TABLE 5—STATE OF OREGON AIR QUALITY CONTROL PROGRAM APPROVED BUT NOT INCORPORATED BY REFERENCE—Continued

<table>
<thead>
<tr>
<th>Name of SIP provision</th>
<th>Applicable geographic or nonattainment area</th>
<th>State submittal date</th>
<th>EPA approval date</th>
<th>Explanations</th>
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<td><strong>EPA-Approved Oregon State Directives</strong></td>
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**ENVIRONMENTAL PROTECTION AGENCY**

40 CFR Part 52

Approval and Promulgation of Implementation Plans

§ 52.2020 Identification of plan.

* * * * *

CFR Correction

(1) * * *

In Title 40 of the Code of Federal Regulations, Protection of Environment,

<table>
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<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Additional explanation/§ 52.2063 citation</th>
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**ENVIRONMENTAL PROTECTION AGENCY**

40 CFR Part 81


Air Quality Designation; TN: Redesignation of the Sumner County 2010 Sulfur Dioxide Unclassifiable Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a submission by the State of Tennessee, through the Tennessee Department of Environment and Conservation (TDEC), on September 29, 2020, to redesignate the Sumner County, Tennessee, unclassifiable area (hereinafter referred to as the “Sumner County Area” or “Area”) to attainment/unclassifiable for the 2010 1-hour primary sulfur dioxide (SO₂) national ambient air quality standard (hereinafter referred to as the 2010 SO₂ 1-hour NAAQS). EPA now has sufficient information to determine that the Sumner County Area is attaining the 2010 1-hour SO₂ NAAQS and is approving the State’s request and redesignating the Area to attainment/unclassifiable for the 2010 1-hour SO₂ NAAQS.

DATES: This rule is effective June 24, 2021.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2020–0482. All documents in the docket are listed on the www.regulations.gov website. Although listed in the index, some information may not be publicly available, i.e., Confidential Business Information 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 either electronically through www.regulations.gov or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the FOR FURTHER INFORMATION...
On June 2, 2010, EPA revised the
and implementation of the national
establishes a process for air quality
excluding Federal holidays.
through Friday 8:30 a.m. to 4:30 p.m.,
official hours of business are Monday
inspection. The Regional Office’s

designate all areas of the country,
by telephone at (404) 562–9009 or via electronic mail at
SUPPLEMENTARY INFORMATION:
I. Background
The Clean Air Act (CAA or Act)
establishes a process for air quality
management through the establishment
and implementation of the national ambient air quality standards (NAAQS).
On June 2, 2010, EPA revised the
primary SO\textsubscript{2} NAAQS, establishing a new
1-hour SO\textsubscript{2} standard of 75 parts per billion (ppb). See 75 FR 35520 (June 22,
2010).\textsuperscript{1} After the promulgation of a new
or revised NAAQS, EPA is required to
designate all areas of the country,
pursuant to section 107(d)(1)–(2) of the
CAA. For the 2010 1-hour SO\textsubscript{2} NAAQS,
designations were based on EPA’s
application of the nationwide analytical
approach to, and technical assessment
of, the weight of evidence for each area,
including but not limited to available air
quality monitoring data and air quality
modeling results. In advance of
designating the Sumner County Area,
EPA issued updated designations
guidance through a March 20, 2015,
memorandum from Stephen D. Page,
Director, U.S. EPA, Office of Air Quality
Planning and Standards, to Air Division
Directors, U.S. EPA Regions 1–10, titled
“Updated Guidance for Area
Designations for the 2010 Primary
Sulfur Dioxide National Ambient Air
Quality Standard,”\textsuperscript{2} which contains the
factors that EPA evaluated in
determining the appropriate
designations and associated boundaries
when designating the Sumner County
Area, including: (1) Air quality
characterization via ambient monitoring
or dispersion modeling results; (2)
emissions-related data; (3) meteorology;
(4) geography and topography; and (5)
boundary conditions.\textsuperscript{3, 4}
The
guidance also references EPA’s non-
binding Monitoring Technical
Assistance Document (Monitoring TAD)
and Monitoring Technical Assistance
Document (Modeling TAD),\textsuperscript{5} which
contain scientifically sound
recommendations on how air agencies
should conduct such monitoring or
modeling.
EPA completed the first set of initial
area designations for the 2010 1-hour
SO\textsubscript{2} NAAQS in 2013 (Round 1).
Pursuant to a March 2, 2015, consent
decree and court-ordered schedule,\textsuperscript{6} EPA finalized a second set of initial area
designations for the 2010 1-hour SO\textsubscript{2}
NAAQS in 2016 (Round 2). The March 2,
2015, consent decree identified the
following emissions criteria such that
EPA must designate, in Round 2, an area
surrounding any stationary source
which had: (a) Annual emissions in
2012 exceeding 16,000 tons of SO\textsubscript{2},
or (b) both an annual average emissions
rate of at least 0.45 pounds of SO\textsubscript{2}
per one million British thermal units,
according to EPA’s Clean Air Markets
Division Database, and annual
emissions of at least 2,600 tons of SO\textsubscript{2}
in 2012. Sumner County, Tennessee,
contained one source, Tennessee Valley
Authority (TVA) Gallatin Fossil Plant
(TVA Gallatin), that met these Round 2
1-hour SO\textsubscript{2} criteria. EPA evaluated the
five factors identified previously
during the Round 2 designations. TVA
Gallatin is a large Electric Generating
Unit located in north central Tennessee
in the southern portion of Sumner
County, approximately five kilometers
(km) southeast of the center of Gallatin,
Tennessee. The facility was included in
the list of facilities to be designated
pursuant to the March 2, 2015, Consent
Decree.\textsuperscript{6-7}

\textsuperscript{1} On February 25, 2019 (effective April 17, 2019),
EPA finalized a new non-binding TAD for the 2010
SO\textsubscript{2} NAAQS. The new SO\textsubscript{2} TAD
categorized nonattainment areas and
implementing nonattainment status
based on 3-year average annual
emissions of at least 2,000 tons of SO\textsubscript{2}
and a maximum annual concentration
during any year of at least 15
parts per billion.

\textsuperscript{2} The 2015 memorandum is available at
https://www.epa.gov/sites/production/files/2016-
06/documents/tn.pdf.

\textsuperscript{3} The 2015 memorandum is available at
https://www.epa.gov/sites/production/files/2016-
04/documents/20150320so2designations.pdf.

\textsuperscript{4} On September 29, 2020, Tennessee
submitted a request for EPA to
redesignate the Sumner County Area as
unattainable/unclassifiable for the 2010 1-
hour primary SO\textsubscript{2} NAAQS based on air
quality dispersion modeling showing
that the Area is in compliance with the
2010 1-hour primary SO\textsubscript{2} NAAQS.

\textsuperscript{5} The demonstration of attainment through air
quality dispersion modeling requires an area to
review and report annual SO\textsubscript{2} emissions pursuant
to DRR ongoing verification at 40 CFR §120.5(b).
In its September 29, 2020, redesignation request
letter, Tennessee also requested to terminate the
section 51.1205(b) annual reporting requirement
because the modeling analyses demonstrated a
value of at least 50 percent below the 2010 1-hour
SO\textsubscript{2} NAAQS at all receptors. EPA will address the
annual reporting termination request in a separate
action which has no bearing on the final approval of
the redesignation.

\textsuperscript{6} EPA’s March 20, 2015, guidance
specified the designation category
definitions to be used in the Round 2
designations.\textsuperscript{8} EPA was unable to
determine whether the Sumner County
Area met the definition of a
nonattainment area or the definition of an
attainment area based on the
available information at the time of the
Round 2 designations. As a result, EPA
designated the Sumner County Area as
unclassifiable in the Round 2
designations published on July 12,
2016.\textsuperscript{9} The boundary for this
designation was the jurisdictional
boundary of Sumner County.

In support of this final redesignation
action, EPA evaluated new modeling for
the Sumner County Area provided by
Tennessee and developed a new
technical support document (TSD).\textsuperscript{11}

The updated modeling was performed using the current version of EPA’s recommended dispersion model, AERMOD version 19191, with the most recent three years of actual SO2 emissions (2017–2019) from the TVA Gallatin facility and concurrent meteorology data.15

After reviewing Tennessee’s request under CAA section 107(d)(3)(D) and all available information, EPA has determined that the modeling provided by the State comports with EPA’s current Modeling TAD and EPA’s Guideline on Air Quality Models (40 CFR part 51 Appendix W) and is acceptable for assessing the attainment status of the Sumner County Area. The State’s modeling indicates that the predicted maximum design value at any receptor in the modeling domain is 60.5 micrograms per cubic meter (μg/m3), or 23.1 ppb. EPA’s review confirms that the modeling results appropriately characterize the air quality in the Sumner County Area and that predicted ambient SO2 concentrations are below the 2010 1-hour SO2 NAAQS of 196.4 μg/m3, or 75 ppb. Additionally, there is no evidence of monitored or modeled violations in the surrounding counties such that the source is contributing to any nearby area that does not meet the NAAQS.

EPA is taking final action to approve Tennessee’s redesignation request and is redesignating the entirety of Sumner County that was designated as unclassifiable in July 2016 to attainment/unclassifiable based on the currently available information that demonstrates attainment of the 2010 1-hour SO2 NAAQS.16 In a notice of proposed rulemaking (NPRM) published on March 5, 2021 (86 FR 12892), EPA proposed to approve the State’s redesignation request. The details of Tennessee’s submittal and the rationale for EPA’s actions are further explained in the NPRM. Comments on the NPRM were due on or before April 5, 2021. EPA did not receive any adverse comments on the action.

III. Final Action

EPA is approving Tennessee’s September 29, 2020, request to redesignate the Sumner County Area from unclassifiable to attainment/unclassifiable for the 2010 1-hour SO2 NAAQS. EPA has reviewed the modeling provided by the State with its redesignation request and finds that it complies with EPA’s current Modeling TAD and EPA’s Guideline on Air Quality Models (40 CFR part 51 Appendix W) and is acceptable for assessing the attainment status of the Sumner County Area. This approval of the redesignation request changes the legal designation, found at 40 CFR part 81, of Sumner County from unclassifiable to attainment/unclassifiable for the 2010 1-hour SO2 NAAQS.

IV. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment/unclassifiable is an action that affects the status of a geographical area and does not impose any additional regulatory requirements on sources beyond those imposed by state law. A redesignation to attainment/unclassifiable does not in and of itself create any new requirements, but rather results in the applicability of requirements contained in the CAA for areas that have been redesignated to attainment. Accordingly, this action merely redesignates an area to attainment/unclassifiable and does not impose additional requirements. For that reason, this action:

• Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
• 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); and
• 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
• Will not have disproportionate human health or environmental effects under Executive Order 12898 (59 FR 7629, February 16, 1994).

This final redesignation does not apply to any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the Federal Register. A major rule cannot take effect until 60 days after it is published in the Federal Register. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 26, 2021. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial...
review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2).

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Parts 86 and 92

Notification of Interpretation and Enforcement of Section 1557 of the Affordable Care Act and Title IX of the Education Amendments of 1972

AGENCY: Office of the Secretary, Department of Health and Human Services (HHS).

ACTION: Notification of interpretation and enforcement.

SUMMARY: This Notification is to inform the public that, consistent with the Supreme Court’s decision in Bostock and Title IX, beginning May 10, 2021, the Department of Health and Human Services (HHS) will interpret and enforce section 1557 of the Affordable Care Act prohibition on discrimination on the basis of sex to include: (1) Discrimination on the basis of sexual orientation; and (2) discrimination on the basis of gender identity. This interpretation will guide the Office for Civil Rights (OCR) in processing complaints and conducting investigations, but does not itself determine the outcome in any particular case or set of facts.

DATES: This notification of interpretation became effective May 10, 2021.

FOR FURTHER INFORMATION CONTACT: Rachel Seeger at (202) 619–0403 or (800) 537–7697 (TDD).

SUPPLEMENTARY INFORMATION: HHS is informing the public that, consistent with the Supreme Court’s decision in Bostock1 and Title IX,2 beginning May 10, 2021, the Department of Health and Human Services (HHS) will interpret and enforce Section 1557’s3 prohibition on discrimination on the basis of sex to include: (1) Discrimination on the basis of sexual orientation; and (2) discrimination on the basis of gender identity.

I. Background

The Office for Civil Rights (OCR) at the U.S. Department of Health and Human Services (the Department) is responsible for enforcing Section 1557 of the Affordable Care Act (Section 1557) and regulations issued under Section 1557, protecting the civil rights of individuals who access or seek to access covered health programs or activities. Section 1557 prohibits discrimination on the bases of race, color, national origin, sex, age, and

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