve preemption of any state law, OSHA has nonetheless consulted extensively with Arizona on the matter of maintaining its State Plan in compliance with Federal OSHA.

### VIII. Regulatory Flexibility Act

OSHA certifies pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) that this reconsideration and proposed revocation, if finalized, will not have a significant economic impact on a substantial number of small entities. OSHA's decision to reconsider and proposal to revoke the affirmative Section 18(e) determination granting final approval of the Arizona State Plan would not place small employers in Arizona under any new or different requirements beyond what the State Plan was required to adopt to remain at least as effective as OSHA. No additional burden would be placed upon the State government beyond the responsibilities already assumed as part of the approved plan.

#### List of Subjects in 29 CFR Part 1952

State Plans, Approval.

#### Authority and Signature

Douglas L. Parker, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC, authorized the preparation of this notice. OSHA is issuing this notice under the authority specified by Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667), Secretary of Labor's Order No. 8-2020 (85 FR 58393 (Sept. 18, 2020)), and 29 CFR parts 1902, 1952, 1953, 1954, and 1955.

Signed in Washington, DC.

**Douglas L. Parker,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

For the reasons stated in the preamble, OSHA proposes to amend 29 CFR part 1952 as follows:

#### PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

■ 1. The authority citation for part 1952 is revised to read as follows:

**Authority:** Sec. 18, 84 Stat. 1608 (29 U.S.C. 667); 29 CFR part 1902; Secretary of Labor's Order No. 1-2012 (77 FR 3912, Jan. 25, 2012), or 8-2020 (85 FR 58393, Sept. 18, 2020), as applicable.

#### Subpart A—List of Approved State Plans for Private-Sector and State and Local Government Employees

■ 2. Amend § 1952.19 by redesignating paragraph (d) as paragraph (e) and adding a new paragraph (d) to read as follows:

##### § 1952.19 Arizona.

\* \* \* \* \*

(d) On [DATE OF FINAL DETERMINATION], OSHA modified the State Plan's approval status from final approval to initial approval, and reinstated concurrent Federal authority pending a determination as to whether OSHA will make a new final approval determination or withdraw the State Plan's approval under part 1955. All issues over which OSHA decides to assume enforcement authority, as well as any operational status agreement entered into by OSHA and Arizona, will be announced in the **Federal Register**.

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#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 52

[EPA-R09-OAR-2022-0173; FRL-9702-01-R9]

#### Air Plan Approval; Nevada; Clark County Department of Environment and Sustainability

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a revision to the Clark County Department of Environment and Sustainability (DES) portion of the Nevada State

Implementation Plan (SIP). This revision clarifies and amends an administrative rule consistent with changes to state statutes and county code.

**DATES:** Comments must be received on or before May 23, 2022.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R09-OAR-2022-0173 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:** Christine Vineyard, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 947-4125 or by email at [vineyard.christine@epa.gov](mailto:vineyard.christine@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document, "we," "us" and "our" refer to the EPA. This proposal addresses the following local rule: Clark County DES Section 4, Control Officer, revised 12/17/19 and submitted 3/16/20. Elsewhere, in the Rules and Regulations section of this **Federal Register**, we are approving the local rule in a direct final action without prior proposal because we believe this SIP revision is not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the

comments in subsequent action based on this proposed rule.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this

time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: April 13, 2022.

**Deborah Jordan,**

*Acting Regional Administrator, Region IX.*

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