

(j) Take any other action authorized by rule of the Alcohol and Tobacco Tax and Trade Bureau consistent with the Administrative Procedure Act.

■ 132. Revise § 71.116 to read as follows:

**§ 71.116 Review by the Administrator**

The Administrator, on appeal on petition for review, shall afford a reasonable opportunity for the submission of proposed findings, conclusions, or exceptions with reasons in support thereof and an opportunity for oral argument. The Administrator may alter or modify any finding of the administrative law judge (or of the appropriate TTB officer in application proceedings) and may affirm, reverse, or modify the decision of the administrative law judge (or of the appropriate TTB officer in initial application proceedings), or the Administrator may remand the case for further hearing, but the Administrator shall not consider evidence which is not a part of the record. Appeals and petitions for review shall not be decided by the Administrator in any proceeding in which she or he has engaged in investigation or prosecution, and in such event the Administrator shall so state their disqualification in writing and refer the record to the Assistant Secretary for Tax Policy for appropriate action. The Assistant Secretary for Tax Policy may designate a principal aide to consider any proceeding instead of the Administrator. The original copy of the decision on review shall be placed in the official record of the proceeding, a signed duplicate original shall be served upon the applicant or respondent and a copy shall be transmitted to the appropriate TTB officer. When, on appeal, the Administrator affirms the decision of the appropriate TTB officer or the administrative law judge, as the case may be, disapproving an application or suspending, revoking, or annulling a permit, such action shall not supersede the decision of the appropriate TTB officer or the administrative law judge and such decision shall be final.

**PART 72—DISPOSITION OF SEIZED PERSONAL PROPERTY**

■ 133. The authority citation for part 72 continues to read as follows:

**Authority:** 18 U.S.C. 921, 1261; 19 U.S.C. 1607, 1610, 1612, 1613, 1618; 26 U.S.C. 7101, 7322–7325, 7326, 7805; 31 U.S.C. 9301, 9303, 9304, 9306; 40 U.S.C. 304(k); 49 U.S.C. 784, 788.

■ 134. Amend § 72.24 by:

■ a. Removing from in paragraph (a) the words “Circular No. 570” and adding in their place the words “Circular 570”;

■ b. Revising paragraph (b); and

■ c. Removing the authority citation at the end of the section.

The revision reads as follows:

**§ 72.24 Corporate surety bonds.**

\* \* \* \* \*

(b) *How to find an approved surety.* The Department of the Treasury publishes a list of approved corporate surety companies in Treasury Department Circular 570, Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies. Treasury Department Circular 570 is published in the **Federal Register** annually on the first business day in July, and supplemental changes are published periodically thereafter (see <https://www.federalregister.gov>). The most recent circular and any supplemental changes to it may be viewed on the Bureau of the Fiscal Service website (see <https://fiscal.treasury.gov>).

**§ 72.27 [Amended]**

■ 135. Amend § 72.27, in the first sentence of paragraph (a), by removing the text “§ 55.166 of this Title” and adding in its place the text “27 CFR 555.166”.

Signed: October 4, 2024.

**Mary G. Ryan,**  
*Administrator.*

Approved: October 7, 2024.

**Aviva R. Aron-Dine,**  
*Deputy Assistant Secretary, Tax Policy.*  
[FR Doc. 2024–23662 Filed 11–5–24; 8:45 am]

**BILLING CODE 4810–31–P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

[Docket Number USCG–2024–0972]

**RIN 1625–AA00**

**Safety Zone; Atlantic Ocean, Point Pleasant Beach, NJ**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone around salvage operations for a sunken vessel. The safety zone encompasses navigable waters on a portion of the Atlantic Ocean in the vicinity of Point

Pleasant Beach, NJ within a 500-yard radius of the salvage operations. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by the salvage operations of the sunken vessel. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector Delaware Bay.

**DATES:** This rule is effective without actual notice from November 6, 2024 through November 30, 2024. For the purposes of enforcement, actual notice will be used from October 31, 2024, through November 6, 2024.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2024–0972 in the search box and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this proposed rulemaking, call or email MST1 Jonathan Loughheed, Waterways Management Division, U.S. Coast Guard Sector Delaware Bay; (215) 271–4814, [SecDelBayWWM@uscg.mil](mailto:SecDelBayWWM@uscg.mil).

**SUPPLEMENTARY INFORMATION:**

**I. Table of Abbreviations**

CFR Code of Federal Regulations  
DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of proposed rulemaking  
§ Section  
U.S.C. United States Code

**II. Background Information and Regulatory History**

The Coast Guard is issuing this temporary rule under authority in 5 U.S.C. 553(b)(B). This statutory provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” The Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because prompt action is needed to respond to the potential safety hazards associated with the salvage operations of a sunken vessel. It is impracticable to publish an NPRM because salvage operations may begin as soon as October 31, 2024.

Also, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of

this rule would be impracticable because prompt action is needed to respond to the potential safety hazards associated with the salvage operations of a sunken vessel.

### III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port, Sector Delaware Bay (COTP) has determined that potential hazards associated with the salvage operations of the sunken vessel will be a safety concern for the vessels involved with the salvage operations and anyone within a 500-yard radius of salvage operations. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the salvage operations are being conducted.

### IV. Discussion of the Rule

This rule establishes a temporary safety zone which will be in effect from October 31, 2024, through November 30, 2024. The rule will only be subject to enforcement, however, for a seven-day period within the time the rule will be in effect. There needs to be a seven-day window of good weather for salvage operations to be conducted safely. The safety zone will only be enforced upon issuance of a Broadcast Notice to Mariners by the COTP, as well as on-scene notice. The safety zone will cover all navigable waters, on a portion of the Atlantic Ocean, within 500 yards of the sunken vessel being salvaged, in position latitude 40°05'32.3" N, longitude 74°01'28.4" W. This coordinate is based on Datum WGS 84. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters during the salvage operations. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

### V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

#### A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This rule has not been designated a "significant regulatory action," under

section 3(f) of Executive Order 12866, as amended by Executive Order 14094 (Modernizing Regulatory Review). Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the size, duration, and location of the temporary safety zone. The safety zone is effective for 30 days but will only be enforced for 7 days during active salvage operations. Vessel traffic will be able to safely transit around the safety zone while the safety zone is being enforced. Moreover, the Coast Guard will release the details of the zone via a Broadcast Notice to Mariners on VHF-FM radio channel 16.

#### B. Impact on Small Entities

The regulatory flexibility analysis provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, do not apply to rules not subject to notice and comment. As the Coast Guard has, for good cause, waived notice and comment requirement that would otherwise apply to this rulemaking, the Regulatory Flexibility Act's provisions do not apply here.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

#### C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

#### D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

#### E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting 7 days that will prohibit entry within 500 yards of salvage operations of a sunken vessel. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

#### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping

requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

## PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

■ 2. Add § 165.T05–0972, to read as follows.

### § 165.T05–0972 Safety Zone; Atlantic Ocean, Point Pleasant Beach, NJ.

(a) *Location.* All navigable waters, on a portion of the Atlantic Ocean, within 500 yards of a sunken vessel being salvaged, in position latitude 40°05'32.3" N, longitude 74°01'28.4" W. (WGS 84)

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard petty officer, warrant or commissioned officer on board a Coast Guard vessel or on board a federal, state, or local law enforcement vessel assisting the Captain of the Port (COTP), Sector Delaware Bay in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter or remain in the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter or remain in the zone, contact the COTP or the COTP's representative via VHF–FM channel 16 or (215) 271–4807. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(3) This section applies to all vessels except those engaged in law enforcement, aids to navigation servicing, and emergency response operations.

(d) *Enforcement.* (1) The safety zone created by this section will be enforced only upon issuance of a Broadcast Notice to Mariners (BNM) by the COTP, as well as on-scene notice or other appropriate means in accordance with § 165.7.

(2) The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

(e) *Enforcement period.* This rule will be enforced for a seven-day period

between October 31, 2024, and November 30, 2024, after issuance of a BNM, as detailed above.

Dated: October 31, 2024.

**Kate F. Higgins-Bloom,**

*Captain, U.S. Coast Guard, Captain of the Port, Sector Delaware Bay.*

[FR Doc. 2024–25718 Filed 11–5–24; 8:45 am]

**BILLING CODE 9110–04–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R03–OAR–2024–0302; FRL–12064–02–R3]

### Air Plan Approval; Pennsylvania; Adoption of Federal Implementation Plan Reasonably Available Control Technology Requirements for Keystone, Conemaugh, Homer City, and Montour Generating Facilities for the 1997 and 2008 Ozone National Ambient Air Quality Standards

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a portion of the state implementation plan (SIP) revisions submitted by the Commonwealth of Pennsylvania. The revisions being approved adopt nitrogen oxides (NO<sub>x</sub>) emission limits and requirements for the coal-fired electric generating units (EGUs) equipped with selective catalytic reduction (SCR) at the Keystone, Conemaugh, Homer City, and Montour facilities. The NO<sub>x</sub> limits address reasonably available control technology (RACT) requirements for these EGUs for the 1997 and 2008 ozone national ambient air quality standards (NAAQS) and address the deficiencies identified in EPA's August 16, 2022, disapproval of an earlier SIP submission. This action is being taken under the Clean Air Act (CAA).

**DATES:** This final rule is effective on December 6, 2024.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2024–0302. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) website. Although listed in the index, some information is not publicly available, e.g., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form.

Publicly available docket materials are available through [www.regulations.gov](http://www.regulations.gov), or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

### FOR FURTHER INFORMATION CONTACT:

Sean Silverman, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–5511. Mr. Silverman can also be reached via electronic mail at [silverman.sean@epa.gov](mailto:silverman.sean@epa.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Background

On August 16, 2022, (87 FR 50257) EPA took final action to disapprove portions of a Pennsylvania SIP revision submitted May 16, 2016 that, among other things, established NO<sub>x</sub> emission limitations for the coal-fired EGUs equipped with SCR at the Keystone, Conemaugh, Homer City, and Montour facilities, to satisfy certain RACT obligations for the 1997 and 2008 ozone NAAQS.<sup>1</sup> EPA's August 16, 2022, final disapproval started a sanctions clock under CAA section 179 and 40 CFR 52.31. The two-to-one new source emissions offset sanction took effect on March 15, 2024 (18 months following the September 15, 2022, effective date of the August 16, 2022, disapproval, 87 FR 50257). Highway funding sanctions would have taken effect September 15, 2024, unless the state submitted, and EPA approved, SIP revisions correcting the deficiencies identified in the August 16, 2022, disapproval action.

On August 31, 2022, EPA issued a Federal implementation plan (FIP) adopting NO<sub>x</sub> RACT limits for these four sources addressing these same RACT obligations. 87 FR 53381. Three of the sources subject to the FIP filed a challenge to the FIP in the U.S. Third Circuit Court of Appeals. *Keystone-Conemaugh Projects LLC v. EPA, et al.*, No. 22–3026. Following briefing and oral argument, on May 2, 2024, the Third Circuit issued a decision upholding the RACT limits and other requirements in EPA's August 31, 2022, FIP. The court decided and resolved all issues raised by the Petitioners in EPA's favor. *Id.*

On April 10, 2024, Pennsylvania Department of Environmental Protection (PADEP) submitted two SIP revisions to

<sup>1</sup> A more detailed and complete summary of the history of the RACT limits for these EGUs can be found in the Notice of Proposed Rulemaking for this final action. 89 FR 56680 (July 10, 2024).