

unless to do so would be inconsistent with applicable law or otherwise impractical. The EPA believes that this action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with the CAA.

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

Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, February 16, 1994) directs federal agencies to identify and address “disproportionately high and adverse human health or environmental effects” of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. The EPA defines EJ as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” The EPA further defines the term “fair treatment” to mean that “no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.”

The PRDNER did not evaluate environmental justice considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. Consistent with the EPA’s discretion under the CAA, the EPA evaluated the environmental justice considerations of this action, as is described above in the section titled, “Environmental Justice Considerations.” The analysis was done for the purpose of providing additional context and information about this rulemaking to the public, and not as a basis of the action. Due to the nature of the action being taken here, this action is expected to have a neutral to positive impact on the air quality of the affected area. In addition, there is no information in the record inconsistent with the stated goal of E.O. 12898 of achieving environmental justice for communities with environmental justice concerns.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by

reference, Intergovernmental relations, Sulfur dioxide, Reporting and recordkeeping requirements.

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

Lisa Garcia,

Regional Administrator, Region 2.

[FR Doc. 2024–22466 Filed 9–30–24; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 281 and 282

[EPA–R04–UST–2024–0279; FRL–12181–01–R4]

North Carolina: Final Approval of State Underground Storage Tank Program Revisions, Codification, and Incorporation by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The State of North Carolina (North Carolina) has applied to the Environmental Protection Agency (EPA) for final approval of revisions to its Underground Storage Tank Program (UST Program) under subtitle I of the Resource Conservation and Recovery Act (RCRA). Pursuant to RCRA, the EPA is proposing to approve revisions to North Carolina’s UST Program. This action is based on the EPA’s determination that the State’s revisions satisfy all requirements for UST program approval. This action also proposes to codify North Carolina’s revised UST Program and to incorporate by reference the State statutes and regulations that we have determined meet the requirements for approval.

DATES: Comments on this proposed rule must be received on or before November 1, 2024.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–R04–UST–2024–0279, by either of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov> (our preferred method). Follow the online instructions for submitting comments.
- *Email:* giri.upendra@epa.gov. Include the Docket ID No. EPA–R04–UST–2024–0279 in the subject line of the message.

Instructions: Submit your comments, identified by Docket ID No. EPA–R04–UST–2024–0279, via the Federal eRulemaking Portal at <https://www.regulations.gov>. Follow the online instructions for submitting comments.

Once submitted, comments cannot be edited or removed from <https://www.regulations.gov>. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit: <https://www.epa.gov/dockets/commenting-epa-dockets>.

The EPA encourages electronic submittals and lists all publicly available docket materials electronically at <https://www.regulations.gov>. If you are unable to make electronic submittals or require alternative access to docket materials, please contact Upendra Giri, the contact listed in the **FOR FURTHER INFORMATION CONTACT** provision below. The index of the docket and all publicly available docket materials for this action are available for review at <https://www.regulations.gov>.

Please also contact Upendra Giri if you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you. For further information on EPA Docket Center services, please visit us online at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Upendra Giri, RCRA Programs and Cleanup Branch, Land, Chemicals, and Redevelopment Division, U.S. Environmental Protection Agency, Region 4, Atlanta Federal Center, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960; Phone number: (404) 562–8185, email address: giri.upendra@epa.gov. Please contact Upendra Giri by phone or email for further information.

SUPPLEMENTARY INFORMATION: For additional information, see the direct final rule published in the “Rules and Regulations” section of this **Federal Register**.

List of Subjects in 40 CFR Parts 281 and 282

Environmental protection, Administrative practice and procedure, Hazardous substances, Incorporation by reference, Indian country, Petroleum, Reporting and recordkeeping requirements, State program approval, Underground storage tanks.

Authority: This document is issued under the authority of sections 2002(a), 9004, and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912, 6991c, 6991d, and 6991e.

Dated: September 25, 2024.

Jeanne M. Gettle,

Acting Regional Administrator, Region 4.

[FR Doc. 2024-22540 Filed 9-30-24; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY**48 CFR Parts 3025 and 3052**

[Docket No. DHS-2024-0020]

RIN 1601-AB15

Homeland Security Acquisition Regulation, Make Personal Protective Equipment in America Act Restrictions on Foreign Acquisition (HSAR Case 2024-003)

AGENCY: Office of the Chief Procurement Officer (OCPO), Department of Homeland Security (DHS).

ACTION: Proposed rule.

SUMMARY: DHS is proposing to amend the Homeland Security Acquisition Regulation (HSAR) to add a new subpart, clause, and provision that would codify how DHS complies with the requirements of the Make Personal Protective Equipment (PPE) in America Act. DHS believes these proposed changes would help to ensure the sustainment and expansion of domestic manufacturing for certain types of PPE critical to the United States' national response to a public health crisis, such as the COVID-19 pandemic.

DATES: Comments on the proposed rule should be submitted in writing to one of the addresses shown below on or before December 2, 2024, to be considered in the formation of the final rule.

ADDRESSES: Submit comments identified by HSAR Case 2024-003, Make PPE in America Act Restrictions on Foreign Acquisition, using any of the following methods:

• *Regulations.gov:* <https://www.regulations.gov>.

Submit comments via the Federal eRulemaking portal by entering "HSAR

Case 2024-003" under the heading "Enter Keyword or ID" and select "Search." Select the link "Submit a Comment" that corresponds with "HSAR Case 2024-003." Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "HSAR Case 2024-003" on your attached document.

• *Fax:* (202) 447-0520.

• *Mail:* Department of Homeland Security, Office of the Chief Procurement Officer, Acquisition Policy and Legislation, ATTN: Ms. Shaundra Ford, 245 Murray Drive, Bldg. 410 (RDS), Washington, DC 20528.

Comments received generally will be posted without change to <https://www.regulations.gov>, including any personal information provided. To confirm receipt of your comment(s), please check www.regulations.gov, approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT:

Shaundra Ford, Department of Homeland Security, Office of the Chief Procurement Officer, Acquisition Policy and Legislation, at (202) 282-8000 or email at HSAR@hq.dhs.gov. Include HSAR Case 2024-003 in the subject line.

SUPPLEMENTARY INFORMATION:**I. Background**

The Buy American Act of 1933, as amended (BAA), addresses preferences in Federal procurement.¹ The BAA provides a preference for the purchase of domestic supplies.²

On November 15, 2021, the Infrastructure Investment and Jobs Act was signed into law.³ Subtitle C of title IX of Division G of the Infrastructure Investment and Jobs Act is the Make PPE in America Act ("the Act").⁴ The Act requires the Department of Homeland Security (DHS), Department of Veterans Affairs (VA), and the U.S. Department of Health and Human Services (HHS) to take certain actions to ensure the sustainment and expansion of domestic manufacturing for certain types of PPE critical to the United States' national response to a public health crisis, such as the COVID-19 pandemic.⁵

¹ See 41 U.S.C. 8301-8305.

² See *e.g.*, 41 U.S.C. 8302.

³ Infrastructure Investment and Jobs Act, Public Law 117-58, 135 Stat. 429 (2021).

⁴ Make PPE in America Act, Public Law 117-58, div. G, title IX, subtitle C, sections 70951-70953, 135 Stat. 1312-1316. The Make PPE in America Act is codified in 41 U.S.C. 8301 note.

⁵ Public Law 117-58, 135 Stat. 1312.

The Act defines PPE as surgical masks, respirator masks and powered air purifying respirators and required filters, face shields and protective eyewear, gloves, disposable and reusable surgical and isolation gowns, head and foot coverings, and other gear or clothing used to protect an individual from the transmission of disease.⁶ The Act requires that any contracts for the procurement of PPE entered into by DHS, VA, and HHS be for PPE, including the materials and components thereof, that is domestically grown, reprocessed, reused, or produced.⁷ The Act also requires that these contracts with DHS, HHS, or VA for PPE last at least two years in duration plus all option periods necessary, to incentivize investment in the domestic production of PPE and the materials and components thereof.⁸ The Act allows for alternatives to domestic production under certain conditions (*i.e.*, where PPE assembled outside of the United States contains only materials and components grown, reprocessed, reused or produced in the United States).⁹ When using alternatives to domestic production, DHS, HHS, or VA, as applicable, must certify every 120 days that alternatives to domestic production are necessary to procure PPE due to the immediate needs of a public health emergency.¹⁰ The Act further recognizes certain exceptions to the domestic production of PPE, such as due to nonavailability, or where the PPE cannot be procured at U.S. market prices.¹¹ Where DHS, HHS, or VA respectively grants an exception, that Secretary would also need to certify that implementing these exceptions are necessary to meet the immediate needs of a public health emergency.¹²

The DHS Chief Procurement Officer can issue HSAR deviations when necessary to allow Components to deviate from the HSAR.¹³ On October 17, 2022, DHS issued a deviation regarding how DHS would comply with the Make PPE in America Act requirements (Deviation 23-01).¹⁴

DHS proposes to amend the HSAR at 48 CFR part 3025, Foreign Acquisition, and at 48 CFR part 3052, Solicitation

⁶ Public Law 117-58, 135 Stat. 1313.

⁷ Public Law. 117-58, 135 Stat. 1313-14.

⁸ Public Law 117-58, 135 Stat. 1314.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ See HSAR Deviations, available at: <https://www.dhs.gov/publication/current-hsar-deviations>.

¹⁴ See HSAR Class Deviation 23-01 *Implementation of the Make PPE in America Act* at <https://www.dhs.gov/sites/default/files/2022-10/HSARClassDeviation23-01ImplementationofMakePPEinAmericaAct-508Final.pdf>.