

such effect on State, local, and tribal governments, or on the private sector.

### Paperwork Reduction Act (PRA)

This final rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

### Assistance Listing

The Assistance Listing numbers and titles for this rule are 64.101, Burial Expenses Allowance for Veterans; 64.102, Compensation for Service-Connected Deaths for Veterans' Dependents; 64.105, Pension to Veterans, Surviving Spouses, and Children; 64.109, Veterans Compensation for Service-Connected Disability; and 64.110, Veterans Dependency and Indemnity Compensation for Service-Connected Death.

### Congressional Review Act

Pursuant to Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (known as the Congressional Review Act) (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this rule as not a major rule, as defined by 5 U.S.C. 804(2).

### List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, and Veterans.

### Signing Authority

Denis McDonough, Secretary of Veterans Affairs, signed and approved this document on August 24, 2023, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

**Jeffrey M. Martin,**

*Assistant Director, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.*

## PART 3—ADJUDICATION

■ The interim final rule amending 38 CFR part 3 which was published at 87 FR 24421 on April 26, 2022, is adopted as final without change.

[FR Doc. 2023–24195 Filed 11–2–23; 8:45 am]

**BILLING CODE 8320–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R04–OAR–2022–0391; FRL–11368–02–R4]

### Air Plan Approval; North Carolina; Revisions to Miscellaneous Particulate Matter Rules

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the State of North Carolina through the North Carolina Division of Air Quality (NCDAQ) via a letter dated April 13, 2021. The SIP revision seeks to modify the State's emission control standards by amending several air quality rules and removing a redundant rule for electric utility boilers. EPA is approving these changes pursuant to the Clean Air Act (CAA or Act).

**DATES:** This rule is effective December 4, 2023.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2022–0391. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) website. Although listed in the index, some information may not be publicly available, *i.e.*, Confidential Business Information 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 either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the 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. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Pearlene Williams-Miles, Multi-Air Pollutant Coordination Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, GA 30303–8960. The telephone number

is (404) 562–9144. Ms. Williams-Miles can also be reached via electronic mail at [WilliamsMiles.Pearlene@epa.gov](mailto:WilliamsMiles.Pearlene@epa.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Overview

EPA is approving a SIP revision submitted by North Carolina on April 14, 2021,<sup>1</sup> seeking to amend various air quality rules and to remove one rule from the North Carolina SIP.<sup>2</sup> Specifically, the SIP revision addresses State regulations amended in 15A North Carolina Administrative Code (NCAC) Subchapter 02D. The submission includes changes to multiple rules in Sections .0400 and .0500 of Subchapter 02D and the removal of Rule 02D .0536, *Particulate Emissions from Electric Utility Boilers*.<sup>3</sup> To support the removal of Rule 02D .0536 from the SIP, the submission includes technical support materials to demonstrate that the removal of the rule would not interfere with any applicable requirement concerning attainment and reasonable further progress (RFP) or any other applicable requirement of the CAA.<sup>4</sup>

Through a notice of proposed rulemaking (NPRM) published on September 1, 2023 (88 FR 60424), EPA proposed to approve the April 13, 2021, submission. The details of North Carolina's submission, which amends various air quality rules and removes Rule 02D .0536 from North Carolina's SIP, as well as EPA's rationale for approving the changes, are described in the September 1, 2023, NPRM. Comments on the September 1, 2023, NPRM were due on or before October 2, 2023. No comments were received on the September 1, 2023, NPRM, adverse or otherwise.

#### II. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, and as discussed in Section I of this preamble, EPA is finalizing the incorporation by reference of the following air quality rules under 15A

<sup>1</sup> EPA notes that the April 14, 2021, submission was received under a cover letter dated April 13, 2021. For clarity, throughout this document EPA will refer to the April 14, 2021, submission by its cover letter date of April 13, 2021.

<sup>2</sup> On April 13, 2021, North Carolina provided multiple SIP revisions related to other North Carolina SIP-approved rules. These SIP revisions are not addressed in this document. EPA will act or has acted on those SIP revisions in separate rulemakings.

<sup>3</sup> EPA will not act on Rule 02D .0503, *Particulates from Fuel Burning Indirect Heat Exchangers*, since this section was withdrawn from EPA consideration in a letter dated January 17, 2023, which is in the docket of this action.

<sup>4</sup> See 42 U.S.C. 7410(l).

NCAC Subchapter 02D, Air Pollution Control Requirements, state effective on November 1, 2020: 02D .0403, *Total Suspended Particulates*; 02D .0501, *Compliance with Emission Control Standards*; 02D .0504, *Particulates from Wood Burning Indirect Heat Exchangers*; 02D .0506, *Particulates from Hot Mix Asphalt Plants*;<sup>5</sup> 02D .0507, *Particulates from Chemical Fertilizer Manufacturing Plants*; 02D .0508, *Particulates from Pulp and Paper Mills*; 02D .0509, *Particulates from Mica and Feldspar Processing Plants*; 02D .0510, *Particulates from Sand, Gravel or Crushed Stone Processes*; 02D .0511, *Particulates from Lightweight Aggregate Processes*; 02D .0513, *Particulates from Portland Cement Plants*; 02D .0514, *Particulates from Ferrous Jobbing Foundries*; and 02D .0515, *Particulates from Miscellaneous Industrial Processes*. Also in this document, EPA is finalizing the removal of Rule 02D .0536, *Particulate Emissions from Electric Utility Boilers*, from the North Carolina SIP, which is incorporated by reference in accordance with the requirements of 1 CFR part 51. EPA has made, and will continue to make, the SIP generally available at the EPA Region 4 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, the revised materials as stated above, have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.<sup>6</sup>

<sup>5</sup> As noted in the NPRM, EPA is not acting on the removal of the term "elsewhere" in Rule 02D .0506(e) because North Carolina withdrew the removal of this word from EPA consideration in a letter dated January 17, 2023, which is in the docket for this action. The term "elsewhere" is included in the August 1, 2004, state effective version of Rule 02D .0506(e). The April 13, 2021, SIP submittal includes the August 1, 2004, version of the Rule with redline/strikeout changes showing the differences between the August 1, 2004, version of the rule and the November 1, 2020, version of the Rule. Therefore, to implement the State's April 13, 2021, SIP submittal, as amended by the withdrawal letter, EPA is incorporating by reference the version of the Rule state effective on November 1, 2020, except for the phrase "not covered" in paragraph .0506(e), and is incorporating by reference the phrase "not covered elsewhere" from the version of .0506(e) state effective on August 1, 2004. The resulting regulatory text in paragraph .0506(e) in the SIP reads, "Fugitive emissions from sources at a hot mix asphalt plant not covered elsewhere by this Rule shall not exceed 20 percent opacity averaged over six minutes."

<sup>6</sup> See 62 FR 27968 (May 22, 1997).

### III. Final Action

EPA is approving the aforementioned changes to the North Carolina SIP. Specifically, EPA is finalizing the approval of the April 13, 2021, SIP revision which amends various air quality rules under 15A NCAC 02D, Air Pollution Control Requirements, and removes Rule 02D .0536 from North Carolina's SIP.

### IV. 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 action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this 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. L. 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 approves 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 CAA.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where 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, February 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. 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." 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."

NCDAQ did not evaluate EJ considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. EPA did not perform an EJ analysis and did not consider EJ in this action. Due to the nature of the action being taken here, this action is expected to have a neutral to positive impact on the air quality of the affected area. 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 EJ for people of color, low-income populations, and Indigenous peoples.

This action is subject to the Congressional Review Act, and 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).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 2, 2024. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition

for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2).

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

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

Dated: October 24, 2023.  
**Jeananne Gettle,**  
*Acting Regional Administrator, Region 4.*

For the reasons stated in the preamble, EPA amends 40 CFR part 52 as follows:

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

**Subpart II—North Carolina**

■ 2. In § 52.1770(c), amend “Table (1) EPA-Approved North Carolina Regulations” by:

- a. Under the heading “Section .0400 Ambient Air Quality Standards”, revising the entry for “Rule .0403”;
- b. Under the heading “Section .0500 Emission Control Standards”, revising the entries for “Rule .0501”, “Rule .0504”, “Rule .0506”, “Rule .0507”, “Rule .0508”, “Rule .0509”, “Rule .0510”, “Rule .0511”, “Rule .0513”, “Rule .0514”, and “Rule .0515”; and removing the entry for “Rule .0536”.

The revisions read as follows:

**§ 52.1770 Identification of plan.**

\* \* \* \* \*  
 (c) \* \* \*

(1) EPA-APPROVED NORTH CAROLINA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
*	*	*	*	*
<b>Section .0400 Ambient Air Quality Standards</b>				
*	*	*	*	*
Rule .0403 .....	Total Suspended Particulates ...	11/1/2020	11/3/2023, [Insert citation of publication].	
*	*	*	*	*
<b>Section .0500 Emission Control Standards</b>				
*	*	*	*	*
Rule .0501 .....	Compliance with Emission Control Standards.	11/1/2020	11/3/2023, [Insert citation of publication].	
*	*	*	*	*
Rule .0504 .....	Particulates from Wood Burning Indirect Heat Exchangers.	11/1/2020	11/3/2023, [Insert citation of publication].	
*	*	*	*	*
Rule .0506 .....	Particulates from Hot Mix Asphalt Plants.	11/1/2020	11/3/2023, [Insert citation of publication].	Except that, in paragraph (e), the phrase “not covered” is replaced with the phrase “not covered elsewhere” from paragraph (e), with a state effective date of August 1, 2004.
*	*	*	*	*
Rule .0507 .....	Particulates from Chemical Fertilizer Manufacturing Plants.	11/1/2020	11/3/2023, [Insert citation of publication].	
Rule .0508 .....	Particulates from Pulp and Paper Mills.	11/1/2020	11/3/2023, [Insert citation of publication].	
Rule .0509 .....	Particulates from Mica or Feldspar Processing Plants.	11/1/2020	11/3/2023, [Insert citation of publication].	
Rule .0510 .....	Particulates from Sand, Gravel, or Crushed Stone Operations.	11/1/2020	11/3/2023, [Insert citation of publication].	
Rule .0511 .....	Particulates from Lightweight Aggregate Processes.	11/1/2020	11/3/2023, [Insert citation of publication].	
*	*	*	*	*
Rule .0513 .....	Particulates from Portland Cement Plants.	11/1/2020	11/3/2023, [Insert citation of publication].	
Rule .0514 .....	Particulates from Ferrous Jobbing Foundries.	11/1/2020	11/3/2023, [Insert citation of publication].	
Rule .0515 .....	Particulates from Miscellaneous Industrial Processes.	11/1/2020	11/3/2023, [Insert citation of publication].	

## (1) EPA-APPROVED NORTH CAROLINA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
<p>* * * * *</p> <p>[FR Doc. 2023–24033 Filed 11–2–23; 8:45 am]</p> <p><b>BILLING CODE 6560–50–P</b></p>	<p><b>ENVIRONMENTAL PROTECTION AGENCY</b></p>	<p>20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room and the OPP Docket is (202) 566–1744. Please review the visitor instructions and additional information about the docket available at <a href="https://www.epa.gov/dockets">https://www.epa.gov/dockets</a>.</p>	<p>OPP–2023–0507 in the subject line on the first page of your submission. All requests must be in writing and must be received by the Hearing Clerk on or before January 2, 2024. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).</p>	<p>In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2023–0507, by one of the following methods:</p>
<p><b>40 CFR Part 180</b></p>	<p>[EPA–HQ–OPP–2023–0507; FRL–11517–01–OCSPP]</p>	<p><b>FOR FURTHER INFORMATION CONTACT:</b> Charles Smith, Director, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (202) 566–1030; email address: <a href="mailto:RDNRNotices@epa.gov">RDNRNotices@epa.gov</a>.</p>	<p>• <i>Federal eRulemaking Portal:</i> <a href="https://www.regulations.gov">https://www.regulations.gov</a>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.</p>	
<p><b>Extension of Tolerances for Emergency Exemptions; Multiple Chemicals</b></p>	<p><b>AGENCY:</b> Environmental Protection Agency (EPA).</p>	<p><b>SUPPLEMENTARY INFORMATION:</b></p>	<p>• <i>Mail:</i> OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.</p>	
<p><b>ACTION:</b> Final rule.</p>	<p><b>SUMMARY:</b> This regulation extends time-limited tolerances for residues of clothianidin, kasugamycin, methyl bromide, and triclopyr in or on various commodities as identified in this document. These actions are in response to EPA’s granting of emergency exemptions under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of these pesticides. In addition, the Federal Food, Drug, and Cosmetic Act (FFDCA) requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under FIFRA. Additionally, EPA is removing time-limited tolerances for residues of flupyradifurone in or on sugar cane and sweet sorghum commodities.</p>	<p><b>I. General Information</b></p>	<p>• <i>Hand Delivery:</i> To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <a href="https://www.epa.gov/dockets/where-send-comments-epa-dockets">https://www.epa.gov/dockets/where-send-comments-epa-dockets</a>.</p>	
<p><b>DATES:</b> This regulation is effective November 3, 2023. Objections and requests for hearings must be received on or before January 2, 2024 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the <b>SUPPLEMENTARY INFORMATION</b>).</p>	<p><b>ADDRESSES:</b> The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2023–0507, is available at <a href="https://www.regulations.gov">https://www.regulations.gov</a> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC</p>	<p><b>A. Does this action apply to me?</b></p>	<p>Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <a href="https://www.epa.gov/dockets">https://www.epa.gov/dockets</a>.</p>	
<p>Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–</p>	<p>You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:</p> <ul style="list-style-type: none"> <li>• Crop production (NAICS code 111).</li> <li>• Animal production (NAICS code 112).</li> <li>• Food manufacturing (NAICS code 311).</li> <li>• Pesticide manufacturing (NAICS code 32532).</li> </ul>	<p><b>B. How can I get electronic access to other related information?</b></p>	<p><b>II. Background and Statutory Findings</b></p>	
<p>Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–</p>	<p>You may access a frequently updated electronic version of 40 CFR part 180 through the Office of the Federal Register’s e-CFR site at <a href="https://www.ecfr.gov/current/title-40">https://www.ecfr.gov/current/title-40</a>.</p>	<p><b>C. How can I file an objection or hearing request?</b></p>	<p>EPA previously published final rules establishing time-limited tolerances in the <b>Federal Register</b> for the chemicals and commodities listed below under FFDCA section 408, 21 U.S.C. 346a. EPA established the tolerances because FFDCA section 408(l)(6) requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under FIFRA section 18. Such tolerances can be</p>	