

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 two safety zones to protect waterway users that would prohibit entry within 250 yards of dredging operations and will close only one side of the main navigation channel. Vessels can request permission to enter the channel. 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 documents mentioned in this preamble as being available in 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.T05–1004, to read as follows.

#### **§ 165.T05–1004 Safety Zones, Delaware River Dredging; Marcus Hook, PA**

(a) *Location.* The following areas are safety zones:

(1) Safety Zone One includes all waters within 250 yards of the dredge displaying lights and shapes for vessels restricted in ability to maneuver as described in 33 CFR 83.27, as well as all related dredge equipment, while the dredge is operating in Marcus Hook Range. For enforcement purposes Marcus Hook Range includes all navigable waters of the Delaware River shoreline to shoreline, bound by a line drawn perpendicular to the center line of the channel at the farthest upriver point of the range to a line drawn perpendicular to the center line of the channel at the farthest downriver point of the range.

(2) Safety Zone Two includes all the waters of Anchorage 7 off Marcus Hook Range, as described in 33 CFR 110.157(a)(8) and depicted on U.S. Nautical Chart 12312.

(b) *Definitions.* As used in this section—

*Designated representative* means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port to assist with enforcement of the safety zones described in paragraphs (a)(1) and (2) of this section.

(c) *Regulations.* (1) Entry into or transiting within Safety Zone One is

prohibited unless vessels obtain permission from the Captain of the Port via VHF–FM channel 16 or 215–271–4807, or make satisfactory passing arrangements via VHF–FM channel 13 or 16 with the operating dredge per this section and the rules of the Road (33 CFR subchapter E). Vessels requesting to transit shall contact the operating dredge via VHF–FM channel 13 or 16 at least 1 hour prior to arrival.

(2) Vessels desiring to anchor in Safety Zone Two, Anchorage 7 off Marcus Hook Range, must obtain permission from the COTP at least 24 hours in advance by calling (215) 271–4807. The COTP will permit, at maximum, one vessel at a time to anchor on a “first-come, first-served” basis. Vessels will only be allowed to anchor for a 12 hour period. Vessels that require an examination by the Public Health Service, Customs, or Immigration authorities will be directed to an anchorage for the required inspection by the COTP.

(3) Vessels desiring to anchor in Safety Zone Two, Anchorage 7 off Marcus Hook Range, must be at least 650 feet in length overall.

(4) This section applies to all vessels except those engaged in the following operations: enforcement of laws, service of aids to navigation, and emergency response.

(d) *Enforcement.* The U.S. Coast Guard may be assisted by federal, state and local agencies in the patrol and enforcement of the zone.

(e) *Enforcement period.* This rule will be in effect and subject to enforcement from February 6, 2024 through April 30, 2024. If the Captain of the Port determines that conditions no longer warrant enforcement of the rule, he will provide notice to that effect via Marine Safety Information Bulletin and Broadcast Notice to Mariners.

Dated: February 6, 2024.

**Kate F. Higgins-Bloom,**

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

[FR Doc. 2024–02704 Filed 2–8–24; 8:45 am]

**BILLING CODE 9110–04–P**

### **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Part 52**

**[EPA–R04–OAR–2022–0630; FRL–11582–02–R4]**

#### **Air Plan Approval; Georgia; Vehicle Inspection and Maintenance Program**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving changes to Georgia's State Implementation Plan (SIP) submitted by the State of Georgia through the Georgia Department of Natural Resources (GA DNR), Environmental Protection Division (EPD), on June 8, 2022, and on June 6, 2023. Georgia's June 8, 2022, SIP revision (hereinafter referred to as Georgia's 2022 I/M SIP revision) removes obsolete references and provisions; updates the State's inspection and maintenance (I/M) requirements; updates terminology, in part to reflect advances in test and vehicle technology; and makes other minor changes. The June 6, 2023, SIP revision (hereinafter referred to as Georgia's 2023 I/M SIP revision) removes outdated terminology; updates with new terminology; removes one requirement; and makes other minor changes to Georgia's enhanced I/M program. EPA is approving these changes pursuant to the Clean Air Act (CAA or Act).

**DATES:** This rule is effective March 11, 2024.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-R04-OAR-2022-0630. All documents in the docket are listed on the 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 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:** Weston Freund, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street SW, Atlanta, Georgia 30303-8960. The telephone number is

(404) 562-8773. Mr. Freund can also be reached via electronic mail at [freund.weston@epa.gov](mailto:freund.weston@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

In 1991, EPA classified a 13-county area in and around the Atlanta, Georgia, metropolitan area as a serious ozone nonattainment area for the 1979 1-hour ozone national ambient air quality standards (NAAQS or standard), triggering the requirement for the State to establish an enhanced I/M program for the area.<sup>1</sup> In 1996, Georgia submitted its enhanced I/M program to EPA for incorporation into the SIP. EPA granted interim approval of the State's program in 1997 and full approval in 2000. See 62 FR 42916 (August 11, 1997) and 65 FR 4133 (January 26, 2000), respectively.

On June 8, 2022, and June 6, 2023, Georgia submitted SIP revisions seeking to amend various I/M regulations in Chapter 391-3-20—*Enhanced Inspection and Maintenance*, of Georgia's SIP. In this rulemaking, EPA is approving changes to Rules 391-3-20-.01—*Definitions*; Rule 391-3-20-.03, *Covered Vehicles; Exemptions*; Rule 391-3-20-.04—*Emission Inspection Procedures*; Rule 391-3-20-.05—*Emission Standards*; Rule 391-3-20-.09—*Inspection Station Requirements*; Rule 391-3-20-.10—*Certificates of Authorization*; Rule 391-3-20-.11—*Inspector Qualifications and Certification*; Rule 391-3-20-.13—*Certificate of Emission Inspection*; Rule 391-3-20-.15—*Repairs and Retests*; Rule 391-3-20-.17—*Waivers*; and Rule 391-3-20-.22—*Enforcement*. EPA is approving these revisions because these changes will not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable CAA requirement.<sup>2</sup>

In a notice of proposed rulemaking (NPRM), published on December 21, 2023 (88 FR 88310), EPA proposed to approve the June 8, 2022, and June 6, 2023, SIP submissions. The details of Georgia's submissions, which remove obsolete references and provisions; update the State's I/M requirements; update and remove outdated terminology; remove a requirement; and makes other minor changes to Georgia's enhanced I/M program of the Georgia

SIP, as well as EPA's rationale for approve the changes, are described in the December 21, 2023, NPRM. Comments on the December 21, 2023, NPRM were due on or before January 22, 2024. No comments were received on the NPRM, adverse or otherwise.

**II. Incorporation by Reference**

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, and as discussed in Section I of this preamble, EPA is finalizing the incorporation by reference of Georgia Rule 391-3-20-.09—*Inspection Station Requirements*; Rule 391-3-20-.10—*Certificates of Authorization*; Rule 391-3-20-.13—*Certificate of Emission Inspection*; Rule 391-3-20-.15—*Repairs and Retests*; Rule 391-3-20-.17—*Waivers*; and Rule 391-3-20-.22—*Enforcement*, all of which have a state-effective date of April 19, 2022, into the Georgia SIP. Further, EPA is finalizing the incorporation by reference of Georgia Rule 391-3-20-.01—*Definitions*; Rule 391-3-20-.03, *Covered Vehicles; Exemptions*; Rule 391-3-20-.04—*Emission Inspection Procedures*; Rule 391-3-20-.05—*Emission Standards*, and Rule 391-3-20-.11—*Inspector Qualifications and Certification*, all of which have a state-effective date of March 21, 2023, into the Georgia SIP. EPA has made, and will continue to make, these materials generally available through [www.regulations.gov](http://www.regulations.gov) and 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 State implementation plan, 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>3</sup>

**III. Final Actions**

EPA is approving the aforementioned changes to various I/M regulations in Chapter 391-3-20—*Enhanced Inspection and Maintenance*, of the Georgia SIP. Specifically, EPA is finalizing the approval of the June 8, 2022, and June 6, 2023, SIP revisions which amends Georgia Rules 391-3-20-.01—*Definitions*; Rule 391-3-20-.03, *Covered Vehicles; Exemptions*; Rule

<sup>1</sup> On November 6, 1991, EPA designated and classified the following counties in and around the Atlanta, Georgia, metropolitan area as a serious ozone nonattainment area for the 1-hour ozone NAAQS: Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale. See 56 FR 56694.

<sup>2</sup> See CAA section 110(l).

<sup>3</sup> 62 FR 27968 (May 22, 1997).

391–3–20–.04—*Emission Inspection Procedures*; Rule 391–3–20–.05—*Emission Standards*; Rule 391–3–20–.09—*Inspection Station Requirements*; Rule 391–3–20–.10—*Certificates of Authorization*; Rule 391–3–20–.11—*Inspector Qualifications and Certification*; Rule 391–3–20–.13—*Certificate of Emission Inspection*; Rule 391–3–20–.15—*Repairs and Retests*; Rule 391–3–20–.17—*Waivers*; and Rule 391–3–20–.22—*Enforcement*.

## 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 CAA 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. Accordingly, these actions merely approve state law as meeting Federal requirements and do not impose additional requirements beyond those imposed by state law. For that reason, these actions:

- Are not significant regulatory actions 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);
- Do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Are 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.*);
- Do 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);
- Do not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Are not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because they approve a state program;
- Are not significant regulatory actions subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Are 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 proposed 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, Feb. 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.”

EPD did not evaluate EJ considerations as part of its SIP submittals; 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 these actions. Due to the nature of the actions being taken here, these actions are 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 these actions, 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.

These actions are 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. These actions are not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of these actions must be filed in the United States Court of Appeals for the appropriate circuit by April 9, 2024. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of these actions 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. These actions 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, Carbon monoxide, Incorporation by reference, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: February 2, 2024.

**Jeanne Gettle,**

*Acting Regional Administrator, Region 4.*

For the reasons stated in the preamble, the 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 L—Georgia

- 2. In § 52.570(c), amend Table (1) by revising the entries for “Rule 391–3–20–.01,” “Rule 391–3–20–.03,” “Rule 391–3–20–.04,” “Rule 391–3–20–.05,” “Rule 391–3–20–.09,” “Rule 391–3–20–.10,” “Rule 391–3–20–.11,” “Rule 391–3–20–.13,” “Rule 391–3–20–.15,” “Rule 391–3–20–.17,” and “Rule 391–3–20–.22.”

The amendments read as follows:

### § 52.570 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

TABLE 1 TO PARAGRAPH (c)—EPA-APPROVED GEORGIA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
391–3–20 ..... 391–3–20–.01 .....	Enhanced Inspection and Maintenance Definitions .....	3/21/2023	2/9/2024, [Insert citation of publication].	
391–3–20–.03 ..... 391–3–20–.04 ..... 391–3–20–.05 .....	Covered Vehicles; Ex- emptions. Emission Inspection Procedures. Emission Standards .....	3/21/2023	2/9/2024, [Insert citation of publication]. 2/9/2024, [Insert citation of publication]. 2/9/2024, [Insert citation of publication].	
391–3–20–.09 ..... 391–3–20–.10 ..... 391–3–20–.11 .....	Inspection Station Re- quirements. Certificates of Author- ization. Inspector Qualifications and Certification.	4/19/2022 4/19/2022 3/21/2023	2/9/2024, [Insert citation of publication]. 2/9/2024, [Insert citation of publication]. 2/9/2024, [Insert citation of publication].	
391–3–20–.13 ..... 391–3–20–.15 .....	Certificate of Emission Inspection. Repairs and Retests .....	4/19/2022 4/19/2022	2/9/2024, [Insert citation of publication]. 2/9/2024, [Insert citation of publication].	
391–3–20–.17 .....	Waivers .....	4/19/2022	2/9/2024, [Insert citation of publication].	
391–3–20–.22 .....	Enforcement .....	4/19/2022	2/9/2024, [Insert citation of publication].	

\* \* \* \* \*

[FR Doc. 2024–02521 Filed 2–8–24; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R09–OAR–2023–0479; FRL–11425–03–R9]

### Air Plan Approval; California; California Air Resources Board; Volatile Organic Compounds

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to approve a revision to the California Air Resources Board (CARB) portion of the California State Implementation Plan (SIP). This revision concerns emissions of volatile organic compounds (VOCs) from vapor recovery systems of gasoline cargo tanks. We are approving a local

rule that regulates this emission source under the Clean Air Act (CAA or the Act).

**DATES:** This rule is effective March 11, 2024.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2023–0479. All documents in the docket are listed on the <https://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 <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with

a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** La Kenya Evans-Hopper, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 972–3245 or by email at [evanshopper.lakenya@epa.gov](mailto:evanshopper.lakenya@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document, “we,” “us,” and “our” refer to the EPA.

### Table of Contents

- I. Proposed Action
- II. Public Comments and EPA Responses
- III. EPA Action
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

### I. Proposed Action

On November 2, 2023 (88 FR 75246), the EPA proposed to approve the following rule into the California SIP.