

**List of Subjects****33 CFR Part 3**

Organizations and functions  
(Government agencies).

**33 CFR Parts 100 and 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 parts 3, 100, and 165 as follows:

**PART 3—COAST GUARD AREAS, DISTRICTS, SECTORS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT ZONES**

- 1. The authority citation for part 3 continues to read as follows:

**Authority:** 14 U.S.C. 501, 504; Public Law 107–296, 116 Stat. 2135; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

- 2. Revise § 3.45–10 to read as follows:

**§ 3.45–10 Sector Eastern Great Lakes Marine Inspection Zone and Captain of the Port Zone.**

Sector Eastern Great Lakes' office is located in Buffalo, New York. The boundaries of Sector Eastern Great Lakes' Marine Inspection Zone and Captain of the Port Zone include all navigable waters of the United States and contiguous land areas within the boundaries of an area starting from a point on the international boundary in Lake Erie at latitude 42°19'24" N, longitude 80°31'10" W, proceeding southwest along the international boundary to a point at latitude 41°40'36" N, longitude 82°25'00" W; thence south to latitude 41°00'00" N; thence east to longitude 78°54'58" W; thence north to latitude 42°00'00" N; thence east to the east bank of the Delaware River at latitude 42°00'00" N, longitude 75°21'28" W; thence east to longitude 74°39'00" W; thence north to the international boundary at a point at latitude 44°59'58" N, longitude 74°39'00" W; thence southeast along the international boundary to the starting point.

**PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS**

- 3. The authority citation for part 100 continues to read as follows:

**Authority:** 46 U.S.C. 70041; 33 CFR 1.05–1.

**§ 100.901 [Amended]**

- 4. In § 100.901, remove "Sector Buffalo, NY" from table 1 and add, in

its place, "Sector Eastern Great Lakes, NY".

**PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS**

- 5. 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.

**§ 165.911 [Amended]**

- 6. In § 165.911, remove the word "Buffalo" and add, in its place, the words "Eastern Great Lakes".

**§ 165.939 [Amended]**

- 7. In § 165.939, remove the words "Port Buffalo" and add, in its place, the words "Port Eastern Great Lakes".

Dated: December 15, 2023.

**Michael T. Cunningham,**  
*Chief, Office of Regulations and Administrative Law.*

[FR Doc. 2023–27943 Filed 12–19–23; 8:45 am]

**BILLING CODE 9110–04–P**

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 165**

[Docket Number USCG–2023–0965]

**RIN 1625–AA00**

**Safety Zone; Laguna de Lobina, Culebra, Puerto Rico**

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

**ACTION:** Temporary interim rule and request for comments.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for navigable waters of Laguna de Lobina within a 50-yard radius of Culebra Bridge due to structural damage to the bridge. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by the damaged bridge. Entry of persons and vessels from into the safety zone is prohibited unless specifically authorized by the Captain of the Port San Juan or a designated representative.

**DATES:** This temporary interim rule is effective without actual notice from December 20, 2023, through February 12, 2024. For the purposes of enforcement, actual notice will be used from December 14, 2023, until December 20, 2023.

Comments and related material must reach the Coast Guard on or before January 19, 2024.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2023–0965 in the search box and click "Search." Next, in the Document Type column, select "Supporting & Related Material." See section VI of the **SUPPLEMENTARY INFORMATION** for information on public participation and request for comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this rule, call or email Lieutenant Commander Carlos M. Ortega-Perez, Sector San Juan Waterways Management Division, U.S. Coast Guard; telephone 787–729–2380, email [Carlos.M.Ortega-Perez@uscg.mil](mailto:Carlos.M.Ortega-Perez@uscg.mil).

**SUPPLEMENTARY INFORMATION:****I. Table of Abbreviations**

CFR Code of Federal Regulations  
DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of proposed rulemaking  
§ Section  
U.S.C. United States Code

**II. Background Information and Regulatory History**

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because structural damaged is causing the potential collapse of the Culebra Bridge. Due to this situation the Culebra Bridge is temporary closed and immediate action is needed to respond to the potential safety hazards associated with the bridge structural condition. It is impracticable to publish an NPRM because we must establish this safety zone by December 14, 2023. Therefore, we lack sufficient time to provide a reasonable comment period and then to consider those comments before issuing the rule.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable

because immediate action is needed to respond to the potential safety hazards associated with potential collapsing of the Culebra Bridge.

We are soliciting comments on this rulemaking. If we determine that changes to this rulemaking action are necessary, the Coast Guard will consider comments received in a subsequent temporary final rule.

### III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port Sector San Juan (COTP) has determined that potential hazards associated with potential collapsing of the Culebra Bridge starting December 14, 2023, will be a safety concern for anyone within a 50-yard radius of bridge. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the bridge is being closed.

### IV. Discussion of the Rule

This rule establishes a safety zone from December 14, 2023, while the bridge is closed due to structural damage. The safety zone will cover all navigable waters of the Laguna de Lobina within a 50-yard radius of the Culebra Bridge. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while the bridge is closed. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

### V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

#### A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This rule has not been designated a “significant regulatory action,” under section 3(f) of Executive Order 12866, as amended by Executive Order 14094 (Modernizing Regulatory Review). Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on: (1) The safety of personnel, vessels, and the marine environment

from potential hazards created by potential collapsing the bridge; (2) although persons and vessels may not enter, transit through, anchor in, or remain within the safety zone without authorization from the COTP or a designated representative they may operate in the surrounding area during the enforcement period.

#### B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety zone 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 call or email 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 will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

#### D. Federalism and Indian Tribal Governments

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 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 a safety zone that will prohibit entry within 50-yard radius of the Culebra Bridge. It is categorically excluded from further review under paragraph L60(d) 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 the docket, see the **ADDRESSES** section of this preamble. We

seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

#### 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.

#### VI. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

**Submitting comments.** We encourage you to submit comments through the Federal Decision-Making Portal at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG–2023–0965 in the search box and click “Search.” Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using <https://www.regulations.gov>, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this rule for alternate instructions.

**Viewing material in docket.** To view documents mentioned in this rule as being available in the docket, find the docket as described in the previous paragraph, and then select “Supporting & Related Material” in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the <https://www.regulations.gov>. Frequently Asked Questions web page. Also, if you click on the Dockets tab and then the rule, you should see a “Subscribe” option for email alerts. The option will notify you when comments are posted, or a final rule is published.

We review all comments received, but we will only post comments that address the topic of the rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

**Personal information.** We accept anonymous comments. Comments we

post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

#### 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.T07–0965 to read as follows:

#### § 165.T07–0965 Safety Zone; Culebra Bridge, Puerto Rico.

(a) **Location.** All waters of Laguna de Lobina and Ensenada Honda, from surface to bottom, encompassed by 50-yard radius from Culebra Bridge located at 18°18′07″ N 65°17′59″ W.

(b) **Definitions.** As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port San Juan (COTP) in the enforcement of the safety zone.

(c) **Regulations.** (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP’s designated representative.

(2) To seek permission to enter, contact the COTP or the COTP’s representative by telephone at (787) 289–2041, or a designated representative via VHF–FM radio on channel 16 to request authorization. If authorization is granted, all persons and vessels receiving such authorization must comply with the instructions of the COTP San Juan or a designated representative. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP’s designated representative.

(3) The Coast Guard will provide notice of the regulated area by Local Notice to Mariners, Broadcast Notice to

Mariners via VHF–FM channel 16, or the COTP’s designated representative

(d) **Enforcement period.** This section will be enforced from December 14, 2023, until February 12, 2024.

José E. Díaz,

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

[FR Doc. 2023–28001 Filed 12–19–23; 8:45 am]

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#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA–R02–OAR–2023–0252; FRL–11034–03–R2]

#### Approval of Air Quality Implementation Plans; New Jersey; Exemptions To Improve Resiliency, Air Toxics Thresholds, PM<sub>2.5</sub> and Ammonia Emission Statement Reporting, and PM<sub>2.5</sub> in Air Permitting; Correction

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule; correction.

**SUMMARY:** The Environmental Protection Agency (EPA) is correcting a final rule that appeared in the **Federal Register** on November 28, 2023. The document issues a final rule approving adoptions, repeals, and amendments to the New Jersey State Implementation Plan (SIP), submitted by the New Jersey Department of Environmental Protection (NJDEP) on December 17, 2017, and August 23, 2018, that concern exemptions to improve resiliency during emergency situations, updates to hazardous air pollutant (HAP) reporting thresholds, updates to the certification and submission of emission statements, the addition of Federal New Source Review (NSR) requirements for fine particles (PM<sub>2.5</sub>), and conform administrative penalties to the approved rules and correct inconsistencies throughout the State’s SIP. This correction addresses errors in the amendatory instructions published on November 28, 2023.

**DATES:** This rule is effective on December 28, 2023.

**FOR FURTHER INFORMATION CONTACT:** Nicholas Ferreira, Air Programs Branch, Environmental Protection Agency, Region 2, 290 Broadway, 25th Floor, New York, New York 10007–1866, (212) 637–3127, or by email at [ferreira.nicholas@epa.gov](mailto:ferreira.nicholas@epa.gov).

**SUPPLEMENTARY INFORMATION:** In FR Doc. 2023–26022, appearing at 88 FR 83036 in the **Federal Register** of Tuesday,