

economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the bridge may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

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 rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

#### C. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

#### D. Federalism and Indian Tribal Government

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 Management Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning Policy COMDTINST 5090.1 (series) which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f). The Coast Guard has 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 promulgates the operating regulations or procedures for drawbridges and is categorically excluded from further review, under paragraph L49, of Chapter 3, Table 3–1 of the U.S. Coast Guard Environmental Planning Implementation Procedures.

Neither a Record of Environmental Consideration nor a Memorandum for the Record are required for this rule.

#### List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

- 1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 33 CFR 1.05–1; and DHS Delegation No. 00170.1, Revision No. 01.3.

- 2. Amend § 117.261 by:
  - a. Adding paragraph (p); and
  - b. Staying paragraph (q).

The addition reads as follows:

#### § 117.261 Atlantic Intracoastal Waterway from St. Marys River to Key Largo.

\* \* \* \* \*

(p) *Indiantown Road Bridge, mile 1006.2, at Jupiter.* The draw shall open on the hour and half hour except that

the draw need not open daily from 7 to 9 a.m. and 4 to 6 p.m.

\* \* \* \* \*

Dated: January 27, 2024.

**Douglas M. Schofield,**

*Rear Admiral, U.S. Coast Guard, Commander, Coast Guard Seventh District.*

[FR Doc. 2024–02084 Filed 2–1–24; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG–2024–0124]

#### Safety Zone; Military Ocean Terminal Concord Safety Zone, Suisun Bay, Concord, CA

**AGENCY:** Coast Guard, Department of Homeland Security (DHS).

**ACTION:** Notification of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce a safety zone in the navigable waters of Suisun Bay, off Concord, CA, in support of explosive handling operations at Military Ocean Terminal Concord, CA (MOTCO), on February 2, 2024, through February 9, 2024. This safety zone is necessary to protect personnel, vessels, and the marine environment from potential explosion within the explosive arc. The safety zone is open to all persons and vessels for transitory use, but vessel operators desiring to anchor or otherwise loiter within the safety zone must obtain permission of the Captain of the Port (COTP) San Francisco or a designated representative.

**DATES:** The regulations in 33 CFR 165.1198 will be enforced from 12:01 a.m. on February 2, 2024, until 11:59 p.m. on February 9, 2024.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notification of enforcement, call or email LT William Harris, U.S. Coast Guard Sector San Francisco, Waterways Management Division, at telephone 415–399–7443, email [SFWaterways@uscg.mil](mailto:SFWaterways@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the safety zone in 33 CFR 165.1198 for the Military Ocean Terminal Concord, CA (MOTCO), regulated area from 12:01 a.m. on February 2, 2024, until 11:59 p.m. on February 9, 2024, or as announced via marine information bulletin. This safety zone is necessary to protect personnel,

vessels, and the marine environment from potential explosion within the explosive arc. The regulation for this safety zone, § 165.1198, specifies the location of the safety zone which encompasses the navigable waters in the area between 500 yards of MOTCO Pier in position 38°03'30" N, 122°01'14" W and 3,000 yards of the pier. During the enforcement period, as reflected in § 165.1198(d), if you are the operator of a vessel in the regulated area you must comply with the instruction of the COTP or the designated on-scene patrol personnel. Vessel operators desiring to anchor or otherwise loiter within the safety zone must contact Sector San Francisco Vessel Traffic Service at 415-556-2760 or VHF Channel 14 to obtain permission.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via marine information broadcasts.

Dated: January 29, 2024.

**Taylor Q. Lam,**

*Captain, U.S. Coast Guard, Captain of the Port San Francisco.*

[FR Doc. 2024-02127 Filed 2-1-24; 8:45 am]

BILLING CODE 9110-04-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R04-OAR-2021-0367; FRL-11573-02-R4]

### Air Plan Approval; Alabama; Birmingham Limited Maintenance Plan for the 2006 24-Hour PM<sub>2.5</sub> NAAQS

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is finalizing the approval of a State Implementation Plan (SIP) revision submitted by the State of Alabama, through the Alabama Department of Environmental Management (ADEM), via a letter dated February 2, 2021. The SIP revision includes the 2006 24-hour fine particulate matter (PM<sub>2.5</sub>) national ambient air quality standards (NAAQS) Limited Maintenance Plan (LMP) for the Birmingham, Alabama maintenance area (Birmingham Area or Area). The Birmingham 2006 24-hour PM<sub>2.5</sub> maintenance area is comprised of Jefferson County, Shelby County, and a portion of Walker County. EPA is approving the Birmingham Area LMP because it provides for the maintenance

of the 2006 24-hour PM<sub>2.5</sub> NAAQS within the Birmingham Area through the end of the second 10-year portion of the maintenance period. The effect of this action would be to make certain commitments related to maintenance of the 2006 24-hour PM<sub>2.5</sub> NAAQS in Birmingham federally enforceable as part of the Alabama SIP. EPA is also notifying the public of the status of EPA's adequacy determination, consistent with the requirements in the transportation conformity rule, for this LMP.

**DATES:** This rule is effective March 4, 2024.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-R04-OAR-2021-0367. 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 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:

Dianna Myers, 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) 562-9207. Ms. Myers can also be reached via electronic mail at [myers.dianna@epa.gov](mailto:myers.dianna@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

In accordance with the Clean Air Act (CAA or Act), EPA is approving the Birmingham LMP for the 2006 24-hour PM<sub>2.5</sub> NAAQS, adopted by ADEM on February 2, 2021, and submitted by ADEM as a revision to the Alabama SIP

under a cover letter with the same date.<sup>1</sup> On November 13, 2009, EPA promulgated designations for the 2006 24-hour PM<sub>2.5</sub> NAAQS, designating the Birmingham Area, which includes Jefferson County, Shelby County, and a portion of Walker County, as nonattainment for the 2006 24-hour PM<sub>2.5</sub> NAAQS based upon air quality data for calendar years 2006 through 2008. *See* 74 FR 58688. Subsequently, on January 25, 2013, EPA approved the Birmingham Area's maintenance plan and the State's request to redesignate the Birmingham Area to attainment for the 2006 24-hour PM<sub>2.5</sub> NAAQS. *See* 78 FR 5306.

The Birmingham LMP for the 2006 24-hour PM<sub>2.5</sub> NAAQS is designed to maintain the 2006 24-hour PM<sub>2.5</sub> NAAQS within Birmingham through the end of the second 10-year portion of the maintenance period beyond redesignation or 2034. EPA is approving the plan because it meets all applicable requirements under CAA sections 110 and 175A. As a general matter, the Birmingham LMP for the 2006 24-hour PM<sub>2.5</sub> NAAQS relies on the same control measures and similar contingency provisions to maintain the 2006 24-hour PM<sub>2.5</sub> NAAQS during the second 10-year portion of the maintenance period as the maintenance plan submitted by ADEM for the first 10-year period.

In a notice of proposed rulemaking (NPRM) published on December 13, 2023 (88 FR 86303), EPA proposed to approve the Birmingham LMP because the State made a showing, consistent with EPA's LMP guidance, that the Birmingham Area's PM<sub>2.5</sub> concentrations are well below the 2006 24-hour PM<sub>2.5</sub> NAAQS, have been historically stable, and that it has met all other maintenance plan requirements. The details of Alabama's submission and the rationale for EPA's action are explained further in the December 13, 2023, NPRM. Comments on the December 13, 2023, NPRM were due on or before January 12, 2024. No comments were received on the NPRM, adverse or otherwise.

##### II. Final Action

In accordance with sections 110(k) and 175A of the CAA, and for the reasons set forth above and in the NPRM, EPA is finalizing its approval of the Birmingham Area LMP for the 2006 24-hour PM<sub>2.5</sub> NAAQS, submitted by ADEM on February 2, 2021, as a revision to the Alabama SIP. EPA is finalizing the approval of the Birmingham Area LMP because it

<sup>1</sup> EPA notes the Agency received the submittal on February 17, 2021.