

39 CFR Part 10

Rules of Conduct for Postal Service Governors.

For the reasons stated in the preamble, the Postal Service amends 39 CFR chapter I as follows:

PART 3—BOARD OF GOVERNORS

- 1. The authority citation for part 3 continues to read as follows:

Authority: 39 U.S.C. 202, 203, 205, 401 (2), (10), 402, 404(b), 414, 416, 1003, 2005, 2011, 2802–2804, 3013, 3622, 3632, 3642, 3652, 3654, 3691; 5 U.S.C. 552b(g), (j); 5 U.S.C. App.; Pub. L. 107–67, 115 Stat. 514 (2001).

§ 3.3 [Amended]

- 2. Amend § 3.3 by removing the erroneous paragraph (3) following paragraph (b) and removing paragraphs (o), (p), (q), and (r).

§ 3.6 [Amended]

- 3. Amend § 3.6 by removing the semicolon at the end of paragraph (a)(5) and adding a period in its place and by removing paragraph (a)(6).

- 4. In § 3.7, revise paragraph (b) to read as follows:

§ 3.7 Information furnished to Board—program review.

* * * * *

(b) To enable the Board to review the effectiveness of the Postal Service's equal employment opportunity program, performance data relating to this program shall be furnished to the Board at least annually. These data shall be categorized in such manner as the Board, from time to time, specifies.

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PART 10—RULES OF CONDUCT FOR POSTAL SERVICE GOVERNORS

- 5. The authority citation for part 10 continues to read as follows:

Authority: 39 U.S.C. 401(2), (10).

- 6. Revise § 10.4 to read as follows:

§ 10.4 Financial disclosure reports.

(a) *Requirement of submission of reports*—(1) *Upon nomination*. At the time of their nomination, Governors complete a financial disclosure report which, under the practice of the Senate Homeland Security and Governmental Affairs Committee, is kept confidential.

(2) *After confirmation*. Because the Director of the Office of Government Ethics has concluded that Governors who do not perform the duties of their office for more than 60 days in any calendar year are not required to file financial disclosure reports that are open to the public, Governors file non-

public reports annually, in accordance with this section. A Governor who performs the duties of his or her office for more than 60 days in a particular calendar year is required to file a public report in accordance with 5 CFR 2634.204(c).

(b) *Person with whom reports should be filed and time for filing*. (1) A Governor shall file a financial disclosure report with the Associate General Counsel on or before May 15 of each year when the Governor has been in office for more than 60 consecutive calendar days during the previous year.

(2) The Associate General Counsel may, for good cause shown, grant to a Governor one or more extensions totaling not more than 90 days.

(c) *Information required to be reported*. Each report shall be a full and complete statement, on the form prescribed by the Associate General Counsel and the Office of Government Ethics and in accordance with instructions issued by him or her.

(d) *Reviewing reports*. (1) Financial disclosure reports filed in accordance with the provisions of this section shall, within 60 days after the date of filing, be reviewed by the Associate General Counsel who shall either approve the report, or make an initial determination that a conflict or appearance thereof exists. If the Associate General Counsel determines initially that a conflict or the appearance of a conflict exists, he or she shall inform the Governor of his or her determination.

(2) If the Associate General Counsel considers that additional information is needed to complete the report or to allow an adequate review to be conducted, he or she shall request the reporting Governor to furnish that information by a specified date.

(3) The Associate General Counsel shall refer to the Chairman of the Board of Governors or the Vice Chairman the name of any Governor he or she has reasonable cause to believe has wrongfully failed to file a report or has falsified or wrongfully failed to report required information.

(e) *Custody of and public access to reports*—(1) *Retention of reports*. Each report filed with the Associate General Counsel shall be retained by him or her for a period of six years. After the six-year period, the report shall be destroyed unless needed in connection with an investigation then pending.

(2) *Confidentiality of reports*. Unless a public report is required by this section,

the financial disclosure reports filed by Governors shall not be made public.

Michael J. Elston,

Secretary of the Board of Governors.

[FR Doc. 2021–09714 Filed 5–7–21; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2020–0739; FRL–10023–50–Region 8]

Approval and Promulgation of Implementation Plans; South Dakota; Revisions to Air Rules of South Dakota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the State of South Dakota on January 3, 2020 that revises the Administrative Rules of South Dakota (ARSD), Air Pollution Control Program, updating the chapter pertaining to definitions. The EPA is taking this action pursuant to the Clean Air Act (CAA).

DATES: This rule is effective on June 9, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2020–0739. 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., 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 <http://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Kate Gregory, (303) 312–6175, gregory.kate@epa.gov. Mail can be directed to the Air and Radiation Division, U.S. EPA, Region 8, Mail-code 8ARD–QP, 1595 Wynkoop Street, Denver, Colorado 80202–1129.

SUPPLEMENTARY INFORMATION:

Throughout this document “we,” “us,” and “our” means the EPA.

I. Background

On January 3, 2020 the State of South Dakota submitted revisions and additions to the ARSD. In this action, we are approving the additions to the ARSD pertaining to the definitions section. The subject of this action is described in detail in our notice of proposed rulemaking (NPRM) published on February 24, 2021 (86 FR 11211).

II. Final Action

In this rulemaking, the EPA is approving the revisions to the ARSD submitted by the State of South Dakota on January 3, 2020, specifically the additions of 74:36:01:01(71) and 74:36:01:01(72) in the definitions section of the ARSD.^{1 2} The subsections of the ARSD definitions section we are approving, 74:36:01:01(71) and 74:36:01:01(72), contain the definitions of ‘closed landfill’ and ‘closed landfill subcategory,’ respectively. In this action, we are approving the addition of the abovementioned subsections to the definitions section of the ARSD. Additional revisions and additions to the ARSD, related to content that includes ‘closed landfill’ and ‘closed landfill subcategory’ have been approved in a separate action [(85 FR 16538) Approval and Promulgation of State Plans for Designated Facilities and Pollutants; South Dakota; Control of Emissions From Existing Municipal Solid Waste Landfills].

In the table below, the key is as follows:

A—Approve.

D—Disapprove.

TABLE 1—ARSD ADDITIONS THAT THE EPA IS APPROVING

Additions the Administrative Rules of South Dakota (ARSD)	
74:36:01:01(71)	A
74:36:01:01(72)	A

¹ The additional revisions and additions to the ARSD as they relate to the SIP referenced in the January 3, 2020 ARSD rule revision submission by the State of South Dakota were approved in a prior rule: Air Quality State Implementation Plans; Approval and Promulgation of Implementation Plans; South Dakota; Infrastructure Requirements for the 2015 Ozone National Ambient Air Quality Standards; Revisions to Administrative Rules (85 FR 67653).

² ARSD numbering in the notice of proposed rulemaking for this action (86 FR 11211) was listed as 74:36:01:01(74) and 74:36:01:01(75). The correct numbering of the ARSD we are acting on is listed in this notice of final rulemaking as 74:36:01:01(71) and 74:36:01:01(72). The definitions we are approving of ‘closed landfill’ and ‘closed landfill subcategory’ remain unchanged in both the proposal and final action.

III. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of ARSD, Air Pollution Control Program, updating the ARSD chapters pertaining to definitions as is described in the preamble. The EPA has made, and will continue to make, these materials generally available through www.regulations.gov and at the EPA Region 8 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA’s approval, and will be incorporated by reference in the next update to the SIP compilation.³

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, 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, the EPA’s role is to approve state choices, provided that they meet the criteria of the Clean Air Act. 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, 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).

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 Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 9, 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,

³ 62 FR 27968 (May 22, 1997).

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, Carbon monoxide, Greenhouse gases, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and

recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: May 4, 2021.

Debra H. Thomas,

Acting Regional Administrator, Region 8.

40 CFR part 52 is amended as follows:

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.*

Subpart QQ—South Dakota

■ 2. In § 52.2170, the table in paragraph (c) is amended by revising the entry for “74:36:01:01” to read as follows:

§ 52.2170 Identification of plan.

* * * * *

(c) * * *

Rule No.	Rule title	State effective date	EPA effective date	Final rule citation, date	Comments
74:36:01:01	Definitions	11/25/2019	6/9/2021	[insert Federal Register citation], 5/10/2021.	

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[FR Doc. 2021–09863 Filed 5–7–21; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2021–0604; FRL–10023–14–Region 6]

Air Plan Approval; Louisiana; Infrastructure State Implementation Plan Requirements for the National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is approving the State Implementation Plan (SIP) submittal from Louisiana submitted on November 4, 2020 for the 2015 ozone, as well as the 2006 PM_{2.5}, 2008 ozone, 2010 nitrogen dioxide, 2010 sulfur dioxide and the 2012 PM_{2.5} National Ambient Air Quality Standards. This submittal addresses how the existing SIP contains adequate provisions prohibiting emissions which interfere with required measures in any other State to protect visibility with respect to the 2015 ozone NAAQS as well as the 2006 PM_{2.5}, 2008 ozone, 2010 nitrogen dioxide, 2010 sulfur dioxide and the 2012 PM_{2.5} NAAQS.

DATES: This rule is effective on June 9, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID

No. EPA–R06–OAR–2020–0604. 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, 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. Publicly available docket materials are available electronically through <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Jennifer Huser, EPA Region 6 Office, Air and Radiation Division—State Planning and Implementation Branch, 214–665–7347, huser.jennifer@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. 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,” and “our” means the EPA.

I. Background

The background for this action is discussed in detail in our February 22, 2021 proposal (86 FR 10509). In that document we proposed to approve the State Implementation Plan (SIP) submittal from Louisiana submitted on November 4, 2020 for the 2015 ozone (O₃), 2006 PM_{2.5}, 2008 ozone, 2010 nitrogen dioxide, 2010 sulfur dioxide and the 2012 PM_{2.5} National Ambient Air Quality Standards (NAAQS). This submittal addresses Prong 4 of the CAA

(also referred to as visibility transport) that requires states to demonstrate that their SIP contains adequate measures that prohibit emissions from any source within a state from interfering with the visibility protection measures of other states. The submittal addresses how the existing SIP contains adequate provisions to meet the requirements with respect to the 2015 ozone NAAQS as well as the 2006 PM_{2.5}, 2008 ozone, 2010 nitrogen dioxide, 2010 sulfur dioxide and the 2012 PM_{2.5} NAAQS, as Louisiana now has a fully approved Regional Haze SIP. We did not receive any comments regarding our proposal.

II. Final Action

We are approving the SIP revision submitted on November 4, 2020 which addresses the Prong 4 requirements for the following NAAQS: 2015 Ozone, 2006 PM_{2.5}, 2008 Ozone, 2010 Nitrogen dioxide, 2010 Sulfur Dioxide, and the 2012 PM_{2.5}. This action is being taken under section 110 of the Act.

III. 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, the 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: