

### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact 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 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

### PART 100—REGATTAS AND MARINE PARDES

■ 1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 70041; 33 CFR 1.05–1.

■ 2. Add § 100.T08–0518 to read as follows:

#### § 100.T08–0518 Special Local Regulation; Cumberland River, Hendersonville, TN

(a) *Location.* The Cumberland River, miles 236.0 to 237.5.

(b) *Periods of enforcement.* This temporary special local regulation will be enforced from 7:30 p.m. until 9:30 p.m. on August 22, 2020.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Ohio Valley (COTP) or designated personnel. Moreover, persons or vessels desiring to enter into or pass through the zone must request permission from the COTP Sector Ohio Valley or a designated representative. They may be contacted on VHF-FM radio channel 16 or phone at 1–800–253–7465

(2) Persons and vessels permitted to deviate from the special local regulation requirements as well as enter the restricted area must transit at the slowest safe speed and comply with all lawful directions issued by the COTP Sector Ohio Valley or a designated representative.

(d) *Informational broadcasts.* The COTP Sector Ohio Valley or a designated representative will inform the public through broadcast notices to mariners of the enforcement period for the special local regulation, as well as any changes in the dates and times of enforcement.

Dated: August 14, 2020.

**A.M. Beach,**

*Captain, U.S. Coast Guard, Captain of the Port Sector Ohio Valley.*

[FR Doc. 2020–18316 Filed 8–20–20; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG–2020–0415]

RIN 1625–AA00

### Emergency Safety Zone; Lower Mississippi River, Rosedale, MS

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for emergency purposes for all waters of the Lower Mississippi River (LMR), extending from River Mile Marker (MM) 592.0 to MM 595.0. The emergency safety zone is needed to protect persons, property, infrastructure, and the marine environment from the potential safety hazards associated with the salvage and diving effort of two sunken barges at MM 593.5, in the vicinity of the Victoria Bend Revetment, Rosedale, Mississippi. Deviation from the safety zone is prohibited unless specifically authorized by the Captain of the Port Lower Mississippi River or a designated representative.

**DATES:** This rule is effective without actual notice from August 21, 2020 through August 31, 2020, or until all salvage and diving work is complete, whichever occurs earlier. For purposes of enforcement, actual notice will be used from August 3, 2020 through August 21, 2020.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2020–0415 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email LT Adam J. Paz, U.S. Coast Guard; telephone 901–521–4825, email [adam.j.paz@uscg.mil](mailto:adam.j.paz@uscg.mil).

**SUPPLEMENTARY INFORMATION:**

#### I. Table of Abbreviations

CFR Code of Federal Regulations  
COTP Captain of the Port  
DHS Department of Homeland Security

FR Federal Register  
LMR Lower Mississippi River  
MM River Mile Marker  
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 salvage efforts for two sunken barges mid-river will impede the safe navigation of vessel traffic, and immediate action is needed to protect persons and property. Completing the full NPRM process is impracticable because we must establish this safety zone by August 3, 2020.

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 safety hazards associated with salvage operations in the vicinity of Victoria Bend Revetment.

## 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 (COTP) Lower Mississippi River (LMR) has determined that potential hazards associated with the salvage of two sunken barges will be a safety concern for anyone within a one and one-half mile radius of the salvage and diving vessels and machinery. This rule is needed to protect persons, property, infrastructure, and the marine environment in all waters of the LMR within the safety zone while the salvage and diving work is being conducted.

## IV. Discussion of the Rule

This rule establishes a temporary emergency safety zone from August 3, 2020 through August 31, 2020, or until all salvage and diving work is complete, whichever occurs earlier. The safety zone will cover all waters of the LMR from MM 592.0 to MM 595.0, extending the entire width of the river. The safety

zone will only be activated during daylight hours when salvage work precludes safe navigation of the established channel. The duration of the zone is intended to protect persons, property, infrastructure, and the marine environment in these navigable waters while salvage and diving work is being conducted. 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. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. 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), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the size, location, and duration of the safety zone. This emergency safety zone will temporarily restrict navigation during daylight hours on the LMR from MM 592.0 to MM 595.0 in the vicinity of Rosedale, Mississippi, from August 3, 2020 through August 31, 2020, or until all salvage and diving work is complete, whichever occurs earlier. The Coast Guard will issue a Broadcast Notice to Mariners via VHF-FM marine channel 16 informing the public of the times that the zone will be activated, and the rule would allow vessels to seek permission to enter the zone on a case-by-case basis.

### 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 (Public Law 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 emergency safety zone on the LMR from MM 592.0 to MM 595.0, that will prohibit entry into this zone unless permission has been granted by the COTP Lower Mississippi or a designated representative. The safety zone will only be enforced for short durations during daylight hours while salvage and diving work precludes the safe navigation of the established channel. It is categorically excluded from further review under paragraph L60(d) 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.

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**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. 0170.1.

■ 2. Add § 165.T08–0415 to read as follows:

**§ 165.T08–0415 Emergency Safety Zone; Lower Mississippi River, Rosedale, MS.**

(a) *Location.* The following area is a safety zone: All waters of the Mississippi River from MM 592.0 to MM 595.0.

(b) *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 telephone or email. 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.

(c) *Enforcement period.* This section will be enforced as needed during daylight hours from August 3, 2020 through August 31, 2020, or until all salvage and diving work is complete, whichever occurs earlier. Periods of activation will be promulgated by Broadcast Notice to Mariners.

Dated: July 30, 2020.

**R.S. Rhodes,**

*Captain, U.S. Coast Guard, Captain of the Port Lower Mississippi River.*

[FR Doc. 2020–17482 Filed 8–20–20; 8:45 am]

**BILLING CODE 9110–04–P**

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Parts 1, 49, 71, and 124**

[EPA–HQ–OGC–2019–0406; FRL 10012–97–OGC]

**Streamlining Procedures for Permit Appeals**

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

**ACTION:** Final rule.

**SUMMARY:** The action finalizes a procedural rule to streamline and modernize the Environmental Protection Agency's (EPA) permit appeal process and ensure that appeals are decided consistent with the authority delegated from the Administrator by modifying existing procedural requirements and realigning prior delegations. This final procedural rule applies to permits issued by or on behalf of EPA under the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, and the Resources Conservation and Recovery Act.

**DATES:** This final rule is effective on September 21, 2020.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA–HQ–OGC–2019–0406. 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., 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 electronically through <https://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Mark Talty, Office of General Counsel, Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; (202) 564–2751; email address: [staff\\_ogc@epa.gov](mailto:staff_ogc@epa.gov).

**SUPPLEMENTARY INFORMATION:**

*Organization of This Document.* The following outline is provided to aid in locating information in this preamble.

**I. General Information**

- A. Does this action apply to me?
- B. What is the Agency's authority for taking this action?

**II. Background**

- A. What changes did the Agency propose in its December 3, 2019 proposal?
- B. What action is the Agency taking today?

**III. Summary of the Final Rule**

- A. What are the key elements of this final rule?
  1. Clarifying the EAB's Scope of Review in Permit Appeals
  2. Reforming *Amicus Curiae* Participation
  3. Eliminating *Sua Sponte* Review
  4. Expediting the Appeal Process
  5. 12-Year Terms for EAB Judges
  6. Designating EAB Decisions for Publication
  7. Administrator's Legal Interpretations
- B. How does this final rule affect pending appeals?
- C. Why is EPA finalizing these reforms?

**IV. Statutory and Executive Orders****I. General Information****A. Does this action apply to me?**

This rule modifies the rules of practice governing certain administrative appeals handled by the Environmental Appeals Board (EAB) under 40 CFR 124.19 and other regulations listed below. It applies to persons and entities that seek to challenge EPA permitting decisions under the National Pollutant Discharge Elimination System (NPDES) program of the Clean Water Act, the Safe Drinking Water Act's Underground Injection Control (UIC) program, and the Resources Conservation and Recovery Act (RCRA), including Remedial Action Plans, 40 CFR 270.42(f) and 270.155. It also applies to persons or entities that seek to challenge the following EPA permitting decisions under the Clean Air Act: Prevention of Significant Deterioration permits, 40 CFR 52.21(g), Outer Continental Shelf permits, 40 CFR 55.6(a)(3); Title V permits, 40 CFR 71.11(J); Tribal Major Non-Attainment NSR permits, 40 CFR 49.172(d)(5); and Tribal Minor NSR permits, 40 CFR 49.159(d).

With exception of section III.A.7 (Administrator's Legal Interpretations) of this preamble, nothing in this proposal affects the EAB's adjudication of enforcement appeals.

**B. What is the Agency's authority for taking this action?**

EPA's authority to issue this procedural rule is contained in Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.*; Safe Drinking Water Act, 42 U.S.C. 300(f) *et seq.*; Clean Water Act, 33 U.S.C. 1251 *et seq.*; and Clean Air Act, 42 U.S.C. 1857 *et seq.* EPA is also issuing this rule under its general housekeeping authority. The Federal Housekeeping Statute provides that “[t]he head of an Executive department or military department may prescribe regulations for the government of his department, the conduct of its employees, the distribution and performance of its business, and the custody, use, and preservation of its records, papers, and property.” EPA is not one of the 15 “Executive Departments” listed at 5 U.S.C. 301. However, EPA gained housekeeping authority through the Reorganization Plan No. 3 of 1970, 84 Stat. 2086 (July 9, 1970). The Office of Legal Counsel has opined that the Reorganization Plan “convey[s] to the [EPA] Administrator all of the housekeeping authority available to other department heads under section 301” and demonstrates that “Congress has vested the Administrator with the authority to run