

Name of source	Permit No.	County	State effective date	EPA approval date	Additional explanations/ §§ 52.2063 and 52.2064 citations <sup>1</sup>
Global Advanced Metals USA, Inc. (formerly reference as Cabot Performance Materials—Boyetown).	46-00037 .....	Montgomery ...	3/10/17 .....	October 19, 2020, [IN-SERT <b>FEDERAL REGISTER CITATION</b> ].	52.2064(b)(4).

<sup>1</sup> The cross-references that are not § 52.2064 are to material that pre-date the notebook format. For more information, see § 52.2063.

\* \* \* \* \*

■ 3. Amend § 52.2064 by adding paragraph (b) to read as follows:

**§ 52.2064 EPA-approved Source-Specific Reasonably Available Control Technology (RACT) for Volatile Organic Compounds (VOC) and Oxides of Nitrogen (NO<sub>x</sub>).**

\* \* \* \* \*

(b) Approval of source-specific RACT requirements for 1997 and 2008 8-hour ozone national ambient air quality standards for the facilities listed below are incorporated as specified below. (Rulemaking Docket No. EPA-OAR-2020-0189).

(1) Transco—Salladasburg Station 520—Incorporating by reference Permit No. 41-00001, issued June 6, 2017, as redacted by Pennsylvania, which supersedes the prior RACT Permit No. 41-0005A, issued August 9, 1995, except for Conditions 3, 4, 6, 8, 14, and 18, which remain as RACT requirements applicable to the three 2050 hp Ingersoll Rand engines #1, 2, and 3 (Source IDs P101, P102, P103). See also § 52.2063(d)(1)(i) for prior RACT approval.

(2) Novipax—Incorporating by reference Permit No. 06-05036, issued December 19, 2017, as redacted by Pennsylvania, which supersedes the prior RACT Plan Approval No. 06-1036, issued May 12, 1995 to W. R. Grace and Co. FORMPAC Division, except for Conditions 3, 4 (applicable to two pentane storage tanks, Source IDs 101 and 101A), 5 (applicable to extruders, Source ID 102, and facility wide to Source IDs 103, 104, 105, 106, 106B, 106C, 107, and 108), 7 (applicable to Source IDs 101, 101A, and 102) and 8 (applicable to Source IDs 101, 101A, and 102), which remain as RACT requirements applicable to the indicated sources, and Plan Approval No. 06-315-001, issued June 4, 1992 to W. R. Grace and Co.—Reading Plant, except for Conditions 4 (applicable to Source ID 102), 5 (applicable to Source IDs 101 and 101A), and 6 (applicable to Source IDs 101, 101A, and 102), which remain as RACT requirements applicable to the indicated sources. See also § 52.2063(c)(108)(i)(B)(6) for prior RACT approvals.

(3) Sunoco Partners Marketing & Terminals—Incorporating by reference Permit No. 23-00119, issued January 20, 2017, as redacted by Pennsylvania, which supersedes the prior RACT Compliance Permit No. CP-23-0001, issued June 8, 1995 and amended on August 2, 2001, except for Conditions 5E (applicable to diesel engine and stormwater pumps, Source ID 113), 6A (applicable to marine vessel loading, Source ID 115), 6B (tank truck loading), 6C (applicable to cooling tower 15-2B, Source ID 139), and 6D (applicable to waste water treatment, Source 701), which remain as RACT requirements applicable to the indicated sources. See also § 52.2063(c)(179)(i)(B)(6) for prior RACT approval.

(4) Global Advanced Metals USA, Inc.—Incorporating by reference Permit No. 46-00037, issued March 10, 2017, as redacted by Pennsylvania, which supersedes the prior RACT Permit No. OP-46-0037, issued April 13, 1999, except for condition 15, which remains as a RACT requirement applicable to the tantalum salts process (Source ID 102), the extraction process (Source ID 124), the wastewater treatment plant (Source ID 201), and fugitive emissions from ethanol transfer and storage (Source 109). See also § 52.2063(c)(143)(i)(B)(20) for prior RACT approval.

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R07-OAR-2020-0356; FRL-10015-03-Region 7]

**Air Plan Approval; Missouri; Removal of Control of Emissions From Polyethylene Bag Sealing Operations**

**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) submitted by

the State of Missouri on January 15, 2019, and supplemented by letter on July 11, 2019. In the proposal, EPA proposed removal of a rule related to the control of emissions from polyethylene bag sealing operations in the St. Louis, Missouri area from its SIP. This removal does not have an adverse effect on air quality. The EPA’s approval of this rule revision is in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** This final rule is effective on November 18, 2020.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R07-OAR-2020-0356. 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:** David Peter, Environmental Protection Agency, Region 7 Office, Air Permitting and Standards Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551-7397; email address: [peter.david@epa.gov](mailto:peter.david@epa.gov).

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

**Table of Contents**

- I. What is being addressed in this document?
- II. Have the requirements for approval of a SIP revision been met?
- III. What action is the EPA taking?
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

**I. What is being addressed in this document?**

The EPA is approving the removal of 10 Code of State Regulation (CSR) 10-

5.360, *Control of Emissions from Polyethylene Bag Sealing Operations*, from the Missouri SIP.

As explained in detail in EPA's proposed rule, Missouri has demonstrated that removal of 10 CSR 10–5.360 will not interfere with attainment of the NAAQS, reasonable further progress<sup>1</sup> or any other applicable requirement of the CAA because the only two sources subject to the rule are no longer subject and the removal of the rule will not cause VOC emissions to increase. (85 FR 45568, July 29, 2020). The EPA solicited but did not receive any comments on this proposed rule. Therefore, the EPA is finalizing its proposal to remove 10 CSR 10–5.360 from the SIP.

## II. Have the requirements for approval of a SIP revision been met?

The State submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on this SIP revision from May 15, 2018, to August 2, 2018, and received eleven comments from the EPA that related to Missouri's lack of an adequate demonstration that the rule could be removed from the SIP in accordance with section 110(l) of the CAA, whether the rule applied to new sources and other implications related to rescinding the rule. Missouri's July 11, 2019 letter and December 3, 2018 response to comments on the state rescission rulemaking addressed the EPA's comments. In addition, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

## III. What action is the EPA taking?

The EPA is taking final action to approve Missouri's request to remove 10 CSR 10–5.360 from the SIP.

## IV. Incorporation by Reference

In this document, the EPA is amending regulatory text that includes incorporation by reference. As described in the amendments to 40 CFR part 52 set forth below, the EPA is removing provisions of the EPA-Approved

Missouri Regulation from the Missouri State Implementation Plan, which is incorporated by reference in accordance with the requirements of 1 CFR part 51.

## V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act 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);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866.
- 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 the National Technology Transfer and Advancement Act (NTTA) because this rulemaking does not involve technical standards; 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).

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).

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 March 24, 2020. 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 52

Environmental protection, Air pollution control, Incorporation by reference, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 21, 2020.

**James Gulliford,**

*Regional Administrator, Region 7.*

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as set forth below:

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

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

<sup>1</sup> RFP is not applicable to the St. Louis Area because for marginal ozone nonattainment areas, such as the St. Louis Area, the specific requirements of section 182(a) apply in lieu of the attainment planning requirements that would otherwise apply under section 172(c), including the attainment demonstration and reasonably available control measures (RACM) under section 172(c)(1), reasonable further progress (RFP) under section 172(c)(2), and contingency measures under section 172(c)(9).

**Subpart AA—Missouri****§ 52.1320 [Amended]**

■ 2. In § 52.1320, the table in paragraph (c) is amended by removing the entry “10–5.360” under the heading “Chapter 5–Air Quality Standards and Air Pollution Control Regulations for the St. Louis Metropolitan Area”.

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**ENVIRONMENTAL PROTECTION AGENCY****48 CFR Part 1503 and 1552**

[EPA–HQ–OARM–2015–0657; FRL–10012–65–OMS]

**Environmental Protection Agency Acquisition Regulation (EPAAR); Scientific Integrity**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is issuing a final rule to address scientific integrity requirements in the creation of a contract clause for inclusion in solicitations and contracts when the Contractor may be required to perform, communicate, or supervise scientific activities or use scientific information to perform advisory and assistance services. This clause will complement the EPA’s Scientific Integrity Policy to ensure all scientific work developed and used by the Government is accomplished with scientific integrity.

**DATES:** This final rule is effective on October 19, 2020.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA–HQ–OARM–2015–0657; FRL–10012–65–OMS. All documents in the docket are listed on the <http://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., 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 electronically through <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Holly Hubbell, Policy, Training, and Oversight Division, Acquisition Policy and Training Branch (3802R), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC

20460; telephone number: 202–564–1091; email address: [hubbell.holly@epa.gov](mailto:hubbell.holly@epa.gov).

**SUPPLEMENTARY INFORMATION:****I. Background**

The EPA’s Scientific Integrity Policy is based on a Presidential Memorandum for the Heads of Executive Departments and Agencies, Subject Line: Scientific Integrity, Dated: March 9, 2009. The memorandum directs the Director of the Office of Science and Technology Policy (OSTP) to work with the Office of Management and Budget (OMB) and agencies to develop policies to ensure all scientific work developed and used by the Government is done so with scientific integrity. OSTP issued further guidance in the Scientific Integrity memorandum dated December 17, 2010.

This final rule requires EPA contractors to ensure that all personnel within their organization, subcontractors and consultants, that perform, communicate, or supervise scientific activities or use scientific information to perform advisory and assistance services under their specified contracts with EPA, have read and understand their compliance responsibilities regarding the EPA’s Scientific Integrity Policy.

The proposed rule was published in the **Federal Register** (83 FR 48581–48584) on September 26, 2018, providing for a 60-day comment period. Interested parties were afforded the opportunity to participate in the making of this rule.

**II. Public Comments on the Proposed Rule**

The following is a summary of the public comments received on the proposed rule and the EPA’s response to these comments.

1. *Comment:* Several commenters expressed concerns about the costs of making scientific information available online and also that requiring scientific information to be available online could compromise confidentiality of the scientific information.

*Response:* The proposed clause requirement at EPAAR § 1552.203–72(c)(1)(x) to make scientific information available online has been deleted.

2. *Comment:* One commenter suggested that the EPA inform contractors of their need to evaluate computer models in adherence to the EPA Models Guidance.

*Response:* This requirement is described in general terms because listing specific guidance may not be all-inclusive or the guidance may change in the future.

3. *Comment:* One commenter noted that preventing intimidation or coercion of scientists to alter their scientific findings is a crucial element of the EPA’s Scientific Integrity Policy and proposed adding the terms “*attempted or actual* intimidation or coercion” to the clause to clarify that both attempted or actual intimidation or coercion would be a loss of scientific integrity.

*Response:* The EPA agrees and has added the terms “attempted or actual”, defining intimidation or coercion to EPAAR 1552.203–72(c)(2)(i).

4. *Comment:* One commenter expressed concern that the proposed rule does not explicitly address whether an individual employee of a contractor has an obligation to report loss or potential loss of scientific integrity to the contracting officer, his or her supervisor, or both, or to whom and how to report.

*Response:* In this final rule, the EPA does clarify in paragraph (d) of the clause that an employee of the contractor must report any loss or potential loss of scientific integrity in writing to the contractor who must communicate it to the EPA.

5. *Comment:* Concern was expressed that there is no explicit mechanism for resolving a dispute if the contractor, or an individual contractor employee, feels that the contracting officer has reached an incorrect conclusion or is applying an inappropriate remedy with regard to a loss of scientific integrity.

*Response:* The EPA agrees that a party who has been accused of a loss of scientific integrity should be able to respond to the Agency’s decision regarding the loss of scientific integrity and the remedy. Section (e)(5) of the clause has been edited to state that if the party who has been accused of a loss of scientific integrity feels that the Agency has reached an incorrect conclusion or the Agency has applied an inappropriate remedy, that party may provide a written response to the Contracting Officer, Scientific Integrity Official, and/or Office of Inspector General (OIG).

6. *Comment:* One commenter noted that it was not clear if the proposed rule intended to cover a situation where a contractor, or employee of a contractor, became aware of a loss or suspected loss of scientific integrity by an EPA employee, but suggested the rule should cover this situation. Further, the commenter suggested such a loss or suspected loss of scientific integrity by an EPA employee be reported to someone other than the contracting officer or the contracting officer’s representative.