

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 New York (COTP) in the enforcement of this section.

Dated: April 14, 2022.

**M. Sennick,**

*Captain, U.S. Coast Guard, Captain of the Port New York.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG–2022–0245]

RIN 1625–AA00

#### Safety Zone; International Special Operations Exercise, Seddon Channel, Tampa, FL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the waters of Seddon Channel in Tampa Bay, in Tampa, Florida, during the International Special Operations Exercise. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by airborne and waterborne activities occurring during the exercise. Persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port (COTP) St. Petersburg or a designated representative.

**DATES:** This rule is effective from 12 p.m. until 3 p.m., on May 17, 2022, through May 18, 2022.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2022–0245 in the search box and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Marine Science Technician Second Class Regina L. Cuevas, Sector St. Petersburg Prevention Department, Coast Guard; telephone (813) 228–2191, email [Regina.L.Cuevas@uscg.mil](mailto:Regina.L.Cuevas@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 it is impracticable and contrary to the public interest to do so. The primary justification for this action is that the Coast Guard was given short notice from the event sponsor leaving insufficient time to publish an NPRM and to receive public comments prior to the exercise. We must establish a safety zone by May 17, 2022, to protect the public from hazards associated with the International Special Operations Exercise.

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 and contrary to the public interest because immediate action is needed to respond to the potential dangers to the public during the exercise.

### 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 St. Petersburg (COTP) has determined that potential hazards associated with the exercise will be a safety concern for anyone within the exercise area. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone during the exercise.

### IV. Discussion of the Rule

This rule establishes a safety zone on certain navigable waters of the Seddon Channel from 12 p.m. until 3 p.m., on May 17, 2022 through May 18, 2022. The safety zone will cover an area of the Seddon Channel located in the vicinity

of the Tampa Convention Center in Tampa, Florida. The International Special Operations Exercise is expected to consist of multiple airborne and waterborne activities including: Persons fast-roping and jumping out of helicopters, high-speed boat pursuits, amphibious vehicles operations, and blank ammunition use.

The duration of the zone is intended to ensure the safety of the participants, spectators, and the general public during the scheduled events. No vessel or person, not involved in the events, will be permitted to enter, transit through, anchor in or remain within the safety zone without obtaining permission from the COTP or a designated representative. If authorization to enter, transit through, anchor in, or remain within the safety zone is granted by the COTP or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of 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 Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the following reasons: (1) The safety zone only being enforced for a total of six hours over two days; (2) although persons and vessels may not enter, transit through, anchor in, or remain within the zone without authorization from the COTP or a designated representative, they may operate in the surrounding area during the enforcement period; (3) persons and vessels may still enter, transit through, anchor in, or remain within the areas during the enforcement period if authorized by the COTP or a designated representative.

### 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 temporary safety zone that will prohibit non-participant persons and vessels from entering, transiting through, anchoring in, or remaining within a limited area on the waters of the Seddon Channel in the vicinity of Tampa, Florida. 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 where indicated under **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 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; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; and Department of Homeland Security Delegation No. 00170.1, Revision No. 01.2.

■ 2. Add § 165.T07–0351 to read as follows:

#### § 165.T07–0351 Safety Zone; International Special Operations Exercise, Seddon Channel, Tampa, FL.

(a) *Location.* The following regulated area is a safety zone: All waters of Seddon Channel within the following area: North of 27°56′15″ N, 082°27′19″ W and 27°56′14″ N, 082°27′25″ W; northeast of 27°56′22″ N, 082°27′16″ W and 27°56′25″ N, 082°27′17″ W; south of 27°56′30″ N, 082°27′29″ W and 27°56′29″ N, 082°27′33″ W (Platt St. Bridge); west of 27°56′23″ N, 082°27′32″ W and 27°56′25″ N, 082°27′35″ W (South Harbor Island Blvd. Bridge). All coordinates are North American Datum 1983.

(b) *Definition.* The term “designated representative” means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port (COTP) St. Petersburg in the enforcement of the regulated area.

(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, unless you are an authorized participant in the event.

(2) To seek permission to enter, transit through, anchor in or remain within the safety zone contact the COTP St. Petersburg by telephone at (727) 824–7506 or the COTP’s representative via VHF–FM radio on channel 16. 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.

(d) *Effective date.* This rule is effective from 12 p.m. until 3 p.m., on May 17, 2022, through May 18, 2022.

Dated: May 6, 2022.

**Matthew A. Thompson,**

*Captain, U.S. Coast Guard, Captain of the Port St. Petersburg.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 50 and 51

[EPA–HQ–OAR–2022–0313; FRL–9812–01–OAR]

#### Identifying Additional Areas Subject to Mitigation Plan Requirements Under the 2016 Exceptional Events Rule: Notice of Availability

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

**ACTION:** Notification of availability.

**SUMMARY:** Notification is hereby given that the Environmental Protection Agency (EPA) has finalized a list of additional areas subject to the mitigation plan requirements found in the 2016 Exceptional Events Rule. This list is included within this document and is available on the Agency's website and in the electronic docket for this action. The EPA is separately notifying states with areas newly subject to these requirements. These notification letters are also available on the Agency's website and in the electronic docket for this action.

**DATES:** May 12, 2022.

**FOR FURTHER INFORMATION CONTACT:** For general questions concerning this notice, please contact, Gobeail McKinley, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Policy Division, C539–04, Research Triangle Park, NC 27711, telephone (919) 541–5246, email at [mckinley.gobeail@epa.gov](mailto:mckinley.gobeail@epa.gov).

## SUPPLEMENTARY INFORMATION:

### 1. General Information

*Where can I get information related to this action?*

*Docket:* The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2022–0313. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information may not be publicly available, e.g., 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. Publicly available docket materials are available electronically through <https://www.regulations.gov>.

*Agency website:* A list of the additional areas subject to mitigation plans is found on the website that contains information related to exceptional events at: <https://www.epa.gov/air-quality-analysis/treatment-air-quality-data-influenced-exceptional-events-homepage-exceptional>.

### II. What is the purpose of this action?

In keeping with the EPA's mission to protect public health and consistent with the principles included at the Clean Air Act section 319(b)(3)(A), the 2016 Exceptional Events Rule (Rule) promulgated new regulations requiring states to develop mitigation plans for areas with historically documented or known seasonal exceptional events. Using air quality monitoring data contained within the Air Quality System (AQS) for the period January 1, 2013, through December 31, 2015, the EPA initially identified 29 areas required to submit mitigation plans within 2 years of the effective date of the Rule.<sup>1</sup>

Further, the 2016 Exceptional Events Rule states that as areas become subject to the mitigation plan requirements, the Administrator will notify the states in writing. However, the Rule did not establish a specific process for providing notice to states with areas

newly identified as being subject to mitigation plan requirements. This action establishes a process for providing that notice and fulfills our obligation to identify additional areas with recurring events of the same type and pollutant. Table 1 contains a list of the newly identified areas subject to mitigation requirements. Generally, areas subject to the mitigation requirements have experienced three events or three seasons of events of the same type and pollutant in a 3-year period. For purposes of this analysis and notification, the EPA evaluated rolling 3-year periods for January 1, 2016, through December 31, 2020. A detailed description of the process the EPA followed to identify these areas and a summary of required components of a mitigation plan are included in a background document placed in the docket for this rulemaking titled, "Additional Areas Subject to Mitigation Plan Requirements in 40 CFR 51.930(b)."

Within 2 years of being notified that they are subject to the mitigation plan provisions within the 2016 Exceptional Events Rule, air agencies responsible for ensuring air quality for the areas identified in Table 1 shall submit mitigation plans to the applicable EPA Regional Administrator. Consistent with the 2016 Exceptional Events Rule, after this 2-year timeframe, if an air agency has not submitted the required mitigation plan, the EPA will not concur with an air agency's request to exclude data that have been influenced by an event of the type that is the subject of a required mitigation plan. An air agency may submit a mitigation plan in advance of, or as part of, an exceptional events demonstration submission of the same event type and pollutant as the focus of the mitigation plan.

The discussion of the mitigation plan components is included in the preamble to the 2016 Exceptional Events Rule<sup>2</sup> and 40 CFR 51.930(b)(2) identifies the required components for each mitigation plan. A discussion of mitigation plan components is also included in the background document placed in the docket for this rulemaking.

TABLE 1—ADDITIONAL AREAS SUBJECT TO THE MITIGATION REQUIREMENTS IN 40 CFR 51.930(b) <sup>a</sup>

Pollutant	AQS flag <sup>b</sup>	AQS flag description	State	County/nonattainment area boundary
Ozone .....	RT .....	Wildfire-U.S .....	NV .....	Washoe.
Ozone .....	RT .....	Wildfire-U.S .....	CA .....	Tehama (Tuscan Buttes).
Ozone .....	RT .....	Wildfire-U.S .....	CA .....	Ventura.

<sup>1</sup> 81 FR 68272, Table 6—Areas Subject to the Mitigation Requirements in 40 CFR 51.930(b), October 3, 2016.

<sup>2</sup> 81 FR 68273, October 3, 2016.