

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 safety zone that prohibits entry within 500 yards of the motor vessel EVER FORWARD. 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.

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.T05–0750 to read as follows:

§ 165.T05–0750 Safety Zone; Chesapeake Bay, Craighill Channel, MD.

(a) *Location.* The following area is a safety zone: All navigable waters of the

Chesapeake Bay, within a 500-yard radius of the motor vessel EVER FORWARD during damage assessment and salvage operations.

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

Captain of the Port (COTP) means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region.

Designated representative means any Coast Guard commissioned, warrant, or petty officer, 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 Maryland-National Capital Region (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 telephone number 410–576–2693 or on Marine Band Radio VHF–FM channel 16 (156.8 MHz). 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 officials.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

(e) *Enforcement period.* This section will be enforced from 9 p.m. on March 20, 2022, through 9 p.m. on April 13, 2022.

Dated: March 17, 2022.

David E. O'Connell,

Captain, U.S. Coast Guard, Captain of the Port Sector Maryland-NCR.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2020–0487; FRL–8931–03–R3]

Air Plan Approval; West Virginia; 2020 Amendments to West Virginia's Ambient Air Quality Standards; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: The Environmental Protection Agency (EPA) issued a final rule on

September 23, 2021, entitled “Air Plan Approval; West Virginia; 2020 Amendments to West Virginia's Ambient Air Quality Standards.” This current action corrects an inadvertent error in the **DATES** section of the final rule by setting an effective date for the state implementation plan (SIP) revision submitted by the State of West Virginia. West Virginia's revision updated the incorporation by reference of EPA's national ambient air quality standards (NAAQS) and the associated monitoring reference and equivalent methods. This correction does not change West Virginia's previously approved incorporation by reference, only the **DATES** section in the preamble removing the request for comments and replacing it with the effective date assigned to it.

DATES: This correction is effective March 24, 2022, and is applicable beginning October 25, 2021.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R03–OAR–2020–0487. 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 (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 through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Serena Nichols, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103. The telephone number is (215) 814–2053. Ms. Nichols can also be reached via electronic mail at Nichols.Serena@epa.gov.

SUPPLEMENTARY INFORMATION: On September 23, 2021 (86 FR 52837), EPA published a final rule action announcing our approval of West Virginia's revision updating the incorporation by reference of EPA's NAAQS and the associated monitoring reference and equivalent methods. In the document, we inadvertently opened another comment period instead of setting an effective date for the rule. EPA had previously opened a 30-day public comment period for this action in the notice of proposed rulemaking (NPRM) published on February 9, 2021

(86 FR 8727) and responded to the comments received in response to the NPRM in the September 23rd final rule, so the provision of another comment period was an error in EPA's final action. This document corrects the erroneous language. This document has no impact on West Virginia's incorporation by reference of the NAAQS or the Clean Air Act (CAA) requirements applicable to West Virginia, only the effective date.

Need for Correction

As published, the September 23, 2021 final rule opens another comment period instead of setting an effective date.

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making this rule final without another prior proposal and opportunity for comment because, as explained here and in the explanation above, the change to the rule is a minor correction, it is noncontroversial in nature, and does not substantively change the requirements of West Virginia's incorporation by reference of the NAAQS. Rather, the change sets the necessary effective date of this previously approved SIP revision. Thus, notice and opportunity for public comment are unnecessary. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(B).

Petitions for Judicial Review

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 May 23, 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, approving a correction to the West Virginia SIP revision incorporating by reference the NAAQS that previously appeared in the **Federal Register** on September 23, 2021 (86 FR 52837), 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, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Correction

In the **Federal Register** of September 23, 2021, 86 FR 52837, correct the **DATES** to read: **DATES:** This final rule is effective on October 25, 2021.

Dated: March 8, 2022.

Diana Esher,

Acting Regional Administrator, Region III.

[FR Doc. 2022-06127 Filed 3-23-22; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Part 162

RIN 1625-ZA42

[Docket No. USCG-2019-0477]

Final Policy Letter Describing Type-Approval Testing Methods for Ballast Water Management Systems (BWMS) That Render Organisms Nonviable in Ballast Water

AGENCY: Coast Guard, DHS.

ACTION: Final policy; notification.

SUMMARY: The Coast Guard announces the availability of the final policy letter that describes type-approval testing methods, and the acceptance process for such methods, for ballast water management systems (BWMS) that render organisms nonviable in ballast water. At this time, the Coast Guard does not accept any type-approval testing methods for ballast water management systems that render organisms in ballast water nonviable (meaning "permanently incapable of reproduction"). In consideration of public comments on the draft policy letter, this final policy letter establishes the mechanism for reviewing and integrating viability testing methods into the existing Coast Guard type-approval testing program. The Coast Guard invites submissions of viability testing methods in accordance with the policy letter at any time following publication. The Coast Guard will review any provided information responsive to the policy letter and enclosure. This final policy letter is subject to revision, in coordination with the Environmental Protection Agency,

contingent on any Coast Guard determination that a viability testing method is acceptable.

DATES: The final policy letter announced in this notification is issued as of February 28, 2022.

ADDRESSES: To view the final policy letter, as well as comments mentioned in this notice as being available in the docket, go to <https://www.regulations.gov>, type "USCG-2019-0477," and click "Search." To see the final policy letter, click on this notice in the search results, and then click "View More Documents." To see comments, click on the July 2019 Draft Policy Letter notice in the search results, and then click "View Related Comments."

FOR FURTHER INFORMATION CONTACT: Mr. Matthew Reudelhuber, Environmental Standards Division, 202-372-1432.

SUPPLEMENTARY INFORMATION:

Table of Contents for Preamble

- I. Abbreviations
- II. Background
- III. Summary of Changes From the Draft Policy Letter to the Final Policy Letter
- IV. Response to Comments
- V. Periodic Review of Viability Testing Methods
- VI. Environmental Aspect and Impact Considerations
- VII. Paperwork Reduction Act
- VIII. Public Availability of the Final Policy Letter

I. Abbreviations

BWMS Ballast Water Management System
 CFR Code of Federal Regulations
 DHS Department of Homeland Security
 ETV Environmental Technology Verification Program
 FR Federal Register
 IL Independent Laboratory
 IMO International Maritime Organization
 MPN Most Probable Number
 NEPA National Environmental Policy Act
 U.S.C. United States Code
 USCG U.S. Coast Guard
 VIDA Vessel Incidental Discharge Act of 2018

II. Background

The Vessel Incidental Discharge Act of 2018 (VIDA) found at Title IX of the Frank LoBiondo Coast Guard Authorization Act of 2018, Public Law 115-282, amended Section 312(p) of the Federal Water Pollution Control Act (33 U.S.C. 1322). Pursuant to 33 U.S.C. 1322(p)(6)(D)(ii), the Coast Guard published a draft policy letter in the **Federal Register** on July 31, 2019 (84 FR 37330), receiving 38 submissions to the docket.

The final policy letter is issued pursuant to 33 U.S.C. 1322(p)(6)(D)(iv) which requires the