

drawing materials and materials for artists; paintbrushes; instructional and teaching materials; plastic sheets, films and bags for wrapping and packaging; printers' type, printing blocks.

17. Unprocessed and semi-processed rubber, gutta-percha, gum, asbestos, mica and substitutes for all these materials; plastics and resins in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, tubes and hoses, not of metal.

18. Leather and imitations of leather; animal skins and hides; luggage and carrying bags; umbrellas and parasols; walking sticks; whips, harness and saddlery; collars, leashes and clothing for animals.

19. Materials, not of metal, for building and construction; rigid pipes, not of metal, for building; asphalt, pitch, tar and bitumen; transportable buildings, not of metal; monuments, not of metal.

20. Furniture, mirrors, picture frames; containers, not of metal, for storage or transport; unworked or semi-worked bone, horn, whalebone or mother-of-pearl; shells; meerschaum; yellow amber.

21. Household or kitchen utensils and containers; cookware and tableware, except forks, knives and spoons; combs and sponges; brushes, except paintbrushes; brush-making materials; articles for cleaning purposes; unworked or semi-worked glass, except building glass; glassware, porcelain and earthenware.

22. Ropes and string; nets; tents and tarpaulins; awnings of textile or synthetic materials; sails; sacks for the transport and storage of materials in bulk; padding, cushioning and stuffing materials, except of paper, cardboard, rubber or plastics; raw fibrous textile materials and substitutes therefor.

23. Yarns and threads for textile use.

24. Textiles and substitutes for textiles; household linen; curtains of textile or plastic.

25. Clothing, footwear, headwear.

26. Lace, braid and embroidery, and haberdashery ribbons and bows; buttons, hooks and eyes, pins and needles; artificial flowers; hair decorations; false hair.

27. Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings, not of textile.

28. Games, toys and playthings; video game apparatus; gymnastic and sporting articles; decorations for Christmas trees.

29. Meat, fish, poultry and game; meat extracts; preserved, frozen, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs; milk, cheese,

butter, yogurt and other milk products; oils and fats for food.

30. Coffee, tea, cocoa and artificial coffee; rice, pasta and noodles; tapioca and sago; flour and preparations made from cereals; bread, pastries and confectionery; chocolate; ice cream, sorbets and other edible ices; sugar, honey, treacle; yeast, baking-powder; salt, seasonings, spices, preserved herbs; vinegar, sauces and other condiments; ice (frozen water).

31. Raw and unprocessed agricultural, aquacultural, horticultural and forestry products; raw and unprocessed grains and seeds; fresh fruits and vegetables, fresh herbs; natural plants and flowers; bulbs, seedlings and seeds for planting; live animals; foodstuffs and beverages for animals; malt.

32. Beers; non-alcoholic beverages; mineral and aerated waters; fruit beverages and fruit juices; syrups and other non-alcoholic preparations for making beverages.

33. Alcoholic beverages, except beers; alcoholic preparations for making beverages.

34. Tobacco and tobacco substitutes; cigarettes and cigars; electronic cigarettes and oral vaporizers for smokers; smokers' articles; matches.

#### Services

35. Advertising; business management, organization and administration; office functions.

36. Financial, monetary and banking services; insurance services; real estate affairs.

37. Construction services; installation and repair services; mining extraction, oil and gas drilling.

38. Telecommunications services.

39. Transport; packaging and storage of goods; travel arrangement.

40. Treatment of materials; recycling of waste and trash; air purification and treatment of water; printing services; food and drink preservation.

41. Education; providing of training; entertainment; sporting and cultural activities.

42. Scientific and technological services and research and design relating thereto; industrial analysis, industrial research and industrial design services; quality control and authentication services; design and development of computer hardware and software.

43. Services for providing food and drink; temporary accommodation.

44. Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, aquaculture, horticulture and forestry services.

45. Legal services; security services for the physical protection of tangible

property and individuals; personal and social services rendered by others to meet the needs of individuals.

Dated: October 1, 2020.

**Andrei Iancu,**

*Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

[FR Doc. 2020-22353 Filed 11-2-20; 8:45 am]

**BILLING CODE 3510-16-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR PART 52

[EPA-HQ-OAR-2020-0377; FRL-10015-79-OAR]

#### Findings of Failure To Submit State Implementation Plans Required for Attainment of the 2010 1-Hour Primary Sulfur Dioxide (SO<sub>2</sub>) National Ambient Air Quality Standard (NAAQS)

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking a final action to find that four states and territories (Indiana, Louisiana, Guam, and Puerto Rico) failed to submit State Implementation Plans (SIPs) to satisfy certain nonattainment area planning requirements of the Clean Air Act (CAA) for the 2010 1-Hour Primary Sulfur Dioxide (SO<sub>2</sub>) National Ambient Air Quality Standard (NAAQS). The purpose of the development and implementation of nonattainment area SIPs is to provide for attainment of the NAAQS as expeditiously as practicable following the designation of an area as nonattainment. This action triggers certain CAA deadlines for the EPA to impose sanctions if a state or territory does not submit a complete SIP addressing the outstanding requirements and for the EPA to promulgate a Federal Implementation Plan (FIP) if the EPA does not approve a state's or territory's SIP.

**DATES:** The effective date of this action is December 3, 2020.

**FOR FURTHER INFORMATION CONTACT:** General questions concerning this notice should be addressed to Ms. Sydney Lawrence, Office of Air Quality Planning and Standards, Air Quality Policy Division, Mail Code: C539-01, 109 T.W. Alexander Drive, Research Triangle Park, NC 27709; by telephone (919) 541-4768; or by email at [lawrence.sydney@epa.gov](mailto:lawrence.sydney@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**Table of Contents**

- I. General Information
- A. Notice and Comment Under the Administrative Procedure Act (APA)
- B. How can I get copies of this document and other related information?
- C. Where do I go if I have specific state or territory questions?
- D. How is the preamble organized?
- II. Background
- III. Consequences of Findings of Failure To Submit
- IV. Findings of Failure To Submit for States That Failed To Make a Nonattainment Area SIP Submittal
- V. Environmental Justice Considerations
- VI. Statutory and Executive Order Reviews
- A. Executive Order 12866: Regulatory Planning and Executive Order 13563: Improving Regulation and Regulatory Review
- B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs
- C. Paperwork Reduction Act (PRA)
- D. Regulatory Flexibility Act (RFA)
- E. Unfunded Mandates Reform Act of 1995 (UMRA)
- F. Executive Order 13132: Federalism
- G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
- H. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks
- I. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution or Use
- J. National Technology Transfer and Advancement Act (NTTAA)

- K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority and Low-Income Populations
- L. Congressional Review Act (CRA)
- M. Judicial Review

**I. General Information****A. Notice and Comment Under the Administrative Procedure Act (APA)**

Section 553 of the APA, 5 U.S.C. 553(b)(3)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. The EPA has determined that there is good cause for making this final agency action without prior proposal and opportunity for comment because no significant EPA judgment is involved in making findings of failure to submit SIPs, or elements of SIPs, required by the CAA, where states and territories have made no submissions, or incomplete submissions, to meet the requirement. Thus, notice and public procedures are unnecessary. The EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(3)(B).

**B. How can I get copies of this document and other related information?**

The EPA has established a docket for this action under Docket ID No. EPA–

HQ–OAR–2020–0377. All documents in the docket are listed on <http://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information or 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 through <http://www.regulations.gov>. Out of an abundance of caution for members of the public and our staff, EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID–19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. The telephone number for the Public Reading Room is (202) 566–1744 and the telephone number for the Office of Air and Radiation Docket and Information Center is (202) 566–1742. For further information on EPA Docket Center services and the current status, please visit us online at <https://www.epa.gov/dockets>.

**C. Where do I go if I have specific state or territory questions?**

For questions related to specific states or territories mentioned in this notice, please contact the appropriate EPA Regional Office:

EPA Region 2: Mr. Kirk Wieber, Air Programs Branch, EPA Region II, 290 Broadway, 25th Floor, New York 10007; <a href="mailto:wieber.kirk@epa.gov">wieber.kirk@epa.gov</a> .	Puerto Rico.
EPA Region 5: Mr. Douglas Aburano, Chief, Attainment Planning and Maintenance Section, Air Programs Branch, EPA Region V, 77 West Jackson Street, Chicago, Illinois 60604; <a href="mailto:aburano.douglas@epa.gov">aburano.douglas@epa.gov</a> .	Indiana.
EPA Region 6: Mr. Michael Feldman, Chief, SO <sub>2</sub> and Regional Haze Section, EPA Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270; <a href="mailto:feldman.michael@epa.gov">feldman.michael@epa.gov</a> .	Louisiana.
EPA Region 9: Ms. Anita Lee, Manager, Air Planning Office, EPA Region 9, 75 Hawthorne Street, San Francisco, California 94105; <a href="mailto:lee.anita@epa.gov">lee.anita@epa.gov</a> .	Guam.

**II. Background**

In June 2010, the EPA promulgated a new 1-hour primary SO<sub>2</sub> NAAQS of 75 parts per billion (ppb), which is met when the 3-year average of the annual 99th percentile of daily maximum 1-hour average concentrations does not exceed 75 ppb, as determined in accordance with Appendix T of 40 CFR part 50. See 40 CFR 50.17(a and (b)). On January 9, 2018, the EPA, as part of the third round of area designations for the 2010 SO<sub>2</sub> NAAQS, designated five areas of the country as nonattainment for the 1-hour primary 2010 SO<sub>2</sub> NAAQS.<sup>1</sup> See

83 FR 1098, codified at 40 CFR part 81, subpart C. These area designations had an effective date of April 9, 2018.

Areas designated nonattainment for the SO<sub>2</sub> NAAQS are subject to the general nonattainment area planning requirements of CAA section 172 and to the SO<sub>2</sub>-specific planning requirements of subpart 5 of part D of Title I of the CAA (sections 191 and 192). All components of the SO<sub>2</sub> part D nonattainment area SIP, including the emissions inventory, attainment

be completed by no later than December 31, 2020. The findings in this document apply only to those areas that were designated as a part of the third round of designations for the 2010 SO<sub>2</sub> NAAQS on January 9, 2018, with an effective date of April 9, 2018, and where, as of signature of this action, the affected states failed to submit required complete implementation plans to address attainment of the 1-hr primary SO<sub>2</sub> NAAQS.

demonstration, reasonably available control measures (RACM) and reasonably available control technology (RACT), enforceable emissions limitations and control measures, Reasonable Further Progress (RFP) plan, nonattainment New Source Review (NNSR) program, and contingency measures, are due to the EPA within 18 months of the effective date of designation of an area under CAA section 191. Thus, the nonattainment area SIPs for areas designated effective April 9, 2018, were due on October 9, 2019. These SIPs are required to demonstrate that their respective areas will attain the NAAQS as expeditiously as practicable, but no later than 5 years from the effective date of designation, or April 9, 2023.

<sup>1</sup> The EPA completed its first round of initial area designations for the 2010 1-hour primary SO<sub>2</sub> NAAQS on August 5, 2013, with an effective date of October 4, 2013. Under a court order issued on March 2, 2015, the EPA has completed two out of three additional rounds of designations, required to

**III. Consequences of Findings of Failure To Submit**

If the EPA finds that a state or territory has failed to make the required SIP submittal or that a submitted SIP is incomplete, then CAA section 179(a) establishes specific consequences, after a period of time, including the imposition of mandatory sanctions for the affected area. Additionally, such a finding triggers an obligation under CAA section 110(c) for the EPA to promulgate a FIP no later than 2 years after the finding of failure to submit if the affected state or territory has not submitted, and the EPA has not approved, the required SIP submittal.

If the EPA has not affirmatively determined that a state or territory has made the required complete SIP submittal for an area within 18 months of the effective date of this rulemaking, then, pursuant to CAA section 179(a) and (b) and 40 CFR 52.31, the offset sanction identified in CAA section 179(b)(2) will apply in the affected nonattainment area. If the EPA has not

affirmatively determined that the state or territory has made a complete submission within 6 months after the offset sanction is imposed, then the highway funding sanction will apply in the affected nonattainment area, in accordance with CAA section 179(b)(1) and 40 CFR 52.31. The sanctions will not take effect, if, within 18 months after the effective date of these findings, the EPA affirmatively determines that the affected state or territory has made a complete SIP submittal addressing the deficiency for which the finding was made. Additionally, if the state or territory makes the required SIP submittal and the EPA takes final action to approve the submittal within 2 years of the effective date of these findings, the EPA is not required to promulgate a FIP for the affected nonattainment area.

**IV. Findings of Failure To Submit for States That Failed To Make a Nonattainment Area SIP Submittal**

As of the date of signature of this action, the four states and territories

listed in Table 1 failed to make complete SIP submittals required under part D of Title I of the CAA by October 9, 2019, for the five areas designated nonattainment effective April 9, 2018. The specific components of the SO<sub>2</sub> part D nonattainment area SIP that the four states and territories failed to submit include: An accurate inventory of current emissions for all sources of SO<sub>2</sub> in the nonattainment area, an attainment demonstration, reasonably available control measures (RACM) and reasonably available control technology (RACT), enforceable emissions limitations and control measures, reasonable further progress (RFP) plan, nonattainment new source review (NNSR) program, and contingency measures. Therefore, the EPA is issuing findings of failure to submit SO<sub>2</sub> nonattainment area SIPs for four states and territories responsible for these areas.

**TABLE 1—STATES OR TERRITORIES AND SO<sub>2</sub> NONATTAINMENT AREAS AFFECTED BY THESE FINDINGS OF FAILURE TO SUBMIT**

EPA regional office	State or territory	Nonattainment area
Region 2 .....	Puerto Rico .....	Guayama-Salinas: —Salinas Municipality (p).
Region 2 .....	Puerto Rico .....	San Juan: —Cataño Municipality. —Toa Baja Municipality (p). —San Juan Municipality (p). —Guaynabo Municipality (p). —Bayamón Municipality (p).
Region 5 .....	Indiana .....	Huntington: —Huntington County (p).
Region 6 .....	Louisiana .....	Evangeline Parish: —Evangeline Parish (p).
Region 9 .....	Guam .....	Piti-Cabras: —Piti-Cabras (p).

**Note:** Partial counties are indicated in the table as (p).

**V. Environmental Justice Considerations**

The EPA believes that the human health or environmental risks addressed by this action will not have disproportionately high or adverse human health or environmental effects on minority, low-income, or indigenous populations because it does not directly affect the level of protection provided to human health or the environment under the SO<sub>2</sub> NAAQS. The purpose of this rule is to make findings that the affected states and territories named failed to submit the required SIPs to provide for timely attainment of the 1-hour primary SO<sub>2</sub> NAAQS. In finding that certain states and territories failed to submit a complete SIP that satisfies the

nonattainment area planning requirements under section 172 and subpart 5 of part D of Title I of the CAA (sections 191 and 192) for the 1-hour primary SO<sub>2</sub> NAAQS, this action does not directly affect the level of protection provided for human health or the environment. Moreover, it is intended that the actions and deadlines resulting from this notice will in fact lead to greater protection for U.S. citizens, including minority, low-income, or indigenous populations, by ensuring that states and territories meet their obligation to develop and submit SIPs to ensure that areas make progress toward attaining the 1-hour primary SO<sub>2</sub> NAAQS.

**VI. Statutory and Executive Order Reviews**

*A. Executive Order 12866: Regulatory Planning and Executive Order 13563: Improving Regulation and Regulatory Review*

This action is not a significant regulatory action and was, therefore, not submitted to the Office of Management and Budget (OMB) for review.

*B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs*

This action is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.

### C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the provisions of the PRA. This final rule does not establish any new information collection requirement apart from what is already required by law. This rule relates to the requirement in the CAA for states and territories to submit SIPs under section 172 and subpart 5 of part D of Title I of the CAA (sections 191 and 192) which address the statutory requirements that apply to areas designated as nonattainment for the SO<sub>2</sub> NAAQS.

### D. Regulatory Flexibility Act (RFA)

I certify that this rule 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 entities. The rule is a finding that the named states and territories have not made the necessary SIP submission for nonattainment areas to meet the requirements of part D, title I of the CAA.

### E. Unfunded Mandates Reform Act of 1995 (UMRA)

This action does not contain any unfunded mandate as described in UMRA 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, territorial, local or tribal governments or the private sector.

### F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the named states or territories, on the relationship between the national government and named the states or territories, or on the distribution of power and responsibilities among the various levels of government.

### G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. This rule finds that the named states and territories failed to submit a complete SIP that satisfies the nonattainment area plan requirements under section 172 and subpart 5 of part D of Title I of the CAA (sections 191 and 192) for the 1-hour primary SO<sub>2</sub> NAAQS. No tribe is subject to the requirement to submit an implementation plan under section 172 or under subpart 5 of part D of Title I of the CAA. Thus, Executive Order 13175 does not apply to this action.

### H. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern 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 action is not subject to Executive Order 13045 because it is a finding that the named states and territories failed to submit a complete SIP that satisfies the nonattainment area plan requirements under section 172 and subpart 5 of part D of Title I of the CAA for the 1-hour primary SO<sub>2</sub> NAAQS and does not directly or disproportionately affect children.

### I. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

### J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

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

The EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income, or indigenous populations. In finding that the named states and territories have failed to submit a complete SIP that satisfies the nonattainment area plan requirements under section 172 and subpart 5 of part D of Title I of the CAA for the 1-hour primary SO<sub>2</sub> NAAQS, this action does not directly affect the level of protection provided to human health or the environment.

### L. Congressional Review Act (CRA)

This action is subject to the CRA, and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

### M. Judicial Review

Section 307(b)(1) of the CAA indicates which Federal Courts of Appeal have venue for petitions of review of final actions by the EPA under the CAA. This

section provides, in part, that petitions for review must be filed in the United States Court of Appeals for the District of Columbia Circuit if (i) the agency action consists of “nationally applicable regulations promulgated, or final actions taken, by the Administrator,” or (ii) such action is locally or regionally applicable, but “such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.”

This final action is nationally applicable. To the extent a court finds this final action to be locally or regionally applicable, the EPA finds that this action is based on a determination of “nationwide scope or effect” within the meaning of CAA section 307(b)(1). This final action consists of findings of failure to submit required SIPs from four states and territories for five named nonattainment areas for the 2010 primary 1-hour SO<sub>2</sub> NAAQS, located in four of the 10 EPA Regions, and in four different federal judicial circuits. This final action is also based on a common core of factual findings concerning the receipt and completeness of the relevant SIP submittals. For these reasons, this final action is nationally applicable or, alternatively, to the extent a court finds this action to be locally or regionally applicable, the Administrator has determined that this final action is based on a determination of nationwide scope or effect for purposes of CAA section 307(b)(1).

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 District of Columbia Circuit within 60 days from the date this final action is published in the **Federal Register**.

Filing a petition for reconsideration by the Administrator of this final action does not affect the finality of the action for the purposes of judicial review, nor does it extend the time within which a petition for judicial review must be filed and shall not postpone the effectiveness of such rule or action.

### List of Subjects in 40 CFR Part 52

Environmental protection, Approval and promulgation of implementation plans, Administrative practice and procedures, Air pollution control, Incorporation by reference, Intergovernmental relations, and Reporting and recordkeeping requirements.

Dated: October 8, 2020.  
**Anne L. Austin**,  
*Principal Deputy Assistant Administrator.*  
 [FR Doc. 2020-22947 Filed 11-2-20; 8:45 am]  
**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 63**

[EPA-HQ-OAR-2020-0016; FRL-10015-94-OAR]

RIN 2060-AU25

**National Emission Standards for Hazardous Air Pollutants: Phosphoric Acid Manufacturing**

**AGENCY:** Environmental Protection Agency (EPA).  
**ACTION:** Final rule.

**SUMMARY:** This action finalizes an amendment to the national emission standards for hazardous air pollutants (NESHAP) for the Phosphoric Acid Manufacturing source category. The final amendment is in response to a petition for rulemaking on the mercury emission limit for existing phosphate rock calciners that was finalized on August 19, 2015 (“2015 Rule”). That emission limit was based on the maximum achievable control technology (MACT) floor for existing sources. All six of the existing calciners used to set this MACT floor are located at the PCS Phosphate Company, Inc. (“PCS Phosphate”) facility in Aurora, North Carolina (“PCS Aurora”). PCS Phosphate asserted that data received since the rule’s promulgation indicate that the MACT floor did not accurately reflect the average emission limitation achieved by the units used to set the standard. Based on these new data, the U.S. Environmental Protection Agency (EPA) is finalizing a revision of the mercury MACT floor for existing calciners.

**DATES:** This final rule is effective on November 3, 2020.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2020-0016. All documents in the docket are listed in <https://www.regulations.gov/>. Although listed, 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. With the exception of such material, publicly available docket materials are available

electronically through <https://www.regulations.gov/>. Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID-19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. For further information on EPA Docket Center services and the current status, please visit us online at <https://www.epa.gov/dockets>.

**FOR FURTHER INFORMATION CONTACT:** For questions about this final action, contact Mr. John Feather, Sector Policies and Programs Division (D243-04), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541-3052; fax number: (919) 541-4991 and email address: [feather.john@epa.gov](mailto:feather.john@epa.gov).

**SUPPLEMENTARY INFORMATION:**

*Preamble acronyms and abbreviations.* We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

- BTF beyond-the-floor
- CAA Clean Air Act
- CFR Code of Federal Regulations
- CRA Congressional Review Act
- HAP hazardous air pollutant(s)
- ICR Information Collection Request
- lb/yr pounds per year
- MACT maximum achievable control technology
- mg/dscm milligrams per dry standard cubic meter
- NAICS North American Industry Classification System
- NESHAP national emission standards for hazardous air pollutants
- NTTAA National Technology Transfer and Advancement Act
- OMB Office of Management and Budget
- PRA Paperwork Reduction Act
- RFA Regulatory Flexibility Act
- UMRA Unfunded Mandates Reform Act
- U.S.C. United States Code

*Background information.* On April 7, 2020, the EPA proposed revisions to the Phosphoric Acid Manufacturing NESHAP (85 FR 19412). In this action, we are finalizing decisions and revisions for the rule. We summarize some of the more significant comments we timely received regarding the proposed rule and provide our responses in this preamble. A summary of all other public comments on the proposal and the EPA’s responses to those comments is available in the *Summary of Public Comments and Responses for the Phosphoric Acid*

*Manufacturing NESHAP*, Docket ID No. EPA-HQ-OAR-2020-0016.

*Organization of this document.* The information in this preamble is organized as follows:

- I. General Information
  - A. Does this action apply to me?
  - B. Where can I get a copy of this document and other related information?
  - C. Judicial Review and Administrative Reconsideration
- II. Background
- III. Summary of the Final Amendments
- IV. Summary of Comments and Responses
- V. Summary of Cost, Environmental, and Economic Impacts
- VI. Statutory and Executive Order Reviews
  - A. Executive Orders 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
  - B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs
  - C. Paperwork Reduction Act (PRA)
  - D. Regulatory Flexibility Act (RFA)
  - E. Unfunded Mandates Reform Act (UMRA)
  - F. Executive Order 13132: Federalism
  - G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
  - H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
  - I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
  - J. National Technology Transfer and Advancement Act (NTTAA)
  - K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations
  - L. Congressional Review Act (CRA)

**I. General Information**

*A. Does this action apply to me?*

*Regulated entities.* Categories and entities potentially regulated by this action are shown in Table 1 of this preamble.

**TABLE 1—NESHAP AND INDUSTRIAL SOURCE CATEGORIES AFFECTED BY THIS FINAL ACTION**

NESHAP and source category	NAICS <sup>1</sup> code
Phosphoric Acid Manufacturing ..	325312

<sup>1</sup> North American Industry Classification System.

Table 1 of this preamble is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be affected by the final action for the source category listed. To determine whether your facility is affected, you should examine the applicability criteria in the appropriate