and approval on an annual basis. Therefore, EPA is proposing to find that Wisconsin has met the EMP requirements for its portion of the Chicago area for the 2008 ozone NAAQS.

III. What action is EPA proposing?

EPA is proposing to approve revisions to Wisconsin’s SIP pursuant to section 110 and part D of the CAA and EPA’s regulations, because Wisconsin’s December 1, 2020 nonattainment plan satisfies the requirements for the VOC and NOX RACT, the CFVP, and the EMP, in the Wisconsin portion of the Chicago serious nonattainment area for the 2008 ozone NAAQS.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA’s role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. 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);

• 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, the SIP is not approved to apply on 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 and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Volatile organic compounds.

Dated: December 1, 2021.

Debra Shore, Regional Administrator, Region 5.

[FR Doc. 2021–26468 Filed 12–6–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52


Finding of Failure To Attain the Primary 2010 One-Hour Sulfur Dioxide Standard for the St. Bernard Parish, Louisiana Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to determine that the St. Bernard Parish sulfur dioxide (SO2) nonattainment area (“St. Bernard area” or “area”) failed to attain the primary 2010 one-hour SO2 national ambient air quality standard (NAAQS) under the Clean Air Act (CAA or the Act) by the applicable attainment date of October 4, 2018. This proposed determination is based upon review of compliance records for the area’s primary SO2 source, the Rain CII Carbon, LLC (Rain) facility, in addition to dispersion modeling based on the allowable limits showing design values close to the SO2 NAAQS. If the EPA finalizes this determination as proposed, the State of Louisiana will be required to submit revisions to the Louisiana State Implementation Plan (SIP) that, among other elements, provide for expeditious attainment of the 2010 SO2 standard.

DATES: Comments must be received on or before January 6, 2022.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2017–0558, at https://www.regulations.gov. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed. 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.

Docket: The index to the docket for this action is available electronically at https://www.regulations.gov. While all documents in the docket are listed in the index, some information may not be publicly available due to docket file size restrictions or content (e.g., CBI). Publicly available docket materials are available electronically through https://www.regulations.gov.

FURTHER INFORMATION CONTACT: Ms. Karolina Ruan Lei. EPA Region 6 Office, SO2 and Regional Haze Section (R6–ARSH), 214–665–7346, ruanlei.karolina@epa.gov. Out of an abundance of caution for members of the public and our staff, the EPA Region 6 office will be closed to the public to reduce the risk of transmitting COVID–19. We encourage the public to submit comments via https://www.regulations.gov, as there will be a delay in processing mail and no courier or hand deliveries will be accepted. Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.
SUPPLEMENTARY INFORMATION:
Throughout this document “we,” “us,” or “our” means EPA.

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I. Background
A. The 2010 SO_2 NAAQS

Under section 109 of the Act, the EPA has established primary and secondary NAAQS for certain pervasive air pollutants (referred to as “criteria pollutants”) and conducts periodic reviews of the NAAQS to determine whether they should be revised or whether new NAAQS should be established. The primary NAAQS represent ambient air quality standards the attainment and maintenance of which the EPA has determined, including a margin of safety, are requisite to protect the public health. The secondary NAAQS represent ambient air quality standards the attainment and maintenance of which the EPA has determined are requisite to protect the public welfare from any known or anticipated adverse effects associated with the presence of such air pollutant in the ambient air.

Under the CAA, the EPA must establish NAAQS for criteria pollutants, including SO_2, SO_2 is primarily released to the atmosphere through the burning of fossil fuels by power plants and other industrial facilities. SO_2 is also emitted from industrial processes including metal extraction from ore and heavy equipment that burn fuel with a high sulfur content. Short-term exposure to SO_2 can damage the human respiratory system and increase breathing difficulties. Small children and people with respiratory conditions, such as asthma, are more sensitive to the effects of SO_2. Sulfur oxides at high concentrations in ambient air can also react with compounds to form small particulates that can penetrate deeply into the lungs and cause health problems.

The EPA first established primary SO_2 standards in 1971 at 0.14 parts per million (ppm) over a 24-hour averaging period and 0.3 ppm over an annual averaging period.¹ In June 2010, the EPA revised the NAAQS for SO_2 to provide increased protection of public health, providing for revocation of the 1971 primary annual and 24-hour SO_2 standards for most areas of the country following area designations under the new NAAQS.² The primary 2010 SO_2 NAAQS is 75 parts per billion (ppb), or 0.075 ppm, over a one-hour averaging period.³ A violation of the 2010 one-hour SO_2 NAAQS occurs when the annual 99th percentile of ambient daily maximum one-hour average SO_2 concentrations, averaged over a 3-year period, exceeds 75 ppb.⁴

B. Designations and Attainment Dates for the 2010 SO_2 NAAQS

Following promulgation of any new or revised NAAQS, the EPA is required by CAA section 107(d) to designate areas throughout the nation as attaining or not attaining the NAAQS. On August 5, 2013, the EPA finalized its first round of designations for the 2010 primary SO_2 NAAQS.⁵ In this 2013 action, the EPA designated 29 areas in 16 states as nonattainment for the 2010 SO_2 NAAQS, including the St. Bernard area in Louisiana. The EPA designated the St. Bernard area nonattainment based on certified monitoring data for years 2009 through 2011.⁶ The EPA’s initial round of designations for the 2010 SO_2 NAAQS including the St. Bernard area became effective on October 4, 2013. Pursuant to CAA section 192(a), the maximum attainment date for the St. Bernard area was October 4, 2018, five years after the effective date of the final action designating the area as nonattainment for the 2010 SO_2 NAAQS.

C. Louisiana’s Nonattainment SIP Revision

Section 172(c) of the CAA lists the required components of a nonattainment plan submittal. In addition to an attainment demonstration, the nonattainment plan addresses the requirements for meeting reasonable further progress (RFP) toward attainment of the NAAQS, implementation of reasonably available control measures and reasonably available control technology (RACM/RACT), base-year and projection-year emission inventories, a new source

¹ See 36 FR 8186 (April 30, 1971).
² See 40 CFR 50.4(e).
³ See 75 FR 35520 (June 22, 2010).
⁴ See 40 CFR 50.17.
⁵ See 78 FR 47191 (August 5, 2013).
⁶ See 78 FR 47191, codified at 40 CFR part 81, subpart G.
measures. We also proposed to find that the State had demonstrated that its current nonattainment new source review (NNSR) program covered the 2010 one-hour SO₂ NAAQS; therefore, no revision to the SIP was required for the NNSR element.

After the close of the public comment period to the April 19, 2018 proposal, the LDEQ submitted additional information to EPA on August 24, 2018. The additional information was submitted to EPA partly in response to a public comment that expressed concern that Rain would need to modify the February 2018 AOC entered between Rain and LDEQ as Rain did not believe that it could meet the limits set forth in the AOC without an additional extension to the compliance dates. In response to the comment, and in order to determine feasible emission limits for operations during transitions from exhaust flow through the hot stack to the cold stack, LDEQ granted an extension of the deadline of the February 2018 AOC on April 27, 2018.

On August 2, 2018, Rain and LDEQ revised their existing AOC. On August 24, 2018, LDEQ supplemented their SIP submittal with the revised AOC and additional modeling analysis. On October 9, 2018, LDEQ again supplemented their SIP with an updated modeling analysis. The revised AOC and the October 9, 2018 modeling files served as a supplement to the November 9, 2017 and February 8, 2018 SIP submittals and incorporated certain additional AOC revisions (dated August 2, 2018) and supporting modeling into the 2018 SO₂ Nonattainment Area SIP revision for St. Bernard Parish. On February 8, 2019, EPA proposed to approve LDEQ’s August 24, 2018 and October 9, 2018 submittals as a supplement to the prior SIP submittals (84 FR 2801). Please refer to EPA’s April 19, 2018 proposed approval and February 8, 2019 supplemental notice of proposed rulemaking.


II. Proposed Determination
A. Applicable Statutory and Regulatory Provisions

Section 179(c)(1) of the Act requires the EPA to determine whether a nonattainment area has achieved an applicable attainment date based on the area’s air quality as of the attainment date. A determination of whether an area’s air quality meets applicable standards is generally based upon the most recent three years of complete, quality-assured data gathered at established state and local air monitoring stations (SLAMS) in a nonattainment area and entered into the EPA’s Air Quality System (AQS) database. Data from ambient air monitors operated by state and local agencies in compliance with the EPA monitoring requirements must be submitted to AQS. Monitoring agencies annually certify that these data are accurate to the best of their knowledge. All SO₂ data are reviewed to determine the area’s air quality status in accordance with 40 CFR part 50, Appendix T.

Under EPA regulations in 40 CFR 50.17 and in accordance with 40 CFR part 50 Appendix T, the 2010 one-hour annual SO₂ standard is met when the design value is less than or equal to 75 ppb. Design values are calculated by computing the three-year average of the annual 99th percentile daily maximum one-hour average concentrations. An SO₂ one-hour primary standard design value is valid if it encompasses three consecutive calendar years of complete data. A year is considered complete when all four quarters are complete, and a quarter is complete when at least 75 percent of the sampling days are complete. A sampling day is considered complete if 75 percent of the hourly concentration values are reported; this includes data affected by exceptional events that have been approved for exclusion by the Administrator. We note that when determining the attainment status of SO₂ nonattainment areas, including when making determinations of attainment by the attainment date, in addition to ambient monitoring data, the EPA may also consider air quality dispersion modeling and/or a demonstration that the control strategy in the SIP has been fully implemented. With regard to the use of monitoring data for such determinations, the EPA’s SO₂ Nonattainment Area Guidance specifically notes that “if the EPA determines that the air quality monitors located in the affected area are located in the area of maximum concentration, the EPA may be able to use the data from these monitors to make the determination of attainment without the use of air quality modeling data.” If there are no air quality monitors located in the affected area, or there are air quality monitors located in the area, but analyses show that none of the monitors are located in the area of maximum concentration, then air quality dispersion modeling will generally be needed to estimate SO₂ concentrations in the area. In this case, as discussed in our proposed actions on the St. Bernard nonattainment plan and Technical Support Documents (TSDs), the monitors are not located in the area of expected maximum concentration, meaning we must also consider the available modeling data in determining whether the area attained by the attainment date. When relying on a modeling demonstration based on allowable emissions for purposes of determining attainment by the attainment date, the EPA looks to whether the emission limit or limits were adopted and whether the relevant source or sources were complying with those modeled limits prior to the attainment date. That is, when determining attainment by the attainment date using air quality modeling of allowable emissions, EPA looks to whether the state has demonstrated that the control strategy in the SIP has been fully implemented (compliance records demonstrating that the control measures have been implemented as required by the approved SIP). This is necessary because a modeling demonstration based on allowable emissions is not itself sufficient since, without the supporting emissions information...
reflected in the control strategy, there would be no way to confirm that the actual emissions were below the modeled limits within the period under review.

B. Monitoring Network Considerations

Section 110(a)(2)(B)(i) of the CAA requires states to establish and operate air monitoring networks to compile data on ambient air quality for all criteria pollutants. The EPA’s monitoring requirements are specified by regulation in 40 CFR part 58. These requirements are applicable to state, and where delegated, local air monitoring agencies that operate criteria pollutant monitors. In section 4.5 of Appendix D to 40 CFR part 58, the EPA specifies the minimum requirements for SO₂ monitoring sites to be classified as state or local air monitoring stations (SLAMS). SLAMS produce data that are eligible for comparison with the NAAQS, and therefore, the monitor must be an approved federal reference method (FRM) or federal equivalent method (FEM), per section 2 of Appendix C to 40 CFR part 58. In St. Bernard Parish, LDEQ operates a SLAMS monitor at Chalmette-Vista (EPA Site ID 22–087–0007, 24 E Chalmette Circle). In addition, LDEQ operates a special purpose monitor (SPM) at Meraux (EPA Site ID 22–087–0004, 4101 Mistrot Drive).

C. Data Considerations and Proposed Determination

a. Monitor Data

Under 40 CFR 58.15, monitoring agencies must certify, on an annual basis, data collected at all SLAMS by FRM, FEM, and special purpose monitors (SPMs) that meet EPA quality assurance requirements. In doing so, monitoring agencies must certify that the previous year of ambient concentration and quality assurance data are completely submitted to AQS and that the ambient concentration data are accurate to the best of their knowledge.

The one-hour SO₂ design values at Chalmette Vista and Meraux monitoring sites within the St. Bernard area for the 2013–2020 period are shown below.

### Table 1—2013–2020 One-Hour Design Values for the St. Bernard Area

<table>
<thead>
<tr>
<th>Years</th>
<th>Chalmette Vista design value (ppb)</th>
<th>Meraux design value (ppb)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013–2015</td>
<td>114</td>
<td>19</td>
</tr>
<tr>
<td>2014–2016</td>
<td>82</td>
<td>16</td>
</tr>
<tr>
<td>2015–2017</td>
<td>73</td>
<td>13</td>
</tr>
<tr>
<td>2016–2018</td>
<td>59</td>
<td>10</td>
</tr>
<tr>
<td>2017–2019</td>
<td>44</td>
<td>7</td>
</tr>
<tr>
<td>2018–2019</td>
<td>42</td>
<td>8</td>
</tr>
<tr>
<td>2019–2020</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The attainment date for the area was October 4, 2018. In order for the EPA to determine that the area attained by the attainment date, the EPA must also look at whether the control strategy in the SIP has been fully implemented and whether the relevant sources in the area are complying with the emission limits and stack parameters required in the SIP. As discussed above, the modeling, based on the August 2, 2018 AOC limits, shows attainment of the NAAQS with maximum modeled concentrations just below the 75 ppb standard. Emissions higher than modeled limits and/or

b. Modeling Data

LDEQ and Rain developed the one-hour SO₂ emission limits contained in the August 2, 2018 AOC to ensure compliance with the SO₂ NAAQS. The emission limits in the AOC were effective August 2, 2018. The LDEQ undertook an additional modeling analysis which also incorporated the amended stack parameters and utilized more recent allowable emission rates from other contributing sources, an expanded receptor grid, and covered all operating scenarios. The additional modeling used the most recent version of AERMOD and followed EPA’s guidance for SIP modeling for SO₂. The analysis included modeling allowable emissions and stack parameters for different operational stages at the Rain facility, including stand-alone operations for the waste heat boiler and the pyroscrubber as well as transition stages between the two modes of operation; a summary of the results is given in Table 2.

### Table 2—Summary of LDEQ Supplemental Modeling Results for the St. Bernard Parish SIP Using the Emission Limits and Stack Parameters from the AOC

<table>
<thead>
<tr>
<th>Operational stage</th>
<th>Model design value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waste Heat Boiler Stack Alone</td>
<td>190.8 μg/m³ (72.9 ppb)</td>
</tr>
<tr>
<td>Pyroscrubber Stack Alone</td>
<td>176.6 μg/m³ (67.4 ppb)</td>
</tr>
<tr>
<td>Transition between Pyroscrubber Stack to the Waste Heat Boiler Stack (transitional stage with maximum design value)</td>
<td>185.6 μg/m³ (70.9 ppb)</td>
</tr>
</tbody>
</table>

must also look at whether the control strategy in the SIP has been fully implemented and whether the relevant sources in an area are complying with the emission limits and stack parameters required in the SIP.

20 See Appendix A, page A–1 of the SO₂ Nonattainment Area Guidance.

21 See Table 2.
actual stack parameters (flowrate or temperature) below the modeled stack parameters can result in downwind concentrations higher than those modeled. We note that Rain’s compliance records, Title V deviation reports, and annual stack tests since August 2, 2018 (the effective date of AOC) demonstrate a pattern of difficulty complying with the SIP emission limits at all times and difficulty in estimating emissions and flowrates from the pyroscrubber to demonstrate compliance.22 During the 9-month period between when the AOC limits became effective (August 2, 2018) and the attainment date (October 4, 2018), Rain reported that deviations occurred on 7 separate days for a total duration of 27.2 hours (25.2 hours due to calculated pyroscrubber flowrates less than the AOC requirements, and 2 hours when cold stack emissions exceeded the AOC emission limits).23 Rain has since identified the need to revise the limits and potentially adjust the methodology used to estimate emissions and flowrates in the pyroscrubber that are contained in the AOC. In March of 2019, Rain conducted the first annual stack test as required by the August 2, 2018 AOC. The 2019 stack test report found that “the AOC hot stack equation underestimates hot stack emissions during most of the transition from hot stack to cold stack” and “[d]uring no hour did the combined flue gas flow and temperature meet the description of any transition stage.” The report then states “the AOC limits and conditions do not reflect actual emissions conditions and it is difficult to identify the appropriate transition stage,” before recommending that the August 2018 AOC’s flue gas flow rates, temperatures, and emissions limits for transitions stages 1, 2, and 3 be replaced with new conditions. Generally, one stack test may not be determinative, but the EPA believes that it is reasonable to conclude that the problems identified in the 2019 stack test were significant and, in conjunction with the 2018 semiannual monitoring report violations, indicative of the facility’s failure to meet the AOC requirements during the two days of the stack test, but likely failed to meet the 2018 AOC’s transition stage operational requirements during the period between the effective date of the AOC and the attainment date.

The EPA also notes that the semiannual monitoring report for January through June 2020, while not the basis or rational for our decision making, includes additional deviations indicating that the facility continued to have difficulty complying with the limits in the SIP after the attainment date had passed. The report further states that: “Rain continues to analyze this and similar deviations to identify a corrective action. The permit requirements do not match actual start-up conditions. Rain is in negotiations with EPA and LDEQ to revise the permit requirements to reflect actual start-up conditions.”

From the available information, EPA cannot determine with certainty that the area attained the NAAQS as the emissions and stack parameters at times fall outside the limits and conditions modeled in the attainment demonstration. The noted violations of the permit limits or underestimated emissions may have resulted in violations of the one-hour SO\textsubscript{2} NAAQS in areas other than the monitored location. Furthermore, the data demonstrates a clear need for development of a new attainment SIP with revised limits that better align with the source’s operations and modeling to demonstrate attainment.

d. EPA’s Proposed Determination

Based on our review of the monitor, modeling and compliance data, EPA proposes to find that the St. Bernard area did not attain the 2010 one-hour SO\textsubscript{2} NAAQS by the October 4, 2018 attainment date. The modeling data demonstrates that the emission limits and stack parameters in the AOC required of the Rain facility were necessary for the St. Bernard area to attain the standard. However, review of Rain’s compliance record demonstrates that emissions have exceeded those limits, and stack temperatures and flowrates have not met the necessary parameters to demonstrate attainment in the St. Bernard area. As described in the previous section, Rain reported deviations during the period between the effective date of the limits and the attainment date. Rain has also reported underestimation of emissions from the hot stack when comparing estimated emissions to the measured emissions during the 2019 stack test indicative that Rain has failed to meet the AOC limits since the effective date. We also note, without relying upon, that Rain continued to report deviations in additional stack tests and deviation reports from 2018, 2019, and 2020. Under CAA section 179(d)(2), if the EPA determines that an area did not attain the NAAQS by the applicable deadline, the responsible air agency has up to 12 months from the effective date of the determination to submit a revised SIP for the area demonstrating attainment and containing any additional measures that the EPA may reasonably prescribe that can be feasibly implemented in the area in light of technological achievability, costs, and any non-air quality and other air quality-related health and environmental impacts as required. According to CAA section 179(d)(3), this revised SIP is to achieve attainment of the one-hour SO\textsubscript{2} NAAQS as expeditiously as practicable, but no later than 5 years from the effective date of the area’s failure to attain (i.e., 5 years after the EPA publishes a final action in the Federal Register determining that the nonattainment area failed to attain the SO\textsubscript{2} NAAQS). In addition to triggering requirements for a new SIP submittal, a final determination that a nonattainment area failed to attain the NAAQS by the attainment date would trigger the implementation of contingency measures adopted under 172(c)(9).

III. Proposed Action

Under CAA section 179(d)(2), the EPA proposes to determine that the St. Bernard Parish SO\textsubscript{2} nonattainment area has failed to attain the 2010 one-hour SO\textsubscript{2} standard of 75 ppb by the applicable attainment date of October 4, 2018. This determination is based upon review of (1) the state’s air quality modeling demonstration, which showed the emission limits and stack parameters required at Rain, the primary source of SO\textsubscript{2} emission in the area, that were necessary to provide for the area’s attainment and (2) Rain’s available compliance records. The state’s dispersion modeling, which was based on the allowable limits in the AOC, showed that with compliance with the limits, modeled design values were close to the SO\textsubscript{2} NAAQS. Rain has demonstrated a pattern of difficulty meeting its federally enforceable applicable SO\textsubscript{2} emission limits and stack parameters (memorialized in its Title V permit and the AOC). Emissions have exceeded those limits, and stack temperatures and flowrates have not met the necessary parameters to demonstrate attainment in the St. Bernard area, including the deviations noted above during the period between the effective date of the limits and the attainment date and reported underestimation of emissions from the
hot stack. If finalized as proposed, the
State of Louisiana would be required
under CAA section 179(d) to submit
revisions to the SIP for the St. Bernard
area. The required SIP revision for the
area must, among other elements,
demonstrate expeditious attainment of
the SO2 standard within the time period
prescribed by CAA section 179(d) and
such additional measures as the
Administrator may reasonably prescribe
that can be feasibly implemented in the
area in light of technological
achievability, costs, and any non-air
quality and other air quality-related
health and environmental impacts. If
finalized as proposed, the SIP revisions
required under CAA section 179(d)
would be due for submittal to the EPA
no later than one year after the
publication date of the final action.

IV. Statutory and Executive Order
Reviews

Additional information about these
statutes and Executive Orders can be
found at http://www2.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 therefore was 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
provisions of the PRA because it does
not contain any information collection
activities.

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
terms. This proposed action, if
finalized, would require the state to
adopt and submit SIP revisions to
satisfy CAA requirements and would
not itself directly regulate any small
entities.

D. Unfunded Mandates Reform Act
(UMRA)

This action does not contain any
unfunded mandate of $100 million or
more, as described in UMRA (2 U.S.C.
1531–1538) and does not significantly
or uniquely affect small governments.
This action itself imposes no
enforcement duty on any state, local, or
tribal governments, or the private sector.
This action proposes to determine that

the St. Bernard Parish SO2
nonattainment area failed to attain the
SO2 NAAQS by the applicable
attainment dates. If finalized, this
determination would trigger existing
statutory timeframes for the State to
submit SIP revisions. Such a
determination in and of itself does not
impose any federal intergovernmental
mandate.

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, Consultation
and Coordination With Indian Tribal
Governments

This action does not have tribal
implications as specified in Executive
Order 13175. The proposed finding of
failure to attain the SO2 nonattainment
area. Thus, this proposed rule does not
have tribal implications and will not impose
substantial direct costs on tribal
Governments or preempt tribal law as
specified by Executive Order 13175.

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 proposed action
is not subject to Executive Order 13045
because the effect of this proposed
action, if finalized, would be to trigger
additional planning requirements under
the CAA. This proposed action does not
establish an environmental standard
intended to mitigate health or safety
risks.

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

This proposed rule 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)

This rulemaking does not involve
technical standards.

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

The EPA believes that this action does
not have disproportionately high and
adverse human health or environmental
effects on minority populations, low-
income populations and/or indigenous
peoples, as specified in Executive Order
12898 (59 FR 7629, February 16, 1994).
The effect of this proposed action, if
finalized, would be to trigger additional
planning requirements under the CAA.

List of Subjects in 40 CFR Part 52

Environmental protection, Air
pollution control, Incorporation by
reference, Intergovernmental relations,
Pollution, Reporting and recordkeeping
requirements, Sulfur dioxide.

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

Dated: December 1, 2021.

David Gray,
Acting Regional Administrator, Region 6.
[PR Doc. 2021–26433 Filed 12–6–21; 8:45 am]
BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND
HUMAN SERVICES

Administration for Children and
Families

45 CFR Part 1336
RIN 0970–AC88

Native American Programs

AGENCY: Administration for Native
Americans (ANA), Administration for
Children and Families (ACF), U.S.
Department of Health and Human
Services (HHS).

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice of proposed
rulemaking (NPRM) proposes changes to
ANA regulations to allow grant
recipients to apply for an emergency
waiver of part or all of their proposed
non-Federal share (NFS) due to
emergency circumstances.

DATES: In order to be considered,
written comments on this proposed rule
must be received on or before February
7, 2022.

ADDRESSES: You may submit comments,
identified by docket number ACF–
2021–004 and/or RIN number, by the
following method: