

pre-2015 regulatory regime. These waters would have been jurisdictional under the 2015 Clean Water Rule where they met specific criteria and were found to have a significant nexus to downstream traditional navigable waters, interstate waters, or territorial seas.

The agencies are interested in identifying characteristics that could allow for clarity, implementability, and/or regionalization in defining adjacency and identifying jurisdictional waters, including whether there are appropriate distances or other factors to limit adjacency, whether there are certain situations where case-specific significant nexus determinations would more appropriately determine jurisdiction, and whether there are certain types of waters with particular features or characteristics that could provide clear and implementable distinctions between jurisdictional and non-jurisdictional waters. The agencies are also interested in recommendations for implementation approaches to address any of these types of waters.

- *Exclusions from the definition.* The agencies request feedback on the implementability and clarity of exclusions present in the NWPR and identified in the 2015 Clean Water Rule or the pre-2015 regulations and the preambles to those regulations. Was the scope of these exclusions appropriate under the Clean Water Act, easy to understand, and implementable? Are the NWPR definitions of prior converted cropland and waste treatment systems appropriate under the Clean Water Act, easy to understand, and implementable? Did the exclusions have any benefits or harmful impacts? Are there regional differences with these features and/or systems that should be considered?

V. Public Meetings and Outreach

The agencies will hold a series of public meetings intended to solicit recommendations as the agencies pursue the development of both rules. During these meetings, the agencies intend to provide brief background information on the rulemaking process and stakeholders will have the opportunity to provide input, particularly with regard to the directives in Executive Order 13990 and the topics above. The agencies will hold four meetings open to all stakeholders and an additional session for small entities, and reserve a time for an additional meeting that will be added in case all speaking slots are filled in earlier meetings.

The public meetings will be held as web conferences in August 2021, with one date reserved in September, if

needed. Registration instructions can be found at the following website: <https://www.epa.gov/wotus/public-outreach-and-stakeholder-engagement-activities>. Persons or organizations wishing to provide verbal recommendations during the meetings will be selected on a first-come, first-serve basis. Due to the expected number of participants, individuals will be asked to limit their spoken presentation to three minutes. Once the speaking slots are filled, participants may be placed on a standby list to speak or continue to register to listen to the recommendations. The meetings will be recorded and posted on EPA's website. Supporting materials and written feedback from those who do not have an opportunity to speak can be submitted to the docket as described above. The schedule for the "waters of the United States" meetings is as follows:

- August 18, 2021, from 3 p.m. to 5 p.m. Eastern,
- August 23, 2021, from 1 p.m. to 3 p.m. Eastern,
- August 25, 2021, from 3 p.m. to 5 p.m. Eastern,
- August 26, 2021, from 6 p.m. to 8 p.m. Eastern, and
- August 31, 2021, from 3 p.m. to 5 p.m. Eastern.

The agencies have also reserved September 2, 2021, from 2 p.m. to 4 p.m. Eastern, for an additional meeting that will be added in case all speaking slots are filled in earlier meetings.

In addition, the agencies are initiating Federalism and tribal consultations for the proposed rulemaking to restore the regulations defining "waters of the United States" in place from 1986 until 2015, amended to be consistent with relevant Supreme Court decisions. The agencies also intend to host a series of dialogues with state and tribal coregulators this fall to discuss both rulemakings.

Finally, the rulemaking efforts of the past decade have highlighted the regional variability of water resources and the importance of close engagement with stakeholders to understand the specifics of how they experience regulation under varying definitions of waters of the United States. As an agency, we will honor our commitment to listen and learn from diverse perspectives by hosting 10 roundtables representing different regions of the country and encouraging broad participation that reflects diverse views. These 10 regional roundtables will allow a full spectrum of stakeholders to provide their perspectives about what has worked and what has not worked within their geographic areas in

previous regulatory efforts with each other and in the presence of EPA and Army leadership. These roundtables will highlight similarities and differences across geographic regions, while emphasizing particular water resources that are characteristic of or unique to each region, and providing site-specific feedback about implementation. Information on the roundtables will be posted on the EPA website above.

Vance F. Stewart III,

Acting Principal Deputy, Office of the Assistant Secretary of the Army for Civil Works, Department of the Army.

John Goodin,

Director, Office of Wetlands, Oceans and Watersheds, Environmental Protection Agency.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R04-OAR-2020-0445; FRL-8779-01-R4]

Air Plan Approval; SC; Revisions to Definitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of South Carolina, through the South Carolina Department of Health and Environmental Control (SC DHEC or Department), on April 24, 2020. The SIP revision updates the definition of "Spec. Oil (Specification Oil)" and makes minor updates to formatting and numbering. EPA is proposing to approve this revision pursuant to the Clean Air Act (CAA or Act) and implementing federal regulations.

DATES: Comments must be received on or before September 3, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R04-OAR-2020-0445 at www.regulations.gov. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. 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 a discussion of all points you wish to make. 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, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit www2.epa.gov/dockets/commenting-epa-dockets.

FOR FURTHER INFORMATION CONTACT:

Tiereny Bell, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9088. Ms. Bell can also be reached via electronic mail at bell.tiereny@epa.gov.

SUPPLEMENTARY INFORMATION:

I. What is EPA proposing?

On April 24, 2020, SC DHEC submitted a SIP revision to EPA for approval that includes changes to South Carolina Regulation 61–62.1, Section I—*Definitions*, including a revised definition of “Spec. Oil (Specification Oil)” and updates to numbering and formatting within this regulation.¹ EPA is proposing to approve these changes pursuant to the CAA.

II. Background

SC DHEC has requested incorporation of several changes to South Carolina Regulation 61–62.1, Section I—*Definitions* into South Carolina’s SIP. First, SC DHEC’s SIP revision proposes minor updates to numbering and formatting within South Carolina Regulation 61–62.1, Section I—*Definitions*.

Second, SC DHEC proposes to revise the definition of “Spec. Oil (Specification Oil)” at Paragraph 97(a) within the definition of “Used Oil.” Specifically, the revised definition of “Spec. Oil” would remove the phrase “Nickel—120 ppm [parts per million]

maximum,” thus eliminating the nickel specification for “Spec. Oil.” In the South Carolina SIP’s definition of “Used Oil,” “Spec. Oil” and “Non-Spec. Oil”² are listed as “[t]wo (2) types” of “used oil.” Notably, the terms “Spec. Oil” and “Specification Oil” do not currently appear anywhere else in South Carolina’s SIP outside of the definition of “Used Oil.”

SC DHEC has indicated that the purpose of its requested change to the definition of “Spec. Oil” in South Carolina Regulation 61–62.1, Section I—*Definitions* is to maintain a consistent definition of spec. oil across South Carolina’s various regulatory programs. Specifications for spec. oil are also contained in 40 CFR 279.11 and in South Carolina Rule 61–107–.279.11, both of which implement the used oil provisions of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901 *et seq.* Neither 40 CFR 279.11 nor South Carolina Rule 61–107–.279.11 include a specification for nickel in those regulations’ respective used oil specifications and, therefore, South Carolina’s proposed SIP revision would make the definition of “Spec. Oil” in South Carolina Regulation 61–62.1, Section I—*Definitions* consistent with the used oil specifications in these other regulations.

III. Analysis of State’s Submittal

As mentioned above, the April 24, 2020, SIP revision includes a change to the definition of “Spec. Oil (Specification Oil)” within the definition of “Used Oil” in South Carolina Regulation 61–62.1, Section I—*Definitions*. Because this change would remove the specification for nickel in “Spec. Oil,” it would allow unlimited nickel content in “Spec. Oil.”

Under section 110(l) of the CAA, EPA cannot approve a SIP revision “if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 7501 of this title), or any other applicable requirement of this chapter.” EPA finds that SC DHEC’s proposed updated definition of “Spec. Oil,” which removes the specification for nickel in “Spec. Oil,” is approvable under section 110(l) for two reasons. First, this proposed revision will not interfere with the NAAQS or any other CAA requirement because the revision has no practical effect. “Spec. Oil” does not appear anywhere in South Carolina’s

SIP other than in the definition of “Used Oil” itself; the definition of “Used Oil” describes “Spec. Oil” as just one of “[t]wo (2) types” of “used oil”; and oil that would not meet the definition of “Spec. Oil” in the current SIP-approved version of the rule due solely to nickel concentrations above 120 ppm would be still be considered “Used Oil” under the regulation.³ Thus, although the term “Used Oil” appears elsewhere in South Carolina’s SIP (such as in the definitions of Waste and Municipal Solid Waste), changing the definition of “Spec. Oil” will have no practical effect, and therefore, satisfies section 110(l).⁴

Second, SC DHEC’s proposed removal of the nickel specification from the definition of “Spec. Oil” is not inconsistent with CAA section 129 (relating to solid waste combustion) and is consistent with interrelated solid waste rules codified at 40 CFR parts 241 and 279.⁵ The referenced solid waste rules generally relate to the status of used oil when used oil is burned for energy recovery. More specifically, under 40 CFR 241.2, “used oil which meets the specifications outlined in 40 CFR 279.11” are “[t]raditional fuels” and are therefore not solid waste subject to the requirements of CAA section 129. *See generally* 76 FR 15456, 15502–06 (March 21, 2011). South Carolina’s revised definition of “Spec. Oil” is consistent with these solid waste rules and, specifically, is consistent with the specifications for used oil in 40 CFR 279.11, which does not include a nickel specification. Thus, South Carolina’s proposed rule will not interfere with section 129 of the CAA or any plan promulgated under section 129 of the CAA.

IV. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference South Carolina’s Regulation 61–62.1, *Definitions and General Requirements*, Section I—*Definitions*, state effective on April 24, 2020. EPA has made, and will continue to make, these materials generally available through www.regulations.gov and at the EPA Region 4 office (please contact the person identified in the “For Further

¹ On April 24, 2020, SC DHEC also submitted to EPA SIP revisions to Regulations 61–62.1, Section II—*Permit Requirements*; 61–62.1, Section III—*Emission Inventory and Emissions Statement*; 61–62.1, Section IV—*Source Tests*; 61–62.1, Section V—*Credible Emissions*; 61–62.5, Standard No. 2—*Ambient Air Quality Standards*; 61–62.5, Standard 5.2—*Control of Oxides of Nitrogen (NOx)*; 61–62.5, Standard 7—*Prevention of Significant Deterioration*; and 61–62.5, Standard 7.1—*Nonattainment New Source Review (NSR)*. EPA will address these SIP revisions in separate actions.

² “Non-Spec. Oil (Off Spec Oil)” is defined as “[u]sed oil that does not meet the specification above.” S.C. Code Regs. 61–62.1 §I (97)(b). Therefore, used oil that does not meet the definition of “Spec. Oil” is still considered “Used Oil.” *Id.*

³ *See* footnote 2.

⁴ Additionally, South Carolina is currently attaining the NAAQS for all criteria pollutants.

⁵ These rules are interrelated because CAA Section 129 specifically references the “Solid Waste Disposal Act [42 U.S.C. 6901 *et seq.*],” including the definition of “solid waste” promulgated pursuant to that act. *See* CAA § 129(g)(6).

Information Contact” section of this preamble for more information).

V. Proposed Action

EPA is proposing to approve and incorporate into South Carolina’s SIP the aforementioned changes to South Carolina Regulation 61–62.1, Section I—*Definitions*, state effective on April 24, 2020. EPA has determined that these revisions meet the applicable requirements of Section 110 of the CAA and the applicable regulatory requirements at 40 CFR part 51.

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 Act and applicable Federal regulations. See 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA’s role is to approve state choices, provided that they meet the criteria of the CAA. 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 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 (Pub. L. 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 application of those requirements would be inconsistent with the CAA; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rule for South Carolina does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because it does not have substantial direct effects on an Indian Tribe. The Catawba Indian Nation Reservation is located within the state of South Carolina. Pursuant to the Catawba Indian Claims Settlement Act, S.C. Code Ann. 27–16–120, “all state and local environmental laws and regulations apply to the [Catawba Indian Nation] and Reservation and are fully enforceable by all relevant state and local agencies and authorities.” EPA notes this action will not impose substantial direct costs on Tribal governments or preempt Tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: July 22, 2021.

John Blevins,

Acting Regional Administrator, Region 4.

[FR Doc. 2021–16032 Filed 8–3–21; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 21–21–921; RM–11891; DA 21–921; FR ID 41251]

Television Broadcasting Services Henderson, Nevada

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has before it a petition for rulemaking filed by KVVU Broadcasting Corporation (Petitioner), the licensee of KVVU (FOX), channel 9, Henderson, Nevada. The Petitioner requests the substitution of channel 24 for channel 9 in the DTV Table of Allotments.

DATES: Comments must be filed on or before September 3, 2021 and reply

comments on or before September 20, 2021.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 45 L Street NE, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for the Petitioner as follows: Christina Burrow, Esq., Cooley LLP, 1299 Pennsylvania Avenue NW, Suite 700, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Joyce Bernstein, Media Bureau, at (202) 418–1647; or Joyce Bernstein, Media Bureau, at Joyce.Bernstein@fcc.gov.

SUPPLEMENTARY INFORMATION: In support of its channel substitution request, the Petitioner states that the Commission has recognized that VHF channels have certain characteristics that 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 nearby electrical devices to cause interference. According to the Petitioner, it has received numerous complaints of poor or no reception from viewers, and explains the importance of a strong over-the-air signal in the Las Vegas area during emergencies, when, it states, cable and satellite service may go out of operation. It also explained that improving KVVU’s signal would serve the public interest because more than 25 percent of viewers in the Las Vegas area receive television broadcast signals over-the-air. Finally, the Petitioner recognized that the channel 24 noise limited contour would not fully encompass the existing channel 9 contour, but stated that only 152 persons in the lost coverage area would lose service from KVVU–TV, a number the Commission considers *de minimis*, and no viewers would lose access to their first or second over-the-air television service. The Petitioner also performed an analysis using the Commission’s *TVStudy* software, which indicated that Petitioner’s proposal would result in no more than 0.5 percent new interference to any surrounding co-channel or adjacent-channel facility.

This is a synopsis of the Commission’s *Notice of Proposed Rulemaking*, MB Docket No. 21–921; RM–11891; DA 21–921, adopted July 27, 2021, and released July 28, 2021. The full text of this document is available for download at <https://www.fcc.gov/edocs>. To request materials in accessible formats (braille, large print, computer diskettes, or audio recordings), please send an email to FCC504@fcc.gov or call the Consumer & Government Affairs