

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. Revise and republish § 165.T01–0820 to read as follows:

§ 165.T01–0820 Safety Zone; Kernwood Avenue Bridge Repairs—Danvers River, Salem, MA, and Beverly, MA.

(a) *Location.* The following area is a safety zone: all navigable waters within a 100-yard radius of the center point of the Massachusetts Department of Transportation (MassDOT) Kernwood Avenue Bridge, at mile 1.0 spanning the Danvers River between Salem, MA, and Beverly, MA, in approximate position 42°32′34.8″N 70°53′54.2″W.

(b) *Enforcement period.* The safety zone in paragraph (a) of this section is effective from December 20, 2024, through 11:59 p.m. on November 30, 2025. The section is subject to enforcement only during periods the navigable channel is restricted by the contractor's work vessels, when the span cannot be mechanically operated, or in response to an emergency or hazardous condition during this period. The Coast Guard will make notice of this safety zone via the Local Notice to Mariners and issue a Broadcast Notice to Mariners via marine channel 16 (VHF–FM) as soon as practicable in response to an emergency or hazardous condition. In addition, if the project is completed before 11:59 p.m. on November 30, 2025, enforcement of the safety zone will be suspended, and notice given via Local Notice to Mariners. The First Coast Guard District Local Notice to Mariners can be found at: <http://www.navcen.uscg.gov>.

(c) *Definitions.* As used in this section:

(1) *Designated representative* means any Coast Guard commissioned, warrant, petty officer, or any federal, state, or local law enforcement officer who has been designated by the Captain of the Port Boston (COTP) to act on his or her behalf. The designated representative may be on an official

patrol vessel or may be on shore and will communicate with vessels via VHF–FM radio or loudhailer. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(2) *Official patrol vessels* mean any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP to enforce this section.

(d) *Regulations.* When this safety zone is enforced, the following regulations, along with those contained in 33 CFR 165.23 apply:

(1) No person or vessel may enter or remain in this safety zone without the permission of the COTP or the COTP's designated representatives. Any person or vessel permitted to enter the safety zone must comply with the lawful directions and orders of the COTP or the COTP's designated representatives.

(2) To seek permission to enter the safety zone, individuals may reach the COTP or a COTP-designated representative via Channel 16 (VHF–FM) or (857) 416–3015 (Sector Boston Command Center).

Dated: December 20, 2024.

J.C. Frederick,

Captain, U.S. Coast Guard, Captain of the Port Boston.

[FR Doc. 2024–31311 Filed 12–27–24; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[EPA–R06–OAR–2019–0212; FRL–10997–04–R6]

Air Plan Disapproval; Louisiana; Removal of Excess Emissions Provisions; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final action; correction.

SUMMARY: The Environmental Protection Agency (EPA) is determining that a portion of a December 7, 2023, final disapproval action of a state implementation plan (SIP) revision submitted by the State of Louisiana was in error and making a correction pursuant to the Clean Air Act (CAA). **DATES:** This final action is effective on December 30, 2024.

ADDRESSES: The EPA has established a docket for this action under Docket ID Number EPA–R06–OAR–2019–0212. All documents in the docket are listed on the 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, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT:

General questions concerning this publication should be addressed to Michael Feldman, Regional Haze and SO₂ Section, Air & Radiation Division, U.S. Environmental Protection Agency, Region VI, 1201 Elm Street, Dallas, Texas 75270; by telephone (214) 665–9793 or by email at feldman.michael@epa.gov.

SUPPLEMENTARY INFORMATION:**I. General Information***A. How is the preamble organized?*

The information presented in this preamble is organized as follows:

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A. How is the preamble organized?

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II. Background

On November 8, 2024, the EPA proposed to correct an error in an earlier EPA action, using the authority of section 110(k)(6) of the CAA.

Specifically, the proposed action explained that the error occurred in a December 7, 2023, EPA action¹ disapproving revisions to the SIP for the State of Louisiana submitted in response to the 2015 SSM SIP Action.²

On June 12, 2015, the EPA finalized the 2015 SSM SIP Action, which clarified, restated, and updated the EPA's national policy regarding SIP provisions applying to excess emissions during periods of startup, shutdown, and malfunction (SSM). As part of the 2015 SSM SIP Action, the EPA issued a finding that certain SIP provisions for 36 states that were applicable in 45 statewide and local jurisdictions were

¹ 88 FR 85112 (December 7, 2023).

² State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA's SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction, 80 FR 33840 (June 12, 2015).

substantially inadequate to meet CAA requirements due to how those SIP provisions treated excess emissions during SSM periods. Further, the EPA issued a “SIP call” to each of those 45 air agencies, including the State of Louisiana on the basis that Louisiana’s SIP contained impermissible automatic and discretionary exemptions that were substantially inadequate to meet CAA requirements.³ To respond to the EPA’s SIP call in the 2015 SSM SIP Action, each affected state was required to submit its corrective SIP revision by November 22, 2016. On December 7, 2023, the EPA took final action⁴ to disapprove certain portions of a SIP revision submitted by the State of Louisiana on November 20, 2016, and supplemented on June 9, 2017, because the EPA found that Louisiana’s SIP revision did not correct the deficiency identified in Louisiana’s SIP in the 2015 SSM SIP Action.⁵

As a result of the March 1, 2024, decision from the United States Court of Appeals for the District of Columbia Circuit in *Environ. Comm. Fl. Elec. Power v. EPA*, 94 F.4th 77 (D.C. Cir. 2024), certain portions of the EPA’s SIP call in the 2015 SSM SIP Action were vacated by the D.C. Circuit and therefore have no legal effect. Thus, certain states subject to the 2015 SSM SIP Action no longer have a legal obligation to submit the revisions that the EPA had originally determined were required to correct the deficiencies identified in the SIP call.⁶ In other words, by partially vacating the EPA’s 2015 SSM SIP Action, the D.C. Circuit’s decision rendered Louisiana’s SIP submission in response to the 2015 SSM SIP Action voluntary rather than mandatory. As a result, the EPA proposed to correct the EPA’s December 7, 2023, disapproval action with respect to the consequences of that disapproval.

A more complete explanation of the reasons for the proposed error correction can be found in the November 8, 2024, proposed action. Comments on the November 8, 2024,

proposed action were due on or before December 9, 2024. The EPA did not receive any comments on the November 8, 2024, proposed action.

III. What is the EPA correcting?

In this action, the EPA is correcting the erroneous triggering of mandatory sanctions under CAA section 179 and 40 CFR 52.31 for the state of Louisiana following its December 7, 2023, disapproval of Louisiana’s SIP revision submitted in response to the 2015 SSM SIP Call. The EPA is also correcting the erroneous triggering of the EPA’s obligation to issue a Federal Implementation Plan (FIP) under CAA section 110(c)(1)(B). As a result, in finalizing this error correction action, the imposition of sanctions for the State of Louisiana and the FIP obligation for the EPA that were triggered as a result of the December 7, 2023, final disapproval action are no longer in effect.

IV. What action is the EPA taking?

As a result of the D.C. Circuit’s decision in *Environ. Comm. Fl. Elec. Power v. EPA*, the EPA is determining that, pursuant to section 110(k)(6) of the CAA, a portion of the EPA’s December 7, 2023, final disapproval action of Louisiana’s SIP revision was in error with respect to the consequences of that disapproval. By partially vacating the EPA’s 2015 SSM SIP Action, the D.C. Circuit’s decision rendered Louisiana’s SIP submission in response to the 2015 SSM SIP Action voluntary rather than mandatory. Thus, the EPA is finding that the triggering of mandatory sanctions and FIP obligation following the December 7, 2023, final disapproval was erroneous and, through this action, is terminating the imposition of sanctions for the State and the FIP obligation for the EPA triggered by that disapproval as they are no longer legally valid.

V. 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. 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. However, this action, which seeks to correct an error in a prior SIP disapproval action under section 110(k)(6) of the CAA, is neither an approval nor a disapproval. This action merely corrects an error in EPA’s prior action and does not impose additional

requirements beyond those imposed by state law.

- 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 is an error correction taken under section 110(k)(6) of the CAA and does not directly or disproportionately affect children.

- 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 action 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 communities with environmental justice (EJ) concerns to the greatest extent practicable and permitted by law. EPA defines 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

³ See 78 FR 12460, 12521–12522 (February 22, 2013) and 80 FR 33840 at 33967 (June 12, 2015).

⁴ See 88 FR 85112 (December 7, 2023).

⁵ On October 5, 2022, EPA Region 6 finalized approval of a portion of Louisiana’s SIP revision that corrected six of Louisiana’s seven deficient SIP provisions originally identified in EPA’s 2015 SSM SIP Call. See 87 FR 60292. On December 7, 2023 (88 FR 85112), the EPA Region 6 finalized disapproval of Louisiana’s SIP revision that sought to correct the remaining deficient provision.

⁶ In vacating certain portions of the 2015 SSM SIP Action, the D.C. Circuit’s decision did not determine whether the SIP-called provisions were otherwise lawful under the CAA. See *e.g.* 94 F.4th at 110 (“We thus do not reach the question whether the called SIPs’ relevant emission restrictions in fact amount to (or must amount to) “emission limitations” per the statutory definition.”).

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.”

The air agency did not evaluate environmental justice considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. Although not a basis for that action, the EPA performed an EJ analysis for informational purposes only in its June 13, 2023, proposed disapproval of Louisiana’s SIP revision. See 88 FR 38448, 38453–38455 (June 13, 2023) and 88 FR 85112, 85123–85124 (December 7, 2023) for more information. The EPA views this action as a necessary procedural step following the D.C. Circuit decision and vacatur of portions of the 2015 SIP call. 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 environmental justice for communities with EJ concerns.

This action is subject to the Congressional Review Act, and the 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 February 28, 2025. 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.

List of Subjects in 40 CFR Part 52

Environmental protection, Administrative practice and procedures, Air pollution control, Incorporation by reference, Intergovernmental relations, and Reporting and recordkeeping requirements.

Dated: December 19, 2024.

Earthea Nance,

Regional Administrator, EPA Region 6.

[FR Doc. 2024–30747 Filed 12–27–24; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2024–0529; FRL–12471–01–R5]

Air Plan Approval; Ohio; Nitrogen Oxide Standards Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving revisions to the Ohio State Implementation Plan (SIP) submitted by the Ohio Environmental Protection Agency (Ohio EPA) on November 4, 2024. Ohio EPA requested that EPA approve the revised rules for nitrogen oxide standards in the Ohio Administrative Code (OAC) into Ohio’s SIP. The revised rules include non-substantive updates to rule language and updates to referenced material. The revisions will assist with Ohio’s efforts to attain and maintain the National Ambient Air Quality Standards (NAAQS) for nitrogen dioxide (NO₂).

DATES: This direct final rule will be effective February 28, 2025, unless EPA receives adverse comments by January 29, 2025. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2024–0529 at <https://www.regulations.gov> or via email to langman.michael@epa.gov. For comments submitted at [Regulations.gov](https://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from the docket. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), 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 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, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy,

information about CBI, PBI, or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT:

Delaney Kilgour, Air and Radiation Division (AR–1–8J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–1106, kilgour.delaney@epa.gov. The EPA Region 5 office is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays.

SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA.

I. What is the background for these actions?

Ohio EPA is subject to requirements in Ohio Revised Code 106.03 and 106.031 to review each of its regulations every five years to assess whether any updates to the regulations are warranted and for other purposes. Accordingly, Ohio EPA reviewed its regulations in OAC Chapter 3745–23, entitled “Nitrogen Oxide Standards.” OAC Chapter 3745–23 is part of Ohio’s strategy for attainment and maintenance of the NAAQS for NO₂.

As a result of its review, Ohio EPA concluded that rule revisions were needed to modify the wording of selected text to correct typos and reflect new formatting guidelines, and to update publication and referenced material titles, effective dates, addresses, and websites. Ohio EPA adopted these various minor revisions and updated their rules on August 15, 2024, and then requested that EPA approve these revisions into the Ohio SIP in a submittal dated November 4, 2024.

II. What is EPA’s analysis of Ohio’s SIP revision?

Ohio EPA has requested that EPA approve revised rules under Chapter 3745–23 of the OAC. These rules include 3745–23–01 (Definitions) and 3745–23–02 (Methods of measurement). These revised rules are intended to assist in maintaining the NO₂ NAAQS. The revisions are described in detail below. EPA is determining that these revisions are approvable since they are primarily administrative in nature and serve to strengthen the SIP.

A. 3745–23–01 Definitions

This rule contains the applicable definitions and referenced material for OAC Chapter 3745–23. The rule is being