

In addition to public comments that would assist BIS in evaluating the status of BCI technology as an emerging technology, BIS encourages comments that would help it to determine:

(1) Which aspects of BCI technology would be more likely to require monitoring by the U.S. Government (USG); and

(2) Whether specific USG policies and regulations, as well as industry standards, need to be established before this technology becomes widely available for use in commercial applications.

BIS also welcomes comments concerning whether export controls on BCI technology should be implemented multilaterally (rather than unilaterally), in the interest of increasing their effectiveness and minimizing their impact on U.S. industry. As noted above, a number of respondents who commented on BIS's November 19 ANPRM indicated their preference for multilateral export controls over unilateral export controls, because the former typically place U.S. industry on a more level playing field versus producers/suppliers in other countries. In this regard, note that Section 1758(c) of ECRA (as codified under 50 U.S.C. 4817(c)) provides that "the Secretary of State, in consultation with the Secretary [of Commerce] and the Secretary of Defense, and the heads of other Federal agencies, as appropriate, shall propose that any technology identified pursuant to subsection (a) [of ECRA] be added to the list of technologies controlled by the relevant multilateral export control regimes." Subsection (a) of section 1758 (as codified under 50 U.S.C. 4817(a)) addresses the interagency process for identifying emerging technologies.

BIS also encourages comments that address issues raised in the November 19 emerging technology ANPRM public comments (as summarized above) and any other BCI technology topics that they consider to be relevant to this inquiry. The information provided by the respondents in response to this ANPRM will assist BIS in evaluating BCI as a potential emerging technology for the purpose of formulating export control policies that will be both effective and appropriate, with respect to their objective and scope.

Comments should be submitted to BIS as described in the **ADDRESSES** section of this ANPRM and must be received by BIS no later than December 10, 2021.

This rule has been designated a "significant regulatory action," although not economically significant, under Executive Order 12866. Accordingly, this rule has been reviewed by the

Office of Management and Budget (OMB).

**Matthew S. Borman,**

*Deputy Assistant Secretary for Export Administration.*

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**BILLING CODE 3510-33-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R05-OAR-2021-0441; FRL-9160-01-R5]

#### Air Plan Approval; Michigan; Base Year Emissions Inventory for the 2010 Sulfur Dioxide Standard

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve, under the Clean Air Act (CAA), revisions to the State Implementation Plan (SIP) submitted by the Michigan department of Environment, Great Lakes, and Energy (EGLE) on June 30, 2021. The revisions address the emission inventory requirements for the St. Clair County nonattainment area under the 2010 sulfur dioxide (SO<sub>2</sub>) National Ambient Air Quality Standard (NAAQS or standard). The CAA requires states to develop and submit, as SIP revisions, emission inventories for all areas designated as nonattainment for any NAAQS.

**DATES:** Comments must be received on or before November 26, 2021.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R05-OAR-2021-0441 at <http://www.regulations.gov> or via email to [blakley.pamela@epa.gov](mailto:blakley.pamela@epa.gov). For comments submitted at [Regulations.gov](https://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](https://www.regulations.gov). For either manner of submission, 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. 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 <http://www2.epa.gov/dockets/commenting-epa-dockets>.

#### FOR FURTHER INFORMATION CONTACT:

Emily Crispell, Environmental Scientist, Control Strategies Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-8512, [crispell.emily@epa.gov](mailto:crispell.emily@epa.gov). The EPA Region 5 office is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays and facility closures due to COVID-19.

#### SUPPLEMENTARY INFORMATION:

Throughout this document whenever "we," "us," or "our" is used, we mean EPA.

#### I. The 2010 SO<sub>2</sub> NAAQS Emissions Inventory Requirements

On June 22, 2010, EPA promulgated a revised 1-hour SO<sub>2</sub> NAAQS of 75 parts per billion (ppb) (75 FR 35520). On September 12, 2016 the partial St. Clair County area was designated as nonattainment (St. Clair nonattainment area) for the 2010 1-hour SO<sub>2</sub> NAAQS. The St. Clair nonattainment area is defined by the St. Clair River for the eastern boundary, an extension from the St. Clair River directly west to the intersection of State Highway M-29 and St. Clair River Drive, continuing west on State Highway M-29 to Church Road to Arnold Road to County Line Road for the southern boundary, County Line Road and the Macomb/St. Clair County boundary to Stoddard Road to Wales Ridge Road for the western boundary, and Alpine Road to Fitz Road to Smith Creek Road to Range Road to Huron Avenue, extending directly east from the intersection of Huron Road and River Road to the St. Clair River for the northern boundary (83 FR 1098, January 9, 2018).

CAA section 172(c)(3), 42 U.S.C. 7502(c)(3), requires states to develop and submit, as SIP revisions, emission inventories for all areas designated as nonattainment for any NAAQS. An emission inventory for SO<sub>2</sub> is an estimation of actual emissions of sulfur oxides (SO<sub>x</sub>) in an area. SO<sub>2</sub> is the component of greatest concern and is used as the indicator for the larger group of gaseous SO<sub>x</sub>. SO<sub>2</sub> is a gas that is formed by the burning of fossil fuels by

power plants and other industrial facilities such as extracting metal from ore; natural sources such as volcanoes; and locomotives, ships and other vehicles and heavy equipment that burn fuel with a high sulfur content. Control measures that reduce SO<sub>2</sub> can generally be expected to reduce people's exposures to all gaseous SO<sub>x</sub>. Therefore, an emission inventory for SO<sub>x</sub> focuses on the emissions of SO<sub>2</sub>.

Emission inventories provide emissions data for a variety of air quality planning tasks, including establishing baseline emission levels (anthropogenic [manmade] emissions associated with SO<sub>2</sub> standard violations), calculating emission reduction targets needed to attain the NAAQS, determining emission inputs for SO<sub>2</sub> air quality modeling analyses, and tracking emissions over time to determine progress toward achieving air quality and emission reduction goals.

As stated above, the CAA requires the states to submit emission inventories for areas designated as nonattainment for SO<sub>2</sub>. For the 2010 1-hour SO<sub>2</sub> NAAQS, EPA specifies that states submit SO<sub>2</sub> emission estimates for an inventory calendar year preceding the year of the area's effective date of designation as a nonattainment area (75 FR 35520). States are required to submit estimates of SO<sub>2</sub> emissions for four general classes of anthropogenic sources: stationary point sources; area sources; on-road mobile sources; and off-road mobile sources.

**II. EGLE's Emissions Inventory**

On June 30, 2021, EGLE submitted a SIP revision addressing the emissions inventory requirement of CAA section 172(c)(3). EGLE also clarified that Michigan has a fully approved Nonattainment New Source Review (NSR) program, which is set forth in Part 19 of Michigan's rules (R 336.2901

through R 336.2908). EPA confirms that this NSR program was approved by the EPA into the SIP on December 16, 2013 (78 FR 76064). EGLE provided documentation for the 2014 SO<sub>2</sub> base year emissions inventory for the St. Clair County nonattainment area. EGLE selected 2014 because this was one of the three years of SO<sub>2</sub> data indicating a violation of the SO<sub>2</sub> standard that were used to designate the areas as nonattainment for the 2010 SO<sub>2</sub> NAAQS (83 FR 1098). In addition, the 2014 emissions inventory was the most recent comprehensive, accurate, and quality assured (QA) triennial emissions inventory in the National Emissions Inventory (NEI) database, available at the time the state began preparing the emissions inventory submittal for the partial St. Clair County area. Table 1 summarizes the 2014 SO<sub>2</sub> emissions for the partial St. Clair County area in tons of emissions per year.

TABLE 1—2014 SO<sub>2</sub> EMISSIONS

County/NAA	2014 SO <sub>2</sub> Emissions (tons/year)					
	EGU <sup>1</sup>	Non-EGU point	Area	Non-road	On-road	Total SO <sub>2</sub>
Partial St. Clair .....	51,920	1,632	74.4	0.59	12.2	53,639.19

<sup>1</sup> Electric Generating Units (EGU).

**A. Base Year Inventory**

EGLE estimated SO<sub>2</sub> emissions for all source categories in the St. Clair County SO<sub>2</sub> nonattainment area. Emissions for the St. Clair County SO<sub>2</sub> nonattainment area were totaled by source category.

**a. Point Sources**

To develop the SO<sub>2</sub> point source emissions inventory, EGLE used the annual emissions data contained in EPA's Clean Air Markets Division database for emissions from EGU point sources and annual emissions data reported by facility operators to EGLE's air emissions inventory database for non-EGU point sources.

**b. Area Sources**

To develop the SO<sub>2</sub> area source emissions inventories, EGLE used the annual emissions data contained in EPA's 2014 NEI to estimate 2014 emissions.

**c. On-Road and Non-Road Sources**

To develop the SO<sub>2</sub> non-road and on-road source emissions inventories, EGLE used the annual emissions data contained in EPA's 2014 NEI to estimate 2014 emissions.

**III. EPA's Evaluation**

**A. Emissions Inventory**

EPA has reviewed EGLE's June 30, 2021, requested SIP revision for consistency with section 172(c)(3) CAA and with EPA's emission inventory requirements. In particular, EPA has reviewed the techniques used by EGLE to quantify and quality assure the emission estimates. EPA has also considered whether EGLE has provided the public with the opportunity to review and comment on the development of the emission estimates, and whether the State has addressed all public comments. EGLE received no comments during the comment period but did receive a comment from EPA Region 5. The comment asked that the emission inventory include the 2014 NEI emissions for 3 other categories of sources: on-road, non-road, and area. EGLE addressed this comment by adding on-road, non-road, and area SO<sub>2</sub> emissions estimates for the St. Clair County nonattainment area to their emissions inventory submittal. EGLE documented the procedures used to estimate the emissions for each of the major source types. Our review finds

that EGLE followed acceptable procedures to estimate the emissions.

Accordingly, we propose to conclude that EGLE has developed an inventory of SO<sub>2</sub> sources that is comprehensive and complete. EGLE's submittal of a complete emission inventory and certification of an approved NSR program in addition to a Clean Data Determination, proposed in a separate action on August 17, 2021 (86 FR 45947), addresses deficiencies identified in the September 20, 2019 (84 FR 49463) finding of failure to submit a nonattainment plan for the St. Clair area, and will stop the sanctions clocks applicable to those deficiencies.

**IV. EPA Action**

EPA is proposing to approve EGLE's SIP revision submitted to address the SO<sub>2</sub>-related emission inventory and NSR certification requirements for the partial St. Clair County SO<sub>2</sub> nonattainment area for the 2010 SO<sub>2</sub> NAAQS. The emission inventory we are approving into the SIP is specified in Table 1. We are also proposing to approve the emission inventory because it contains comprehensive, accurate, and current inventories of actual emissions for all relevant sources in

accordance with CAA section 172(c)(3), and because EGLE adopted the emission inventories after providing for reasonable public notice. EPA also proposes to approve the certification of Michigan's fully approved NSR program, which was approved by the EPA into the SIP on December 16, 2013 (78 FR 76064) and meets the requirements of CAA section 172(c)(5).

#### 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 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).

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, sulfur oxides.

Dated: October 19, 2021.

**Cheryl Newton,**

*Acting Regional Administrator, Region 5.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 81

[EPA-R07-OAR-2021-0667; FRL-9105-01-R7]

#### Air Plan Approval; Missouri Redesignation Request and Associated Maintenance Plan for the Jackson County 2010 SO<sub>2</sub> 1-Hour NAAQS Nonattainment Area

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

**ACTION:** Proposed rule.

**SUMMARY:** On February 18, 2021, the State of Missouri submitted a request for the Environmental Protection Agency (EPA) to redesignate the Jackson County, Missouri, 2010 1-hour sulfur dioxide (SO<sub>2</sub>) National Ambient Air Quality Standard (NAAQS) nonattainment area to attainment and approve a State Implementation Plan (SIP) revision containing a maintenance plan for the area. The State provided a supplement to the maintenance plan on September 7, 2021. In response to these submittals, the EPA is proposing to take the following actions: Approve the State's plan for maintaining attainment of the 2010 1-hour SO<sub>2</sub> primary standard in the area; and approve the State's request to redesignate the Jackson County SO<sub>2</sub> nonattainment area to attainment for the 2010 1-hour SO<sub>2</sub> primary standard. This redesignation action, if finalized, will address the EPA's obligation under a consent decree which establishes a deadline of March 31, 2022 for the EPA to determine under Clean Air Act (CAA) section 179(c)

whether the Jackson County SO<sub>2</sub> nonattainment area attained the NAAQS by the October 4, 2018 attainment date.

**DATES:** Comments must be received on or before November 26, 2021.

**ADDRESSES:** You may send comments, identified by Docket ID No. EPA-R07-OAR-2021-0667 to <https://www.regulations.gov>. Follow the online instructions for submitting comments.

**Instructions:** All submissions received must include the Docket ID No. for this rulemaking. Comments received will be posted without change to <https://www.regulations.gov/>, including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the "Written Comments" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

#### FOR FURTHER INFORMATION CONTACT:

Wendy Vit, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551-7697 or by email at [vit.wendy@epa.gov](mailto:vit.wendy@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document "we," "us," and "our" refer to the EPA.

#### Table of Contents

- I. Written Comments
- II. Have the requirements for approval of a SIP revision been met?
- III. What is the background for the EPA's proposed actions?
- IV. What are the criteria for redesignation?
- V. What is the EPA's analysis of the request?
- VI. What are the actions the EPA is proposing to take?
- VII. Environmental Justice Concerns
- VIII. Incorporation by Reference
- IX. Statutory and Executive Order Reviews

#### I. Written Comments

Submit your comments, identified by Docket ID No. EPA-R07-OAR-2021-0667, at <https://www.regulations.gov>. Once submitted, comments cannot be edited or removed from [regulations.gov](https://www.regulations.gov). 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