

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.

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

- 2. Add § 165.T08–0149 to read as follows:

§ 165.T08–0149 Security Zone; Mississippi River, New Orleans, LA.

(a) *Location.* The following area is a security zone: All navigable waters of Mississippi River, New Orleans, LA, within 400 yards of the Left Descending Bank (LDB) of the Lower Mississippi River (LMR) between Mile Marker (MM) 94.5 and MM 96, Above Head of Passes (AHP), New Orleans, Louisiana.

(b) *Definitions.* As used in this section, a *designated representative* is a commissioned, warrant, or petty officer of the U.S. Coast Guard (USCG) assigned to units under the operational control of USCG Sector New Orleans.

(c) *Regulations.* (1) Under the general security zone regulations in subpart D of this part, you may not enter the security zone described in paragraph (a) of this section unless authorized by the Captain of the Port Sector New Orleans (COTP) or the COTP's designated representative.

(2) Vessel requiring entry into this regulated area must request permission from the COTP or a designated representative. They may be contacted on VHF–FM Channel 16 or 67 or by telephone at 504–365–2545.

(3) Persons and vessels permitted to enter this security zone must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative.

(d) *Enforcement period.* This section will be enforced from 7 a.m. to 7 p.m. on April 19, 2022, through April 21, 2022, and from 7 a.m. to noon on April 22, 2022.

(e) *Informational broadcasts.* The COTP or a designated representative

will inform the public of the enforcement times and date for this regulated area through Broadcast Notices to Mariners (BNMs), Local Notice to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs), as appropriate.

Dated: March 29, 2022.

W.E. Watson,

Captain, U.S. Coast Guard, Captain of the Port Sector New Orleans.

[FR Doc. 2022–07023 Filed 4–1–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2022–0216]

RIN 1625–AA00

Safety Zone for Pollution Responders; Neva Strait, Sitka, AK

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

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within a 100-yard radius of oil spill recovery vessels in Neva Strait. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by pollution response efforts. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Southeast Alaska.

DATES: This rule is effective without actual notice from April 4, 2022, until 6 p.m. on April 29, 2022. For the purposes of enforcement, actual notice will be used from noon on March 25, 2022, until April 4, 2022.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2022–0216 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 Lieutenant Jesse Collins, Waterways Management Division, U.S. Coast Guard; telephone 907–463–2846, email Jesse.O.Collins@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 a vessel ran aground, causing a significant oil spill, and immediate action is needed to respond to the potential safety hazards associated with pollution response efforts. It is impracticable to publish an NPRM because we must establish this safety zone by March 27, 2022.

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 pollution response efforts in Neva Strait.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Southeast Alaska (COTP) has determined that potential hazards associated with on-going pollution response efforts will be a safety concern for anyone within a 100-yard radius of oil spill recovery vessels in Neva Strait. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone for the duration of pollution response efforts.

IV. Discussion of the Rule

This rule establishes a safety zone effective twenty-four hours per day from 6 p.m. on March 27, 2022, until 6 p.m. on April 29, 2022. The safety zone will cover all navigable waters within 100 yards of vessels and machinery being used by personnel to respond to a significant oil spill. The duration of the zone is intended to protect personnel, vessels, and the marine environment in

these navigable waters for the duration of pollution response efforts. 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 protesters.

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 size, location, duration, and time-of-day of the safety zone. Vessel traffic will be able to safely transit through the safety zone which would impact a small designated area of Neva Strait. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF-FM marine channel 16 about the zone, and the rule would allow vessel to seek permission to enter the zone.

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 lasting twenty-four hours per day that will prohibit entry within 100 yards of vessels and machinery being used by personnel to respond to a significant oil spill. 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. For instructions on locating the docket, see the **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 or security 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, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.2.

- 2. Add § 165.T17–0216 to read as follows:

§ 165.T17–0216 Safety Zone for Pollution Responders; Neva Strait, Sitka, AK.

(a) *Location.* The following area is a safety zone: All waters of Neva Strait with a 100-yard radius of oil spill recovery vessels.

(b) *Definitions.* As used in this section:

(1) *Captain of the Port (COTP)* means the Commander, U.S. Coast Guard Sector Juneau.

(2) *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 COTP Southeast Alaska 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 designated representative by telephone at 907–463–2980 or on Marine Band Radio VHF–FM channel 16 (156.8 MHz). The designated representative on-scene can be contacted on Marine Band Radio VHF–FM channel 16 (156.8 MHz).

(3) 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) *Enforcement period.* This section will be enforced twenty-four hours per day from 6 p.m. on March 27, 2022, until 6 p.m. on April 29, 2022.

Dated: March 25, 2022.

D.A. Jensen,

Captain, U.S. Coast Guard, Captain of the Port Southeast Alaska.

[FR Doc. 2022–07001 Filed 4–1–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION**34 CFR Chapter II**

[Docket ID ED–2021–OESE–0148]

Final Definition—Supporting Effective Educator Development Program

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Final definition.

SUMMARY: The Department of Education (Department) announces a definition under the Supporting Effective Educator Development (SEED) program, Assistance Listing Number 84.423A. We

may use this definition for competitions in fiscal year (FY) 2022 and later years. We take this action to clarify the conditions under which a nonprofit entity may be defined as a national entity.

DATES: This definition is effective May 4, 2022.

FOR FURTHER INFORMATION CONTACT:

Christine Miller, U.S. Department of Education, 400 Maryland Avenue SW, Room 3C152, Washington, DC 20202. Telephone: (202) 260–7350. Email: *christine.miller@ed.gov*.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Purpose of Program: The SEED program provides funding to increase the number of highly effective educators by supporting the implementation of evidence-based practices that prepare, develop, or enhance the skills of educators. SEED grants allow eligible entities to develop, expand, and evaluate practices that can serve as models to be sustained and disseminated.

Program Authority: Section 2242 of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 6672).

We published a notice of proposed definition (NPP) for this program in the **Federal Register** on December 15, 2021 (86 FR 71207). The NPP contained background information and our reasons for proposing the definition.

Except for minor editorial and technical revisions, there are no differences between the proposed definition and the final definition.

Public Comment: In response to our invitation in the NPP, we received seven comments, six of which were relevant to the proposed definition and considered in the analysis. Of the six comments addressing the proposed definition, three expressed support for the definition. Of these three comments, one commenter offered a specific recommendation for revising the definition, and the other two commenters raised concerns that the definition de-emphasized the SEED program's requirement that national nonprofit entities demonstrate evidence of educational effectiveness. The remaining three comments expressed disagreement with the definition, arguing that the definition would be too restrictive and would limit the potential pool of applicants from the nonprofit sector. Two commenters raised concerns that the definition would impose

restrictions on nonprofit entities but not on institutions of higher education, which are also eligible applicants under the SEED program. Responses to these comments are found in the *Analysis of the Comments and Changes* below.

Analysis of the Comments and Changes: An analysis of the comments and of any changes to the proposed definition follows. Generally, we do not address technical and other minor changes, or suggested changes we are not authorized to make under the applicable statutory authority. In addition, we do not address general comments that raised concerns not directly related to the NPP. We group major issues according to subject.

Comment: In response to the proposed definition of “national nonprofit entity,” multiple commenters expressed general support for the definition. However, one commenter, while expressing general support for the definition, suggested a change to the language to specify that the national nonprofit entity provides services to teachers, principals, or other school leaders, rather than teachers, principals, and school leaders.

Discussion: We appreciate the comment regarding the educators to be served by the national nonprofit entity and recognize the significance of the specific area they recommend emphasizing in the definition. Upon further review, we concur with the comment and recognize that this revision to the definition is consistent with the purposes of the program in section 2242(a) of the ESEA, which generally contemplate that services be provided to teachers, principals, or other school leaders. We are also clarifying in the definition that “school leader” has the meaning ascribed it in section 8101 of the ESEA.

Changes: We have revised paragraph (2) of the definition to clarify that a national nonprofit entity serves teachers, principals, or other school leaders and that “school leader” has the meaning ascribed it in section 8101 of the ESEA.

Comment: Multiple commenters opposed the definition's requirement that a nonprofit entity provide services in three or more States to be qualified as national in scope. The commenters noted that the requirement seemed to narrow the pool of eligible applicants unnecessarily. The commenters suggested that the Department focus instead on the overall impact of a nonprofit entity and look at the number of educators served by an entity rather than quantifying its geographic reach.

Discussion: We appreciate the comments on the requirement that