

(c) The United States Agency for International Development may provide a payment to a covered dependent if the qualifying injury to the brain was assessed and diagnosed in person by a currently board-certified physician from the ABPN, AOBPN, ABPMR, or AOBPMR; occurred on or after January 1, 2016; and while the employee was a covered employee of USAID at the time of the dependent's injury.

(d) Payment for a qualifying injury to the brain will be a non-taxable, one-time lump sum payment.

(e) USAID will determine the amount paid to each eligible person based on the following factors:

(1) The responses on the AID 442-1, "Eligibility Questionnaire for HAVANA Act Payments;" and

(2) Whether the Department of Labor (Workers' Compensation) has determined that the requester has no reemployment potential, or the Social Security Administration has approved the requester for Social Security Disability Insurance or Supplemental Security Insurance (SSI) benefits; or the requester's ABPN, AOBPN, ABPMR, or AOBPMR board-certified physician has certified that the individual requires a full-time caregiver for activities of daily living, as defined by the Katz Index of Independence of Daily Living.

(3) The award thresholds are based on Level III of the Senior Executive Schedule: Base will be 75 percent of Level III pay, and Base+ will be 100 percent of Level III pay. If the requestor meets any of the criteria listed in paragraph (e)(2) of this section, the requestor will be eligible to receive a Base+ payment. Requestors whose neurologists confirm that the definition of "qualifying injury to the brain" has been met but have not met any of the criteria listed in paragraph (e)(2) of this section, will be eligible to receive a Base payment. If a requestor who received a Base payment later meets any of the criteria listed in paragraph (e)(2) of this section, the requestor may apply for an additional payment that will be the difference between the Base and Base+ payment.

(f) The Chief Human Capital Officer (CHCO) may approve payments under the rule. The Office of Human Capital and Talent Management (HCTM) will notify individuals of the decision in writing.

(g) An appeal of a decision made by the Chief Human Capital Officer (CHCO) may be directed to the Deputy Administrator for Management and Resources in writing. The Deputy Administrator for Management and Resources is the final appeal authority.

HCTM will notify individuals of the decision in writing.

§ 242.4 Consultation with other agencies.

The United States Agency for International Development will, to the extent possible, consult with the appropriate officials' other federal agencies to identify their current and former covered employees, and current and former dependents who reported an anomalous health incident. This consultation is solely to assist USAID in determining who might be initially eligible for payment under the HAVANA Act.

Aaron Michael Stern,

USAID AHI Working Group Coordinator.

[FR Doc. 2023-13328 Filed 6-23-23; 8:45 am]

BILLING CODE 6116-01-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2023-0054]

Safety Zone; Atlantic Intracoastal Waterway, Swansboro, NC

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a safety zone near Swansboro, NC on July 3, 2023, to provide for the safety of life on navigable waterways of the Atlantic Intracoastal Waterway during a fireworks display. Our regulation for marine events within the Fifth Coast Guard District identifies the regulated area for this event in Swansboro, NC. During the enforcement period, entry of vessels or persons into this safety zone is prohibited unless specifically authorized by the Captain of the Port (COTP), Sector North Carolina or a designated representative.

DATES: The regulation in 33 CFR 165.506(h)(4) for the area listed in item 15 in table 4 in § 165.506(h)(4) will be enforced from 9 p.m. until 9:45 p.m. on July 3, 2023.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email Petty Officer Ken Farah, Waterways Management Division, U.S. Coast Guard Sector North Carolina, Wilmington, NC; telephone 910-772-2221, email NCMarineevents@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a safety zone in 33 CFR 165.506(h)(4) for the Town of

Swansboro Fireworks Display-July 4 Celebration fireworks display from 9 p.m. to 9:45 p.m. on July 3, 2023. This action is being taken to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Fifth Coast Guard District, § 165.506(h)(4), specifies the location of the regulated area for the Town of Swansboro Fireworks Display-July 4 Celebration fireworks display at item 15 in table 4 in § 165.506(h)(4), which encompasses portions of the Atlantic Intracoastal Waterway. As reflected in § 165.506, during the enforcement period, if you are the operator of a vessel in the regulated area you must comply with directions from the Captain of the Port (COTP), Sector North Carolina or a designated representative.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners and Broadcast Notice to Mariners.

Dated: June 20, 2023.

Matthew J. Baer,

Captain, U.S. Coast Guard, Captain of the Port, Sector North Carolina.

[FR Doc. 2023-13479 Filed 6-23-23; 8:45 am]

BILLING CODE 9110-04-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R08-OAR-2021-0001; FRL-10014-02-R8]

Air Plan Approval; Montana; Revisions to Regional Haze State Implementation Plan and Partial Withdrawals to Regional Haze Federal Implementation Plan

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 Montana on March 25, 2020, addressing regional haze. Specifically, EPA is approving a SIP revision for the first implementation period of the Clean Air Act's (CAA) regional haze program that addresses the nitrogen oxides (NO_x) and sulfur dioxide (SO₂) Best Available Retrofit Technology (BART) requirements for two electric generating unit (EGU) facilities, as well as replaces portions of the Federal Implementation Plan (FIP) promulgated by EPA in 2012 (2012

regional haze FIP) addressing the NO_x, SO₂, and particulate matter (PM) BART requirements for two cement kilns and the PM BART requirements for the same two EGU facilities. Consistent with our approval of Montana's regional haze SIP revision, EPA is withdrawing the portions of the FIP promulgated by EPA in the 2012 regional haze FIP addressing the NO_x, SO₂, and PM BART requirements for the two cement kilns and the PM BART requirements for the two EGU facilities. This action also addresses the United States Court of Appeals for the Ninth Circuit's June 9, 2015 vacatur and remand of portions of the FIP. EPA is finalizing this action pursuant to the CAA.

DATES: This rule is effective on July 26, 2023.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R08-OAR-2021-0001. 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., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the website and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov>, or please call or email the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Jaslyn Dobrahner, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD-IO, 1595 Wynkoop Street, Denver, Colorado 80202-1129, telephone number: (303) 312-6252, email address: dobrahner.jaslyn@epa.gov.

SUPPLEMENTARY INFORMATION:

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

Table of Contents

- I. Background
- II. Public Comments and EPA Responses
- III. EPA's Final Action
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews
 - A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
 - B. Paperwork Reduction Act
 - C. Regulatory Flexibility Act
 - D. Unfunded Mandates Reform Act (UMRA)
 - E. Executive Order 13132: Federalism
 - F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

- G. Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks
- H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
- I. National Technology Transfer and Advancement (NTTAA)
- J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations
- K. Determination Under Clean Air Act Section 307(d)
- L. Congressional Review Act
- M. Judicial Review

I. Background

In our notice of proposed rulemaking published on September 9, 2022 (87 FR 55331), EPA proposed to approve revisions to Montana's regional haze SIP submitted by the State of Montana on March 25, 2020. In this rulemaking, we are taking final action to approve two Montana Board of Environment Review Orders pertaining to regional haze requirements for four facilities¹ into the state's SIP. Specifically, EPA is approving: (1) NO_x, SO₂, and PM BART emission limits along with associated requirements for the Ash Grove Cement Company's Montana City Plant (Montana City) and GCC Three Forks, LLC's Trident Plant (Trident); (2) the PM BART emission limits along with associated requirements for Talen Montana, LLC's Colstrip Steam Electric Station, Units 1 and 2 (Colstrip Units 1 and 2); (3) the determination that Colstrip Units 1 and 2's enforceable shutdown date of July 1, 2022, satisfies the outstanding NO_x and SO₂ BART requirements for that facility; and (4) the determination that the outstanding NO_x and SO₂ BART requirements for Corette (as well as the remaining PM BART requirements for Corette in EPA's FIP) are satisfied because the source is no longer in operation and has been demolished.

Consistent with our approval of Montana's regional haze SIP for the PM BART emission limits and other requirements for Colstrip Units 1 and 2 and Corette along with the NO_x, SO₂, and PM BART emission limits and other requirements for Montana City and Trident, we are also withdrawing those corresponding portions of the 2012 regional haze FIP found at 40 CFR 52.1396.

In addition, through our approval of the NO_x and SO₂ BART determinations

¹ Ash Grove Cement Company's Montana City Plant; GCC Three Forks, LLC's Trident Plant; JE Corette Steam Electric Station; and Talen Montana, LLC's Colstrip Steam Electric Station, Units 1 and 2.

for Corette and Colstrip Units 1 and 2, we are addressing the U.S. Court of Appeals for the Ninth Circuit's June 9, 2015 remand of portions of the 2012 regional haze FIP in this action, including EPA's response to a public comment regarding the use of the CALPUFF visibility model in determining BART at Colstrip Units 1 and 2.

The technical rationale for our approval and our response to the remand of portions of the 2012 FIP for Montana are provided in detail in the proposed rule.

II. Public Comments and EPA Responses

We received two comments that were both submitted anonymously during the public comment period. EPA determined that the first comment, which asks where money collected in the form of fees, auctions of emissions rights, and permits will go, does not pertain to and is outside the scope of our proposed action and fails to identify a material issue related to this action that necessitates a response. Below is a summary of the second comment and EPA's response.

Comment: The commenter asserts that NO_x, SO₂, and PM are dangerous chemicals that lead to adverse health effects, including respiratory infections, asthma, lung disease and cancer. Likewise, the commenter claims that these emissions could also cause environmental damage, including acid rain, contributions to the greenhouse effect, and changes to weather patterns associated with climate change. In summary, the commenter argues that these emissions are harmful to people living nearby these facilities and reductions in emissions will protect both human health and the environment.

Response: EPA appreciates the commenter's concerns regarding the negative health impacts of NO_x, SO₂, and PM. While the legal requirements against which we have evaluated Montana's SIP submission for purposes of this action concern remedying visibility impairment,² we note this action may also have potential co-benefits through the reductions of NO_x, SO₂, and PM emissions associated with meeting the BART requirements. Therefore, while we appreciate the commenter's concern and support for this action, we take no positions as to these specific statements.

² See generally CAA section 169A.

III. EPA's Final Action

We are approving the following elements of Montana's regional haze SIP revision as satisfying the applicable requirements for the first regional haze planning period:

- In the Matter of an Order Setting Air Pollutant Emission Limits that the State of Montana may Submit to the Federal Environmental Protection Agency for Revision of the State Implementation Plan Concerning Protection of Visibility, Affecting the Following Facilities: Ash Grove Cement Company's Montana City Plant, and GCC Three Forks, LLC's Trident Plant. Board Order Findings of Fact, Conclusions of Law, and Order. October 18, 2019, Appendix A.

- In the Matter of an Order Setting Air Pollutant Emission Limits that the State of Montana may Submit to the Federal Environmental Protection Agency for Revision of the State Implementation Plan Concerning Protection of Visibility, Affecting the Following Facilities: Talen Montana, LLC's Colstrip Steam Electric Station, Units 1 and 2, and JE Corette Steam Electric Station. Board Order Findings of Fact, Conclusions of Law, and Order. October 18, 2019, Appendix A.

Because we are finding that Montana's SIP revision satisfies the applicable requirements related to the obligation for states' regional haze plans to include BART for the first regional haze planning period, we are also withdrawing the corresponding portions of the 2012 regional haze FIP addressing the NO_x, SO₂, and PM BART emission limits and associated requirements for two cement kilns and the PM BART emission limits and associated requirements for the two EGU facilities contained within our 2012 regional haze FIP at 40 CFR 52.1396. While EPA is approving the emission limits, compliance determination requirements, and other monitoring, reporting, and recordkeeping requirements associated with BART into Montana's SIP as detailed in the proposed rule, other regional haze requirements for the first implementation period, including requirements related to reasonable progress and analytical requirements related to BART remain satisfied by EPA's FIP (with no enforceable FIP requirements left in the CFR).

IV. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, EPA is finalizing the

incorporation by reference of the SIP amendments described in section III of this preamble. The EPA has made, and will continue to make, these materials generally available through <https://www.regulations.gov> (refer to docket EPA-R08-OAR-2021-0001) 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 EPA for inclusion in the SIP, have been incorporated by reference by 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 EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.³

V. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at <http://www.epa.gov/laws-regulations/laws-and-executive-orders>.

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 14094: Modernizing Regulatory Review

This action is exempt from review under Executive Order 12866, as amended by Executive Order 14094, because it applies to only 4 facilities in the State of Montana.

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act (PRA) because it revises the reporting requirements for 4 facilities.

C. Regulatory Flexibility Act

I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (RFA). This action will not impose any requirements on small entities as no small entities are subject to the requirements of this rule.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of \$100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action merely transfers the regional haze requirements found in the 2012 regional haze FIP to a SIP and approves the

State's permanent closure of two facilities, thus this action is not subject to the requirements of sections 202 or 205 of UMRA. This action is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments.

E. Executive Order 13132: Federalism

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

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

Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Governments", requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications."⁴ This action does not have tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments. Thus, Executive Order 13175 does not apply to this action. However, EPA did send letters to each of the Montana tribes explaining our regional haze action and offering consultation.

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

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997). EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of "covered regulatory action" in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is not a significant

³ 62 FR 27968 (May 22, 1997).

⁴ 65 FR 67249, 67250 (November 9, 2000).

regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement (NTTAA)

This rulemaking does not involve technical standards.

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

Executive Order 12898 (59 FR 7629, February 16, 1994) directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high, and adverse human health or environmental effects of their programs, policies, and activities on minority populations (people of color and/or Indigenous peoples) and low-income populations.

The EPA believes that the human health and environmental conditions that exist prior to this action do not result in disproportionate and adverse effects on people of color, low-income populations, and/or Indigenous peoples. In 2012, we determined that our final action would “not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it increased the level of environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority or low-income population.”⁵

The EPA believes that this action is not likely to result in new disproportionate and adverse effects on people of color, low-income populations and/or Indigenous peoples. Because this

final rule alters the existing requirements for regional haze in the State of Montana by including the enforceable shutdown of two sources and otherwise only transfers existing requirements from a FIP to the SIP, our determination is unchanged from that in 2012. The EPA additionally identified and addressed environmental justice concerns by performing a screening analysis using the EJScreen tool⁶ to evaluate environmental and demographic indicators for the areas impacted by this action. These results indicate that areas impacted by this final action are not potential areas of EJ concern and are not candidates for further EJ review. EPA is providing this information for public information purposes, and not as a basis of our final action. The information supporting this Executive Order review is contained in the docket for this action.

K. Determination Under Clean Air Act Section 307(d)

The partial withdrawal of EPA’s FIP in this action is subject to the provisions of CAA section 307(d) pursuant to section 307(d)(1)(B), which provides that section 307(d) applies to, among other things, “the promulgation or revision of an implementation plan by the Administrator under [CAA section 110(c)].”⁷ The agency has complied with the procedural requirements of CAA section 307(d) during the course of this rulemaking with regard to the entirety of this action.

L. Congressional Review Act

This rule is exempt from the Congressional Review Act (CRA) because it is a rule of particular applicability that only applies to 4 facilities.

M. Judicial Review

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 August 25, 2023. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for 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 CAA section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Particulate matter, Sulfur dioxide.

Michael S. Regan,
Administrator.

For the reasons stated in the preamble, the Environmental Protection Agency 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 BB—Montana

■ 2. Amend § 52.1370 by revising the table in paragraph (d) to read as follows:

§ 52.1370 Identification of plan.

* * * * *
(d) * * *

Title/subject	State effective date	Notice of final rule date	NFR citation
(1) Cascade County: 1985 December 5 Stipulation and 1985 October 20 Permit for Montana Refining Company. In the matter of the Montana Refining Company, Cascade County; compliance with ARM 16.8.811, ambient air quality standard for carbon monoxide.	12/5/1985	9/7/1990	55 FR 36812.
(2) Deer Lodge County: 1978 November 16 Order for Anaconda Copper Smelter. In the Matter of the Petition of the Department of Health and Environmental Sciences for an Order adopting a Sulfur Oxides Control Strategy for the Anaconda Copper Smelter at Anaconda, Montana, and requiring the Anaconda Company to comply with the Control Strategy.	11/16/1978	1/10/1980	45 FR 2034.
(3) Flathead County:			

⁵ 77 FR 57914 (September 18, 2012).

⁶ EJSCREEN is an environmental justice mapping and screening tool that provides EPA with a nationally consistent dataset and approach for

combining environmental and demographic indicators; available at <https://www.epa.gov/ejscreen/what-ejscreen>.

⁷ 42 U.S.C. 7607(d)(1)(B).

Title/subject	State effective date	Notice of final rule date	NFR citation
Air Quality Permit #2667–M, Dated 1/24/92. Plum Creek Manufacturing, Inc.	1/24/1992	4/14/1994	59 FR 17700.
Stipulation—A–1 Paving, In the Matter of Compliance of A–1 Paving, Kalispell, Montana.	9/17/1993	3/19/1996	61 FR 11153.
Stipulation—Equity Supply Company, In the Matter of Compliance of Equity Supply Company.	9/17/1993	3/19/1996	61 FR 11153.
Stipulation—Flathead Road Department #1, In the Matter of Compliance of Flathead Road Department, Kalispell, Montana.	9/17/1993	3/19/1996	61 FR 11153.
Stipulation—Flathead Road Department #2, In the Matter of Compliance of Flathead Road Department, Kalispell, Montana.	9/17/1993	3/19/1996	61 FR 11153.
Stipulation—Klingler Lumber Company, In the Matter of Compliance of Klingler Lumber Company, Inc., Kalispell, Montana.	9/17/1993	3/19/1996	61 FR 11153.
Stipulation—McElroy & Wilkens, In the Matter of Compliance of McElroy and Wilkens, Inc., Kalispell, Montana.	9/17/1993	3/19/1996	61 FR 11153.
Stipulation—Montana Mokko, In the Matter of Compliance of Montana Mokko, Kalispell, Montana.	9/17/1993	3/19/1996	61 FR 11153.
Stipulation—Pack and Company, In the Matter of Compliance of Pack and Company, Inc., Kalispell, Montana.	9/7/1993	3/19/1996	61 FR 11153.
Stipulation—Pack Concrete, In the Matter of Compliance of Pack Concrete, Inc., Kalispell, Montana.	9/17/1993	3/19/1996	61 FR 11153.
Stipulation—Plum Creek, In the Matter of Compliance of Plum Creek Manufacturing, L.P., Kalispell, Montana.	9/17/1993	3/19/1996	61 FR 11153.
(4) Gallatin County:			
GCC Three Forks, LLC's Trident Plant October 18, 2019 Board Order Findings of Fact, Conclusions of Law, and Order. Setting Air Pollutant Emission Limits For Revision of the State Implementation Plan Concerning Protection of Visibility, Appendix A.	10/18/2019	6/26/2023	[INSERT FEDERAL REGISTER CITATION].
(5) Jefferson County:			
Ash Grove Cement Company's Montana City Plant October 18, 2019 Board Order Findings of Fact, Conclusions of Law, and Order. Setting Air Pollutant Emission Limits For Revision of the State Implementation Plan Concerning Protection of Visibility, Appendix A.	10/18/2019	6/26/2023	[INSERT FEDERAL REGISTER CITATION].
(6) Lewis and Clark County:			
Total Suspended Particulate NAAQS—East Helena, ASARCO Application for Revisions of Montana State Air Quality Control Implementation Plan—Only as it applies to Total Suspended Particulate.	4/24/1979	1/10/1980	45 FR 2034.
Sulfur Dioxide NAAQS—Board Orders, Stipulations, Exhibits, and Attachments, Asarco Stipulation—1994 March 15.	3/15/1994	1/27/1995	60 FR 5313.
Sulfur Dioxide NAAQS—Board Orders, Stipulations, Exhibits, and Attachments, Exhibit A—Asarco Emission Limitations and Conditions, Asarco Incorporated, East Helena, Montana.	3/15/1994	1/27/1995	60 FR 5313.
Asarco Board Order—1994 March 18. In the Matter of the Application of the Department of Health and Environmental Sciences for Revision of the Montana State Air Quality Control Implementation Plan Relating to Control of Sulfur Dioxide Emissions from the Lead Smelter Located at East Helena, Montana, owned and operated by Asarco Incorporated.	3/18/1994	1/27/1995	60 FR 5313.
Lead NAAQS—Board Orders, Stipulations, Exhibits, and Attachments, American Chemet Stipulation—1995 June 30.	6/30/1995	6/18/2001	66 FR 32760.
Lead NAAQS—Board Orders, Stipulations, Exhibits, and Attachments, American Chemet Board Order—1995 August 4.	8/4/1995	6/18/2001	66 FR 32760.
Lead NAAQS—Board Orders, Stipulations, Exhibits, and Attachments, Exhibit A—American Chemet Emissions Limitations and Conditions, American Chemet Corporation, East Helena, Montana.	6/10/2013	3/28/2018	83 FR 13196.
Lead NAAQS—Board Orders, Stipulations, Exhibits, and Attachments, Asarco Stipulation—1996 June 11.	6/11/1996	6/18/2001	66 FR 32760.
Lead NAAQS—Board Orders, Stipulations, Exhibits, and Attachments, Asarco Board Order—1996 June 26.	6/26/1996	6/18/2001	66 FR 32760.
Lead NAAQS—Board Orders, Stipulations, Exhibits, and Attachments, Exhibit A—Asarco Emission Limitations and Conditions with attachments 1–7, Asarco Lead Smelter, East Helena, Montana.	6/26/1996	6/18/2001	66 FR 32760.
Lead NAAQS—Board Orders, Stipulations, Exhibits, and Attachments, Asarco Stipulation—1998 August 13.	8/28/1998	6/18/2001	66 FR 32760.
Lead NAAQS—Board Orders, Stipulations, Exhibits, and Attachments, Asarco Board Order—1998 August 28.	8/28/1998	6/18/2001	66 FR 32760.
Lead NAAQS—Board Orders, Stipulations, Exhibits, and Attachments, Asarco Stipulation—2000 July 18.	9/15/2000	6/18/2001	66 FR 32767.
Lead NAAQS—Board Orders, Stipulations, Exhibits, and Attachments, Asarco Board Order—2000 September 15.	9/15/2000	6/18/2001	66 FR 32767.

Title/subject	State effective date	Notice of final rule date	NFR citation
(7) Lincoln County:			
Board Order—1994 December 16 (Stimson Lumber). In the Matter of Compliance of Stimson Lumber Company, Libby, Montana.	12/16/1994	9/30/1996	61 FR 51014.
Air Quality Permit #2627—M Dated 7/25/91. Stimson Lumber Company (formerly Champion International Corp).	3/19/1993	8/30/1994	59 FR 44627.
Stipulation—Stimson Lumber. In the Matter of Compliance of Stimson Lumber Company, Libby, Montana.	12/16/1994	9/30/1996	61 FR 51014.
(8) Missoula County:			
Air Quality Permit #2303M, Dated 3/20/92. Louisiana-Pacific Corporation.	3/20/1992	1/18/1994	59 FR 2537.
Air Quality Permit #2589M, Dated 1/23/92. Stone Container Corporation.	1/24/1992	1/18/1994	59 FR 2537.
(9) Rosebud County:			
1980 October 22 Permit for Western Energy Company	10/22/1980	4/26/1985	50 FR 16475.
Talen Montana, LLC's Colstrip Steam Electric Station, Units 1 and 2 October 18, 2019 Board Order Findings of Fact, Conclusions of Law, and Order. Setting Air Pollutant Emission Limits For Revision of the State Implementation Plan Concerning Protection of Visibility, Appendix A.	10/18/2019	6/26/2023	[INSERT FEDERAL REGISTER CITATION].
(10) Silver Bow County:			
Air Quality Permit #1636—06 dated 8/22/96. Rhone-Poulenc Basic Chemicals Company.	8/22/1996	12/6/1999	64 FR 68034.
Air Quality Permit #1749—05 dated 1/5/94. Montana Resources, Inc	1/5/1994	3/22/1995	60 FR 15056.
(11) Yellowstone County:			
Cenex June 12, 1998 Board Order and Stipulation. In the Matter of the Application of the Department of Health and Environmental Sciences for Revision of the Montana State Air Quality Control Implementation plan Relating to Control of Sulfur Dioxide Emissions in the Billings/Laurel Area.	6/12/1998	5/2/2002	67 FR 22168.
Cenex June 12, 1998 Exhibit A (with 3/17/00 Revisions) Emission Limitations and Other Conditions.	3/17/2000	5/22/2003	68 FR 27908.
Cenex March 17, 2000 Board Order and Stipulation. In the Matter of the Application of the Department of Environmental Quality for Revision of the Montana State Air Quality Control Implementation Plan Relating to Control of Sulfur Dioxide Emissions in the Billings/Laurel Area.	3/17/2000	5/22/2003	68 FR 27908.
Conoco June 12, 1998 Board Order and Stipulation. In the Matter of the Application of the Department of Health and Environmental Sciences for Revision of the Montana State Air Quality Control Implementation plan Relating to Control of Sulfur Dioxide Emissions in the Billings/Laurel Area.	6/12/1998	5/2/2002	67 FR 22168.
Conoco June 12, 1998 Exhibit A. Emission Limitations and Other Conditions.	6/12/1998	5/2/2002	67 FR 22168.
Exxon June 12, 1998 Board Order and Stipulation. In the Matter of the Application of the Department of Health and Environmental Sciences for Revision of the Montana State Air Quality Control Implementation Plan Relating to Control of Sulfur Dioxide Emissions in the Billings/Laurel Area.	6/12/1998	5/2/2002	67 FR 22168.
Exxon June 12, 1998 Exhibit A (with 3/17/00 Revisions). Emission Limitations and Other Conditions.	3/17/2000	5/22/2003	68 FR 27908.
Exxon March 17, 2000 Board Order and Stipulation. In the Matter of the Application of the Department of Environmental Quality for Revision of the Montana State Air Quality Control Implementation Plan Relating to Control of Sulfur Dioxide Emissions in the Billings/Laurel Area.	3/17/2000	5/22/2003	68 FR 27908.
Montana Power June 12, 1998 Board Order and Stipulation. In the Matter of the Application of the Department of Health and Environmental Sciences for Revision of the Montana State Air Quality Control Implementation plan Relating to Control of Sulfur Dioxide Emissions in the Billings/Laurel Area.	6/12/1998	5/2/2002	67 FR 22168.
Montana Power June 12, 1998 Exhibit A, Emission Limitations and Conditions.	6/12/1998	5/2/2002	67 FR 22168.
Montana Sulphur & Chemical Company June 12, 1998 Board Order and Stipulation. In the Matter of the Application of the Department of Health and Environmental Sciences for Revision of the Montana State Air Quality Control Implementation plan Relating to Control of Sulfur Dioxide Emissions in the Billings/Laurel Area.	6/12/1998	5/2/2002	67 FR 22168.
Montana Sulphur & Chemical Company June 12, 1998 Exhibit A. Emission Limitations and Other Conditions.	6/12/1998	5/2/2002	67 FR 22168.

Title/subject	State effective date	Notice of final rule date	NFR citation
Western Sugar June 12, 1998 Board Order and Stipulation. In the Matter of the Application of the Department of Health and Environmental Sciences for Revision of the Montana State Air Quality Control Implementation plan Relating to Control of Sulfur Dioxide Emissions in the Billings/Laurel Area.	6/12/1998	5/2/2002	67 FR 22168.
Western Sugar June 12, 1998 Exhibit A. Emission Limitations and Other Conditions.	6/12/1998	5/2/2002	67 FR 22168.
Yellowstone Energy Limited Partnership June 12, 1998 Board Order and Stipulation. In the Matter of the Application of the Department of Health and Environmental Sciences for Revision of the Montana State Air Quality Control Implementation Plan Relating to Control of Sulfur Dioxide Emissions in the Billings/Laurel Area.	6/12/1998	5/2/2002	67 FR 22168.
Yellowstone Energy Limited Partnership June 12, 1998 Exhibit A (with 3/17/00 revisions) Emission Limitations and Other Conditions.	3/17/2000	5/22/2003	68 FR 27908.
Yellowstone Energy Limited Partnership March 17, 2000 Board Order and Stipulation. In the Matter of the Application of the Department of Environmental Quality for Revision of the Montana State Air Quality Control Implementation Plan Relating to Control of Sulfur Dioxide Emissions in the Billings/Laurel Area.	3/17/2000	5/22/2003	68 FR 27908.
(12) Other: JE Corette Steam Electric Station October 18, 2019 Board Order Findings of Fact, Conclusions of Law, and Order. Setting Air Pollutant Emission Limits For Revision of the State Implementation Plan Concerning Protection of Visibility, Appendix A.	10/18/2019	6/26/2023	[INSERT FEDERAL REGISTER CITATION].

* * * * *

§ 52.1396 [Removed and Reserved]

■ 3. Remove and reserve § 52.1396.
[FR Doc. 2023–13464 Filed 6–23–23; 8:45 am]
BILLING CODE P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 423

Steam Electric Power Generating Point Source Category

CFR Correction

This rule is being published by the Office of the Federal Register to correct an editorial or technical error that appeared in the most recent annual revision of the Code of Federal Regulations.

■ In Title 40 of the Code of Federal Regulations, Parts 400 to 424, revised as of July 1, 2022, in section 423.16, duplicate paragraphs (e) and (g) are removed.

[FR Doc. 2023–13557 Filed 6–23–23; 8:45 am]
BILLING CODE 0099–10–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 1302

RIN 0970–AC90

Removal of the Vaccine Requirements for Head Start Programs

AGENCY: Office of Head Start (OHS), Administration for Children and Families (ACF), Department of Health and Human Services (HHS).

ACTION: Final rule.

SUMMARY: This final rule removes the vaccine and testing requirements included in the Interim Final Rule with Comment Period (IFC) titled, “Vaccine and Mask Requirements To Mitigate the Spread of COVID–19 in Head Start Programs,” which the Administration for Children and Families published on November 30, 2021. Specifically, this rescission removes the requirement from the Head Start Program Performance Standards (HSPPS) that all Head Start staff, contractors whose activities involve contact with or providing direct services to children and families, and volunteers working in classrooms or directly with children are fully vaccinated for COVID–19. The associated HSPPS requirement that staff who are exempt from the vaccination requirement have “at least weekly” COVID–19 testing is also removed.

DATES: *Effective date:* This final rule is effective June 26, 2023.

FOR FURTHER INFORMATION CONTACT: Kate Troy, OHS, at HeadStart@eclkc.info or 1–866–763–6481. Telecommunications Relay Service users can first dial 7–1–1, then share the 1–866–763–6481 number with the operator.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Executive Summary
- II. Background
- III. Rationale for the Rescission
- IV. Overview of Public Comments on the Interim Final Rule With Comment Period
- V. Public Comments Analysis
- VI. Regulatory Process Matters
- VII. Regulatory Impact Analysis
- VIII. Tribal Consultation Statement

I. Executive Summary

(1) Purpose of the Regulatory Action

The purpose of this regulatory action is to remove the COVID–19 vaccination and testing requirements established by the Interim Final Rule with Comment Period (IFC), *Vaccine and Mask Requirements to Mitigate the Spread of COVID–19 in Head Start Programs*, which ACF issued on November 30, 2021 (86 FR 68052), from the Head Start Program Performance Standards (HSPPS). Specifically, this final rule removes the requirement that all Head Start staff, contractors whose activities involve contact with or providing direct services to children and families, and volunteers working in classrooms or directly with children are fully