

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, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.2.

■ 2. Add § 165.T13–0798 to read as follows:

#### **§ 165.T13–0798 Safety Zone; Hydroplane and Raceboat Museum Test Area, Lake Washington, WA.**

(a) *Location.* The following area is a safety zone: All navigable waters within 4000 yards of a line drawn from 47°34'31" N, 122°16'34" W, thence to position 47°34'02" N, 122°15'44" W, located on Lake Washington in the vicinity of the Stan Sayres Memorial Park and Boat Launch and the Adams Street Boat Ramp. These coordinates are based on World Geodetic System (WGS 84).

(b) *Definitions.* As used in this section, a *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 Sector Puget Sound (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 VHF 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.

Dated: October 19, 2021.

**P.M. Hilbert,**

*Captain, U.S. Coast Guard, Captain of the Port Sector Puget Sound.*

[FR Doc. 2021–23238 Filed 10–22–21; 8:45 am]

**BILLING CODE 9110–04–P**

#### **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Part 52**

[EPA–R10–OAR–2020–0649; FRL–8788–02–R10]

#### **Air Plan Approval; AK; Juneau, Mendenhall Valley Second 10-Year PM<sub>10</sub> Limited Maintenance Plan**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving the Juneau, Mendenhall Valley, Alaska (AK) limited maintenance plan (LMP) submitted on November 10, 2020, by the Alaska Department of Environmental Conservation (ADEC or “the State”). This plan addresses the second 10-year maintenance period after redesignation for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM<sub>10</sub>). The plan relies upon control measures contained in the first 10-year maintenance plan and the determination that the Mendenhall Valley area currently monitors PM<sub>10</sub> levels well below the PM<sub>10</sub> National Ambient Air Quality Standard (NAAQS or “the standard”). The EPA is approving Alaska’s LMP as meeting Clean Air Act (CAA) requirements.

**DATES:** This final rule is effective November 24, 2021.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA–R10–OAR–2020–0649. 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 or other information the disclosure of which 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 at <https://www.regulations.gov>, or please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

**FOR FURTHER INFORMATION CONTACT:** Christi Duboiski, EPA Region 10, 1200 Sixth Avenue (Suite 155), Seattle, WA 98101, at (360) 753–9081, or [duboiski.christi@epa.gov](mailto:duboiski.christi@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document wherever “we” or “our” is used, it refers to the EPA.

#### **I. Background**

On November 10, 2020, ADEC submitted to the EPA a second 10-year PM<sub>10</sub> LMP for Juneau, Mendenhall Valley for approval. The SIP revision, State effective November 7, 2020, fulfills the second 10-year planning requirement of CAA section 175A(b) to ensure PM<sub>10</sub> NAAQS compliance through 2033. The Mendenhall Valley area has been meeting the PM<sub>10</sub> standard for multiple years and was redesignated to attainment on July 8, 2013, with an approved 10-year PM<sub>10</sub> maintenance plan. The area currently monitors PM<sub>10</sub> levels well below the PM<sub>10</sub> NAAQS.

We proposed to approve the Juneau, Mendenhall Valley second 10-year LMP on August 11, 2021 (86 FR 43984). The reasons for our approval are included in that proposal and will not be restated here. The public comment period for our proposed action closed on September 10, 2021. We received no public comments. Therefore, we are finalizing our rulemaking as proposed.

#### **II. Final Action**

In this final action, the EPA is approving the State’s second 10-year LMP for the Juneau, Mendenhall Valley area, submitted on November 10, 2020, as satisfying the requirements of section 175A of the CAA.

#### **III. 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, the EPA’s role is to approve state choices, provided that they meet the criteria of the CAA. 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 CAA; 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).
- 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 it 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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 27, 2021. 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, Carbon monoxide, Incorporation by reference,

Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: October 18, 2021.

**Michelle L. Pirzadeh,**  
*Acting Regional Administrator, Region 10.*

For the reasons set forth in the preamble, 40 CFR part 52 is amended 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 C—Alaska**

- 2. In § 52.70, the table in paragraph (e) is amended by:
  - a. Adding entry “II.III.D.3.b. Mendenhall Valley Second 10-year PM<sub>10</sub> Limited Maintenance Plan” after the entry “II.III.D.3.a Mendenhall Valley PM<sub>10</sub> Limited Maintenance Plan”; and
  - b. Revising the entry “III.III.D.3. Control Plan for the Mendenhall Valley of Juneau”.

The addition and revision read as follows:

**§ 52.70 Identification of plan.**

\* \* \* \* \*  
(e) \* \* \*

**EPA-APPROVED ALASKA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES**

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanations
<b>State of Alaska Air Quality Control Plan: Volume II. Analysis of Problems, Control Actions</b>				
*	*	*	*	*
<b>Section III. Areawide Pollutant Control Program</b>				
II.III.D.3.b. Mendenhall Valley Second 10-year PM <sub>10</sub> Limited Maintenance Plan.	Mendenhall Valley .....	11/10/2020	10//25/2021, [INSERT <b>Federal Register</b> CITATION].	
*	*	*	*	*
<b>State of Alaska Air Quality Control Plan: Volume III. Appendices</b>				
*	*	*	*	*
<b>Section III. Areawide Pollutant Control Program</b>				
III.III.D.3. Control Plan for the Mendenhall Valley of Juneau.	Mendenhall Valley .....	11/10/2020	10//25/2021, [INSERT <b>Federal Register</b> CITATION].	

## EPA-APPROVED ALASKA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanations
<p>[FR Doc. 2021–23040 Filed 10–22–21; 8:45 am] BILLING CODE 6560–50–P</p>	<p>Administrative Procedure Act, 5 U.S.C. 551 <i>et seq.</i> In accordance with E.O. 13992, the NEA is issuing this rule, which rescinds the rule published at 85 FR 53186.</p>			<p>unless the agency meets the consultation and funding requirements of section 6 of the Executive order. This rule does not have any federalism implications, as described above.</p>
<p><b>NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES</b></p>	<p><b>2. Compliance</b></p>			<p><i>Congressional Review Act</i></p>
<p><b>National Endowment for the Arts</b></p>	<p><i>Administrative Procedure Act</i></p>			<p>This action pertains to agency management, personnel, and organization and does not substantially affect the rights or obligations of nonagency parties and, accordingly, is not a “rule” as that term is used by the Congressional Review Act (Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA)). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply. However, for each final guidance document issued pursuant to these regulations and adopted by the NEA, it will submit appropriate reports to Congress and the Government Accountability Office (GAO) and comply with the procedures specified by 5 U.S.C. 801.</p>
<p><b>45 CFR Part 1157</b></p>	<p>This rule incorporates requirements of E.O. 13992 and the NEA’s existing internal policy and procedures into the CFR. Therefore, in accordance with 5 U.S.C. 553, there is good cause for this rule of Agency organization, procedure, or practice, to be enacted without notice and comment. See 5 U.S.C. 553(b)(A).</p>			<p><b>List of Subjects in 45 CFR Part 1157</b></p>
<p><b>RIN 3135–AA35</b></p>	<p><i>Executive Order 12866</i></p>			<p>Administrative practice and procedure.</p>
<p><b>Procedures for Guidance Documents</b></p>	<p>This rule is an internal rule of agency procedure and is not a significant regulatory action under Executive Order 12866.</p>			<p><b>PART 1157—[REMOVED AND RESERVED]</b></p>
<p><b>AGENCY:</b> National Endowment for the Arts, National Foundation on the Arts and the Humanities.</p>	<p><i>Regulatory Flexibility Act</i></p>			<p>■ For reasons set forth in the preamble, and under the authority of 20 U.S.C. 959, the NEA removes and reserves 45 CFR part 1157.</p>
<p><b>ACTION:</b> Final rule; removal of regulations.</p>	<p>As required by the Regulatory Flexibility Act of 1980 (5 U.S.C. 605 (b)), the NEA certifies that this rule, if adopted, will not have a significant economic impact on a substantial number of small entities.</p>			<p>Dated: October 19, 2021.</p>
<p><b>SUMMARY:</b> This document rescinds the National Endowment for the Arts’ rule relating to the issuance of guidance documents.</p>	<p><i>Unfunded Mandates</i></p>			<p><b>Meghan Jugder,</b> <i>Support Services Specialist, Office of Administrative Services &amp; Contracts, National Endowment for the Arts.</i></p>
<p><b>DATES:</b> This rule is effective on October 25, 2021.</p>	<p>For purposes of Title II of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–1538, as well as Executive Order 12875, this regulatory action does not contain any Federal mandate that may result in increased expenditures in either Federal, state, local, or tribal governments in the aggregate, or impose an annual burden exceeding \$100 million on the private sector.</p>			<p>[FR Doc. 2021–23135 Filed 10–22–21; 8:45 am] BILLING CODE 7537–01–P</p>
<p><b>FOR FURTHER INFORMATION CONTACT:</b> Daniel Fishman, Assistant General Counsel, National Endowment for the Arts, 400 7th Street SW, Washington, DC 20506; <i>fishmand@arts.gov</i>; 202–682–5418. Please reference RIN 3135–AA35 in your correspondence.</p>	<p><i>Paperwork Reduction Act</i></p>			<p><b>FEDERAL COMMUNICATIONS COMMISSION</b></p>
<p><b>SUPPLEMENTARY INFORMATION:</b></p>	<p>The rule does not contain any information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 <i>et seq.</i>).</p>			<p><b>47 CFR Part 90</b></p>
<p><b>1. Background</b></p>	<p><i>Executive Order 13132, Federalism</i></p>			<p>[ET Docket No. 19–138, FCC 20–164; FR ID 53921]</p>
<p>On August 28, 2020, the National Endowment for the Arts (NEA) published an interim final rule governing the issuance of guidance documents entitled “Processes and Procedures for Issuing Guidance Documents” (85 FR 53186). The rule implemented the directives set forth in Executive Order (E.O.) 13891 of October 9, 2019 (Promoting the Rule of Law Through Improved Agency Guidance Documents).</p>	<p>Executive Order 13132, Federalism, prohibits an agency from publishing any rule that has federalism implications if the rule imposes substantial direct compliance costs on state and local governments and is not required by statute, or the rule preempts state law,</p>			<p><b>Use of the 5.850–5.925 GHz Band</b></p>
<p>E.O. 13992 of January 20, 2021 (Revocation of Certain Executive Orders Concerning Federal Regulation), revokes E.O. 13891 and directs the heads of agencies to promptly take steps to rescind any orders, rules, regulations, guidelines, or policies, or portions thereof implementing or enforcing E.O. 13891, as appropriate and consistent with applicable law, including the</p>				<p><b>AGENCY:</b> Federal Communications Commission.</p>