

Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

C. Petitions for 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 September 30, 2024. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action approving West Virginia title V permit Program revisions may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 70

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

Adam Ortiz,

Regional Administrator, Region III.

For the reasons stated in the preamble, the EPA amends 40 CFR part 70 as follows:

PART 70—STATE OPERATING PERMIT PROGRAMS

■ 1. The authority citation for part 70 continues to read as follows:

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

■ 2. Appendix A to Part 70 is amended by adding paragraph (h) under “West Virginia” to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permit Programs

* * * * *

West Virginia

* * * * *

(h) The West Virginia Department of Environmental Protection submitted a program revision on May 3, 2023 to restructure the title V operating permit fees collected by WVDEP, amend West Virginia’s title V regulations to comport with Federal permit review, public petition, and affirmative defense requirements, and remove obsolete transitional language; approval effective on July 30, 2024.

* * * * *

[FR Doc. 2024–16568 Filed 7–29–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–R03–OAR–2024–0351; FRL–12132–01–R3]

Designations of Areas for Air Quality Planning Purposes; Pennsylvania, New Jersey, Maryland, Delaware; Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE 2015 8-Hour Ozone Nonattainment Area; Reclassification to Serious

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Under the Clean Air Act (CAA or the “Act”), the Environmental Protection Agency (EPA) is granting a request from the Commonwealth of Pennsylvania and the States of New Jersey, Maryland, and Delaware to reclassify the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE ozone nonattainment area from “Moderate” to “Serious” for the 2015 8-hour ozone national ambient air quality standards (2015 ozone NAAQS).

DATES: This final rule is effective on July 30, 2024.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2024–0351. All documents in the docket are listed on the www.regulations.gov website. Although listed in the index, some information is not publicly available, *e.g.*, confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through www.regulations.gov, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: For questions relating to New Jersey, contact Fausto Taveras, Environmental Protection Agency, Region II, 290 Broadway, New York, New York 10007–1866, at (212) 637–3378, or by email at Taveras.Fausto@epa.gov, and for questions relating to Pennsylvania, Maryland, and/or Delaware, contact Ian Neiswinter, Planning and Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F Kennedy Boulevard, Philadelphia, Pennsylvania 19103, at (215) 814–2011, or by email at Neiswinter.Ian@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA.

Table of Contents

- I. Reclassification of the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE area to Serious Ozone Nonattainment
- II. Statutory and Executive Order Reviews

I. Reclassification of the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE Area to Serious Ozone Nonattainment

Effective August 3, 2018 (83 FR 25776), the EPA classified the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE area (the Philadelphia Area¹) under the CAA as “Marginal” for the 2015 8-hour ozone NAAQS. Classification of this area as a Marginal ozone nonattainment area established a requirement that the area attain the 2015 ozone NAAQS as expeditiously as practicable, but no later than three years from designation, *i.e.*, August 3, 2021. Effective November 7, 2022 (87 FR 60897), the EPA determined that the Philadelphia Area failed to attain by the applicable Marginal attainment date. In that action, the EPA reclassified the Philadelphia Area as Moderate nonattainment for the 2015 ozone NAAQS and established the Moderate attainment date as August 3, 2024. On July 17, 2024, the Commonwealth of Pennsylvania requested that the EPA reclassify the Philadelphia Area from Moderate to Serious. On July 18, 2024, the States of Delaware, Maryland, and New Jersey requested that the EPA reclassify the Philadelphia Area from

¹ The Philadelphia Area consists of the following counties/cities: Bucks County, Chester County, Delaware County, Montgomery County, and Philadelphia County in Pennsylvania; Atlantic County, Burlington County, Camden County, Cape May County, Cumberland County, Gloucester County, Mercer County, Ocean County, and Salem County in New Jersey; Cecil County in Maryland; and New Castle County in Delaware. See 40 Code of Federal Regulation (CFR) 81.339, 40 CFR 81.331, 40 CFR 81.321, and 40 CFR 81.308.

Moderate to Serious. The request letters from the States are also provided in the docket of this rulemaking.

We are approving these States' reclassification request under section 181(b)(3) of the Act, which provides for "voluntary reclassification." Because the plain language of section 181(b)(3) mandates that we approve such a request, the EPA is granting the States' request for voluntary reclassification under section 181(b)(3) for the Philadelphia Area for the 2015 ozone NAAQS, and the EPA is reclassifying the area from Moderate to Serious. Because of this action, the Philadelphia Area must now attain the 2015 ozone NAAQS as expeditiously as practicable, but no later than nine years from the date of the initial designation as nonattainment, *i.e.*, August 3, 2027. Applicable SIP requirements and deadlines associated with the reclassification will be addressed in a separate notice.

The EPA has determined that this action falls under the "good cause" exemption in section 553(b)(B) of the Administrative Procedure Act (APA) which, upon finding "good cause," authorizes agencies to dispense with public participation where public notice and comment procedures are "impracticable, unnecessary or contrary to the public interest." The EPA has determined that public notice and comment for this action is unnecessary because our action to approve voluntary reclassification requests under CAA section 181(b)(3) is nondiscretionary both in its issuance and in its content. As such, notice and comment rulemaking procedures would serve no useful purpose.

The EPA also finds that there is good cause under APA section 553(d)(3) for this reclassification to become effective on the date of publication. Section 553(d)(3) of the APA allows an effective date of less than 30 days after publication "as otherwise provided by the agency for good cause found and published with the rule." See 5 U.S.C. 553(d)(3). The purpose of the 30-day waiting period prescribed in APA section 553(d)(3) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. This rule, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. The schedule for required plan submittals for the Philadelphia Area under the new classification will be proposed in a separate action. For this reason, the EPA finds good cause under APA section 553(d)(3) for this reclassification to

become effective on the date of publication.

II. Statutory and Executive Order Reviews

A. General Requirements

Under the Clean Air Act this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);

- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and

- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act;

In addition, this action does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes federal executive policy on environmental justice. Its main provision 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 and low-income populations in the United States. This reclassification action relates to ozone, a pollutant that is regional in nature, and is not the type of action that could result in the types of local impacts addressed in Executive Order 12898.

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

C. Petitions for 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 September 30, 2024. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action reclassifying the Philadelphia Area from Moderate to Serious for the 2015 ozone NAAQS may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Adam Ortiz,

Regional Administrator, EPA Region III.

Lisa Garcia,

Regional Administrator, EPA Region II.

Part 81 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 1. The authority citation for part 81 continues to read as follows:

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

■ 2. In § 81.308, the table titled "Delaware—2015 8-Hour Ozone NAAQS" is amended by revising the entry for "Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE" to read as follows:

§ 81.308 Delaware.

* * * * *

DELAWARE—2015 8-HOUR OZONE NAAQS
[Primary and Secondary]

Designated area ¹	Designation		Classification	
	Date ²	Type	Date ²	Type
Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE. New Castle County.	Nonattainment	7/30/2024	Serious.
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *

* * * * *

■ 3. In § 81.321, the table entitled “Maryland—2015 8-Hour Ozone

NAAQS” is amended by revising the entry for “Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE” to read as follows:

§ 81.321 Maryland.

* * * * *

MARYLAND—2015 8-HOUR OZONE NAAQS
[Primary and Secondary]

Designated area ¹	Designation		Classification	
	Date ²	Type	Date ²	Type
Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE. Cecil County.	Nonattainment	7/30/2024	Serious.
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *

¹ Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the State has regulatory authority under the Clean Air Act for such Indian country.

² This date is August 3, 2018, unless otherwise noted.

¹ Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation

area is not a determination that the State has regulatory authority under the Clean Air Act for such Indian country.

² This date is August 3, 2018, unless otherwise noted.

* * * * *

■ 4. In § 81.331, the table entitled “New Jersey—2015 8-Hour Ozone NAAQS” is

amended by revising the entry for “Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE” to read as follows:

§ 81.331 New Jersey.
* * * * *

NEW JERSEY—2015 8-HOUR OZONE NAAQS
[Primary and Secondary]

Designated area ¹	Designation		Classification	
	Date ²	Type	Date ²	Type
Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE. Atlantic County. Burlington County. Camden County. Cape May County. Cumberland County. Gloucester County. Mercer County. Ocean County. Salem County.	Nonattainment	7/30/2024	Serious.
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *

* * * * *

■ 5. In § 81.339, the table entitled “Pennsylvania—2015 8-Hour Ozone

NAAQS” is amended by revising the entry for “Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE” to read as follows:

§ 81.339 Pennsylvania
* * * * *

PENNSYLVANIA—2015 8-HOUR OZONE NAAQS
[Primary and Secondary]

Designated area ¹	Designation		Classification	
	Date ²	Type	Date ²	Type
Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE. Bucks County. Chester County. Delaware County. Montgomery County. Philadelphia County.	Nonattainment	7/30/2024	Serious.
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *

¹ Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the State has regulatory authority under the Clean Air Act for such Indian country.

² This date is August 3, 2018, unless otherwise noted.

¹ Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation

area is not a determination that the State has regulatory authority under the Clean Air Act for such Indian country.

² This date is August 3, 2018, unless otherwise noted.

* * * * *

[FR Doc. 2024-16570 Filed 7-29-24; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**42 CFR Part 71**

[Docket No. CDC-CDC-2023-0051]

RIN 0920-AA82

Control of Communicable Diseases; Foreign Quarantine: Importation of Dogs and Cats; Correction

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Final rule; correction.

SUMMARY: The Centers for Disease Control and Prevention (CDC) in the Department of Health and Human Services (HHS) announces a technical correction to the final rule published on May 13, 2024, regarding the importation of dogs and cats into the United States. The final rule contained a technical error. HHS/CDC is therefore publishing this amendment to the final rule correcting an error in amending instructions to the Office of the Federal Register.

DATES: Effective on August 1, 2024.

FOR FURTHER INFORMATION CONTACT: Ashley C. Altenburger, J.D., Division of Global Migration Health, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS-H16-4, Atlanta, Georgia 30329. Telephone: 1-800-232-4636.

SUPPLEMENTARY INFORMATION: On May 13, 2024, HHS/CDC published a final rule (89 FR 41726) that included a technical error. Therefore, HHS/CDC is publishing this notice to correct the technical error that was made in the final rule.

Section 553(b)(B) of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that it is unnecessary to provide prior notice and the opportunity for public comment because the technical correction being made, as discussed below, address only a minor publication error that does not substantially change agency actions taken in the final rule. For the same reasons we find good cause to make the correction effective on publication.

Summary of the Technical Correction to 42 CFR Part 71—Foreign Quarantine; Importation of Dogs and Cats

The final rule contains instructions to the Office of the Federal Register explaining how § 71.51, Dogs and cats, should appear once published in the Code of Federal Regulations. In amending instruction 3.j. to § 71.51, appearing at 89 FR 41837, HHS/CDC included instructions “adding paragraphs (h) through (ff).” However, the final rule contained updated provisions through paragraph (gg) and should have indicated that HHS/CDC is “adding paragraphs (h) through (gg).” We are therefore making this technical correction to ensure that paragraph (gg) is published in the Code of Federal Regulations as HHS/CDC intended and as discussed in the final rule.

Correction

For the reasons noted above, in FR Doc. 2024-09676, beginning on page 41726 in the **Federal Register** of Monday, May 13, 2024, the following correction is made:

§ 71.51 [Corrected]

■ 1. On page 41837, in the third column, in amendment 3.j. for § 71.51, the instruction “Adding paragraphs (h) through (ff)” is corrected to read “Adding paragraphs (h) through (gg)”.

Elizabeth Gramling,

Executive Secretary, Department of Health and Human Services.

[FR Doc. 2024-16681 Filed 7-29-24; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF DEFENSE**Defense Acquisition Regulations System****48 CFR Part 236**

[Docket DARS-2024-0019]

RIN 0750-AM16

Defense Federal Acquisition Regulation Supplement: Architect and Engineering Service Fees (DFARS Case 2024-D019); Delay of Effective Date

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule; delay of effective date.

SUMMARY: DoD is postponing the effective date of the final rule published in the **Federal Register** on June 27, 2024. As published, the rule was to be effective August 26, 2024.

DATES: The effective date for the final rule published June 27, 2024, at 89 FR 53502, is delayed from August 26, 2024, to September 16, 2024.

FOR FURTHER INFORMATION CONTACT: Ms. Jennifer D. Johnson, telephone 703-717-8226.

SUPPLEMENTARY INFORMATION: On June 27, 2024, DoD published a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement section 2881 of the National Defense Authorization Act for Fiscal Year 2024 (Pub. L. 118-31). Section 2881 increased the statutory limitation on the amount that may be earned by contractors providing certain architect and engineering services under contracts with the Departments of the Army, Navy, and Air Force. The effective date of the final rule has been postponed from August 26, 2024, to September 16, 2024, to comply with the Congressional Review Act; the final rule is a major rule as defined by 5 U.S.C. 804.

Jennifer D. Johnson,

Editor/Publisher, Defense Acquisition Regulations System.

[FR Doc. 2024-16715 Filed 7-29-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17**

[Docket No. FWS-R8-ES-2022-0082; FXES1111090FEDR-245-FF09E21000]

RIN 1018-BG07

Endangered and Threatened Wildlife and Plants; Endangered Species Status for the San Francisco Bay-Delta Distinct Population Segment of the Longfin Smelt

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), determine endangered species status under the Endangered Species Act of 1973, as amended (Act), for the San Francisco Bay-Delta distinct population segment (DPS) of longfin smelt (*Spirinchus thaleichthys*), a fish species of the Pacific Coast. This rule extends the protections of the Act to this DPS and adds it to the List of Endangered and Threatened Wildlife.

DATES: This rule is effective August 29, 2024.