

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 less than an hour that will prohibit entry within 250 yard radius of 42° 24.51' N 082°52.97' W (WGS 84). It is categorically excluded from further review under paragraph L[60] 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 record keeping 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.T09-0673 to read as follows:

**§ 165.T09-0673 Safety Zones; Grosse Pointe Farms Fireworks, Lake St. Clair, Grosse Pointe, MI.**

(a) *Location.* This safety zone is established to encompass all U.S. navigable waters of Lake St. Clair within

a 250-yard radius of 42° 24.51' N 082°52.97' W (WGS 84).

(b) *Enforcement period.* The safety zone described in paragraph (a) will be enforced from 9:30 p.m. to 10:30 p.m. on September 3, 2022. In the case of inclement weather on September 3, 2022, this safety zone will be enforced from 9:30 p.m. through 10:30 p.m. on September 4, 2022.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into, transiting, or anchoring within these safety zones is prohibited unless authorized by the COTP Detroit or a designated on-scene representative.

(2) The safety zones are closed to all vessel traffic, except as may be permitted by the COTP Detroit or a designated on-scene representative.

(3) The "on-scene representative" of the COTP Detroit is any Coast Guard commissioned, warrant or petty officer or a federal, state, or local law enforcement officer designated by the COTP Detroit to act on his behalf.

(4) Vessel operators desiring to enter or operate within the safety zones must contact the COTP Detroit or an on-scene representative to obtain permission to do so. The COTP Detroit or an on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP Detroit or an on-scene representative.

Dated: August 5, 2022.

**Brad W. Kelly,**

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

[FR Doc. 2022-17286 Filed 8-10-22; 8:45 am]

**BILLING CODE 9110-04-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R04-OAR-2020-0718; FRL-9935-02-R4]

**Air Plan Approval; NC: Inspection and Maintenance Program**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is finalizing approval of a State Implementation Plan (SIP) revision submitted by the State of North Carolina on December 14, 2020, through the Department of Environmental Quality (DEQ), Division of Air Quality (DAQ), for the purpose of removing Lee, Onslow, and Rockingham Counties from

North Carolina's motor vehicle inspection and maintenance (I/M) program. EPA is approving these changes pursuant to the Clean Air Act (CAA or Act).

**DATES:** This rule is effective September 12, 2022.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-R04-OAR-2020-0718. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) website. Although listed in the index, some information may not be publicly available, *i.e.*, 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 form. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303-8960. EPA requests that, if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Kelly Sheckler, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303-8960. The telephone number is (404) 562-9222. Ms. Sheckler can also be reached via electronic mail at [sheckler.kelly@epa.gov](mailto:sheckler.kelly@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background and Overview**

The DAQ submitted a SIP revision on December 14, 2020, seeking to remove Lee, Onslow, and Rockingham Counties from North Carolina's SIP-approved I/M program. The DAQ submitted this SIP revision in response to North Carolina legislation enacted in Session Law 2020-5, House Bill 85, which amended North Carolina General Statute section 143-215.107A(c) to remove these three counties from the North Carolina I/M Program.<sup>1</sup> Specifically, the North Carolina Act requires the elimination of

Lee, Onslow, and Rockingham Counties from the I/M program and the retention of the I/M program in 19 counties (Alamance, Buncombe, Cabarrus, Cumberland, Davidson, Durham, Forsyth, Franklin, Gaston, Guilford, Iredell, Johnston, Lincoln, Mecklenburg, New Hanover, Randolph, Rowan, Union, and Wake).

Sections 187(a)(4) and 182(b)(4) of the CAA require the implementation of an I/M program in certain areas classified as moderate nonattainment or higher for the ozone or carbon monoxide (CO) NAAQS.<sup>2</sup> Lee, Onslow, and Rockingham Counties have never been designated nonattainment for ozone or CO (or any other NAAQS) and are currently in attainment for all NAAQS. These three counties were included in the State's I/M program to provide North Carolina with emissions credit for the NO<sub>x</sub> SIP Call obligations. *See* 67 FR 66056 (October 30, 2002). The NO<sub>x</sub> SIP Call, issued by EPA in 1998, required some states, including North Carolina, to meet statewide NO<sub>x</sub> emission requirements during the ozone season (May 1 through September 30 control period) to reduce the amount of ground level ozone that is transported across the eastern United States. *See* 84 FR 8422 (March 8, 2019).

In a notice of proposed rulemaking (NPRM), published on June 22, 2022, EPA proposed to approve the removal of Lee, Onslow, and Rockingham Counties from North Carolina's SIP-approved I/M program (and consequently, the removal of reliance on credits gained from I/M emissions reductions from Lee, Onslow and Rockingham Counties in the State's NO<sub>x</sub> Budget and Allowance Trading Program). *See* 87 FR 37280. As explained in the June 22, 2022, NPRM, EPA found that the removal of the I/M program for the Lee, Onslow, and Rockingham Counties would not impact North Carolina's ability to attain or maintain compliance with the NAAQS and would not interfere with the State's obligations under the NO<sub>x</sub> SIP Call. Comments on the June 22, 2022, NPRM, were due on or before July 22, 2022. EPA did not receive any adverse comments on the June 22, 2022, NPRM.

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

EPA is finalizing approval of North Carolina's December 14, 2020, SIP revision. Specifically, EPA is approving the removal of Lee, Onslow, and Rockingham Counties from the SIP-approved I/M program. Additionally, EPA finds that North Carolina's removal

of the three counties from the SIP-approved I/M program (and the removal of reliance on the I/M emissions reductions generated from those counties as part of the "credits" in North Carolina's NO<sub>x</sub> emissions budget) will not interfere with the State's obligations under the NO<sub>x</sub> SIP Call to meet its Statewide NO<sub>x</sub> emissions budget. EPA finds that the approval of this revision will not interfere with continued attainment or maintenance of any applicable NAAQS, or with any other applicable requirement of the CAA. EPA also finds that North Carolina's December 14, 2020, SIP submission satisfies the requirements of section 110(l) 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 Act and applicable Federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. 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

<sup>1</sup> The removal becomes effective the first day of a month that is sixty days after the State's Secretary of the DEQ certifies to the State's Revisor of Statutes that EPA approved the SIP revision.

<sup>2</sup> The I/M program was never a mandatory program pursuant to the CAA for Lee, Onslow, or Rockingham counties.

Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

- Does not provide 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 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 as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

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. 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 October 11, 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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate

matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: August 1, 2022.

**Daniel Blackman,**  
Regional Administrator, Region 4.

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 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 II—North Carolina**

- 2. In § 52.1770 in paragraph (e), amend the table by adding a new entry for “Removal of Lee, Onslow, and Rockingham Counties from North Carolina’s Inspection and Maintenance Program and 110(l) Non-Interference Demonstration” at the end to read as follows:

**§ 52.1770 Identification of plan.**

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

**EPA-APPROVED NORTH CAROLINA NON-REGULATORY PROVISIONS**

Provision	State effective date	EPA approval date	Federal Register citation	Explanation
* * * * *	*	*	*	*
Removal of Lee, Onslow, and Rockingham Counties from North Carolina’s Inspection and Maintenance Program and 110(l) Non-Interference Demonstration.	12/14/2020	8/11/2022	[Insert citation of publication].	

[FR Doc. 2022–16905 Filed 8–10–22; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA–R01–OAR–2022–0112; FRL–9734–02–R1]

**Air Plan Approval; New Hampshire; Rules for Particulate Emissions From Open Sources**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving State Implementation Plan (SIP) revisions of New Hampshire Code of Administrative Rules Chapter Env-A 1000 submitted by

the State of New Hampshire on January 8, 2020. Env-A 1000 establishes requirements for open burning, fugitive dust, and firefighter instruction and training activities. This action is being taken under the Clean Air Act.

**DATES:** This rule is effective on September 12, 2022.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA–R01–OAR–2022–0112. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) website. Although listed in the index, some information is not publicly available, *i.e.*, 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 at [www.regulations.gov](http://www.regulations.gov) or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that, if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office’s official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays and facility closures due to COVID–19.

**FOR FURTHER INFORMATION CONTACT:** Pujarini Maiti, Air Quality Planning Unit, Air Programs Branch (Mail Code OEP05–02), U.S. Environmental Protection Agency, Region 1, 5 Post Office Square, Suite 100, Boston, Massachusetts 02109–3912; (617) 918–1625; [maiti.pujarini@epa.gov](mailto:maiti.pujarini@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document whenever