

following two points of position and the North shore: 33°45'03" N, 78°50'47" W to 33°45'18" N, 78°50'14" W, located in Myrtle Beach, South Carolina.

(b) *Definitions.* As used in this section, “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 Charleston (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the COTP Charleston or a designated representative.

(2) Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the COTP Charleston by telephone at (843) 740-7050, or a designated representative via VHF radio on channel 16, to request authorization. If authorization is granted, all persons and vessels receiving such authorization must comply with the instructions of the COTP Charleston or a designated representative.

(d) *Enforcement period.* This rule will be enforced from May 1, 2022 from 7:30 a.m. until 9:30 a.m.

Dated: April 22, 2022.

**J.D. Cole,**

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

[FR Doc. 2022-09220 Filed 4-28-22; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 81

[EPA-R05-OAR-2022-0008; FRL-9609-02-R5]

### Air Plan Approval; Wisconsin; Redesignation of the Revised Door County (Partial) Area to Attainment of the 2015 Ozone Standard

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) finds that the revised Door County (partial) nonattainment area in Wisconsin is attaining the 2015 ozone National Ambient Air Quality Standard (NAAQS) and is approving, in accordance with a request from the Wisconsin Department of Natural Resources (WDNR), the redesignation of

the area to attainment for the 2015 ozone NAAQS, because the request meets the statutory requirements for redesignation under the Clean Air Act (CAA). WDNR submitted this request on January 5, 2022. EPA is also proposing to approve, as a revision to the Wisconsin SIP, the State’s maintenance plan for the area. The maintenance plan is designed to keep the area in attainment of the 2015 ozone NAAQS through 2035. Additionally, EPA is approving the emissions inventory for this area, which satisfies the emissions inventory requirement for the area under the 2015 ozone NAAQS. The CAA requires emission inventories for all areas that were designated nonattainment. Finally, EPA is approving the 2030 and 2035 motor vehicle emissions budgets for the area.

**DATES:** This final rule is effective on April 29, 2022.

**ADDRESSES:** EPA has established dockets for this action under Docket ID No. EPA-R05-OAR-2022-0008. 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 either through [www.regulations.gov](http://www.regulations.gov) or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays and facility closures due to COVID-19. We recommend that you telephone Jenny Liljegren, Physical Scientist, at (312) 886-6832 before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:** Jenny Liljegren, Physical Scientist, Attainment Planning and Maintenance Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6832, [Liljegren.Jennifer@epa.gov](mailto:Liljegren.Jennifer@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA.

### I. Background Information

On March 3, 2022 (87 FR 12020), EPA proposed to approve the 2015 ozone NAAQS redesignation, maintenance

plan, emission inventory, and motor vehicle emissions budgets for the area. An explanation of the CAA requirements, a detailed analysis of the revisions, and EPA’s reasons for proposing approval were provided in the notice of proposed rulemaking and will not be restated here. The public comment period for this proposed rule ended on April 4, 2022.

During the comment period, EPA received one supportive comment, which is included in the docket for this action. EPA did not receive any adverse comments. In this rulemaking, we are finalizing our action as proposed.

### II. What action is EPA taking?

EPA finds that the area<sup>1</sup> is attaining the 2015 ozone NAAQS based on quality-assured and certified monitoring data for 2019–2021 showing that the area has met the requirements for redesignation under section 107(d)(3)(E) of the CAA. EPA is thus approving a change in the legal designation of the area from nonattainment to attainment for the 2015 ozone NAAQS. EPA is also approving, as a revision to the Wisconsin SIP, the State’s maintenance plan for the area. The maintenance plan is designed to keep the area in attainment of the 2015 ozone NAAQS through 2035. EPA also finds adequate and is approving the newly established 2030 and 2035 volatile organic compounds (VOC) and oxides of nitrogen (NO<sub>x</sub>) motor vehicle emission budgets for the area. EPA is also approving the base year emissions inventories for the area under the 2015 ozone NAAQS.

In accordance with 5 U.S.C. 553(d) of the Administrative Procedure Act (APA), EPA finds there is good cause for this action to become effective immediately upon publication. The immediate effective date for this action is authorized under 5 U.S.C. 553(d)(1).

Section 553(d)(1) of the APA provides that final rules shall not become effective until 30 days after publication in the **Federal Register** “except . . . a substantive rule which grants or recognizes an exemption or relieves a restriction.” The purpose of this provision is to “give affected parties a reasonable time to adjust their behavior before the final rule takes effect.” *Omnipoint Corp. v. Fed. Comm’n Comm’n*, 78 F.3d 620, 630 (D.C. Cir. 1996); *see also United States v. Gavrilovic*, 551 F.2d 1099, 1104 (8th Cir. 1977) (quoting legislative history).

<sup>1</sup> The portion of Door County, Wisconsin, north of the Sturgeon Bay Canal (excluding Newport State Park) is the “Revised Door County” nonattainment area (or area) and is the subject of this notice.

However, when the agency grants or recognizes an exemption or relieves a restriction, affected parties do not need a reasonable time to adjust because the effect is not adverse. EPA has determined that this rule relieves a restriction because this rule relieves sources in the area of Nonattainment New Source Review (NNSR) permitting requirements. Upon the effective date of this action, sources will be subject to less restrictive Prevention of Significant Deterioration (PSD) permitting requirements. For this reason, EPA finds good cause under 5 U.S.C. 553(d)(1) for this action to become effective on the date of publication of this action.

### III. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the accompanying approval of a maintenance plan under section 107(d)(3)(E) are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those imposed by state law. A redesignation to attainment does not in and of itself create any new requirements, but rather results in the applicability of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, 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, 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 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 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).

This action is subject to the Congressional Review Act, and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. 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 June 28, 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

#### 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, and Volatile organic compounds.

#### 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: April 20, 2022.

**Debra Shore,**

*Regional Administrator, Region 5.*

For the reasons stated in the preamble, 40 CFR parts 52 and 81 are 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.*

- 2. Section 52.2585 is amended by adding paragraph (tt) to read as follows:

#### § 52.2585 Control strategy: Ozone.

\* \* \* \* \*

(tt) *Redesignation.* Approval—On January 5, 2022, Wisconsin submitted a request to redesignate the revised Door County (partial) area to attainment of the 2015 8-hour ozone standard. As part of the redesignation request, the State submitted a maintenance plan as required by section 175A of the Clean Air Act. Elements of the section 175 maintenance plan include a contingency plan and an obligation to submit a subsequent maintenance plan revision in eight years as required by the Clean Air Act. The ozone maintenance plan also establishes 2030 and 2035 motor vehicle emission budgets for the area. The 2030 MVEBs for the area are 0.1349 tons per summer day for VOC and 0.2995 tons per summer day for NO<sub>x</sub>. The 2035 MVEBs for the area are 0.1153 tons per summer day for VOC and 0.2586 tons per summer day for NO<sub>x</sub>.

\* \* \* \* \*

### PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

- 3. The authority citation for part 81 continues to read as follows:

**Authority:** 42 U.S.C. 7401, *et seq.*

- 4. In § 81.350, the table entitled "Wisconsin—2015 8-Hour Ozone NAAQS [Primary and Secondary]" is amended by:

- a. Revising the entry for "Door County-Revised (part)"; and
- b. Removing footnote 4.

The revisions read as follows:

#### § 81.350 Wisconsin.

\* \* \* \* \*

WISCONSIN—2015 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designated area <sup>1</sup>	Designation		Classification	
	Date <sup>2</sup>	Type	Date <sup>2</sup>	Type
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
Door County-Revised (part) ..... The portion of Door County north of Sturgeon Bay Canal excluding Newport State Park.	4/29/2022	Attainment .....		Marginal (Rural Transport).
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *

\* \* \* \* \*  
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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Chapter I**

[EPA-HQ-OAR-2022-0129; FRL-9735-01-OAR]

**Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act; Final Action on Petitions**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of final action denying petitions.

**SUMMARY:** The Environmental Protection Agency (EPA) received four petitions for reconsideration, rulemaking, or reopening of the Endangerment and Cause or Contribute Findings for Greenhouse Gases under Section 202(a) of the Clean Air Act (CAA), published in the **Federal Register** on December 15, 2009. The agency is providing notification of its action denying all four petitions. The basis for EPA’s action is set out fully in the accompanying decision document, available in the docket for this action.

**DATES:** Effective April 29, 2022.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jeremy Martinich, Environmental Protection Agency, Office of Air and Radiation, Office of Atmospheric Programs, Climate Change Division, (202) 343-9871, [climatechange@epa.gov](mailto:climatechange@epa.gov). For additional information regarding this Notice, please go to the website <https://www.epa.gov/climate-change/endangerment-and-cause-or-contribute-findings-greenhouse-gases-under-section-202a>.

**SUPPLEMENTARY INFORMATION:**

**I. How can I get copies of this document and other related information?**

A copy of this **Federal Register** document, the petitions,<sup>1</sup> the letters denying the four petitions and the decision document<sup>2</sup> describing the full basis for the denial of these petitions, and other materials related to this action are available in the docket for this action (Docket ID No. EPA-HQ-OAR-2022-0129). Publicly available docket materials are available electronically through [www.regulations.gov](http://www.regulations.gov). In addition, following signature, an electronic copy of this final action and the decision document will be available on the internet at <https://www.epa.gov/climate-change/2022-denial-petitions-reconsideration-rulemaking-or-reopening-endangerment-and-cause>. Due to the ongoing COVID-19 pandemic, public access to the EPA Docket Center and Reading Room may be limited: Please check the website at <https://www.epa.gov/dockets> for the

<sup>1</sup> The four petitions are styled respectively as: Petition for Reconsideration of “Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(A) of the Clean Air Act,” submitted on behalf of the Concerned Household Electricity Consumers Council (CHECC); Petition for Rulemaking on the Issue of Greenhouse Gases and Public Health and Welfare, submitted on behalf of the Competitive Enterprise Institute, the Science and Environmental Policy Project, and four individual members of the latter’s Board of Directors (CEI); Petition to Reopen and Reconsider “Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act,” filed by the FAIR Energy Foundation (FAIR); and Petition to Reconsider Endangerment and Cause or Contribute Findings for Greenhouse Gases under Section 202(a) of the Clean Air Act, 74 FR. 66496 (December 15, 2009) Docket No. EPA-HQ-OAR-2009-0171; FRL-9091-8; RIN 2060-ZA14 (“Endangerment Finding”) submitted by the Texas Public Policy Foundation on behalf of Liberty Packing Company LLC, Nuckles Oil Co., Inc. dba Merit Oil Company, Norman R. “Skip” Brown, Dalton Trucking Company, Inc., Loggers Association of Northern California, Construction Industry Air Quality Coalition, and Robinson Industries, Inc (TPP).

<sup>2</sup> See “EPA’s Denial of Petitions Relating to the Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act.”

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**II. Judicial Review**

The decision to deny the four petitions is a final agency action for purposes of section 307(b)(1) of the CAA, which governs judicial review of final actions by the EPA. This action is not a rulemaking and is not subject to the various statutory and other provisions applicable to a rulemaking.

Section 307(b)(1) provides, in part, that petitions for review must be filed in the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit): (i) When the agency action consists of “nationally applicable regulations promulgated, or final actions taken, by the Administrator,” or (ii) when such action is locally or regionally applicable, but “such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.” For locally or regionally applicable final actions, the CAA reserves to the EPA complete discretion whether to invoke the exception in (ii).

This final action is “nationally applicable” within the meaning of CAA section 307(b)(1). In the alternative, to the extent a court finds this final action to be locally or regionally applicable, the Administrator is exercising the complete discretion afforded to him under the CAA to make and publish a finding that this action is based on a determination of “nationwide scope or effect” within the meaning of CAA