

## V. Incorporation by Reference

In this document, the EPA is proposing to include regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference revisions to Knowlton Technologies LLC title V operating permit Condition 32 as described in section II. of this preamble. The EPA has made, and will continue to make, these materials available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region II Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

## VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve State choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this proposed 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 (Public Law 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);
- 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 this action does not involve technical standards.

In addition, the SIP is not proposing to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and it 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 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, Feb. 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 environmental justice (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 New York State Department of Environmental Conservation did not evaluate environmental justice considerations as part of its SSSIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. The EPA performed an environmental justice analysis, 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, not as a basis of the action. In addition, there is no information in the record upon which this decision is based inconsistent with the stated goal of E.O. 12898 of achieving environmental justice for communities with EJ concerns.

### List of Subjects 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting, Recordkeeping

requirements, and Volatile organic compound.

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

**Lisa Garcia,**

*Regional Administrator, Region 2.*

[FR Doc. 2024-27594 Filed 11-25-24; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR PART 52

[EPA-HQ-OAR-2021-0863; EPA-R03-OAR-2023-0179; FRL-12161-01-OAR]

### Excess Emissions During Periods of Startup, Shutdown, and Malfunction; Partial Withdrawals of Findings of Failure To Submit State Implementation Plan (SIP)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed action.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to partially withdraw two final actions finding that 13 States and/or local air pollution control agencies failed to submit State Implementation Plan (SIP) revisions required by the Clean Air Act (CAA) in a timely manner to address the EPA's 2015 findings of substantial inadequacy and "SIP calls" for provisions applying to excess emissions during periods of startup, shutdown, and malfunction (SSM). This proposed action would render no longer applicable certain CAA deadlines for the EPA to impose sanctions if a State does not submit a complete SIP revision addressing the outstanding requirements, and to promulgate a Federal Implementation Plan (FIP). Concurrently, the EPA is also taking direct final action on this withdrawal. *See* the direct final action published in the Rules and Regulations section of this issue of the **Federal Register**. If we receive no significant adverse comment on this proposed action, we will not take further action on this proposed action.

**DATES:** Written comments must be received by December 26, 2024.

**ADDRESSES:** You may send comments, identified by Docket ID Nos. EPA-HQ-OAR-2021-0863 and EPA-R03-OAR-2023-0179, by any of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov/> (our preferred method). Follow the online instructions for submitting comments.
- *Email:* [a-and-r-Docket@epa.gov](mailto:a-and-r-Docket@epa.gov). Include Docket ID Nos. EPA-HQ-OAR-

2021–0863 and EPA–R03–OAR–2023–0179.

- Fax: (202) 566–9744.
- Mail: U.S. Environmental

Protection Agency, EPA Docket Center, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

- Hand Delivery or Courier: EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center’s hours of operations are 8:30 a.m. to 4:30 p.m., Monday–Friday (except Federal Holidays).

**Instructions:** All submissions received must include the Docket ID No. for this rulemaking. Comments received may be posted without change to <https://www.regulations.gov>, including personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:**

General questions concerning this notice should be addressed to, Sydney Lawrence, Office of Air Quality Planning and Standards, Air Quality Policy Division, 109 T.W. Alexander Drive, Research Triangle Park, NC

27711; by telephone (919) 541–4768; or by email at [lawrence.sydney@epa.gov](mailto:lawrence.sydney@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. How is the preamble organized?*

The information presented in this preamble is organized as follows:

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- I. General Information
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- IV. Statutory and Executive Order Reviews

*B. How can I get copies of this document and other related information?*

The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2021–0863 (as it pertains to the January 2022 national FFS) and Docket ID No. EPA–R03–OAR–2023–0179 (as it pertains to the April 2023 West Virginia FFS). All documents in the docket are listed in the [https://](https://www.regulations.gov)

[www.regulations.gov](https://www.regulations.gov) index. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information, Proprietary Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically at <https://www.regulations.gov> or in hard copy at the U.S. Environmental Protection Agency, EPA Docket Center, William Jefferson Clinton West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Office of Air and Radiation Docket is (202) 566–1742.

*C. Where do I go if I have specific air agency questions?*

For questions related to specific air agencies mentioned in this notice, please contact the appropriate EPA Regional office:

EPA regional office	Air agencies
EPA Region 1: Alison Simcox, Air Quality Branch, EPA Region 1, 5 Post Office Square, Boston, Massachusetts 02109. <a href="mailto:simcox.alison@epa.gov">simcox.alison@epa.gov</a> .	Rhode Island.
EPA Region 3: Sean Silverman, Planning and Implementation Branch, EPA Region 3, 1650 Arch Street, Philadelphia, Pennsylvania 19103. <a href="mailto:silverman.sean@epa.gov">silverman.sean@epa.gov</a> .	District of Columbia.
EPA Region 3: Serena Nichols, Planning and Implementation Branch, EPA Region 3, 1650 Arch Street, Philadelphia, Pennsylvania 19103. <a href="mailto:nichols.serena@epa.gov">nichols.serena@epa.gov</a> .	West Virginia.
EPA Region 4: Faith Goddard, Air Planning and Implementation Branch, EPA Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303. <a href="mailto:goddard.faith@epa.gov">goddard.faith@epa.gov</a> .	Alabama; North Carolina—Forsyth; Tennessee—Shelby (Memphis).
EPA Region 5: Michael Leslie, Air Planning and Maintenance Section, EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. <a href="mailto:leslie.michael@epa.gov">leslie.michael@epa.gov</a> .	Illinois; Ohio.
EPA Region 6: Michael Feldman, Air Program Branch, EPA Region 6, 1201 Elm Street, Dallas, Texas 75270. <a href="mailto:feldman.michael@epa.gov">feldman.michael@epa.gov</a> .	Arkansas.
EPA Region 8: Adam Clark, Air Quality Planning Branch, EPA Region 8, 1595 Wynkoop Street, Denver, Colorado 80202. <a href="mailto:clark.adam@epa.gov">clark.adam@epa.gov</a> .	South Dakota.
EPA Region 9: Eugene Chen, Control Measures Section, Air and Radiation Division, EPA Region 9, 75 Hawthorne Street, San Francisco, California 94105. <a href="mailto:chen.eugene@epa.gov">chen.eugene@epa.gov</a> .	California—San Joaquin Valley Air Pollution Control District (APCD).
EPA Region 10: Randall Ruddick, Air Planning Section, EPA Region 10, 1200 Sixth Avenue, Seattle, Washington 98101. <a href="mailto:ruddick.randall@epa.gov">ruddick.randall@epa.gov</a> .	Washington—Energy Facility Site Evaluation Council (EFSEC); Washington—Southwest Clean Air Agency (SWCAA).

**II. Why is the EPA issuing this proposed rule?**

The EPA is issuing both a proposed action and a direct final action to partially withdraw two previously issued Findings of Failure to Submit (FFS) to address EPA’s 2015 findings of substantial inadequacy and “SIP calls” (“2015 SSM SIP Call”)<sup>1</sup> for provisions

applying to excess emissions during periods of SSM that were statutorily due no later than November 22, 2016. The EPA’s previously issued FFS determinations were impacted by a court decision issued in March 2024 by the United States Court of Appeals District of Columbia Circuit (D.C. Circuit).<sup>2</sup> The first FFS that is being

proposed for partial withdrawal is the January 22, 2022 national FFS issued to 12 States and local air pollution control agencies to respond to the above-referenced SIP call.<sup>3</sup> The second FFS that is being proposed for partial withdrawal is the April 17, 2023 FFS issued to West Virginia for the same

<sup>1</sup> See “State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA’s SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend

Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction,” 80 FR 33840 (June 12, 2015).

<sup>2</sup> See *Environ. Comm. Fl. Elec. Power v. EPA*, 94 F.4th 77 (D.C. Cir. 2024).

<sup>3</sup> See “Findings of Failure To Submit State Implementation Plan Revisions in Response to the 2015 Findings of Substantial Inadequacy and SIP Calls To Amend Provisions Applying To Excess Emissions During Periods of Startup, Shutdown, and Malfunction,” 87 FR 1680 (January 12, 2022).

reasons.<sup>4</sup> In total, the 13 States and/or local air agencies that were issued an FFS can be found in Table 1 of Section II of the direct final action.

The EPA is taking direct final action with parallel proposal because we view the partial FFS withdrawals as administrative, noncontroversial, and anticipate no significant adverse comments. The EPA has identified the State and/or local air agency SIP provisions for which the partial FFS withdrawals are applicable to and explained our reasons for the withdrawal in the direct final action. At the same time, the EPA is proposing to make the same partial withdrawals. If no significant adverse comments are received on this proposed action, no further action will be taken on this proposal, and the direct final action will become effective as provided in that action. For further supplementary information and the rationale and consequences of this proposal, see the direct final action published in the Rules and Regulations section of this issue of the **Federal Register**.

### III. Consequences of Withdrawn Portions of Findings of Failure To Submit and Remaining Air Agency Obligations

As further discussed in the direct final action, because certain SIP calls were vacated by the D.C. Circuit, the States and/or local air agencies with provisions to which those SIP calls previously applied no longer have an obligation to submit the revisions that the EPA had originally determined pursuant to the 2015 SSM SIP Call. As there is no longer a predicate submission obligation for those particular SIP-called provisions, the EPA's findings that such obligation were not met are no longer valid and must be withdrawn. The SIP provisions for which the EPA is proposing to withdraw the Agency's FFS can be found in Table 3 of Section III of the direct final action.

For those State and/or local jurisdiction SIP provisions listed in Table 3 of Section III of the direct final action for which the FFS are withdrawn, the CAA deadlines for the EPA to impose sanctions under CAA sections 179(a) and (b) and promulgate a FIP under CAA section 110(c) are no longer applicable. For those State and/or local jurisdiction SIP provisions in which the

FFS are not withdrawn and are still applicable, the CAA deadlines for the EPA to impose sanctions under CAA sections 179(a) and (b) and promulgate a FIP under section 110(c) remain in effect as previously established.<sup>5</sup> The States and/or local air agencies for which the FFS are not withdrawn and mandatory CAA deadlines remain in effect can be found in Table 4 Section IV of the direct final action.

### IV. Statutory and Executive Order Reviews

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

For a complete discussion of the administrative requirements applicable to this action, see the direct final action published in the Rules and Regulations section of this issue of the **Federal Register**.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Administrative practice and procedures, Air pollution control, Approval and promulgation of implementation plans, Incorporation by reference, Intergovernmental relations, and Reporting and recordkeeping requirements.

Joseph Goffman,

Assistant Administrator.

[FR Doc. 2024-27262 Filed 11-25-24; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[Docket No. FWS-R3-ES-2024-0132; FXES1111090FEDR-256-FF09E21000]

RIN 1018-BH72

#### Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Rusty Patched Bumble Bee

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), propose to designate critical habitat for the rusty patched bumble bee (*Bombus affinis*), a bumble bee historically known to occur broadly across the eastern United States and portions of Canada, under the

Endangered Species Act of 1973, as amended (Act). In total, we are proposing the designation of approximately 1,635,746 acres (661,963 hectares) of occupied critical habitat in 14 units across 33 counties in 6 States. We also announce the availability of an economic analysis of the proposed designation of critical habitat for the rusty patched bumble bee.

**DATES:** We will accept comments received or postmarked on or before January 27, 2025. We must receive requests for a public hearing, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT** by January 10, 2025.

**ADDRESSES:** *Written comments:* You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal:

<https://www.regulations.gov>. In the Search box, enter FWS-R3-ES-2024-0132, which is the docket number for this rulemaking. Then, click on the Search button. On the resulting page, in the panel on the left side of the screen, under the Document Type heading, check the Proposed Rule box to locate this document. You may submit a comment by clicking on "Comment." Comments submitted electronically using the Federal eRulemaking Portal must be received by 11:59 p.m. eastern time on the closing date.

(2) *By hard copy:* Submit by U.S. mail to: Public Comments Processing, Attn: FWS-R3-ES-2024-0132, U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

We request that you send comments only by the methods described above. We will post all comments on <https://www.regulations.gov>. This generally means that we will post any personal information you provide us (see Information Requested, below, for more information).

*Availability of supporting materials:* Supporting materials, such as the species status assessment report, are available on the Service's website at <https://www.fws.gov/species/rusty-patched-bumble-bee-bombus-affinis> or at <https://www.regulations.gov> at Docket No. FWS-R3-ES-2024-0132. If we finalize the critical habitat designation, we will make the coordinates or plot points or both from which the maps are generated available at <https://www.regulations.gov> at Docket No. FWS-R3-ES-2024-0132 and on the Service's website at <https://www.fws.gov/species/rusty-patched-bumble-bee-bombus-affinis>.

<sup>4</sup> See "West Virginia; Finding of Failure To Submit State Implementation Plan Revision in Response to the 2015 Findings of Substantial Inadequacy and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown, and Malfunction," 88 FR 23353 (April 17, 2023).

<sup>5</sup> See 87 FR 1680, 1682.

<sup>6</sup> See 88 FR 23353, 23354-23355.