U.S. INTERNATIONAL DEVELOPMENT FINANCE CORPORATION

22 CFR Part 708

Sunshine Act Regulations

AGENCY: United States International Development Finance Corporation.

ACTION: Final rule.

SUMMARY: Under the Better Utilization of Investments Leading to Development (BUILD) Act of 2018, the United States International Development Finance Corporation (DFC) adopted the regulations of its predecessor, the Overseas Private Investment Corporation (OPIC). One of these regulations implemented the Sunshine Act, which is not applicable to DFC. Accordingly, to ensure DFC is implementing and complying with applicable regulations, this final rule removes the agency’s Sunshine Act regulations.

DATES: This rule is effective on April 13, 2020.

FOR FURTHER INFORMATION CONTACT:
Nichole Skoyles, Administrative Counsel, 202–336–8400, fedreg@dfc.gov.

SUPPLEMENTARY INFORMATION: The Better Utilization of Investments Leading to Development (BUILD) Act of 2018, 22 U.S.C. 9601 et seq., created the United States International Development Finance Corporation (DFC) by bringing together the Overseas Private Investment Corporation (OPIC) and the Development Credit Authority (DCA) office of the United States Agency for International Development (USAID). The BUILD Act specified that completed administrative actions, including rules, would be transferred from OPIC to DFC, see 22 U.S.C. 9686(a), and permitted OPIC employees to act in furtherance of that transfer, see 22 U.S.C. 9682.

Accordingly, OPIC’s rules, located in chapter 22 of the Code of Federal Regulations, were transferred to DFC in a rulemaking published at 84 FR 37751 on August 2, 2019. Although OPIC’s administrative actions transferred to DFC, the two agencies have significant differences. To facilitate the transition, DFC’s Office of General Counsel (OGC) is reviewing how these differences impact the agency. As part of this review, OGC determined that the Sunshine Act, 5 U.S.C. 552b (“Sunshine Act” or “Act”), is not applicable to DFC because DFC does not meet the definition of “agency” under the Act. The sunshine Act applies only to agencies “headed by a collegial body composed of two or more individual members, a majority of whom are appointed to such position by the President with the advice and consent of the Senate.” 5 U.S.C. 552b(a)(1). Only four of the nine DFC board members are appointed by the President with the advice and consent of the Senate solely for the purpose of serving on DFC’s Board. See 22 U.S.C. 9613(b)(2)(iii). The remaining five board members hold their position by virtue of appointment to a different office and therefore do not count toward the majority required by the sunshine Act’s definition of “agency.” See Whether the Millennium Challenge Corporation Should Be Considered an “Agency” for Purposes of the Open Meeting Requirements of the Sunshine Act, 37 Op. O.L.C. (May 3, 2013). Accordingly, the sunshine Act is not applicable to DFC. The U.S. Department of Justice Office of Legal Counsel (OLC) concurs with DFC in this determination, which is a consistent interpretation held by OLC since at least 1976, and which the D.C. Circuit adopted in Symons v. Chrysler Corp. Loan Guarantee Board, 670 F.2d 238 (D.C. Cir. 1981). DFC’s Board will continue to hold at least two public hearings per year in accordance with 22 U.S.C. 9613(c) and provide public notification for certain projects in accordance with 22 U.S.C. 9671(e)(2).

List of Subjects in 22 CFR Part 708

Sunshine Act.

PART 708—[REMOVED AND RESERVED]

§ 708.1 General.

§ 708.6 Brewery products not covered by this part.

§ 708.6 brewery products not covered by this part.

§ 7.25 Name and address. [Corrected]

§ 7.25 name and address. [Corrected]

§ 7.29 [Amended] [Corrected]

§ 7.29 [Amended] [Corrected].
ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

Air Plan Approval; Missouri; Control of Emissions From the Manufacturing of Paints, Varnishes, Lacquers, Enamels, and Other Allied Surface Coating Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a revision to the State Implementation Plan (SIP) for the State of Missouri for a regulation that controls emissions from facilities that manufacture paints, varnishes, enamels, and other allied surface coating products. This final action will amend the SIP to include adding incorpations by reference, including definitions specific to the rule, revising unnecessarily restrictive language, and making other administrative wording changes. The EPA’s approval of these rule revisions is being done in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on May 13, 2020.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2020–0033. All documents in the docket are listed on the https://www.regulations.gov website. 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 through https://www.regulations.gov or please contact the person identified in the FOR FURTHER INFORMATION CONTACT section for additional information.

FOR FURTHER INFORMATION CONTACT: Will Stone, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number (913) 551–7714; email address stone.william@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document “we,” “us,” and “our” refer to EPA.

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I. What is being addressed in this document?

The EPA is approving revisions to 10 Code of State Regulation (CSR) 10–2.300, Control of Emissions from the Manufacturing of Paints, Varnishes, Lacquers, Enamels and Other Allied Surface Coating Products in the Missouri SIP. Approval of these revisions will ensure consistency between State and federally approved rules. The EPA has determined that these changes will not adversely impact air quality.

IV. What action is the EPA taking?

The EPA is taking final action to approve revisions to 10 CSR 10–2.300, Control of Emissions from the Manufacturing of Paints, Varnishes, Lacquers, Enamels and Other Allied Surface Coating Products in the Missouri SIP. Approval of these revisions will ensure consistency between State and federally approved rules. The EPA has determined that these changes will not adversely impact air quality.

V. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Missouri Regulations described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these materials generally available through www.regulations.gov and at the EPA Region 7 Office (please contact the person identified in the FOR FURTHER INFORMATION CONTACT section of this preamble for more information).

Therefore, these materials have been approved by the EPA for inclusion in the State Implementation Plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA’s approval, and will be incorporated by reference in the next update to the SIP compilation.1

1 62 FR 27968 (May 22, 1997).