

several ways. For example, we contacted individuals in environmental justice groups about the proposal and provided information about the public hearings and the comment period; provided information on our website in both Spanish and English; and provided Spanish translation during the public hearings. We received and considered comments from those with environmental justice concerns, as described in the Response to Comments document.<sup>25</sup>

#### K. Congressional Review Act

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

#### VI. Statutory Authority and Legal Provisions

Statutory authority for these revisions to our preemption regulations is found in CAA section 209(e)(2)(B), 42 U.S.C. 7543(e)(2)(B), which requires EPA to promulgate regulations implementing CAA section 209(e), which in turn addresses the prohibition of State standards regarding certain classes of new nonroad engines or new nonroad vehicles including new locomotives and new engines used in locomotives, as well as EPA’s authorization criteria for certain California standards for other nonroad engines or nonroad vehicles.

#### VII. Judicial Review and Administrative Reconsideration

Under CAA section 307(b)(1), judicial review of this final action is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit (the Court) by January 8, 2024. Under CAA section 307(b)(2), the requirements established by this final rule may not be challenged separately in any civil or criminal proceedings brought by the EPA to enforce the requirements. Section 307(d)(7)(B) of the CAA further provides that only an objection to a rule or procedure which was raised with reasonable specificity during the period for public comment (including any public hearing) may be raised during judicial review. This section also provides a mechanism for the EPA to reconsider the rule if the person raising an objection can demonstrate to the Administrator that it was impracticable to raise such objection within the period for public comment or if the grounds for such objection arose after the period for public comment (but within the time

specified for judicial review) and if such objection is of central relevance to the outcome of the rule. Any person seeking to make such a demonstration should submit a Petition for Reconsideration to the Office of the Administrator, U.S. EPA, Room 3000, WJC South Building, 1200 Pennsylvania Ave. NW, Washington, DC 20460, with a copy to both the person(s) listed in the preceding **FOR FURTHER INFORMATION CONTACT** section, and the Associate General Counsel for the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344A), U.S. EPA, 1200 Pennsylvania Ave. NW, Washington, DC 20460. Under CAA section 307(b)(1), the filing of a petition for reconsideration shall not affect the finality of the rule for purposes of judicial review nor extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of the rule.

#### List of Subjects in 40 CFR Part 1074

Environmental protection, Administrative practice and procedure, Air pollution control, Locomotives, Nonroad engines, Scope of preemption.

**Michael S. Regan,**  
*Administrator.*

For the reasons set out in the preamble, EPA amends title 40, chapter I of the Code of Federal Regulations as set forth below.

#### PART 1074—PREEMPTION OF STATE STANDARDS AND PROCEDURES FOR WAIVER OF FEDERAL PREEMPTION FOR NONROAD ENGINES AND NONROAD VEHICLES

■ 1. The authority citation for part 1074 continues to read as follows:

**Authority:** 42 U.S.C. 7401–7671q.

#### Subpart A—Applicability and General Provisions

■ 2. Amend § 1074.10 by revising paragraph (b) and adding paragraph (c) to read as follows:

##### § 1074.10 Scope of preemption.

\* \* \* \* \*

(b) States and localities are preempted from adopting or enforcing standards or other requirements relating to the control of emissions from new locomotives and new engines used in locomotives.

(c) For nonroad engines or vehicles other than those described in paragraphs (a) and (b) of this section, States and localities are preempted from enforcing any standards or other requirements relating to control of

emissions from nonroad engines or vehicles except as provided in subpart B of this part.

##### § 1074.12 [Removed]

■ 3. Remove § 1074.12.

#### Subpart B—Procedures for Authorization

■ 4. Amend § 1074.101 by revising paragraph (a) to read as follows:

##### § 1074.101 Procedures for California nonroad authorization requests.

(a) California must request authorization from the Administrator to enforce its adopted standards and other requirements relating to control of emissions from nonroad engines or vehicles that are not preempted by § 1074.10(a) or (b). The request must include the record on which the State rulemaking was based.

\* \* \* \* \*

[FR Doc. 2023–24513 Filed 11–7–23; 8:45 am]

**BILLING CODE 6560–50–P**

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[MB Docket No. 23–296; RM–11964; DA 23–1030; FR ID 183180]

#### Television Broadcasting Services Des Moines, Iowa

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Video Division, Media Bureau (Bureau) has before it a notice of proposed rulemaking issued in response to a petition for rulemaking filed by Iowa Public Broadcasting Board (Petitioner), the licensee of noncommercial educational television PBS member station KDIN–TV (KDIN–TV or Station), channel \*11, Des Moines, Iowa. The Petitioner has requested the substitution of channel \*34 in place of channel \*11 at Des Moines in the Table of TV Allotments, and requested that we delete vacant channel \*34, Ames, Iowa (Ames) and substitute it with the allotment of vacant channel \*21 to Ames. Petitioner filed comments in support of the petition, as required by the Commission’s rules (rules), reaffirming its commitment to apply for channel \*34.

**DATES:** Effective November 8, 2023.

**FOR FURTHER INFORMATION CONTACT:** Emily Harrison, Media Bureau, at (202) 418–1665 or [Emily.Harrison@fcc.gov](mailto:Emily.Harrison@fcc.gov).

<sup>25</sup> See Note 7.

**SUPPLEMENTARY INFORMATION:** The proposed rule was published at 88 FR 60611 on September 5, 2023. The Petitioner filed comments in support of the petition reaffirming its commitment to apply for channel \*34. No other comments were received.

The Bureau believes the public interest would be served by substituting channel \*34 for channel \*11 at Des Moines. Petitioner asserts that the channel substitution from a VHF to UHF channel would serve the public interest by resolving viewer reception challenges and significantly improving the Station's over-the-air service to the viewers in its existing service area. Petitioner includes with its Petition a number of viewer complaints highlighting current reception problems. Petitioner states that the Commission has recognized that VHF channels pose challenges for their use in providing digital television service, including propagation characteristics that allow undesired signals and noise to be receivable at relatively far distances and large variability in the performance of indoor antennas available to viewers, with most antennas performing very poorly on high VHF channels. An engineering statement provided by the Petitioner confirms that the proposed channel \*34 contour would provide full principal community coverage to Des Moines. The proposed move from channel \*11 to channel \*34 is also predicted not to create a loss of service to any viewers, and will increase the area covered while serving the population with higher signal levels, according to the engineering statement. Petitioner acknowledges that the proposed channel substitution would not meet the distance separation requirements regarding the vacant channel \*34 allotment at Ames. As a result, Petitioner requests that simultaneously with the substitution of channel \*34 at Des Moines, we delete the vacant channel \*34 allotment at Ames and substitute it with the allotment of vacant channel \*21 to Ames. As stated in its supplemental engineering statement, the proposed channel \*21 is described as meeting the distance criteria found in § 73.623(d) of the rules, and an analysis using the Commission's *TVStudy* software is provided showing no interference to any other station or allotment.

This is a synopsis of the Commission's *Report and Order*, MB Docket No. 23–296; RM–11964; DA 23–1030, adopted November 1, 2023, and released November 1, 2023. The full text of this document is available for download at <https://www.fcc.gov/edocs>. To request materials in accessible

formats for people with disabilities (braille, large print, electronic files, audio format), send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden “for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to this proceeding.

The Commission will send a copy of the *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

#### List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

**Thomas Horan,**

*Chief of Staff, Media Bureau.*

#### Final Rule

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

#### PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

■ 2. In § 73.622(j), amend the Table of TV Allotments, under “Iowa,” by revising the entries for “Ames” and “Des Moines” to read as follows:

##### § 73.622 Digital television table of allotments.

*	*	*	*	*
(j)	*	*	*	
Community		Channel No.		
*	*	*	*	*
Iowa				
Ames .....	5, *21, 23			
*	*	*	*	*
Des Moines .....	8, 13, 16, 19, *34			
*	*	*	*	*

[FR Doc. 2023–24652 Filed 11–7–23; 8:45 am]

BILLING CODE 6712–01–P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### 49 CFR Part 385

[Docket No. FMCSA–2023–0122]

RIN 2126–AC61

#### Incorporation by Reference; North American Standard Out-of-Service Criteria; Hazardous Materials Safety Permits

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** FMCSA amends its Hazardous Materials Safety Permit (HMSP) regulations to incorporate by reference the updated Commercial Vehicle Safety Alliance (CVSA) handbook containing inspection procedures and out-of-service criteria (OOSC) for inspections of shipments of transuranic waste and highway route-controlled quantities (HRCQs) of radioactive material (RAM). The OOSC provide enforcement personnel nationwide, including FMCSA's State partners, with uniform enforcement tolerances for inspections. Currently, the regulations reference the April 1, 2022, edition of the handbook. Through this rule, FMCSA incorporates by reference the April 1, 2023, edition.

**DATES:** Effective December 8, 2023. The incorporation by reference of the material described in the rule is approved by the Director of the Federal Register as of December 8, 2023.

**FOR FURTHER INFORMATION CONTACT:** Mr. José Cestero, Vehicle and Roadside Operations Division, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, (202) 366–5541, [jose.cestero@dot.gov](mailto:jose.cestero@dot.gov). If you have questions on viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

**SUPPLEMENTARY INFORMATION:** FMCSA organizes this final rule as follows:  
I. Availability of Rulemaking Documents  
II. Executive Summary  
III. Abbreviations  
IV. Legal Basis for the Rulemaking  
V. Background  
VI. Discussion of Proposed Rulemaking and Comments  
A. Proposed Rulemaking  
B. Comments and Responses  
VII. Severability