

zone may request permission from the Captain of Port Buffalo via Channel 16, VHF-FM. Vessels and persons granted permission to enter the safety zone shall obey the directions of the Captain of the Port Buffalo or a designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

This notice of enforcement is issued under authority of 33 CFR 165.939 and 5 U.S.C. 552(a). In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via Broadcast Notice to Mariners or Local Notice to Mariners. If the Captain of the Port Buffalo determines that the safety zone need not be enforced for the full duration stated in this notice he may use a Broadcast Notice to Mariners to grant general permission to enter the respective safety zone.

Dated: June 9, 2022.

**M.I. Kuperman,**

*Captain, U.S. Coast Guard, Captain of the Port Buffalo.*

[FR Doc. 2022-12960 Filed 6-15-22; 8:45 am]

BILLING CODE 9110-04-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R09-OAR-2021-0799; FRL-9246-02-R9]

### Air Plan Approval; California; San Joaquin Valley Unified Air Pollution Control District; Open Burning

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to approve a revision to the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD or the “District”) portion of the California State Implementation Plan (SIP). This revision concerns emissions of oxides of nitrogen (NO<sub>x</sub>) and particulate matter (PM) from agricultural open burning. We are approving additional local restrictions on such burning under the Clean Air Act (CAA or the Act).

**DATES:** This rule is effective July 18, 2022.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R09-OAR-2021-0799. 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 disabilities 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:

Kevin Gong, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 972-3073 or by email at [gong.kevin@epa.gov](mailto:gong.kevin@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document, “we,” “us” and “our” refer to the EPA.

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### I. Proposed Action

On November 29, 2021, CARB submitted a document entitled “Proposed District Rule 4103 (Open Burning) Technical Submittal for Receiving SIP Credit for Reductions in Agricultural Burning,” dated November 18, 2021 (the “2021 Technical Submittal”), to the EPA for inclusion in the California SIP. The 2021 Technical Submittal includes a document called the “Supplemental Report and Recommendations on Agricultural Burning” (“2021 Supplemental Report”). Table 2-1 of the 2021 Supplemental Report, “Accelerated Reductions by Crop Category” includes an updated schedule of prohibitions (“2021 Schedule”). On December 23, 2021 (86 FR 72906), the EPA proposed to approve the 2021 Schedule and the following additional materials supporting the 2021 Schedule: Resolution 21-06-12 by the SJVUAPCD Governing Board dated June 17, 2021, Resolution 21-4 by the California Air Resources Board (CARB) dated February 25, 2021, and a letter from the CARB Executive Officer to the SJVUAPCD dated June 18, 2021.

We proposed to approve this SIP revision because we determined that it

complied with the relevant CAA requirements. Our proposed action contains more information on the SIP revision and our evaluation.

### II. Public Comments and EPA Responses

The EPA’s proposed action provided a 30-day public comment period. During this period, we received two comments. The first comment was from a member of the public concerning the use of open burning to process dead and dying trees for methane reduction and to generate renewable energy. This comment appears to concern biomass plants, which are not regulated under SJVUAPCD Rule 4103. Furthermore, aside from orchard waste, wood waste resulting from dead and dying trees is not subject to the requirements of SJVUAPCD Rule 4103. As such, we do not consider this comment to be relevant to our rulemaking.

The second comment was from the SJVUAPCD concerning the EPA’s statement in our technical support document to the proposed rule, where we discussed a prospective rule effectiveness (RE) value of 80% for use in calculations for expected emission reductions for this SIP revision. This comment is not relevant to the approvability of the Technical Submittal, as we are not making any final determinations of creditable RE for the 2021 agricultural burning prohibition SIP revision in this rulemaking. Therefore, we intend to address this comment in the context of any future action(s) that rely on emissions reductions associated with this measure.

### III. EPA Action

No comments were submitted that change our assessment of the SIP revision as described in our proposed action. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is fully approving the following materials from the 2021 Technical Submittal into the SIP: Table 2-1 “Accelerated Reductions by Crop Category” of the “Supplemental Report and Recommendations on Agricultural Burning” and Resolution 21-06-12, which were adopted by the SJVUAPCD Board on June 17, 2021; Resolution 21-4 “San Joaquin Valley Agricultural Burning Assessment” adopted by CARB on February 25, 2021; and the letter dated June 18, 2021 from Richard W. Corey, Executive Officer, CARB, to Samir Sheikh, Executive Director, SJVUAPCD, concurring on the 2021 Supplemental Report.

#### IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the SIP revision from the SJVUAPCD described in Section III of this preamble and set forth below in the amendments to 40 CFR part 52. The SJVUAPCD provisions being incorporated by reference concern emissions of oxides of nitrogen (NO<sub>x</sub>) and particulate matter (PM) from agricultural open burning. The EPA has made, and will continue to make, these documents available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

#### 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 Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Act. Accordingly, 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 13563 (76 FR 3821, January 21, 2011);
- 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 an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• 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 Clean Air Act; and

• Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 15, 2022. 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.

Dated: June 3, 2022.

**Martha Guzman Aceves,**

*Regional Administrator, Region IX.*

For the reasons stated in the preamble, the Environmental Protection Agency amends Part 52, chapter I, title 40 of the Code of Federal Regulations 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 F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(388)(i)(B)(9), (10) and (11) and and (c)(572) to read as follows:

#### § 52.220 Identification of plan-in part.

\* \* \* \* \*

(c) \* \* \*  
(388) \* \* \*  
(i) \* \* \*  
(B) \* \* \*

(9) Previously approved on January 4, 2012, in paragraph (c)(338)(i)(B)(3) of this section and now deleted with replacement in paragraph (c)(572)(i)(A)(1) of this section, Table 9–1, Revised Proposed Staff Report and Recommendations on Agricultural Burning, approved on May 20, 2010.

(10) Previously approved on January 4, 2012, in paragraph (c)(338)(i)(B)(4) of this section and now deleted with replacement in paragraph (c)(572)(i)(A)(2) of this section, San Joaquin Valley Air Pollution Control District, Resolution No. 10–05–22, adopted on May 20, 2010.

(11) Previously approved on January 4, 2012, in paragraph (c)(338)(i)(B)(5) of this section and now deleted with replacement in paragraphs (c)(572)(i)(B)(1) and (2) of this section, California Air Resources Board, Resolution 10–24, adopted on May 27, 2010.

\* \* \* \* \*

(572) Amended enforceable requirements for the following APCD were submitted on November 29, 2021, by the Governor's designee as an attachment to a letter dated November 24, 2021.

(i) Incorporation by reference.

(A) San Joaquin Valley Unified Air Pollution Control District.

(1) Table 2–1, “Accelerated Reductions by Crop Category” of the

Supplemental Report and Recommendations on Agricultural Burning, adopted on June 17, 2021.

(2) San Joaquin Valley Unified Air Pollution Control District Governing Board Resolution 21–06–12 “Approve Supplemental Report and Recommendations on Agricultural Burning,” adopted June 17, 2021.

(B) California Air Resources Board.

(1) Resolution 21–4 “San Joaquin Valley Agricultural Burning Assessment,” adopted on February 25, 2021.

(2) Letter dated June 18, 2021, from Richard W. Corey, Executive Officer, CARB, to Samir Sheikh, Executive Director, SJVUAPCD, concurring on the SJVUAPCD Supplemental Report and Recommendations on Agricultural Burning, approved June 17, 2021.

(ii) [Reserved]

[FR Doc. 2022–12387 Filed 6–15–22; 8:45 am]

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## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### National Endowment for the Humanities

#### 45 CFR Part 1170

#### Nondiscrimination on the Basis of Disability in Federally Assisted Programs or Activities

**AGENCY:** National Endowment for the Humanities; National Foundation on the Arts and the Humanities.

**ACTION:** Notification of interpretation.

**SUMMARY:** The National Endowment for the Humanities (NEH) provides notice of its interpretation of Section 504 of the Rehabilitation Act of 1973 and NEH’s implementing regulations, which prohibit discrimination on the basis of disability in federally assisted programs and activities. (In order to reflect currently accepted terminology, this notice uses the term “disability” rather than “handicap,” which appears in NEH’s Section 504 regulations. There is no substantive legal difference between the two terms for purposes of this notice.) This document clarifies that NEH interprets its Section 504 rule to permit recipients of Federal financial assistance from NEH who engage in the design, construction, or alteration of facilities to use the 2010 ADA Standards for Accessible Design (2010 Standards) in lieu of the Uniform Federal Accessibility Standards (UFAS). This notice does not require recipients to use the 2010 Standards.

**DATES:** This interpretation is effective June 16, 2022.

#### FOR FURTHER INFORMATION CONTACT:

Elizabeth Voyatzis, Deputy General Counsel, Office of the General Counsel, National Endowment for the Humanities, 400 7th Street SW, Room 4060, Washington, DC 20506; (202) 606–8322; [gencounsel@neh.gov](mailto:gencounsel@neh.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Section 504 of the Rehabilitation Act of 1973 (Section 504)<sup>1</sup> prohibits, among other things, discrimination on the basis of disability in federally assisted programs or activities. NEH adopted a rule, codified at 45 CFR part 1170, to implement this prohibition for each recipient of Federal financial assistance from NEH and each program or activity that receives such assistance (the Section 504 rule).

Section 1170.33(a) of the Section 504 rule imposes a requirement with respect to the design and construction of facilities. New facilities must be designed and constructed to be readily accessible to and usable by handicapped persons. Alterations to existing facilities must, to the maximum extent feasible, be designed and constructed to be readily accessible to and usable by handicapped persons.

Section 1170.33(b)(1) of the Section 504 rule provides further that, effective as of January 18, 1991, NEH shall deem the design, construction, or alteration of buildings in conformance with sections 3–8 of the Uniform Federal Accessibility Standards (UFAS)<sup>2</sup> to comply with § 1170.33(a).<sup>3</sup>

On September 15, 2010, the Department of Justice adopted new accessibility standards under the Americans with Disabilities Act of 1990 (ADA) for the design, construction, and alteration of state and local government facilities, places of public accommodation, and commercial facilities, called the 2010 ADA Standards for Accessible Design (the 2010 Standards).<sup>4</sup> Covered entities under the ADA must comply with the 2010 Standards for new construction or alterations that commence on or after March 15, 2012.<sup>5</sup>

NEH routinely provides Federal financial assistance to state and local

governments and entities that operate places of public accommodation and/or commercial facilities, within the meaning of the Americans with Disabilities Act of 1990, to support the design, construction, or alteration of facilities. In those cases, the recipient of Federal financial assistance must comply with the 2010 Standards pursuant to the ADA, but must also comply with UFAS to gain the benefit of the provisions of § 1170.33(b)(1) of the Section 504 rule. These duplicative requirements impose an unnecessary administrative burden on recipients without providing any benefit to individuals with disabilities.

In March 2011, pursuant to its authority to coordinate the implementation and enforcement of Section 504,<sup>6</sup> the Department of Justice advised Federal agencies that, until such time as they update their regulations implementing the Federally assisted provisions of Section 504, they may issue guidance to covered entities that permits them to use the 2010 Standards as an acceptable alternative to UFAS for new construction and alterations.<sup>7</sup>

##### II. Notice of Interpretation

Consistent with the foregoing guidance, this notification clarifies that NEH deems compliance with the 2010 Standards to be an acceptable means of complying with the accessibility requirements for new construction and alterations set forth in the Section 504 rule. Specifically, NEH interprets the requirement of § 1170.33(a) of the Section 504 rule, that covered facilities shall be “designed and constructed to be readily accessible to and usable by handicapped persons,” to permit the design, construction, or alteration of buildings in conformance with the 2010 Standards. Once a covered entity selects an applicable accessibility standard for new construction or alterations under Section 504, that standard must be applied to the entire facility.

Nothing in this document requires the design, construction, or alteration of buildings to conform with the 2010 Standards or alters NEH’s interpretation of § 1170.33(b).

<sup>1</sup> 29 U.S.C. 794.

<sup>2</sup> 41 CFR Appendix A to Subpart 101–19.6 (2001), available at <https://www.govinfo.gov/app/details/CFR-2001-title41-vol2/CFR-2001-title41-vol2-part101-id389-subpart101-id424-appA>.

<sup>3</sup> 45 CFR 1170.33(a).

<sup>4</sup> 75 FR 56236; 75 FR 56163.

<sup>5</sup> 28 CFR 35.151(c)(3), 36.406(a)(3).

<sup>6</sup> Executive Order 12250.

<sup>7</sup> Memorandum from Thomas E. Perez, Assistant Attorney General, Division of Civil Rights, Department of Justice, to Federal Agency Civil Rights Directors and General Counsels (March 29, 2011), available at <https://www.justice.gov/file/1464186/download> (the 2011 Memorandum).