

final rule by an additional 90 days.⁴ On May 21, 2021, the court granted another motion by the plaintiffs to postpone the effective date of the final rule by an additional 90 days.⁵ On August 18, 2021, the court issued an order to postpone the effective date of the final rule by an additional 90 days.⁶ On November 12, 2021, the court issued another order to postpone the effective date of the final rule by an additional 90 days.⁷ On February 10, 2022, the court issued another order to postpone the effective date of the final rule by an additional 90 days.⁸ On May 10, 2022, the court issued another order to postpone the effective date of the final rule by an additional 90 days.⁹ On August 10, 2022, the court granted a motion by the plaintiffs to postpone the effective date of the final rule by an additional 90 days.¹⁰ On November 7, 2022, the court issued another order to postpone the effective date of the final rule by an additional 31 days.¹¹ The court ordered that the new effective date of the final rule is November 6, 2023. Pursuant to the court order, any obligation to comply with a deadline tied to the effective date is similarly postponed, and those obligations and deadlines are now tied to the postponed effective date.

To the extent that 5 U.S.C. 553 applies to this action, the Agency's implementation of this action without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exception in 5 U.S.C. 553(b)(B). Seeking public comment is impracticable, unnecessary, and contrary to the public interest. The 31-day postponement of the effective date, until November 6, 2023, is required by court order in accordance with the court's authority to postpone a rule's

⁴ *R.J. Reynolds Tobacco Co.*, No. 6:20-cv-00176 (E.D. Tex. March 2, 2021) (order granting Plaintiffs' motion and postponing effective date), Doc. No. 89.

⁵ *R.J. Reynolds Tobacco Co.*, No. 6:20-cv-00176 (E.D. Tex. May 21, 2021) (order granting Plaintiffs' motion and postponing effective date), Doc. No. 91.

⁶ *R.J. Reynolds Tobacco Co.*, No. 6:20-cv-00176 (E.D. Tex. August 18, 2021) (order postponing effective date), Doc. No. 92.

⁷ *R.J. Reynolds Tobacco Co.*, No. 6:20-cv-00176 (E.D. Tex. November 12, 2021) (order postponing effective date), Doc. No. 93.

⁸ *R.J. Reynolds Tobacco Co.*, No. 6:20-cv-00176 (E.D. Tex. February 10, 2022) (order postponing effective date), Doc. No. 94.

⁹ *R.J. Reynolds Tobacco Co.*, No. 6:20-cv-00176 (E.D. Tex. May 10, 2022) (order postponing effective date), Doc. No. 96.

¹⁰ *R.J. Reynolds Tobacco Co.*, No. 6:20-cv-00176 (E.D. Tex. August 10, 2022) (order granting Plaintiffs' motion and postponing effective date), Doc. No. 100.

¹¹ *R.J. Reynolds Tobacco Co.*, No. 6:20-cv-00176 (E.D. Tex. November 7, 2022) (order postponing effective date), Doc. No. 104.

effective date pending judicial review (5 U.S.C. 705). Seeking prior public comment on this postponement would have been impracticable, as well as contrary to the public interest in the orderly issuance and implementation of regulations.

Dated: November 18, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022-25650 Filed 11-23-22; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG-2022-0881]

Special Local Regulations; Marine Event Within the Captain of the Port Savannah Zone—Savannah Harbor Boat Parade of Lights and Fireworks

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the special local regulation for the Savannah Harbor Boat Parade of Lights and Fireworks. This action is necessary to ensure safety of life on navigable waters of the Savannah River during the Savannah Harbor Boat Parade of Lights and Fireworks displays. During the enforcement period, no person or vessel may enter, transit through, anchor in, or remain within the designated area unless authorized by the Captain of the Port Savannah or a designated representative.

DATES: The regulations in 33 CFR 100.701 will be enforced for the location identified in paragraph (d) Item 4 of Table 1 to § 100.701, will be enforced from 5 p.m. through 10 p.m. on November 26, 2022.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email LT Alex McConnell, Marine Safety Unit Savannah Office of Waterways Management, Coast Guard; telephone 912-652-4353, extension 240, or email Alexander.W.McConnell@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special local regulation for the Savannah Harbor Boat Parade of Lights and Fireworks in 33 CFR 100.701, Table 1 to § 100.701, paragraph (d), Item 4, from 5 p.m. until 10 p.m., on November 26, 2022. This

action is being taken to provide for the safety and security of navigable waterways during this one-day event. Our regulation for marine events within the Captain of the Port Savannah, § 100.701, specifies the location of the special local regulation for Savannah Harbor Boat Parade of Lights and Fireworks, which encompasses parts of the Savannah River from the Talmadge bridge to a line drawn at 146 degrees true from Dayboard 62, in Savannah, GA. Only event sponsored, designated participants and official patrol vessels will be allowed to enter the regulated area.

Spectator vessels may safely transit outside the regulated area, but may not anchor, block, loiter in, impede the transit of festival participants or official patrol vessels or enter the regulated area without approval from the Captain of the Port Savannah or a designated representative. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation. In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide notice of the regulated area via Local Notice to Mariners, Marine Safety Information Bulletins, Broadcast Notice to Mariners, and on-scene designated representatives.

Dated: November 22, 2022.

M.K. Villafane,

Lieutenant Commander, U.S. Coast Guard, Acting, Captain of the Port Savannah, GA.

[FR Doc. 2022-25902 Filed 11-22-22; 4:15 pm]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2022-0926]

RIN 1625-AA00

Safety Zone; Bahia de San Juan, San Juan, PR

AGENCY: Coast Guard, Department of Homeland Security (DHS).

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters of Bahia de San Juan, within a 200-yard radius of the tug MICHELE FOSS and barge FOSS PREVAILING WIND. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by the movement and berthing of two port

facility cranes transiting inbound to Puerto Rico Ports Authority (PRPA) piers M, N and O, through Bahia de San Juan's main navigational channels. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sector San Juan.

DATES: This rule is effective without actual notice from November 25, 2022, until November 28, 2022. For purposes of enforcement, actual notice will be used from November 18, 2022, until November 25, 2022.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2022-0926 in the search box and click "Search." Next, in the Document Type column, select "Supporting & Related Material."

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LCDR Carlos M. Ortega-Perez, Sector San Juan Prevention Department, Waterways Management Division, U.S. Coast Guard; telephone (787) 729-2380, email carlos.m.ortega-perez@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
 DHS Department of Homeland Security
 FR Federal Register
 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 doing so would be impracticable. The Coast Guard lacks sufficient time to provide for a comment period and then consider those comments before issuing the rule since this rule is needed by November 18, 2022. It would be contrary to the public interest since immediate action is necessary to protect the safety of the public, and vessels transiting the waters of the Bahia de San Juan, PR during the

planned movement and obstruction created by oversized cranes.

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 because immediate action is needed to minimize the potential safety hazards associated with the restricted maneuverability and oversized cargo being carried by these vessels.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port San Juan (COTP) has determined that potential hazards associated with the movement and berthing of oversized cranes by barge on November 18, 2022, will be a safety concern for anyone within a 200-yard radius of the tug MICHELE FOSS and barge FOSS PREVAILING WIND. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the barge transits inbound from sea and while berthed alongside the wharf.

IV. Discussion of the Rule

This rule establishes a temporary safety zone from November 18, 2022 through November 28, 2022. A moving and fixed temporary safety zone will be established for the the tug MICHELE FOSS and barge FOSS PREVAILING WIND while they are inside of the Bahia de San Juan and loaded with large cranes on deck. While the tug and barge are underway and laden with cranes, the temporary safety zone will cover all navigable waters of Bahia de San Juan within 200 yards of the tug MICHELE FOSS and barge FOSS PREVAILING WIND. The tug and barge are only expected to be underway for approximately one hour. There will be a fixed safety zone within 200 yards of the tug and barge, while they are moored, and discharging the cranes to Puerto Rico Ports Authority (PRPA) piers M, N and O. This safety zone may last until November 28, 2022, but it will not be enforced after the cranes have been removed from the barge. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by the movement and obstruction hazard of two oversized cranes transiting inbound to PRPA piers M, N and O, through Bahia de San Juan's main navigational channels, and when they are moored to that facility. 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 protestors.

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. 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).

This regulatory action determination is based on the size, location and scope of the safety zone. The zone is limited in size, location, and duration as it will cover all navigable waters of the Atlantic Ocean and the Bahia de San Juan within 200 yards of the Tug (MICHELE FOSS) and Barge (FOSS PREVAILING WIND) while they are underway with cranes onboard, and while they are moored to the PRPA piers, and discharging their cargo. The zone is limited in scope as vessel traffic may be able to safely transit around this safety zone and vessels may seek permission from the COTP to enter the zone. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF-FM marine channel 16 about the safety zone.

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 regulated area 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 (Pub. L. 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. If you believe this rule has implications for federalism or Indian tribes, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

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 safety zone, for the tug MICHELE FOSS and barge FOSS PREVAILING WIND, of which the moving zone is anticipated to last approximately one hour and the fixed zone, up to ten days, that will prohibit entry within 200 yards of the tug MICHELE FOSS and barge FOSS PREVAILING WIND. It is categorically excluded from further review under paragraph L60(a) 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, Safety 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.T07–0926 to read as follows:

§ 165.T07–0926 Safety Zone; Bahia de San Juan, tug MICHELE FOSS and barge FOSS PREVAILING WIND, San Juan, PR.

(a) *Location.* The following is a safety zone: The moving safety zone will include all navigable waters of Bahia de San Juan, within a 200-yard radius of the tug MICHELE FOSS and barge FOSS PREVAILING WIND while transiting Puerto Rico Ports Authority (PRPA) piers M, N and O, and laden with oversized cranes. The fixed zone will include all navigable waters of Bahia de San Juan, within a 200-yard radius of the tug MICHELE FOSS and barge FOSS PREVAILING WIND while moored at PRPA piers M, N and O, and laden with oversized cranes.

(b) *Definition.* The term *designated representative* means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) No person or vessel will be permitted to enter, transit, anchor, or remain within the safety zone unless authorized by the COTP San Juan or a designated representative. If authorization is granted, persons and/or vessels receiving such authorization must comply with the instructions of the COTP San Juan or designated representative.

(2) Persons who must notify or request authorization from the COTP San Juan may do so by telephone at (787) 289–2041, or may contact a designated representative via VHF radio on channel 16.

(d) *Enforcement period.* This section will be enforced from November 18, 2022, through November 28, 2022. The moving zone will be enforced while the tug and barge are transiting with the cranes embarked, and the fixed zone will be enforced while the tug and barge are moored at the facility, and the cranes are onboard.

Dated: November 18, 2022.

José E. Díaz,

Captain, U.S. Coast Guard, Captain of the Port San Juan.

[FR Doc. 2022-25730 Filed 11-23-22; 8:45 am]

BILLING CODE 9110-04-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 25

[IB Docket Nos. 20–330; FCC 22–63; FR ID 107242]

Amendment to Enable GSO Fixed-Satellite Service (Space-to-Earth) Operations in the 17.3–17.8 GHz Band, To Modernize Certain Rules Applicable to 17/24 GHz BSS Space Stations, and To Establish Off-Axis Uplink Power Limits for Extended Ka-Band FSS Operations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (FCC) adopts amendments to its rules to enable geostationary satellite orbit (GSO) space stations in the fixed-satellite service (FSS) to operate downlinks (space-to-Earth) in the 17.3–17.8 GHz frequency band, subject to certain limitations, and adopts related technical updates to its rules governing the FSS and the Broadcasting-Satellite Service to prevent harmful interference.

DATES: The amendments are effective December 27, 2022, except for the amendments to §§ 25.114 (amendatory instruction 5), 25.115 (amendatory instruction 6), 25.117 (amendatory instruction 7), 25.140 (amendatory instruction 8), 25.203 (amendatory instruction 10), and 25.264 (amendatory instruction 18), which are delayed. The Commission will publish a document in the **Federal Register** announcing the effective date for those amendments.

FOR FURTHER INFORMATION CONTACT:

Sean O'More, International Bureau, Satellite Division, 202–418–2453, sean.omore@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, FCC 22–63, adopted August 3, 2022, and released August 3, 2022. The full text of the Report and Order is available at <https://www.fcc.gov/edocs/search-results?t=quick&fccdaNo=22-63>. To request materials in accessible formats for people with disabilities, send an email to FCC504@fcc.gov or call the Consumer & Governmental Affairs

Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Final Regulatory Flexibility Analysis. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission prepared a Final Regulatory Flexibility Analysis (FRFA) of the possible significant economic impact on small entities of the policies and rules adopted in the Order, which was incorporated in the Report and Order.

Congressional Review Act

The Commission will send a copy of the Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act (CRA), see 5 U.S.C. 801(a)(1)(A).

Paperwork Reduction Act

This document contains new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. It will be submitted to the Office of Management and Budget (OMB) for review under Section 3507(d) of the PRA. OMB, the general public, and other Federal agencies will be invited to comment on the new or modified information collection requirements contained in this proceeding. In addition, we note that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), we previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees.

Synopsis

I. Introduction

In this final rule, the Commission permits use of the 17.3–17.7 GHz band by geostationary satellite orbit (GSO) space stations in the fixed-satellite service (FSS) in the space-to-Earth direction on a co-primary basis with incumbent services. We also permit limited GSO FSS (space-to-Earth) use of the 17.7–17.8 GHz band on an unprotected basis with respect to fixed service operations. Permitting use of the 17.3–17.8 GHz band to include FSS downlinks increases intensive and efficient use of the band and provides additional downlink capacity for high-throughput satellite communications. With appropriate technical safeguards established herein, including coordination requirements, this band can be shared in an efficient and effective manner without harmful interference while alleviating the growing need for additional Ka-band

GSO FSS downlink spectrum to support communications to earth stations, and further streamline the licensing process of certain satellite systems. Permitting use of the 17.3–17.8 GHz band to include FSS downlinks will create a contiguous band for FSS (space-to-Earth) operations, enabling greater flexibility and efficiency for advanced satellite systems operations for the benefit of American consumer. In this final rule, we also define an extended Ka-band in our rules, *i.e.*, the 17.3–18.3 GHz (space-to-Earth), 18.8–19.4 GHz (space-to-Earth), 19.6–19.7 GHz (space-to-Earth), 27.5–28.35 GHz (Earth-to-space) and 28.6–29.1 GHz (Earth-to-space) bands to streamline licensing of FSS earth stations in a closely harmonized regulatory framework for all similar FSS uplink transmissions in the conventional and extended Ka-bands.

II. Background

The Table of Frequency Allocations is comprised of the International Table and the United States Table of Frequency Allocations (U.S. Table). In the International Table, the 17.3–17.7 GHz band is allocated, in International Telecommunication Union (ITU) Region 2, to the fixed-satellite service (FSS) (Earth-to-space) and to the broadcasting-satellite service (BSS) on a co-primary basis, as well as to the radiolocation service on a secondary basis. In the U.S. Table, the 17.3–17.7 GHz band is allocated to the FSS (Earth-to-space) and to the BSS on a co-primary basis and to the radiolocation services on a secondary basis. The adjacent 17.7–17.8 GHz band is allocated internationally in ITU Region 2 to the fixed service, BSS, and FSS (in both the space-to-Earth and Earth-to-space directions) on a primary basis and to the mobile service on a secondary basis. The 17.7–17.8 GHz band is allocated to FSS (Earth-to-space) and to the fixed service on a co-primary basis in the U.S. Table. Historically, in the United States, the 17.3–17.8 GHz band has been used for FSS feeder uplinks that transmit programming to Direct Broadcast Satellite (DBS) service GSO space stations, in addition to terrestrial fixed service use of the 17.7–17.8 GHz band. DBS feeder link operations typically involve the use of large, high-gain antennas at a limited number of individually-licensed earth station locations. The DBS service satellites then downlink that video programming directly to consumers in the 12.2–12.7 GHz band.

In 2007, the Commission adopted rules for a new service that would use the 17.3–17.8 GHz band in the space-to-Earth direction to provide BSS. This service, known as the “17/24 GHz BSS,”