

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11H, Airspace Designations and Reporting Points, dated August 11, 2023, and effective September 15, 2023, is amended as follows:

*Paragraph 5000 Class D Airspace.*

\* \* \* \* \*

### ASO FL D Jupiter, FL [Amended]

William P. Gwinn Airport, FL

(Lat. 26°54'29" N, long. 80°19'42" W)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 4.5-mile radius of William P. Gwinn Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective date and time will thereafter be continuously published in the Chart Supplement.

\* \* \* \* \*

*Paragraph 6004 Class E Airspace Designated as an Extension to Class D or E Surface Area.*

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### ASO FL E4 Jupiter, FL [Removed]

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*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

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### ASO FL E5 Jupiter, FL [Amended]

William P. Gwinn Airport, FL

(Lat. 26°54'29" N, long. 80°19'42" W)

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of William P. Gwinn Airport.

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Issued in College Park, Georgia, on January 23, 2024.

**Andrese C. Davis,**

*Manager, Airspace & Procedures Team South, Eastern Service Center, Air Traffic Organization.*

[FR Doc. 2024–01649 Filed 2–5–24; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 870

**[Docket ID: OSM 2023–0010; S1D1S SS08011000 SX064A000 24S180110; S2D2S SS08011000 SX064A000 24XS501520]**

**RIN 1029–AC25**

#### Acceptable Payment Methods

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.  
**ACTION:** Direct final rule.

**SUMMARY:** The Office of Surface Mining Reclamation and Enforcement (OSMRE) is issuing this direct final rule to amend its regulations by reducing the threshold for electronic payment of quarterly Abandoned Mine Land (AML) reclamation fees from \$25,000 to \$500. On April 30, 2024, the U.S. Department of the Treasury (Treasury) will close OSMRE's lockbox, which is used to process non-electronic reclamation fee payments. After April 15, 2024, quarterly reclamation fees of \$500 or more must be paid by electronic transfer, while quarterly reclamation fees of less than \$500 may be paid by electronic transfer or by check or money order sent to OSMRE's Division of Financial Management. By reducing the threshold for electronic payments, OSMRE will receive more payments through electronic funds transfer, which will expedite and streamline its fee collection efforts.

**DATES:** This direct final rule is effective April 15, 2024, without further notice, unless OSMRE receives significant adverse comment by March 7, 2024. If OSMRE receives a significant adverse comment that leads it to conclude that the rule is controversial, OSMRE will publish a timely withdrawal in the **Federal Register**.

**ADDRESSES:** Send written comments identified by docket number OSM–2023–0010 or regulation identifier number (RIN) 1029–AC25 by the following method:

- *Federal e-Rulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments to docket number OSM–2023–0010.

- *U.S. Postal Service or other mail delivery service:* Address comments to Division of Regulatory Support, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, Attn: James Tyree, 1849 C Street NW, Mail Stop 4557, Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** James Tyree, Chief, Division of

Regulatory Support, (202) 208–4479, [jtyree@osmre.gov](mailto:jtyree@osmre.gov).

#### SUPPLEMENTARY INFORMATION:

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#### I. Background

Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) (30 U.S.C. 1231–1244) created the Abandoned Mine Reclamation Fund, which is funded in part by a reclamation fee (also known as the Abandoned Mine Land (AML) fee) assessed on each ton of coal produced in the United States, and that, among other things, provides funding to eligible States and Tribes for the reclamation of coal mining sites abandoned or left in an inadequate reclamation status as of August 3, 1977. Section 402(b) of SMCRA (30 U.S.C. 1232(b)) requires coal mine operators and/or permittees to pay reclamation fees no later than thirty days after the end of each calendar quarter.

OSMRE collects these fees from coal mine operators and/or permittees through electronic funds transfer and non-electronic payments. Currently, coal mine operators and/or permittees are required to send non-electronic fee payments to OSMRE's lockbox in Pittsburgh, Pennsylvania.

In April 2018, Treasury's Bureau of the Fiscal Service published a white paper titled, "The Future of Federal Financial Management," which outlined an initiative to transform Federal collections by, among other things, reducing revenue collection lockboxes and increasing digitization. Subsequently, OSMRE received notice from Treasury's General Lockbox Network (GLN) that it intended to close OSMRE's lockbox by September 30, 2023, as part of its effort to close all lockboxes functioning below a minimum item threshold of 1,000 items. (OSMRE's lockbox receives fewer than 400 items annually.) The GLN is a collection and processing service provided by certain financial institutions to help federal government agencies process paper checks and other remittance documents (not related to taxes) that are received through the mail. To allow time to amend its regulations, OSMRE requested a lockbox closure extension until April 30, 2024, which Treasury approved.

OSMRE is promulgating this direct final rule pursuant to section 413(a) of SMCRA (30 U.S.C. 1242(a)), which

authorizes the Secretary of the Interior to do all things necessary or expedient, including promulgation of rules and regulations, to implement and administer the provisions of SMCRA relating to abandoned mine reclamation.

## II. Direct Final Rulemaking

OSMRE is issuing this rule as a direct final rule. Although the Administrative Procedure Act (APA, 5 U.S.C. 551–559) generally requires agencies to engage in notice and comment rulemaking, section 553 of the APA provides an exception when the agency “for good cause finds” that notice and comment are “impracticable, unnecessary, or contrary to the public interest.” *Id.* 553(b)(B). OSMRE has determined that notice and comment are unnecessary because this rule is noncontroversial; of a minor, technical nature; involves little agency discretion; and is unlikely to receive any significant adverse comments. A significant adverse comment is one that explains: (1) why the rule is inappropriate, including challenges to the rule’s underlying premise or approach; or (2) why the direct final rule will be ineffective or unacceptable without a change. If such a comment is received, this direct final rule will be withdrawn. If no such comment is received, this direct final rule will become effective on April 15, 2024, without further OSMRE action. A comment recommending an addition to the rule will not be considered significant and adverse unless the comment explains how this direct final rule would be ineffective without the addition.

## III. Discussion

OSMRE is amending 30 CFR 870.16 to: (1) reduce the threshold for electronic payment of quarterly AML fees; (2) update the instructions for remitting both electronic and non-electronic payment; and (3) remove paragraph (c).

OSMRE is amending 30 CFR 870.16(a) and (b) to reduce the threshold for electronic payment of quarterly AML fees from \$25,000 to \$500. By reducing the threshold, OSMRE will receive more payments through electronic funds transfer, which will expedite and streamline its fee collection efforts and align with Treasury’s initiative to transform Federal collections. However, coal mine operators and/or permittees who owe quarterly AML fees in an amount below the electronic payment threshold (\$500) may still pay those fees using non-electronic methods.

In addition, OSMRE is amending 30 CFR 870.16(a)(3) by updating the instructions for locating the Master

Entity Number on the OSM–1 form to read “Part 1-Block 3” instead of “Part 1-Block 4” and by revising “on the wire message” to read “with the electronic payment.”

OSMRE is also amending 30 CFR 870.16(b)(2) by removing the lockbox address and directing coal mine operators and/or permittees to send non-electronic payments to the address indicated in the “Instructions for Completing the OSM–1 Form.” Relying on the “Instructions for Completing the OSM–1 Form” to communicate the location where coal mine operators and/or permittees must send non-electronic reclamation fee payments will allow OSMRE to update the location for non-electronic payments in the future without requiring OSMRE to further amend its regulations.

Finally, OSMRE is amending 30 CFR 870.16 by removing paragraph (c), which explains that payment of reclamation fees over the electronic payment threshold by any means other than electronic funds transfer is a violation of SMCRA. As SMCRA clearly requires that coal mine operators and/or permittees pay reclamation fees and the Federal regulations clearly prescribe how those fee payments must be made, paragraph (c) is unnecessary.

### *Who is impacted by this rulemaking?*

This direct final rule will impact coal mine operators and/or permittees who use non-electronic methods to pay the reclamation fees required under Title IV of SMCRA. However, ninety-eight percent (98%) of OSMRE’s total collections are already paid through electronic fund transfer mechanisms. This direct final rule will not affect those operators and/or permittees.

### *Why is the effective date of the rule April 15, 2024?*

An effective date of April 15, 2024, will afford OSMRE the time necessary to deliver and process payments submitted to the lockbox before its closure on April 30, 2024.

### *What if I send a payment to the lockbox after April 15, 2024?*

OSMRE will continue to process payments submitted to the lockbox between April 15 and April 30, 2024. However, if you submit a payment to the lockbox after April 30, 2024, it will be returned to you, and you will be required to submit payment to the address indicated in the “Instructions for Completing the OSM–1 Form” or through electronic funds transfer. If your reclamation fees are due and you fail to submit payment through either of the acceptable payment methods by the

due date, your payment will be considered late and may be subject to one or more of the actions specified in 30 CFR 870.21.

## IV. Procedural Matters and Required Determinations

### *Executive Order 12630—Governmental Actions and Interference With Constitutionally Protected Property Rights*

This rule does not result in a taking of private property or otherwise have regulatory takings implications under Executive Order 12630. The rule primarily concerns a new dollar threshold for electronic payment of quarterly AML fees; therefore, the rule will not result in private property being taken for public use without just compensation. A takings implication assessment is not required.

### *Executive Order 12866—Regulatory Planning and Review, Executive Order 13563—Improving Regulation and Regulatory Review and Executive Order 14094—Modernizing Regulatory Review*

Executive Order 12866, as amended by Executive Order 14094, provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB) will review all significant rules. OIRA has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of Executive Order 12866, as amended by Executive Order 14094, while calling for improvements in the Nation’s regulatory system to promote predictability, reduce uncertainty, and use the best, most innovative, and least burdensome tools for achieving regulatory ends. Executive Order 13563 directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. Executive Order 13563 emphasizes further that agencies must base regulations on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. OSMRE developed this rule in a manner consistent with these requirements.

### *Executive Order 12988—Civil Justice Reform*

This direct final rule complies with the requirements of Executive Order 12988. Among other things, this rule:

(a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and

ambiguity and be written to minimize litigation;

(b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

#### *Executive Order 13132—Federalism*

Under the criteria of section 1 of Executive Order 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. This rule 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. A federalism summary impact statement is not required.

#### *Executive Order 13175—Consultation and Coordination With Indian Tribal Governments*

The Department of the Interior strives to strengthen its government-to-government relationship with Indian tribes through a commitment to consultation with Tribes and recognition of their right to self-governance and Tribal sovereignty. OSMRE evaluated this direct final rule under Executive Order 13175 and the Department's and OSMRE's consultation policies and determined that it has no substantial direct effects on Federally recognized Indian tribes and that consultation under the Department's or OSMRE's Tribal consultation policies is not required. The rule merely revises OSMRE's regulations to be consistent with Treasury's Federal collections initiative and to remove unnecessary regulatory language.

#### *Executive Order 13211—Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*

This direct final rule is not a significant energy action as defined in Executive Order 13211. Therefore, a Statement of Energy Effects is not required.

#### *National Environmental Policy Act*

This direct final rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) is not required because this rule is covered by a categorical exclusion applicable to regulatory functions “that are of an

administrative, financial, legal, technical, or procedural nature.” 43 CFR 46.210(i). In addition, OSMRE has determined that this rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

#### *Paperwork Reduction Act*

This rule does not impose any new information collection burden under the Paperwork Reduction Act. OMB previously approved the information collection activities contained in the existing regulations and assigned OMB control number 1029–0063. This rule does not impose an information collection burden because OSMRE is not making any changes to the information collection requirements. During routine renewal of the information collection and before April 15, 2024, OSMRE will update the “Instructions for Completing the OSM–1 Form” to reflect (1) the new electronic payment threshold, and (2) the new mailing address for non-electronic payments. Additionally, as part of the renewal, OSMRE will update the “OSM–1 Form” and “Amended OSM–1 Form” to reflect the new mailing address for non-electronic payments.

#### *Regulatory Flexibility Act*

The Regulatory Flexibility Act (RFA, 5 U.S.C. 601–612) requires an agency to prepare a regulatory flexibility analysis for all rules unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The RFA applies only to rules for which an agency is required to first publish a proposed rule. *See* 5 U.S.C. 603(a) and 604(a). As OSMRE is not required to publish a notice of proposed rulemaking for this direct final rule, the RFA does not apply.

#### *Congressional Review Act*

This rule is not a major rule under the Congressional Review Act, 5 U.S.C. 804(2). Specifically, the direct final rule: (a) will not have an annual effect on the economy of \$100 million or more; (b) will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local Government agencies, or geographic regions; and (c) will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

#### *Unfunded Mandates Reform Act*

This rule does not impose an unfunded mandate on State, local, or Tribal Governments, or the private sector, of more than \$100 million per year. The rule does not have a significant or unique effect on State, local, or Tribal Governments, or the private sector. The rule merely revises OSMRE's regulations to reduce the threshold for electronic fee payment and to remove unnecessary regulatory language. Therefore, a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

#### **List of Subjects in 30 CFR Part 870**

Abandoned Mine Reclamation Fund—Fee Collection and Coal Production Reporting.

#### **Delegation of Signing Authority**

The action taken herein is pursuant to an existing delegation of authority.

**Steven H. Feldgus,**

*Principal Deputy Assistant Secretary, Land and Minerals Management.*

For the reasons stated in the preamble, the Department of the Interior, acting through OSMRE, amends 30 CFR part 870 as follows:

#### **PART 870 ABANDONED MINE RECLAMATION FUND—FEE COLLECTION AND COAL PRODUCTION REPORTING**

■ 1. The authority citation for part 870 continues to read as follows:

**Authority:** 28 U.S.C. 1746, 30 U.S.C. 1201 *et seq.*, and Pub. L. 105–277, 112 Stat. 2681.

■ 2. Amend § 870.16 by revising paragraphs (a) and (b) and removing paragraph (c) to read as follows:

#### **§ 870.16 Acceptable payment methods.**

(a) If you owe total quarterly reclamation fees of \$500 or more for one or more mines, you must:

(1) Use an electronic fund transfer mechanism approved by the U.S. Department of the Treasury;

(2) Forward payments by electronic transfer;

(3) Include the applicable Master Entity No.(s) (Part 1-Block 3 on the OSM–1 Form), and OSM Document No.(s) (Part 1-upper right corner of the OSM–1 Form) with the electronic payment; and

(4) Use our approved form or approved electronic form to report coal tonnage sold, used, or for which ownership was transferred to the address indicated in the Instructions for Completing the OSM–1 Form.

(b) If you owe less than \$500 in quarterly reclamation fees for one or more mines, you may:

(1) Forward payments by electronic transfer in accordance with the procedures specified in paragraph (a) of this section; or

(2) Submit a check or money order payable to the Office of Surface Mining Reclamation and Enforcement in the same envelope with the OSM-1 Form to the address indicated in the Instructions for Completing the OSM-1 Form.

[FR Doc. 2024-01971 Filed 2-5-24; 8:45 am]

BILLING CODE 4310-05-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2022-0222]

#### Drawbridge Operation Regulation; Okeechobee Waterway, Stuart, FL

**AGENCY:** Coast Guard, Department of Homeland Security (DHS).

**ACTION:** Notice of temporary deviation from regulations; request for comments.

**SUMMARY:** The Coast Guard is modifying a temporary deviation from the operating schedule that governs the Florida East Coast (FEC) Railroad Bridge, across the Okeechobee Waterway (OWW), mile 7.41, at Stuart, Florida. This modification tests an alternate temporary deviation to determine if the updated mobile application and simplified drawbridge opening requirements are reliable and predictable and will meet the reasonable needs of navigation and competing modes of transportation given the increase in railway activity. The Coast Guard is seeking comments from the public regarding this deviation.

**DATES:** This deviation is effective from 12:01 a.m. on February 12, 2024, through 11:59 p.m. on August 9, 2024.

Comments and related material must reach the Coast Guard on or before May 6, 2024.

**ADDRESSES:** You may submit comments identified by docket number USCG-2022-0222 using Federal Decision Making Portal at <https://www.regulations.gov>.

See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary

deviation, call or email Ms. Jennifer Zercher, Bridge Management Specialist, Seventh Coast Guard District; telephone 571-607-5951, email

*Jennifer.N.Zercher@uscg.mil*.

#### SUPPLEMENTARY INFORMATION:

##### I. Background, Purpose and Legal Basis

The Florida East Coast (FEC) Railroad Bridge across the Okeechobee Waterway (OWW), mile 7.41, at Stuart, Florida, is a single-leaf bascule bridge with a six-foot vertical clearance at mean high water in the closed position. The normal operating schedule for the bridge is found in 33 CFR 117.317(c).

On August 11, 2023, the Coast Guard published a temporary deviation entitled "Drawbridge Operation Regulation; Okeechobee Waterway, Stuart, FL" in the **Federal Register** (88 FR 54487). That temporary deviation, effective from 12:01 a.m. on August 15, 2023, through 11:59 p.m. on December 17, 2023, allowed the drawbridge to operate on a more predictable schedule due to the significant increase in railway activity.

On November 7, 2023, the Coast Guard published a notice reopening the comment period until November 30, 2023, because service was delayed on the passenger train (88 FR 76666).

On December 7, 2023, the Coast Guard published a temporary deviation modification which extended the temporary deviation through 12:59 p.m. on February 11, 2024. This action was necessary to allow the Coast Guard sufficient time to review public comments, while providing continuity in the operation of the drawbridge to determine if the temporary deviation will meet the reasonable needs of competing modes of transportation or if an alternate temporary deviation may be needed (88 FR 85111).

The Coast Guard has determined an alternate temporary deviation should be considered based on comments and feedback from marine industries and the bridge owner. Of the 216 comments received, 185 were unrelated to the temporary deviation and were not taken into consideration when developing this alternate temporary deviation. There were 16 comments received that stated the temporary deviation does not provide sufficient time for marine traffic, but no extenuating information was given to support that comment. The remaining comments stated the mobile application was not reliable as it was not accurately displaying the status of the drawbridge. Mariners were unable to plan for transits as the mobile application would show the drawbridge open to navigation, but the bridge was closed to navigation for the passage of

rail traffic when mariners arrived at the bridge. It was discovered the mobile application was not updated with the full train schedule for both freight and passenger rail service. We are testing this alternate temporary deviation to determine if the updated mobile application and simplified drawbridge opening requirements are reliable and predictable and will meet the reasonable need of navigation.

Under this temporary deviation modification from 12:01 a.m. on February 12, 2024, through 11:59 p.m. on August 9, 2024, the FEC Railroad Bridge will be maintained in the fully open-to-navigation position, except during periods when it is closed for the passage of train traffic, to conduct inspections, and to perform maintenance and repairs authorized by the Coast Guard. However, the bridge will not be closed for more than 50 consecutive minutes in any given hour during daytime operations (6 a.m. to 8 p.m.) and for more than 7 total hours during daytime operations (6 a.m. to 8 p.m.).

Notwithstanding the above paragraph, the drawbridge will open and remain open to navigation for a fixed 10-minute period at the top of each hour from 6 a.m. to 8 p.m.

From 8:01 p.m. until 5:59 a.m. daily, the drawbridge will remain in the fully open-to-navigation position, except during periods when it is closed for the passage of train traffic, to conduct inspections, and to perform maintenance and repairs authorized by the Coast Guard. The drawbridge will not be closed more than 60 consecutive minutes.

If a train is in the track circuit at the start of a fixed opening period, the opening may be delayed up to, but not more than, five minutes. Once the train has cleared the circuit, the bridge must open immediately for navigation to begin the fixed opening period.

The drawbridge will be tended from 6 a.m. to 8 p.m., daily. The bridge tender will monitor VHF-FM channels 9 and 16 and will provide estimated times of drawbridge openings and closures, or any operational information requested. Operational information will be provided 24 hours a day by telephone at (772) 403-1005.

The drawbridge owner will maintain a mobile application. The drawbridge owner will publish drawbridge opening times, and the drawbridge owner will provide timely updates to schedules, including but not limited to, impacts due to emergency circumstances, inspections, maintenance, and repairs authorized by the Coast Guard.