

### Subpart C—General Federal Implementation Plan Provisions

- 2. Amend § 49.104 by:
  - a. Revising paragraph (a) introductory text;
  - b. Revising paragraph (a)(2) introductory text;
  - c. Revising paragraph (a)(2)(i) introductory text;
  - d. Revising paragraph (a)(2)(i)(B); and
  - e. Revising paragraph (a)(2)(ii).

The revisions read as follows:

#### § 49.104 Requirements regarding threatened or endangered species and historic properties.

(a) *What are sources required to do to address threatened or endangered species and historic properties?* An owner/operator subject to the requirements contained in §§ 49.101 through 49.105 to satisfy its obligation under § 49.151(c)(1)(iii)(B) to obtain a minor NSR permit shall meet either paragraph (a)(1) or (2) of this section, as appropriate.

(1) \* \* \*

(2) *Screening procedures completed by the owner/operator.* The owner/operator shall submit to the EPA Regional Office (and to the relevant tribe for the area where the source is located/locating) documentation demonstrating that it has completed the required screening procedures specified for consideration of threatened or endangered species and historic properties and received written confirmation from the EPA stating that the owner/operator has satisfactorily completed these procedures prior to beginning construction of a new true minor source or minor modification of a true minor source. The completed screening procedures may be submitted together with the source's Part 1 Registration Form pursuant to § 49.160(c)(1)(iv). (The procedures are contained in the following document: "Procedures to Address Threatened and Endangered Species and Historic Properties for the Federal Implementation Plan for Managing Air Emissions from True Minor Sources in Indian Country in the Oil and Natural Gas Production and Natural Gas Processing Segments of the Oil and Natural Gas Sector," <https://www.epa.gov/tribal-air/tribal-minor-new-source-review>). Review of your submittal will be conducted by the EPA Regional Office in accordance with the procedure in paragraphs (a)(2)(i) and (ii) of this section:

(i) Within 30 days of receipt of your documentation, by written notification to you, the EPA Regional Office must provide one of the following determinations:

(A) \* \* \*

(B) The documentation is not adequate, and additional information is needed. If the initial submittal is deficient, the EPA Regional Office will note any such deficiencies and may offer further direction on completing the screening procedures. Once you have addressed the noted deficiencies, you must resubmit your revised screening procedure documentation for review. An additional 15-day review notification period will be used for the EPA Regional Office to determine whether the listed species and/or historic property screening procedures have been satisfied. If the EPA Regional Office makes such a determination, they will send you written notification stating that conclusion.

(ii) You must obtain written notification from the EPA Regional Office indicating that the source has adequately completed the screening procedures. The EPA Regional Office may send written notification by mail, email, or any other written means of notification. You may not begin construction under this FIP until the following two conditions are met: (1) At least 30 days has passed from the date the Part 1 Registration Form was submitted, and (2) the EPA Regional Office has provided this notification.

\* \* \* \* \*

- 3. Amend § 49.160 by revising paragraph (c)(1)(iv) to read as follows:

#### § 49.160 Federal Minor New Source Review in Indian Country.

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

(iv) Minor sources complying with §§ 49.101 through 49.105 for the oil and natural gas production and natural gas processing segments of the oil and natural gas sector, as defined in § 49.102, must submit the Part 1 Registration Form, at least 30 days prior to beginning construction, that contains the information in paragraph (c)(2) of this section. The Part 2 Registration Form, including emissions information, must be submitted within 60 days after the startup of production as defined in § 49.152(d). The source must determine the potential for emissions within 30 days after startup of production. The combination of the Part 1 and Part 2 Registration Forms submittals satisfies the requirements in paragraph (c)(2) of this section. The forms are submitted to the EPA instead of the application form required in paragraph (c)(1)(iii) of this section. The forms are available at: <https://www.epa.gov/tribal-air/tribal->

*minor-new-source-review* or from the EPA Regional Offices.

\* \* \* \* \*

[FR Doc. 2019-14885 Filed 7-12-19; 8:45 am]

BILLING CODE 6560-50-P

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 300

[EPA-HQ-SFUND-1983-0002; FRL-9996-41-Region 6]

#### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

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

**ACTION:** Proposed rule; reopening of the comment period.

**SUMMARY:** The Environmental Protection Agency (EPA) is reopening the comment period for a proposed rule published on July 31, 2018. In the July 31, 2018 notice of proposed rulemaking, EPA proposed to delete portions of the South Valley Superfund Site from the National Priorities List. EPA is reopening the comment period subsequent to a meeting requested by commenters to discuss the partial deletion activities. All comments submitted from the July 31, 2018, initiation of the original comment period will be accepted.

**DATES:** The comment period for the proposed rule published on July 31, 2018 (83 FR 36838) is reopened. Comments must be received by August 14, 2019. All comments received will be entered into the public record and considered by EPA before taking final action on the proposed rule.

**ADDRESSES:** Submit your comments, identified by Docket ID no. EPA-HQ-SFUND-1983-0002, by one of the following methods:

- <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *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 other file sharing system). For additional submission methods, 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>.

- *Email:* [hebert.michael@epa.gov](mailto:hebert.michael@epa.gov).
- *Mail:* Michael A. Hebert, Remedial Project Manager, EPA Region 6, Mail Code—6SEDRL, 1201 Elm Street, Suite 500, Dallas, Texas 75270–2102.
- *Hand delivery:*
  - Michael A. Hebert, Remedial Project Manager, EPA Region 6, Mail Code—6SEDRL, 5th Floor Reception Area, 1201 Elm Street, Suite 500, Dallas, Texas 75270–2102.
  - Such deliveries are only accepted during the Docket's normal hours of operation (Monday through Friday, 7 a.m. to 4 p.m.) except for Federal holidays and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID no. EPA–HQ–SFUND–1983–0002. The <http://www.regulations.gov> website is an “anonymous access” system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through <http://www.regulations.gov>, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket:* All documents in the docket are listed in the <http://www.regulations.gov> index. 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, will be publicly available only in the hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at: Zimmerman Library, Government

Information Department University of New Mexico, Albuquerque NM 87131, 505.277.9100:

Monday–Thursday—7 a.m.–2 a.m.  
Friday—7 a.m.–9 p.m.  
Saturday—10 a.m.–6 p.m.  
Sunday—12 p.m.–2 a.m.

New Mexico Environment Department, Harold Runnels Building, 1190 St. Francis Drive, Santa Fe, NM 87505, 505.827.2855: Monday–Friday 8 a.m.–5 p.m.

In addition, documents concerning the site can be found at <https://www.epa.gov/superfund/south-valley>.

**FOR FURTHER INFORMATION CONTACT:** Michael A. Hebert, Remedial Project Manager, U.S. Environmental Protection Agency, Region 6, Mail Code—6SEDRL, 1201 Elm Street, Suite 500, Dallas, Texas 75270–2102, (214) 665–8315, email: [hebert.michael@epa.gov](mailto:hebert.michael@epa.gov).

**SUPPLEMENTARY INFORMATION:** The proposed rule published on July 31, 2018 at 83 FR 36838 provides information about NPL Deletion Criteria, NPL Deletion Procedures, and the Basis for the South Valley site partial deletion.

Dated: June 26, 2019.

**David Gray,**

*Acting Regional Administrator, Region 6.*  
[FR Doc. 2019–14880 Filed 7–12–19; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

#### 42 CFR Part 447

[CMS–2406–P2]

RIN 0938–AT41

#### Medicaid Program; Methods for Assuring Access to Covered Medicaid Services—Rescission

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), HHS.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would remove the regulatory text that sets forth the current required process for states to document whether Medicaid payments in fee-for-service systems are sufficient to enlist enough providers to assure beneficiary access to covered care and services consistent with the Medicaid statute. States have raised concerns over the administrative burden associated with the current regulatory requirements. While we believe the process described in the current

regulatory text is a valuable tool for states to use to demonstrate the sufficiency of provider payment rates, we believe mandating states to collect the specific information as described excessively constrains state freedom to administer the program in the manner that is best for the state and Medicaid beneficiaries in the state.

**DATES:** To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on September 13, 2019.

**ADDRESSES:** In commenting, please refer to file code CMS–2406–P2. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

Comments, including mass comment submissions, must be submitted in one of the following three ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to <http://www.regulations.gov>. Follow the “Submit a comment” instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–2406–P2, P.O. Box 8016, Baltimore, MD 21244–8016.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–2406–P2, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

**FOR FURTHER INFORMATION CONTACT:** Jeremy Silanskis, (410) 786–1592.

**SUPPLEMENTARY INFORMATION:** *Inspection of Public Comments:* All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following website as soon as possible after they have been received: <http://www.regulations.gov>. Follow the search instructions on that website to view public comments.

### I. Background

Section 1902(a)(30)(A) of the Social Security Act (the Act) requires states to