

Korea or Thailand as defined in this section. Notwithstanding the provisions of § 3.204(a)(1), VA will require the types of evidence specified in §§ 3.209 and 3.210 sufficient to establish in the judgment of the Secretary that a person is the natural child of a Vietnam Veteran or a Veteran with covered service in Korea or Thailand.

(5) *Spina bifida*. For the purposes of this section, the term “spina bifida” means any form and manifestation of spina bifida except spina bifida occulta.

\* \* \* \* \*

(Authority: 38 U.S.C. 501, 1116A, 1116B, 1805, 1811, 1812, 1821, 1822, 1831, 1832, 1833, 1834, 5101, 5110, 5111, 5112)

■ 8. Amend § 3.815 by revising paragraph (c)(1) and the authority citation at the end of the section to read as follows:

**§ 3.815 Monetary allowance under 38 U.S.C. chapter 18 for an individual with disability from covered birth defects whose biological mother is or was a Vietnam Veteran; identification of covered birth defects.**

\* \* \* \* \*

(c) \* \* \*

(1) Vietnam Veteran. For the purposes of this section, the term *Vietnam veteran* means a person who performed active military, naval, or air service in the Republic of Vietnam during the period beginning on February 28, 1961, and ending on May 7, 1975, without regard to the characterization of the person’s service. Service in the Republic of Vietnam includes service in the waters offshore of the Republic of Vietnam, as defined in 38 CFR 3.307(a)(6)(iii). Service in other locations will constitute service in the Republic of Vietnam if the conditions of service involved duty or visitation in the Republic of Vietnam.

\* \* \* \* \*

(Authority: 38 U.S.C. 501, 1116A, 1811, 1812, 1813, 1814, 1815, 1816, 1831, 1832, 1833, 1834, 5101, 5110, 5111, 5112)

■ 9. Amend § 3.816 by revising paragraph (f)(3) and the authority citation at the end of the section to read as follows:

**§ 3.816 Awards under the Nehmer Court Orders for disability or death caused by a condition presumptively associated with herbicide exposure.**

\* \* \* \* \*

(f) \* \* \*

(3) *Identifying payees*. VA shall make reasonable efforts to identify the appropriate payee(s) under paragraph (f)(1) of this section. For the purposes of this section, *reasonable efforts* to locate a *Nehmer* payee are limited to the following:

(i) Claims processors must review the claims folder for beneficiary contact information. Documents in the claims folder that might contain this contact information can include but are not limited to:

- (A) benefit applications;
- (B) statements from the Veteran; and
- (C) medical records

(ii) Claims processors must review electronic claims processing systems for potential beneficiary contact information, including:

- (A) corporate database review, and
- (B) claims processing system notes review

(iii) Claims processors must utilize online public record investigation software authorized by VA to locate potential beneficiary contact information.

(iv) If review of both the claims folder and electronic claims processing systems do not provide contact information, VA will attempt to contact any known or applicable authorized representatives of record, next of kin, individuals who provided first notice of death, the executor/administrator of the class member’s estate, or funeral homes that provided funeral/burial services, if that information is available.

(v) If no beneficiary, authorized representative, next of kin, individuals who provided first notice of death, executor/administrator of the class member’s estate, or funeral home that provided funeral/burial services is located in the review above, then claims processors must:

(A) Send a letter to the last known address of the veteran and wait 30 days for a response, and

(B) Attempt contact via the Veteran’s last known telephonic contact information found in the Veteran’s file.

(vi) If, following such efforts, VA releases the full amount of unpaid benefits to a payee, and additional qualifying payees subsequently identify themselves to VA, VA will pay the newly identified payees the portion of the award to which they are entitled, and then attempt to recover the overpayment from the original payee(s).

\* \* \* \* \*

(Authority: 38 U.S.C. 501)

[FR Doc. 2024–02590 Filed 2–9–24; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA–R09–OAR–2023–0649; FRL–11647–01–R9]

**Air Plan Revisions; California; Feather River Air Quality Management District**

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a revision to the Feather River Air Quality Management District (FRAQMD or “District”) portion of the California State Implementation Plan (SIP). This revision concerns a rule submitted to address section 185 of the Clean Air Act (CAA or “the Act”). We are taking comments on this proposal and plan to follow with a final action.

**DATES:** Comments must be received on or before March 13, 2024.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R09–OAR–2023–0649 at <https://www.regulations.gov>. For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *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, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For 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>. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. **FOR FURTHER INFORMATION CONTACT:** Kira Wiesinger, EPA Region IX, 75

Hawthorne St., San Francisco, CA 94105; phone: (415) 972-3827; email: [wiesinger.kira@epa.gov](mailto:wiesinger.kira@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document, “we,” “us” and “our” refer to the EPA.

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**I. The State’s Submittal**

*A. What rule did the State submit?*

Table 1 lists the rule addressed by this proposal with the dates that it was amended by the local air agency and submitted by the California Air Resources Board.

**TABLE 1—SUBMITTED RULE**

Local agency	Rule No.	Rule title	Amended	Submitted
FRAQMD .....	7.15	Clean Air Act Nonattainment Fees .....	04/04/2022	07/05/2022

On October 28, 2022, the EPA determined that the submittal for Rule 7.15 met the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review.

*B. Are there other versions of this rule?*

There are no previous versions of Rule 7.15 in the California SIP. The FRAQMD originally adopted an earlier version of this rule on December 6, 2010, but that version of the rule was never submitted for inclusion in the SIP. The FRAQMD amended Rule 7.15 on April 4, 2022. If we take final action to approve the April 4, 2022 version of Rule 7.15, this version will be incorporated into the SIP.

*C. What is the purpose of the submitted rule?*

Under sections 182(d)(3), (e), (f) and 185 of the Act, states with ozone nonattainment areas classified as “Severe” or “Extreme” are required to submit a SIP revision that requires major stationary sources of volatile organic compounds (VOC) or oxides of nitrogen (NOx) emissions in the area to pay a fee if the area fails to attain the standard by the attainment date. The required SIP revision must provide for annual payment of the fees, computed in accordance with CAA section 185(b).

The Sacramento Metro, CA ozone nonattainment area has been classified as Severe for the 1979 1-hour, 1997 8-hour, and 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS). The Sacramento Metro area includes a portion of Sutter County that is under the jurisdiction of the FRAQMD. The EPA has previously issued a finding that the State of California had failed to submit the required revisions for the 1-hour ozone NAAQS for portions of the Sacramento Metro area, including the portion under

the jurisdiction of the FRAQMD.<sup>1</sup> The FRAQMD submitted Rule 7.15 for the portion of the Sacramento Metro area under the jurisdiction of the District to satisfy the requirement to submit a CAA section 185 fee program for each federal ozone NAAQS for which the Sacramento Metro area is classified as Severe or Extreme.

**II. The EPA’s Evaluation and Action**

*A. How is the EPA evaluating the rule?*

Rules in the SIP must be enforceable (see CAA section 110(a)(2)), must not interfere with applicable requirements concerning attainment and reasonable further progress or other CAA requirements (see CAA section 110(l)), and must not modify certain SIP control requirements in nonattainment areas without ensuring equivalent or greater emissions reductions (see CAA section 193). The EPA is also evaluating the rule for consistency with the statutory requirements of CAA section 185.

Guidance and policy documents that we used to evaluate enforceability, revision/relaxation and rule stringency requirements for the applicable criteria pollutants include the following:

1. “State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,” 57 FR 13498 (April 16, 1992); 57 FR 18070 (April 28, 1992).
2. “Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,” EPA, May 25, 1988 (the Bluebook, revised January 11, 1990).
3. “Guidance Document for Correcting Common VOC & Other Rule

Deficiencies,” EPA Region 9, August 21, 2001 (the Little Bluebook).

*B. Does the rule meet the evaluation criteria?*

This rule meets CAA requirements and is consistent with relevant guidance regarding enforceability and SIP revisions. The EPA’s technical support document (TSD) has more information on our evaluation.

*C. The EPA’s Recommendations To Further Improve the Rule*

The TSD includes recommendations for the next time the local agency amends the rule.

*D. Proposed Action and Public Comment*

As authorized in section 110(k)(3) of the Act, the EPA proposes to approve submitted Rule 7.15 because it fulfills all relevant requirements. The rule is not limited to a particular ozone NAAQS, and we therefore propose to find that it satisfies the District’s obligations under the 1979 1-hour, 1997 8-hour, and 2008 8-hour ozone NAAQS. We will accept comments from the public on this proposal until March 13, 2024. If we take final action to approve the submitted rule, our final action will incorporate this rule into the federally enforceable SIP and address the EPA’s obligation to promulgate a FIP arising from our previous finding that the State of California has failed to submit the required CAA section 185 SIP revisions for the 1-hour ozone NAAQS for the portion of the Sacramento Metro area under the jurisdiction of the FRAQMD.

**III. Incorporation by Reference**

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference FRAQMD Rule 7.15, “Clean Air Act

<sup>1</sup> January 5, 2010 (75 FR 232). Although the imposition of sanctions due to this finding was deferred on May 18, 2011 (76 FR 28661), and was permanently stopped with our October 28, 2022 completeness letter, there remains an obligation for the EPA to promulgate a federal implementation plan (FIP) associated with the January 5, 2010 action.

Nonattainment Fees,” amended on April 4, 2022, which addresses the CAA section 185 fee program requirements. The EPA has made, and will continue to make, these materials available through <https://www.regulations.gov> and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

#### IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act 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 Clean Air Act. Accordingly, this proposed action merely proposes to approve 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 14094 (88 FR 21879, April 11, 2023);
- 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. Law 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it proposes to approve a state program;
- 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, the SIP is not approved 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 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 State 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. The EPA did not perform an EJ analysis and did not consider EJ in this action. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of E.O. 12898 of achieving environmental justice for people of color, low-income populations, and Indigenous peoples.

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

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: February 5, 2024.

**Martha Guzman Aceves,**

*Regional Administrator, Region IX.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 81

[EPA–R03–OAR–2023–0419; FRL–11736–01–R3]

#### Redesignation of Portions of Westmoreland and Cambria Counties, Pennsylvania for the 2010 Sulfur Dioxide (SO<sub>2</sub>) National Ambient Air Quality Standards (NAAQS): Notification of Availability and Public Comment Period

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

**ACTION:** Notice of availability and public comment period.

**SUMMARY:** The Environmental Protection Agency (EPA or the Agency) is providing notice of our intent to redesignate portions of Westmoreland County and Cambria County, Pennsylvania, to “nonattainment” for the 2010 sulfur dioxide (SO<sub>2</sub>) national ambient air quality standard (NAAQS or standard). Westmoreland County is currently designated “attainment/unclassifiable,” and Cambria County is currently designated “unclassifiable.” EPA’s intended redesignation of portions of these counties is based on modeled violations of the 2010 SO<sub>2</sub> NAAQS. If the redesignation to nonattainment is finalized, the Commonwealth of Pennsylvania would be required to undertake certain planning requirements to reduce SO<sub>2</sub> concentrations within this area, including, but not limited to, the requirement to submit within 18 months of redesignation a revision to the Pennsylvania state implementation plan (SIP) that provides for attainment of the SO<sub>2</sub> standard as expeditiously as practicable, but no later than five years after the date of redesignation to nonattainment.

Notice is hereby given that EPA has posted on our public electronic docket and internet website the intended redesignation for relevant portions of Westmoreland and Cambria counties, Pennsylvania under the 2010 SO<sub>2</sub> NAAQS. The Agency invites the public to review and provide input on our intended redesignation during the comment period specified in the **DATES** section. EPA notified the Commonwealth of Pennsylvania of our intended redesignation action via a letter to the Governor on or about February 17, 2023, which is included in the docket for this notice of availability (NOA).

**DATES:** Comments must be received on or before March 28, 2024. Please refer to