

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 May 1, 2023. 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) of the CAA.

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

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: February 22, 2023.

**Daniel Blackman,**  
*Regional Administrator, Region 4.*

For the reasons stated in the preamble, EPA amends 40 CFR part 52 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 Z—Mississippi**

- 2. Section 52.1276 is added to read as follows:

**§ 52.1276 Conditional approval.**

Mississippi submitted a SIP revision to EPA on January 25, 2021, as

supplemented on November 18, 2022, regarding Mississippi’s 2015 8-hour Ozone NAAQS infrastructure SIP that addresses the prevention of significant deterioration related requirements of CAA sections 110(a)(2)(C), 110(a)(2)(D)(i)(II) (Prong 3), and 110(a)(2)(J), and the modeling requirements of 110(a)(2)(K). The SIP revision included a commitment to adopt a rule revision to meet requirements of these sections and submit a SIP revision containing the revised rules. EPA conditionally approved these portions of the January 25, 2021, SIP revision, as supplemented November 18, 2022, in an action published in the **Federal Register** on March 1, 2023. If Mississippi fails to meet its commitment by March 1, 2024, the conditional approval will become a disapproval on March 1, 2024.

- 3. In § 52.1270, in paragraph (e), amend the table by adding an entry for “110(a)(1) and (2) Infrastructure Requirements for the 2015 8-hour Ozone NAAQS” at the end of the table to read as follows.

**§ 52.1270 Identification of plan.**

\* \* \* \* \*  
(e) \* \* \*

**EPA APPROVED MISSISSIPPI NON-REGULATORY PROVISIONS**

Name of non-regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approval date	Explanation
* 110(a)(1) and (2) Infrastructure Requirements for the 2015 8-hour Ozone NAAQS.	* Mississippi .....	* 1/25/2021	* 3/1/2023, [Insert citation of publication].	* Addressing and conditionally approving the PSD elements of sections 110(a)(2)(C), (D)(i)(II), and J, and section 110(a)(2)(K) only.

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA–R04–OAR–2022–0012; FRL–9727–01–R4]

**Air Plan Approval; Florida; Update to Materials Incorporated by Reference**

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

**ACTION:** Final rule; notice of administrative change.

**SUMMARY:** The Environmental Protection Agency (EPA) is updating the materials

that are incorporated by reference (IBR) into the Florida State Implementation Plan (SIP). The regulations affected by this update have been previously submitted by Florida and approved by EPA. In this notice, EPA is also notifying the public of corrections and clarifying changes in the Code of Federal Regulations (CFR) tables that identify material incorporated by reference into the Florida SIP. This update affects the materials that are available for public inspection at the National Archives and Records Administration (NARA) and the EPA Regional Office.

**DATES:** This action is effective March 1, 2023.

**ADDRESSES:** The SIP materials whose incorporation by reference into 40 CFR

part 52 is finalized through this action are available for inspection at the following locations: Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, GA 30303; and [www.regulations.gov](http://www.regulations.gov). To view the materials at the Region 4 Office, EPA requests that you email the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office’s official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Sarah LaRocca, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S Environmental Protection Agency, Region 4, 61 Forsyth

Street SW, Atlanta, Georgia 30303–8960. Ms. LaRocca can be reached via telephone at (404) 562–8994 and via electronic mail at [larocca.sarah@epa.gov](mailto:larocca.sarah@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Each state has a SIP containing the control measures and strategies used to attain and maintain the national ambient air quality standards (NAAQS). The SIP is extensive, containing such elements as air pollution control regulations, emission inventories, monitoring networks, attainment demonstrations, and enforcement mechanisms.

Each state must formally adopt the control measures and strategies in the SIP after the public has had an opportunity to comment on them and then submit the proposed SIP revisions to EPA. Once these control measures and strategies are approved by EPA, and after notice and comment, they are incorporated into the federally-approved SIP and are identified in part 52—“Approval and Promulgation of Implementation Plans,” Title 40 of the Code of Federal Regulations (40 CFR part 52). The full text of the state regulation approved by EPA is not reproduced in its entirety in 40 CFR part 52 but is “incorporated by reference.” This means that EPA has approved a given state regulation or specified changes to a given regulation with a specific effective date. The public is referred to the location of the full text version should they want to know which measures are contained in a given SIP. The information provided allows EPA and the public to monitor the extent to which a state implements a SIP to attain and maintain the NAAQS and to take enforcement action for violations of the SIP.

The SIP is a living document which the state can revise as necessary to address the unique air pollution problems in the state. Therefore, EPA from time to time must take action on proposed revisions containing new or revised state regulations. A submission from a state can revise one or more rules in their entirety or portions of rules. The state indicates the changes in the submission (such as by using redline/strikethrough text), and EPA then takes action on the requested changes. EPA establishes a docket for its actions using a unique Docket Identification Number, which is listed in each action. These dockets and the complete submission are available for viewing on [www.regulations.gov](http://www.regulations.gov).

On May 22, 1997 (62 FR 27968), EPA revised the procedures for incorporating by reference, into the Code of Federal Regulations, materials approved by EPA into each SIP. These changes revised the format for the identification of the SIP in 40 CFR part 52, streamlined the mechanisms for announcing EPA approval of revisions to a SIP, and streamlined the mechanisms for EPA’s updating of the IBR information contained for each SIP in 40 CFR part 52. The revised procedures also called for EPA to maintain “SIP Compilations” that contain the federally approved regulations and source-specific permits submitted by each state agency. EPA generally updates these SIP Compilations on an annual basis. Under the revised procedures, EPA must periodically publish an informational document in the rules section of the **Federal Register** notifying the public that updates have been made to a SIP Compilation for a particular state. EPA began applying the 1997 revised procedures to Florida on June 16, 1999, and is providing this notice in accordance with such procedures. *See* 64 FR 23246.

##### II. EPA Action

In this action, EPA is providing notice of an update to the materials incorporated by reference into the Florida SIP as of August 31, 2022, and identified in 40 CFR 52.520(c) and (d). This update includes SIP materials approved by EPA since the last IBR update. *See* 83 FR 17081 (April 18, 2018). In addition, EPA is providing notice of the following corrections and clarifying changes to 40 CFR 52.520(c) and (d):

*Changes Applicable to Paragraph (c), EPA Approved Florida Laws and Regulations*

A. Correcting Table (c)’s title, from “(c) EPA Approved Florida Regulations” to “(c) EPA-Approved Florida Laws and Regulations”.

B. Correcting the header of paragraph (c), from “EPA Approved Florida Regulations” to “EPA-Approved Florida Laws and Regulations”.

C. Where applicable, under the “State effective date” and “EPA Approval Date,” removing the leading zero from the month and day, and change the 2-digit year to reflect a 4-digit year (for consistency), and correcting a **Federal Register** citation to reflect the beginning page of the preamble as opposed to that of the regulatory text.

D. Correcting a typographical error for State Statute 62–296.570 by changing the title, “Reasonably Available Control Technology (RACT)—Requirements for

Major VOC and NO<sub>x</sub>-Emitting Facilities” to “Reasonably Available Control Technology (RACT)—Requirements for Major VOC- and NO<sub>x</sub>-Emitting Facilities”.

E. Correcting a typographical error for State Statute 62–296.705 by changing the title, “Phosphate Processing operations” to “Phosphate Processing Operations”.

F. Correcting a typographical error for State Statute 62–296.711 by changing the title, “Materials Handling, Sizing, Screening, Crushing and Grinding operations” to “Materials Handling, Sizing, Screening, Crushing and Grinding Operations”.

G. Changing the reference to State Statute 112.3143(4) by removing reference to subsection (4) and correcting a typographical error by changing the title, “Voting Conflict” to “Voting conflicts”.

H. Reformatting “State Statutes” 120.569 and 403.131 to be in sequential order.

I. Correcting state effective dates listed under State Statutes in paragraph 52.520(c), as described below:

a. 112.3143, Voting conflicts, State effective date is revised to read “6/29/1999.”

b. 112.3144, Full and public disclosure of financial interests, State effective date is revised to read “10/1/2006.”

c. 120.569, Decisions which affect substantial interests, State effective date is revised to read “6/24/2011.”

d. 403.131, Injunctive relief, remedies, State effective date is revised to read “6/15/2001.”

J. Adding language to the explanation column under State Statute 120.569, Decisions which affect substantial interests, to read as follows: “Paragraph (2)(n) only; to satisfy the requirements of section 110(a)(2)(G).”

*Changes Applicable to Paragraph (d), EPA Approved Florida Source-Specific Requirements*

A. Correcting Table (d)’s title, from “(d) EPA-approved State Source-specific requirements” to “(d) EPA-Approved State Source-Specific Requirements.”

B. Correcting the header of paragraph (d) from “EPA-approved Florida source-specific requirements” to “EPA-Approved Florida Source-Specific Requirements.”

C. Where applicable, under the “State effective date” and “EPA Approval Date,” removing the leading zero from the month and day, changing the 2-digit year to reflect a 4-digit year (for consistency), and correcting a **Federal Register** citation to reflect the beginning

page of the preamble as opposed to that of the regulatory text.

D. Correcting the explanation column listed in Table (d), as described below:

a. Mosaic Fertilizer, LLC, revised to read “Specific Conditions pertaining to EU004; EU005; and EU006.”

b. Rayonier Performance Fibers, LLC, revised to read “Specific Conditions pertaining to EU005; EU006; and EU022.”

c. Tampa Electric Company—Big Bend Station, Air Permit No. 0570039–074–AC, removing the word “only.”

d. Tampa Electric Company—Big Bend Station, Air Permit No. 0570039–120–AC, removing the word “only.”

### III. Good Cause Exemption

EPA has determined that this action falls under the “good cause” exemption in the section 553(b)(3)(B) of the Administrative Procedure Act (APA) which, upon finding “good cause,” authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make an action effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). This administrative action simply codifies provisions which are already in effect as a matter of law in Federal and approved state programs, makes typographical/ministerial revisions to the tables in the CFR, and makes ministerial changes to the prefatory heading to the tables in the CFR. Under section 553(b)(3)(B) of the APA, an agency may find good cause where procedures are “impracticable, unnecessary, or contrary to the public interest.” Public comment for this administrative action is “unnecessary” and “contrary to the public interest” since the codification (and corrections) only reflect existing law and the changes to the prefatory heading to the tables are ministerial in nature. Immediate notice of this action in the **Federal Register** benefits the public by providing the public notice of the updated Florida SIP Compilation and notice of corrections to the Florida “Identification of Plan” portion of the CFR. Further, pursuant to section 553(d)(3), making this action immediately effective benefits the public by immediately updating both the SIP Compilation and the CFR “Identification of plan” section (which includes table entry corrections).

### IV. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference as described in Sections I and II of this preamble. In accordance with requirements of 1 CFR

51.5, EPA is finalizing the incorporation by reference of previously EPA-approved regulations promulgated by Florida and federally effective prior to August 31, 2022. EPA has made, and will continue to make, these materials generally available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region 4 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

### 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. *See* 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 final rule and notification of administrative change 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).

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 as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

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).

EPA also believes that the provisions of section 307(b)(1) of the CAA pertaining to petitions for judicial review are not applicable to this action. This is because prior EPA rulemaking actions for each individual component of the Florida SIP Compilation previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA believes judicial review of this action under section 307(b)(1) is not available.

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: February 22, 2023.

**Daniel Blackman,**

*Regional Administrator, Region 4.*

40 CFR part 52, is amended as follows:

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

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

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

**Subpart K—Florida**

■ 2. § 52.520, paragraphs (b), (c), and (d) are revised to read as follows:

**§ 52.520 Identification of plan.**

\* \* \* \* \*

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to August 31, 2022, for Florida was approved for incorporation

by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval and notice of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c) and (d) of this section with EPA approval dates after August 31, 2022, for Florida will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 4 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the

State Implementation Plan as of the dates referenced in paragraph (b)(1).

(3) Copies of the materials incorporated by reference may be inspected at the Region 4 EPA Office at 61 Forsyth Street SW, Atlanta, GA 30303. To obtain the material, please call (404) 562–9022. You may inspect the material with an EPA approval date prior to August 31, 2022, for Florida at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA email [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov) or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

(c) *EPA-approved Florida laws and regulations.*

**EPA-APPROVED FLORIDA LAWS AND REGULATIONS**

State citation (section)	Title/subject	State effective date	EPA approval date	Explanation
<b>Chapter 62–204 Air Pollution Control—General Provisions</b>				
62–204.100 .....	Purpose and Scope .....	3/13/1996	6/16/1999, 64 FR 32346.	
62–204.200 .....	Definitions .....	2/12/2006	6/27/2008, 73 FR 36435.	
62–204.220 .....	Ambient Air Quality Protection ....	3/13/1996	6/16/1999, 64 FR 32346.	
62–204.240 .....	Ambient Air Quality Standards ....	3/13/1996	6/16/1999, 64 FR 32346.	
62–204.260 .....	Prevention of Significant Deterioration Maximum Allowable Increases (PSD Increments).	2/12/2006	6/27/2008, 73 FR 36435.	
62–204.320 .....	Procedures for Designation and Redesignation of Areas.	3/13/1996	6/16/1999, 64 FR 32346.	
62–204.340 .....	Designation of Attainment, Nonattainment, and Maintenance Areas.	3/13/1996	6/16/1999, 64 FR 32346.	
62–204.360 .....	Designation of Prevention of Significant Deterioration Areas.	3/13/1996	6/16/1999, 64 FR 32346.	
62–204.400 .....	Public Notice and Hearing Requirements for State Implementation Plan Revisions.	11/30/1994	6/16/1999, 64 FR 32353.	
62–204.500 .....	Conformity .....	8/31/1998	8/11/2003, 68 FR 47468 .....	Except for the incorporation by reference of 40 CFR 93.104(e) of the Transportation Conformity Rule.
<b>Chapter 62–210 Stationary Sources—General Requirements</b>				
62–210.200 .....	Definitions .....	10/23/2013	9/16/2020, 85 FR 57707 .....	The ethanol production facility exclusion within the definition of “major stationary source” at 62–210.200 does not apply to 62–212.500. Except the following definitions: “animal crematory”; “biological waste”; “biological waste incinerator”; “biomedical waste”; “capture efficiency”; “cast polymer operation”; “human crematory”; “major source of air pollution,” “major source,” or “title V source”; “printed interior panels”; “unit-specific applicable requirement”; and “waste-to-energy facility”.
62–210.220 .....	Small Business Assistance Program.	10/6/2008	7/3/2017, 82 FR 30767.	
62–210.300 .....	Permits Required .....	5/9/2007	6/1/2009, 63 FR 26103.	
62–210.310 .....	Air General Permits .....	6/29/2011	10/6/2017, 82 FR 46682.	
62–210.350 .....	Public Notice and Comment .....	10/12/2008	7/29/2020, 85 FR 45539 .....	Except for 62–210.350(1)(c).

## EPA-APPROVED FLORIDA LAWS AND REGULATIONS—Continued

State citation (section)	Title/subject	State effective date	EPA approval date	Explanation
62-210.360 .....	Administrative Permit Corrections Emissions Computation and Reporting. Stack Height Policy .....	11/23/1994	6/16/1999, 64 FR 32346.	
62-210.370 .....		2/2/2006	6/27/2008, 73 FR 36435.	
62-210.550 .....		11/23/1994	6/16/1999, 64 FR 32346.	
62-210.650 .....		10/15/1992	10/20/1994, 59 FR 52916.	
62-210.700 .....		11/23/1994	6/16/1999, 64 FR 32346.	
62-210.900 .....	Forms and Instructions .....	2/9/1993	11/7/1994, 59 FR 46157.	
<b>Chapter 62-212 Stationary Sources—Preconstruction Review</b>				
62-212.300 .....	General Preconstruction Review Requirements.	6/29/2009	4/12/2011, 76 FR 20239.	Except the provisions for the PM <sub>2.5</sub> significant impact levels at (5)(b). The ethanol production facility exclusion within the definition of “major stationary source” at 62-210.200 does not apply to 62-212.500.
62-212.400 .....	Prevention of Significant Deterioration.	3/28/2012	9/16/2020, 85 FR 57707 .....	
62-212.500 .....	Preconstruction Review for Non-attainment Areas.	2/2/2006	6/27/2008, 73 FR 36435 .....	
62-212.720 .....	Actuals Plantwide Applicability Limits (PALs).	12/17/2013	7/3/2017, 82 FR 30767.	
<b>Chapter 62-252 Gasoline Vapor Control</b>				
62-252.300 .....	Gasoline Dispensing Facilities Stage I Vapor Recovery.	5/1/2015	8/12/2015, 80 FR 48259.	
<b>Chapter 62-256 Open Burning and Frost Protection Fires</b>				
62-256.100 .....	Declaration and Intent .....	12/9/1975	11/1/1977, 42 FR 57124.	
62-256.200 .....	Definitions .....	11/30/1994	6/16/1999, 64 FR 32346.	
62-256.300 .....	Prohibitions .....	11/30/1994	6/16/1999, 64 FR 32346.	
62-256.400 .....	Agricultural and Silvicultural Fires	7/1/1971	5/31/1972, 37 FR 10842.	
62-256.450 .....	Burning for Cold or Frost Protection.	6/27/1991	9/9/1994, 59 FR 46552.	
62-256.500 .....	Land Clearing .....	11/30/1994	6/16/1999, 64 FR 32346.	
62-256.600 .....	Industrial, Commercial, Municipal, and Research Open Burning.	7/1/1971	5/31/1972, 37 FR 10842.	
62-256.700 .....	Open Burning Allowed .....	11/30/1994	6/16/1999, 64 FR 32346.	
62-256.800 .....	Effective Date .....	7/1/1971	5/31/1972, 37 FR 10842.	
<b>Chapter 62-296 Stationary Sources—Emission Standards</b>				
62-296.100 .....	Purpose and Scope .....	10/6/2008	10/6/2017, 82 FR 46682.	
62-296.320 .....	General Pollutant Emission Limiting Standards.	3/13/1996	6/16/1999, 64 FR 32346.	
62-296.340 .....	Best Available Retrofit Technology.	1/31/2007	8/29/2013, 78 FR 53250.	
62-296.401 .....	Incinerators .....	3/13/1996	6/16/1999, 64 FR 32346.	
62-296.402 .....	Sulfuric Acid Plants .....	3/13/1996	6/16/1999, 64 FR 32346.	
62-296.403 .....	Phosphate Processing .....	3/13/1996	6/16/1999, 64 FR 32346.	
62-296.404 .....	Kraft (Sulfate) Pulp Mills and Tall Oil Plants.	3/13/1996	6/16/1999, 64 FR 32346.	
62-296.405 .....	Fossil Fuel Steam Generators with more than 250 million Btu per Hour Heat Input.	3/2/1999	10/6/2017, 82 FR 46682.	
62-296.406 .....	Fossil Fuel Steam Generator with less than 250 million Btu per Hour Heat Input, New and Existing Emissions Units.	3/2/1999	10/6/2017, 82 FR 46682.	
62-296.408 .....	Nitric Acid Plants .....	11/23/1994	6/16/1999, 64 FR 32346.	
62-296.409 .....	Sulfur Recovery Plants .....	11/23/1994	6/16/1999, 64 FR 32346.	
62-296.410 .....	Carbonaceous Fuel Burning Equipment.	11/23/1994	6/16/1999, 64 FR 32346.	
62-296.412 .....	Dry Cleaning Facilities .....	3/11/2010	10/6/2017, 82 FR 46682.	
62-296.414 .....	Concrete Batching Plants .....	1/10/2007	10/6/2017, 82 FR 46682.	
62-296.415 .....	Soil Thermal Treatment Facilities	3/13/1996	6/16/1999, 64 FR 32346.	
62-296.418 .....	Bulk Gasoline Plants .....	3/11/2010	10/6/2017, 82 FR 46682.	
62-296.470 .....	Implementation of Federal Clean Air Interstate Rule.	4/1/2007	10/12/2007, 72 FR 58016.	

## EPA-APPROVED FLORIDA LAWS AND REGULATIONS—Continued

State citation (section)	Title/subject	State effective date	EPA approval date	Explanation
62–296.500 .....	Reasonably Available Control Technology (RACT)—Volatile Organic Compounds (VOC) and Nitrogen Oxides (NO <sub>x</sub> ) Emitting Facilities.	3/11/2010	10/6/2017, 82 FR 46682.	
62–296.501 .....	Can Coating .....	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.502 .....	Coil Coating .....	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.503 .....	Paper Coating .....	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.504 .....	Fabric and Vinyl Coating .....	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.505 .....	Metal Furniture Coating .....	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.506 .....	Surface Coating of Large Appliances.	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.507 .....	Magnet Wire Coating .....	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.508 .....	Petroleum Liquid Storage .....	10/6/2008	10/6/2017, 82 FR 46682 .....	Amendments effective 10/6/2008.
62–296.510 .....	Bulk Gasoline Terminals .....	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.511 .....	Solvent Metal Cleaning .....	6/5/1996	01/16/2003, 68 FR 2204.	
62–296.512 .....	Cutback Asphalt .....	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.513 .....	Surface Coating of Miscellaneous Metal Parts and Products.	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.514 .....	Surface Coating of Flat Wood Paneling.	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.515 .....	Graphic Arts Systems .....	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.516 .....	Petroleum Liquid Storage Tanks with External Floating Roofs.	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.570 .....	Reasonably Available Control Technology (RACT)—Requirements for Major VOC- and NO <sub>x</sub> -Emitting Facilities.	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.600 .....	Reasonably Available Control Technology (RACT)—Lead.	3/13/1996	6/16/1999, 64 FR 32346.	
62–296.601 .....	Lead Processing Operations in General.	8/8/1994	9/18/1996, 61 FR 49064.	
62–296.602 .....	Primary Lead Acid Battery Manufacturing Operations.	3/13/1996	9/18/1996, 61 FR 49064.	
62–296.603 .....	Secondary Lead Smelting Operations.	8/8/1994	9/18/1996, 61 FR 49064.	
62–296.604 .....	Electric Arc Furnace Equipped Secondary Steel Manufacturing Operations.	8/8/1994	9/18/1996, 61 FR 49064.	
62–296.605 .....	Lead Oxide Handling Operations	8/8/1994	9/18/1996, 61 FR 49064.	
62–296.700 .....	Reasonably Available Control Technology (RACT)—Particulate Matter.	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.701 .....	Portland Cement Plants .....	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.702 .....	Fossil Fuel Steam Generators .....	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.703 .....	Carbonaceous Fuel Burners .....	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.704 .....	Asphalt Concrete Plants .....	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.705 .....	Phosphate Processing Operations.	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.706 .....	Glass Manufacturing Process .....	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.707 .....	Electric Arc Furnaces .....	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.708 .....	Sweat of Pot Furnaces .....	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.709 .....	Lime Kilns .....	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.710 .....	Smelt Dissolving Tanks .....	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.711 .....	Materials Handling, Sizing, Screening, Crushing and Grinding Operations.	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.712 .....	Miscellaneous Manufacturing Process Operations.	11/23/1994	6/16/1999, 64 FR 32346.	

## Chapter 62–297 Stationary Sources—Emissions Monitoring

62–297.310 .....	General Emissions Test Requirements.	3/9/2015	10/6/2017, 82 FR 46682.	
62–297.440 .....	Supplementary Test Procedures	7/10/2014	4/2/2018, 83 FR 13875.	
62–297.450 .....	EPA VOC Capture Efficiency Test Procedures.	7/10/2014	4/2/2018, 83 FR 13875.	

EPA-APPROVED FLORIDA LAWS AND REGULATIONS—Continued

State citation (section)	Title/subject	State effective date	EPA approval date	Explanation
62–297.620 .....	Exceptions and Approval of Alternate Procedures and Requirements.	11/23/1994	6/16/1999, 64 FR 32346.	
<b>State Statutes</b>				
112.3143 .....	Voting conflicts .....	6/29/1999	7/30/2012, 77 FR 44485 .....	Paragraph (4) only; to satisfy the requirements of sections 128 and 110(a)(2)(E)(ii).
112.3144 .....	Full and public disclosure of financial interests.	10/1/2006	7/30/2012, 77 FR 44485 .....	To satisfy the requirements of sections 128 and 110(a)(2)(E)(ii).
120.569 .....	Decisions which affect substantial interests.	6/24/2011	7/30/2012, 77 FR 44485 .....	Subsection (2)(n) only; to satisfy the requirements of section 110(a)(2)(G).
403.131 .....	Injunctive relief, remedies .....	6/15/2001	7/30/2012, 77 FR 44485 .....	To satisfy the requirements of section 110(a)(2)(G).

(d) EPA-approved Florida Source-Specific requirements.

EPA-APPROVED FLORIDA SOURCE-SPECIFIC REQUIREMENTS

Name of source	Permit No.	State effective date	EPA approval date	Explanation
Harry S Truman, animal import center Martin Gas Sales, Inc .....	NA .....	11/26/1996	1/19/2000, 65 FR 2882.	
Broward County Aviation Department	0570477–007–AC .....	1/17/2003	5/1/2003, 68 FR 23209.	
Lockheed Martin Aeronautics Company.	.....	8/15/2003	6/17/2003, 69 FR 33862 .....	Order Granting Variance from Rule 62–252.400.
Combs Oil Company .....	.....	4/16/2005	11/28/2006, 71 FR 68745 .....	Requirement that Lockheed Martin Aeronautics Company comply with EPA's Aerospace CTG at its Pinellas County facility.
Mosaic Fertilizer, LLC .....	.....	7/31/2009	9/25/2015, 80 FR 57727 .....	Order Granting Variance from Rule 62–296.418(2)(b)2.
Rayonier Performance Fibers, LLC .....	Air Permit No. 0570008–080–AC .....	1/15/2015	7/3/2017, 82 FR 30749 .....	Specific Conditions pertaining to EU004; EU005; and EU006.
Tampa Electric Company—Big Bend Station.	Air Permit No. 0890004–036–AC .....	4/12/2012	7/3/2017, 82 FR 30749 .....	Specific Conditions pertaining to EU005; EU006; and EU022.
WestRock, LLC .....	Air Permit No. 0570039–074–AC .....	2/26/2015	7/3/2017, 82 FR 30749 .....	Section 3, Subsection B, Condition 5.
Tampa Electric Company—Big Bend Station.	Air Permit No. 0890003–046–AC .....	1/9/2015	7/3/2017, 82 FR 30749 .....	Specific Conditions pertaining to EU006; EU015; EU007; and EU011.
Mosaic Fertilizer, LLC—Bartow Facility.	Air Permit No. 0570039–120–AC .....	12/14/2018	11/12/2019, 84 FR 60927 .....	Section 2, Condition 4; the “SO <sub>2</sub> Emissions Cap” provision from Section 3, Condition 4; the “SO <sub>2</sub> CEMS” provision from Section 3, Condition 4; and the “Methods of Operation” for Units 1 and 2 provision from Section 3, Condition 6.
Mosaic Fertilizer, LLC—New Wales Facility.	Air Permit No. 1050046–050–AC .....	7/3/2017	2/20/2020, 85 FR 9666 .....	Section III, Subsection A, Specific Condition 3 (as administratively corrected by Permit No. 1050046–063–AC with an effective date of January 11, 2019); Condition 4; and Condition 5.
EnviroFocus Technologies, LLC .....	Air Permit No. 1050059–106–AC .....	10/30/2017	2/20/2020, 85 FR 9666 .....	Section III, Subsection A, Specific Condition 3 (as administratively corrected by Permit No. 1050059–114–AC with an effective date of January 11, 2019); Condition 4; and Condition 5.
	Air Construction Permit No. 0570057–27–AC.	12/14/2012	6/4/2021, 86 FR 29949 .....	Except for conditions not specifically related to lead emissions; Section 3, Subsection B, Specific Conditions 3 and 10; Section 3, Subsection C, Specific Condition 5; and Section 3, Subsection G, Specific Condition 5.

EPA-APPROVED FLORIDA SOURCE-SPECIFIC REQUIREMENTS—Continued

Name of source	Permit No.	State effective date	EPA approval date	Explanation
EnviroFocus Technologies, LLC .....	Air Construction Permit No. 0570057-37-AC.	11/6/2019	6/14/2021, 86 FR 29949 .....	Only incorporating the following conditions: Section 3, Subsection B, Specific Conditions 2 and 3a; Section 3, Subsection C, Specific Condition 1; and Section 3, Subsection D, Specific Condition 1.

\* \* \* \* \*  
 [FR Doc. 2023-04013 Filed 2-28-23; 8:45 am]  
 BILLING CODE 6560-50-P

**DEPARTMENT OF LABOR**  
**Office of Federal Contract Compliance Programs**

**41 CFR Part 60-1**

**RIN 1250-AA09**

**Rescission of Implementing Legal Requirements Regarding the Equal Opportunity Clause’s Religious Exemption Rule**

**AGENCY:** Office of Federal Contract Compliance Programs, Labor.

**ACTION:** Final rule; rescission.

**SUMMARY:** This action finalizes the proposal of the Office of Federal Contract Compliance Programs (OFCCP) to rescind the final rule titled “Implementing Legal Requirements Regarding the Equal Opportunity Clause’s Religious Exemption,” which took effect on January 8, 2021. This rescission removes the regulations established by that rule.

**DATES:** This final rule is effective on March 31, 2023.

**FOR FURTHER INFORMATION CONTACT:** Tina Williams, Director, Division of Policy and Program Development, Office of Federal Contract Compliance Programs, 200 Constitution Avenue NW, Room C-3325, Washington, DC 20210. Telephone: (202) 693-0104 (voice) or (202) 693-1337 (TTY).

**SUPPLEMENTARY INFORMATION:**

**I. Executive Summary**

OFCCP enforces Executive Order 11246, which prohibits Federal Government contractors and subcontractors from discriminating against employees in a manner that would impair the economy and efficiency of work performed on government contracts and would allow Federal tax dollars to be used to deny equal employment opportunities. Section 202 of Executive Order 11246, as amended, requires every non-exempt

contract and subcontract to include an equal opportunity clause, which specifies the nondiscrimination and affirmative action obligations each contractor or subcontractor assumes as a condition of its Government contract or subcontract. Among other obligations, each contractor agrees, as a condition of its Government contract, not to discriminate in employment on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin.

As amended in 2002, Executive Order 11246 includes a limited exemption for certain religious organizations that is expressly modeled on the religious exemption in Title VII of the Civil Rights Act of 1964. Since 2003, this religious exemption has been included in OFCCP’s regulations at 41 CFR 60-1.5(a)(5). For over 17 years, under the administrations of both President George W. Bush and President Barack Obama, OFCCP’s policy was to determine the scope and applicability of the religious exemption, if invoked, by applying Title VII case law and principles to the facts and circumstances of each situation. In December 2020, OFCCP promulgated a rule that purported to clarify the scope and application of the Executive Order 11246 religious exemption (hereinafter “2020 rule”). On balance, however, the 2020 rule increased confusion and uncertainty about the religious exemption, largely because it departed from and questioned longstanding Title VII precedents. Upon further consideration, OFCCP now believes that this could have the effects of diminishing the economy and efficiency of work performed on Federal contracts and weakening nondiscrimination protections for workers. With the present action, for the reasons explained below, OFCCP is rescinding the entire 2020 rule so that the agency can return to its longstanding approach of aligning the Executive Order 11246 religious exemption with Title VII case law as applied to the facts and circumstances of each situation. OFCCP remains committed to protecting religious freedom in accordance with applicable law and will continue to provide any

needed compliance assistance on the religious exemption.

**II. Background**

Executive Order 11246, as amended, and its predecessors reflect the Government’s longstanding policy of prohibiting Federal contractors from engaging in discrimination that undermines efficiency and economy as well as equal employment opportunity. *See, e.g.*, E.O. 8802, 6 FR 3109 (June 27, 1941) (“reaffirm[ing] the policy of the United States that there shall be no discrimination in the employment of workers in defense industries or government because of race, creed, color, or national origin”); E.O. 10479, 18 FR 4899 (Aug. 18, 1953) (reiterating “the policy of the United States Government to promote equal employment opportunity for all qualified persons employed or seeking employment on government contracts because such persons are entitled to fair and equitable treatment in all aspects of employment on work paid for from public funds”); E.O. 10925, 26 FR 1977 (Mar. 8, 1961) (describing it as “the plain and positive obligation of the United States Government to promote and ensure equal opportunity for all qualified persons, without regard to race, creed, color, or national origin, employed or seeking employment with the Federal Government and on government contracts”); E.O. 13672, 79 FR 42971 (July 23, 2014) (amending Executive Order 11246 to include sexual orientation and gender identity to “provide for a uniform policy for the Federal Government to prohibit discrimination and take further steps to promote economy and efficiency in Federal Government procurement”). Presidents have long implemented this nondiscrimination policy, which also ensures that taxpayer funds are not used to discriminate, especially in the performance of functions for the Government itself and, thus, for the public, pursuant to the Federal Property and Administrative Services Act of 1949 (Procurement Act). *See* 40 U.S.C. 101, 121(a); *Contractors Ass’n of E. Pa. v.*