

regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order.

Therefore, this action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk. Since this action does not concern human health, EPA’s Policy on Children’s Health also does not apply.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations and Executive Order 14096: Revitalizing Our Nation’s Commitment to Environmental Justice for All

The EPA believes that the human health or environmental conditions that exist prior to this action result in or have the potential to result in disproportionate and adverse human health or environmental effects on communities with environmental justice concerns. As stated in section IV.F of this preamble, we performed a proximity demographic analysis for 96 existing facilities with hazardous waste combustors that are currently subject to 40 CFR part 63, subpart EEE. A total of 1.8 million people live within 5 kilometers (approximately 0.1 miles) of these facilities. The proportion of demographic groups living near these hazardous waste combustors are above the national average for Black, Hispanic or Latino, people aged 0 to 17 years, people below the poverty level, people below two times the poverty level, and people over the age of 25 and without a high school diploma. See section IV.F of this preamble for further results of the analysis.

The EPA believes that this action is not likely to change existing disproportionate and adverse effects on communities with environmental justice concerns. The EPA does not anticipate that the proposed amendments to the subpart will impact air quality because

the EPA does not expect any of the proposed provisions to affect hazardous air pollutant emissions, and so is not likely to change existing disproportionate and adverse effects on communities with environmental justice concerns. Because malfunctions are, by definition, not reasonably preventable, we do not expect the removal of the emissions limit exemption for periods of malfunction to impact hazardous air pollutant emissions or, subsequently, air quality. The addition of electronic reporting provisions, amendments to the emergency safety vent provisions, and correction of inadvertent errors are primarily changes to recordkeeping and reporting requirements, and so do not impact hazardous air pollutant emissions.

The information supporting this Executive Order review is contained in section IV.F of this preamble. The demographic analysis is presented in the document titled *Analysis of Demographic Factors for Populations Living Near Hazardous Waste Combustor NESHAP Facilities*, which is available in the docket for this action, EPA–HQ–OAR–2004–0022.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

Michael S. Regan,
Administrator.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 282

[EPA–R03–UST–2023–0204; FRL 10811–01–Region 3]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Solid Waste Disposal Act of 1965, as amended (commonly known as the Resource Conservation and Recovery Act (RCRA)), the Environmental Protection Agency (EPA) is proposing to approve revisions to the Commonwealth of Pennsylvania’s Underground Storage Tank (UST) program submitted by the Commonwealth of Pennsylvania (Pennsylvania or State). This action is

based on EPA’s determination that these revisions satisfy all requirements needed for program approval. This action also proposes to codify EPA’s approval of Pennsylvania’s state program and to incorporate by reference those provisions of Pennsylvania’s regulations and statutes that we have determined meet the requirements for approval. The provisions will be subject to EPA’s inspection and enforcement authorities under sections 9005 and 9006 of RCRA subtitle I and other applicable statutory and regulatory provisions. In the “Rules and Regulations” section of this issue of the **Federal Register**, EPA is approving this action by a direct final rule. If no significant negative comment is received, EPA will not take further action on this proposed rulemaking, and the direct final rule will be effective 60 days from the date of publication in this **Federal Register**. If you want to comment on EPA’s proposed approval of Pennsylvania’s revisions to its state UST program, you must do so at this time.

DATES: Send written comments by August 23, 2024.

ADDRESSES: Submit any comments, identified by Docket ID No. EPA–R03–UST–2023–0204, by one of the following methods:

1. *Federal eRulemaking Portal:*
<https://www.regulations.gov>. Follow the on-line instructions for submitting comments.

2. *Email:* uybarreta.thomas@epa.gov.
Instructions: Direct your comments to Docket ID No. EPA–R03–UST–2023–0204. EPA’s policy is that all comments received will be included in the public docket without change and may be available online at <https://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <https://www.regulations.gov>, or email. The Federal website, <https://www.regulations.gov>, is an “anonymous access” system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through <https://www.regulations.gov>, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you

submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment. If EPA cannot read your comment due to technical difficulties, and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. EPA encourages electronic submittals, but if you are unable to submit electronically, please reach out to the EPA contact person listed in the notice for assistance. If you need assistance in a language other than English, or you are a person with disabilities who needs a reasonable accommodation at no cost to you, please reach out to the EPA contact person by email or phone. You can review and copy the documents that form the basis for this proposed action and associated publicly available materials through <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Thomas UyBarreta, (215) 814-2953, uybarreta.thomas@epa.gov, RCRA Programs Branch; Land, Chemicals, and Redevelopment Division, EPA Region 3, Four Penn Center, 1600 John F. Kennedy Blvd., (Mailcode 3LD30), Philadelphia, PA 19103.

SUPPLEMENTARY INFORMATION: EPA has explained the reasons for this action in the preamble to the direct final rule. For additional information see the direct final rule published in the “Rules and Regulations” section of this issue of the **Federal Register**.

Authority: This proposed rule is issued under the authority of section 9004 of the Solid Waste Disposal Act of 1965, as amended, 42 U.S.C. 6991c.

Adam Ortiz,

Regional Administrator, EPA Region 3.

[FR Doc. 2024-16057 Filed 7-23-24; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

48 CFR Parts 3025 and 3052

[Docket No. DHS-2024-0022]

RIN 1601-AB13

Homeland Security Acquisition Regulation, Restrictions on Foreign Acquisition Update (HSAR Case 2024-002)

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

ACTION: Proposed rule.

SUMMARY: DHS is proposing to amend the Homeland Security Acquisition Regulation (HSAR) provisions that relate to the Kissell Amendment, a section of the American Recovery and Reinvestment Act of 2009 that deals with the acquisition of certain clothing, canvas or textile products and natural and synthetic fabrics. DHS believes these proposed changes would help reduce confusion and provide clarity to the requirements under the Kissell Amendment.

DATES: Comments on the proposed rule should be submitted in writing to one of the addresses shown below on or before September 23, 2024, to be considered in the formation of the final rule.

ADDRESSES: Submit comments identified by HSAR Case 2024-002, Restrictions on Foreign Acquisition Update, using any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>.

Submit comments via the Federal eRulemaking portal by entering “HSAR Case 2024-002” under the heading “Enter Keyword or ID” and select “Search.” Select the link “Submit a Comment” that corresponds with “HSAR Case 2024-002.” Follow the instructions provided at the “Submit a Comment” screen. Please include your name, company name (if any), and “HSAR Case 2024-002” on your attached document.

- *Fax:* (202) 447-0520.

- *Mail:* Department of Homeland Security, Office of the Chief Procurement Officer, MS 0080, ATTN: Ms. Nancy Harvey, 6595 Springfield Center Dr., Springfield, VA 20598-0080.

Comments received generally will be posted without change to <http://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: Nancy Harvey, 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 2024-002 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 (or domestic end products) and domestic construction materials.²

In 2009, the American Recovery and Reinvestment Act of 2009 (Recovery Act), was enacted.³ Section 604 of the Recovery Act is also, known as the Kissell Amendment.⁴ The Kissell Amendment requires, with limited exceptions, that funds appropriated or otherwise available to DHS may not be used for the procurement of certain textiles, clothing and footwear, if that item is directly related to the national security interests of the United States, unless the item is grown, reprocessed, reused, or produced in the United States.⁵ One of the exceptions is a De Minimis Exception, which allows the Secretary of Homeland Security to accept delivery of the aforementioned textiles, clothing and footwear “that contain non-compliant fibers if the total value of non-compliant fibers contained in the end item does not exceed 10 percent of the total purchase price of the end item.”⁶

The Kissell Amendment further requires DHS to apply it in a manner consistent with United States obligations under international agreements.⁷ As DHS has explained in prior notices, this includes free trade agreements and the World Trade Organization Agreement on Government Procurement.⁸ These requirements apply with respect to contracts entered into by DHS on or after August 16, 2009.⁹

The implementing regulations for the BAA are in the Federal Acquisition Regulation (FAR).¹⁰ Chapter 30 of 48 CFR, known as the Homeland Security Acquisition Regulation (HSAR), applies specifically to DHS.¹¹

In 2009, DHS published an interim rule with request for comments (“2009 Interim Rule”) amending the HSAR at 48 CFR part 3025, Foreign Acquisitions, and part 3052, Solicitation Provisions and Contract Clauses, incorporating the Kissell Amendment requirements.¹² In

¹ See 41 U.S.C. 8301-8305.

² See e.g., 41 U.S.C. 8302.

³ See Public Law 111-5, 123 Stat. 115, 165-166 (Feb. 17, 2009).

⁴ Section 604 of the Recovery Act is codified at 6 U.S.C. 453b.

⁵ See 6 U.S.C. 453b(a)-(g).

⁶ See 6 U.S.C. 453b(d).

⁷ See 6 U.S.C. 453b(k).

⁸ See, e.g., 75 FR 32676, (June 9, 2010).

⁹ See 6 U.S.C. 453b(l).

¹⁰ See Title 48, Chapter 1 of the CFR.

¹¹ See 48 CFR Chapter 30.

¹² See *Revision of Department of Homeland Security Acquisition Regulation; Restrictions on*