

subject to enforcement 24 hours a day. When enforced, as deemed necessary by the COTP, vessels and persons will be prohibited from entering the safety zone unless granted permission from the COTP or the COTP's designated representative.

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Dated: August 26, 2022.

**A.E. Florentino,**

*Captain, U.S. Coast Guard, Captain of the Port Northern New England.*

[FR Doc. 2022-18823 Filed 8-30-22; 8:45 am]

BILLING CODE 9110-04-P

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 1

RIN 2900-AR19

### Social Security Number Fraud Prevention Act of 2017 Implementation

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule

**SUMMARY:** The Department of Veterans Affairs is amending its regulations implementing the Privacy Act. These revisions clarify and update the language of procedural requirements pertaining to the inclusion of Social Security account numbers (SSN) on documents that the Department sends by mail. These revisions are also required by the Social Security Number Fraud Prevention Act of 2017, which restricts the inclusion of SSNs on documents sent by mail by the Federal Government.

**DATES:** This rule is effective September 30, 2022.

**FOR FURTHER INFORMATION CONTACT:** Amy L. Rose, Program Analyst, VA Privacy Service, 005R1A, 811 Vermont Ave. NW, Washington, DC 20420, (202) 237-5070. (This is not a toll-free telephone number.)

**SUPPLEMENTARY INFORMATION:** On October 6, 2021, VA published a proposed rule in the **Federal Register** (86 FR 55547) that would establish VA's statutory authority to implement the Social Security Number Fraud Prevention Act of 2017 (the Act) (Pub L. 115-59; 42 U.S.C. 405 note). The public comment period ended on December 6, 2021, and VA received two comments in response to the proposed rule.

One comment supported the proposed rule but inquired if there would be any overlap between the proposed rule and the VA mail management policy (VA Directive and Handbook 6340). VA

Directive 6340 broadly states that "VA mail facilities must ensure all mail is handled appropriately to conform to the Freedom of Information Act (FOIA) and/or the Privacy Act." However, neither the Directive nor VA Handbook 6340 specifically address Public Law 115-59, which is the statutory authority for promulgating the proposed rule. There is no statutory overlap between VA mail management policy and the proposed rule at present (although VA may eventually update VA Directive and Handbook 6340 to reflect the final rule). For this reason, VA will make no changes to the rulemaking based on this comment.

One comment suggested that there should be an "opt in" option for "older Veterans who rely on paperwork from the VA that has their SSN on it for different matters" so that older Veterans could continue to receive mail with their SSN on it. The proposed rule includes the addition of sections to 38 CFR 1.575 that would enable VA to truncate SSNs for outgoing mail where it is not possible to eliminate the SSN (such as in the case of older Veterans whose case number contains their SSNs). This provision would address the concerns of providing smooth, continuous service better than placing the burden on older Veterans to specifically "opt in" to continue to receive mail with their SSN on it. For this reason, VA will make no changes to the rulemaking based on this comment.

Accordingly, the proposed rule is adopted as a final rule without change.

### Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. The Office of Information and Regulatory Affairs has determined that this rule is not a significant regulatory action under Executive Order 12866. The Regulatory Impact Analysis associated with this rulemaking can be found as a supporting document at [www.regulations.gov](http://www.regulations.gov).

### Regulatory Flexibility Act

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (5 U.S.C. 601-612). The factual basis for this certification is that the regulation only governs the circumstances under which the Department includes SSNs in mail issued by the Department. The behavior of small entities is not addressed in the regulation and is therefore not impacted. Therefore, pursuant to 5 U.S.C. 605(b), the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604 do not apply.

### Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any one year. This final rule will have no such effect on State, local, and tribal governments, or on the private sector.

### Paperwork Reduction Act

This final rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3521).

### Assistance Listing

There are no Assistance Listing numbers and titles for this rule.

### List of Subjects in 38 CFR Part 1

Disability benefits, Pensions, Veterans.

### Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved this document on August 25, 2022, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

### Luvenia Potts,

*Regulation Development Coordinator, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.*

For the reasons stated in the preamble, the Department of Veterans Affairs amends 38 CFR 1.575, as set forth below:

## CHAPTER 1—DEPARTMENT OF VETERANS AFFAIRS

### PART 1—GENERAL PROVISIONS

#### § 1.575 —Social Security Numbers in Veterans' Benefits Matters.

■ 1. The authority citation for part 1 is revised to read as follows:

**Authority:** 38 U.S.C. 5101, and as noted in specific sections.

■ 2. Amend § 1.575 by adding paragraph (d) to read as follows:

#### § 1.575 Social security numbers in veterans' benefits matters.

\* \* \* \* \*

(d) A document the Department sends by mail may not include the social security number of an individual except as provided below:

(1) The social security number must be truncated to no more than the last four digits; or

(2) If truncation of the social security number is not feasible:

(i) The Senior Agency Official for Privacy, the Chief Privacy Officer, and the Social Security Number Advisory Board (SSNAB) must jointly determine that inclusion of the social security number on the document is necessary as required by law; to comply with another legal mandate; to identify a specific individual where no adequate substitute is available; or to fulfill a compelling Department business need;

(ii) The document that includes the complete social security number of an individual must be listed on the Complete Social Security Number Mailed Documents Listing on a publicly available website; and

(iii) No portion of the social security number may be visible on the outside of any mailing.

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[FR Doc. 2022–18782 Filed 8–30–22; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R03–OAR–2022–0347; FRL–9333–02–R3]

#### Federal Implementation Plan Addressing Reasonably Available Control Technology Requirements for Certain Sources in Pennsylvania

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is promulgating a Federal

implementation plan (FIP) for the Commonwealth of Pennsylvania (Pennsylvania or the Commonwealth). This FIP sets emission limits for nitrogen oxides (NO<sub>x</sub>) emitted from coal-fired electric generating units (EGUs) equipped with selective catalytic reduction (SCR) in Pennsylvania in order to meet the reasonably available control technology (RACT) requirements for the 1997 and 2008 ozone national ambient air quality standards (NAAQS). This action is being taken in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** This final rule is effective on September 30, 2022.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2022–0347. 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, 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 [www.regulations.gov](http://www.regulations.gov), or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

**FOR FURTHER INFORMATION CONTACT:** David Talley, Permits Branch (3AD10), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2117. Mr. Talley can also be reached via electronic mail at [talley.david@epa.gov](mailto:talley.david@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On May 25, 2022 (87 FR 31798), EPA published a notice of proposed rulemaking (NPRM) addressing NO<sub>x</sub> emissions from coal-fired power plants in the Commonwealth of Pennsylvania. In the NPRM, EPA proposed a FIP in order to address the CAA's RACT requirements under the 1997 and 2008 ozone NAAQS for large, coal-fired EGUs equipped with SCR in Pennsylvania. As discussed in the NPRM, the FIP was proposed as an outgrowth of a decision by the United States Court of Appeals for the Third Circuit (“the Court”), which vacated and remanded to EPA a portion of our prior approval of Pennsylvania's “RACT II” rule which

applied to the same universe of sources. See 87 FR 31798; 31799–39802.

The Court directed that “[o]n remand, the agency must either approve a revised, compliant SIP within two years or formulate a new Federal implementation plan.” *Sierra Club v. EPA*, 972 F.3d 290, 309 (3rd Circuit 2020) (“*Sierra Club*”). On September 15, 2021, EPA proposed disapproval of those portions of the prior approval which were vacated by the Court. See 86 FR 51315. EPA took final action to disapprove the vacated portions of our prior approval. 87 FR 50257, August 16, 2022. EPA is now finalizing a FIP to fulfill the Court's order.

The collection of sources addressed by the RACT analysis in this FIP has been determined by the scope of the Third Circuit's order in the *Sierra Club* case and EPA's subsequent disapproval action. Herein, EPA is finalizing RACT control requirements for the four facilities that remain open and active that were subject to the SIP provision that the Court vacated EPA's approval of and that EPA thereafter disapproved: Conemaugh, Homer City, Keystone, and Montour. EPA's prior approval action and the Court's decision related to source-specific RACT determinations for the Cheswick, Conemaugh, Homer City, Keystone, and Montour generating stations. The Bruce Mansfield and Cheswick facilities ceased operation, so there is no longer a need to address RACT requirements for those facilities, so are not included in this final action. Accordingly, there are a total of nine affected EGUs/units at four facilities in this action: three at Homer City and two each at Conemaugh, Keystone and Montour.

The Pennsylvania Department of Environmental Protection (PADEP) undertook efforts to develop a SIP revision addressing the deficiencies identified by the Third Circuit in the *Sierra Club* decision. PADEP proceeded to develop source specific (“case-by-case”) RACT determinations for the generating stations at issue. By April 1, 2021, each of the facilities had submitted permit applications to PADEP with alternative RACT proposals in accordance with 25 Pa. Code 129.99. Subsequently, PADEP issued technical deficiency notices to obtain more information needed to support the facilities' proposed RACT determinations. Although additional information was provided in response to these notices, PADEP determined the proposals to be insufficient and began developing its own RACT determination for each facility. The outcome of this process was PADEP's issuance of draft permits for each facility, which were