

adverse determination to the Executive Director of the Commission. Such an appeal shall be filed within 30 days from receipt of the Records Access Officer's determination denying the requested information (where the entire request has been denied), or from the receipt of any information made available pursuant to the request (where the request has been denied in part). Within 20 working days (excepting Saturdays, Sundays, and legal public holidays) after receipt of any appeal, or any authorized extension, the Executive Director or the Executive Director's designee shall make a determination and notify the appellant of such determination. If the appeal is decided in favor of the appellant the requested information shall be promptly supplied as provided in this part. If on appeal the denial of the request for records is upheld in whole or in part, the appellant shall be entitled to appeal to the Commission at its regular meeting. In the event that the Commission confirms the Executive Director's denial the appellant shall be notified of the provisions for judicial review.

(d) If the request for records will result in a fee of more than \$25, determination letter under paragraph (b) of this section shall specify or estimate the fee involved and may require prepayment, as well as payment of any amount not yet received as a result of any previous request, before the records are made available. If the fee is less than \$25, prepayment shall not be required unless payment has not yet been received for records disclosed as a result of a previous request.

(e) Whenever possible, the determination letter required under paragraph (b) of this section, relating to a request for records that involves a fee of less than \$25.00, shall be accompanied by the requested records. Where this is not possible, the records shall be forwarded as soon as possible thereafter. For requests for records involving a fee of more than \$25.00, the records shall be forwarded as soon as possible after receipt of payment.

■ 17. In § 401.110, revise paragraphs (a)(1)(i)(A) and (c) to read as follows:

§ 401.110 Fees.

- (a) * * *
- (1) * * *
- (i) * * *

(A) Processing requests for records;
* * * * *

(c) Payment shall be made by check or money order payable to "Delaware River Basin Commission" and shall be sent to the Records Access Officer.

■ 18. Revise § 401.113 to read as follows:

§ 401.113 Segregable materials.

Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this part, except as provided in § 401.102.

■ 19. Revise § 401.115 to read as follows:

§ 401.115 Discretionary disclosure by the Executive Director.

(a) The Executive Director may exercise discretion to disclose part or all of any Commission record that is otherwise exempt from disclosure pursuant to this part whenever the Executive Director determines that such disclosure is in the public interest, will promote the objectives of the Commission, and is consistent with the rights of individuals to privacy, the property rights of persons in trade secrets, and the need for the Commission to promote frank internal policy deliberations and to pursue its regulatory activities without disruption.

(b) Discretionary disclosure of a record pursuant to this section shall invoke the requirement that the record shall be disclosed to any person who requests it pursuant to § 401.108, but shall not set a precedent for discretionary disclosure of any similar or related record and shall not obligate the Executive Director to disclose any other record that is exempt from disclosure.

Subpart I—General Provisions

■ 20. In § 401.121, redesignate paragraph (e) as paragraph (f) and add new paragraph (e) to read as follows:

§ 401.121 Definitions.

* * * * *

(e) *Material change* shall mean a change to a project previously approved by the Commission that is important in determining whether the project would substantially impair or conflict with the Commission's comprehensive plan.
* * * * *

Dated: June 11, 2024.

Pamela M. Bush,

Commission Secretary/Assistant General Counsel.

[FR Doc. 2024-13308 Filed 6-18-24; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2024-0473]

Safety Zone; Kemah Fireworks; Sector Houston-Galveston Captain of the Port

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce safety zone regulations for the Kemah Board Walk Summer Season Fireworks Display every Friday night in June and July 2024, and Thursday, July 4, 2024, to provide for the safety of life on navigable waterways during the events. Our regulation for marine events within the Eighth Coast Guard District identifies the regulated area for the events in Clear Lake, TX. During the enforcement periods, the operator of any vessel in the regulated area must comply with directions from the Captain of the Port or designated representative.

DATES: The regulation in 33 CFR 165.801, Table 3, line 3, will be enforced from sunset until midnight every Friday in June and July 2024, and Thursday, July 4, 2024.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email LTJG Jack Brunswick, Sector Houston/Galveston Waterways Management Division, U.S. Coast Guard; telephone 713-398-5823, email houstonwwm@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone in 33 CFR 165.801, Table 3, line 3, for the Kemah Board Walk Summer Season Fireworks Display from sunset until midnight each Friday in June and July 2024, and on Thursday, July 4, 2024. This action is being taken to provide for the safety of life on navigable waterways during this weekly event. Our regulation for marine events within the Eighth Coast Guard District specifies the location of the regulated area for the Kemah Board Walk Summer Season Fireworks which encompasses portions of the Clear Creek Channel centered around the firework barges and boardwalk. During the enforcement periods, as reflected in § 165.801(a) through (c), entry into this zone is prohibited unless authorized by the Captain of the Port or a designated representative. All persons and vessels shall comply with the instructions of

the Captain of the Port or designated representative. Designated representatives include commissioned, warrant, and petty officers of the U.S. Coast Guard.

Dated: June 4, 2024.

Keith M. Donohue,

CAPT, U.S. Coast Guard, Captain of the Port, Sector Houston-Galveston.

[FR Doc. 2024-13411 Filed 6-18-24; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA-R06-OAR-2023-0536; FRL-11640-02-R6]

Clean Air Act Reclassification of the San Antonio, Dallas-Fort Worth, and Houston-Galveston-Brazoria Ozone Nonattainment Areas; TX

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA), the Environmental Protection Agency (EPA) is granting a request from the Governor of the State of Texas to voluntarily reclassify the San Antonio, Dallas-Fort Worth (DFW), and Houston-Galveston-Brazoria (HGB) ozone nonattainment areas from Moderate to Serious for the 2015 ozone National Ambient Air Quality Standards (NAAQS). The EPA is also setting the date for the Texas Commission on Environmental Quality (TCEQ or State) to submit revised State Implementation Plans (SIPs) addressing the Serious ozone nonattainment area requirements and for the first transportation control demonstrations for these areas. The EPA is also setting the deadlines for implementation of new rules addressing Reasonably Available Control Technology (RACT) and for any new or revised Enhanced vehicle Inspection and Maintenance (I/M) programs. Finally, the TCEQ is no longer required to submit SIP revisions addressing the following requirements related to the prior classification level for these three ozone nonattainment areas: a demonstration of attainment by the prior attainment date; a Reasonably Available Control Measures (RACM) analysis tied to the prior attainment date; and contingency measures specifically related to the area's failure to attain by the prior attainment date.

DATES: This rule is effective on July 22, 2024.

ADDRESSES: The EPA has established a docket for this action under Docket ID EPA-R06-OAR-2023-0536. 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., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet. Publicly available docket materials are available electronically through <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Ms. Carrie Paige, EPA Region 6 Office, Infrastructure and Ozone Section, 214-665-6521, paige.carrie@epa.gov. Please call or email the contact listed here if you need alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION: Throughout this document “we,” “us,” and “our” means the EPA.

I. Background

The background for this action is discussed in detail in our January 26, 2024, proposal (89 FR 5145).¹ In that document, we proposed to grant a request submitted by Texas Governor Greg Abbott to reclassify the San Antonio, DFW, and HGB ozone nonattainment areas from Moderate to Serious for the 2015 ozone NAAQS. We also proposed a deadline for the TCEQ to submit revisions to the SIP addressing the Serious area requirements for these areas. The SIP requirements that apply specifically to Serious areas include: Enhanced monitoring (CAA section 182(c)(1)); Emissions inventory and emissions statement rule (40 CFR 51.1300(p) and 40 CFR 51.1315); Reasonable Further Progress (RFP) (40 CFR 51.1310); Attainment demonstration and RACM (40 CFR 51.1308 and 40 CFR 51.1312(c)); RACT (40 CFR 51.1312); Nonattainment New Source Review (NSR) (40 CFR 51.1314 and 40 CFR 51.165); Enhanced I/M (CAA section 182(c)(3) and 40 CFR 51 Subpart S); Clean-fuel vehicle programs (CAA section 182(c)(4));² and Contingency

¹ Henceforth we refer to this proposal as the “January 2024 proposal.” The January 2024 proposal and related documents (e.g., the Texas Governor’s request and our Environmental Justice Considerations) are provided in the docket for this action.

² In June 2022, the EPA released new guidance that provides several options for states to either continue to rely upon their existing Clean Fuel Fleets Program, to add new components to these programs, or to rely on recent EPA regulations to satisfy the Clean Fuel Fleets requirement. This new guidance reaffirms and supplements the 1998 guidance with new compliance options. This

measures (CAA sections 172(c)(9) and 182(c)(9)). In addition, a demonstration evaluating the need for a transportation control measure program (CAA section 182(c)(5)) is also required. We also proposed and took comment on a range of deadlines for the TCEQ to submit revisions to the SIP addressing the Serious area requirements, from 12 to 18 months from the effective date of the EPA’s final rule reclassifying the San Antonio, DFW, and HGB areas as Serious. We also proposed a deadline for implementation of new RACT rules as expeditiously as practicable but no later than January 1, 2026, and proposed a deadline for any new or revised Enhanced vehicle I/M programs (for areas that do not need I/M emission reductions for attainment or RFP SIP purposes) to be fully implemented as expeditiously as practicable but no later than four years after the effective date of EPA’s final rule reclassifying these areas as Serious. We also proposed a deadline for the first transportation control demonstration to be submitted two years after the attainment demonstration due date.

The January 2024 proposal also outlined EPA’s interpretation that following voluntary reclassification, a state is no longer required to submit certain SIP revisions addressing the following requirements related to the prior classification level for an ozone nonattainment area because they are tied to the prior (i.e., Moderate) attainment date: (1) a demonstration of attainment by the prior attainment date, (2) a RACM analysis tied to the prior attainment date, and (3) contingency measures specifically related to the area’s failure to attain by the prior attainment date. Accordingly, with this final voluntary reclassification of the San Antonio, DFW, and HGB areas as Serious for the 2015 ozone NAAQS, Texas is no longer required to submit these three identified SIP elements as they relate to the Moderate classification level, and EPA’s October 18, 2023, Finding of Failure to Submit is moot as to these specific SIP elements for Texas.³ However, as described in our January 2024 proposal, there remain several Moderate area SIP requirements that continue to be required after these areas are voluntarily reclassified as Serious because they are not dependent upon the Moderate attainment date itself.⁴

guidance is posted at <https://www.epa.gov/state-and-local-transportation/clean-fuel-fleets-program-guidance>.

³ 88 FR 71757 (October 18, 2023). Henceforth referred to as the “October 2023 findings.”

⁴ See 89 FR 5145, 5147.