

Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under E.O. 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 E.O. 13132.

Also, this rule does not have tribal implications under E.O. 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 contact 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 Management Directive 023–01 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 safety zone in an area in the vicinity of the South Jetty of Ballona Creek, Marina Del Rey, CA. Such actions are categorically excluded from further review under paragraph 60(a) of Appendix A, Table 1

of the Department of Homeland Security Directive 023–01–001–01, Rev. 01. An environmental analysis checklist supporting this determination and Record of Environmental Consideration (REC) are available in the docket where indicated under **ADDRESSES**.

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 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., Revision No. 01.3

■ 2. Add § 165.T11–115 to read as follows:

§ 165. T11–115 Safety Zone; Marina Del Rey New Year’s Eve Fireworks Display; Marina Del Rey, California.

(a) *Location.* The following area is a safety zone: all navigable waters within a 1,000-foot radius around the fireworks display on the South Jetty of Ballona Creek, in vicinity of Marina Del Rey, CA. Enforcement of the safety zone shall begin 15 minutes prior to the commencement of the fireworks display, and for the duration of the fireworks display, expected to commence at 9 p.m., and then again at midnight. Each display is expected to last approximately 30 minutes. These coordinates are based on North American Datum of 1983, World Geodetic System, 1984.

(b) *Definitions.* For the purposes of this section:

Designated representative means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard designated by or assisting the Captain of the Port Sector Los Angeles—Long Beach (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, hail Coast Guard Sector Los Angeles—Long Beach on VHF–FM Channel 16 or call at (310) 521–3801. 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 period.* This section will be enforced from 8 p.m. on December 31, 2022, though 1 a.m. on January 1, 2023. The firework display is scheduled to commence at 9 p.m. and then again at midnight. This rule will be enforced 15 minutes prior to and for the duration of the fireworks displays, which will be broadcasted via local Broadcast Notice to Mariners in accordance with 33 CFR 165.7.

R.D. Manning,

Captain, U.S. Coast Guard, Captain of the Port Sector Los Angeles—Long Beach.

[FR Doc. 2022–26921 Filed 12–9–22; 8:45 am]

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NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Parts 1220 and 1222

[FDMS No. NARA–22–0020; NARA–2022–067]

RIN 3095–AC08

Federal Records Management: Managing Electronic Records, Including Electronic Messages

AGENCY: National Archives and Records Administration (NARA).

ACTION: Final rule.

SUMMARY: We are amending our regulations on creating and maintaining Federal records to explicitly include record-keeping requirements for electronic records. On January 1, 2021, the Federal Records Act was amended. It now requires the Archivist of the United States to promulgate regulations governing Federal agency preservation of electronic messages that are determined to be records. We are amending our regulations to define electronic messages and to expressly state records management requirements for electronic records, including electronic messages.

DATES: This rule is effective on January 11, 2023.

ADDRESSES: Regulatory and External Policy Program (MP); Suite 4100; National Archives and Records

Administration; 8601 Adelphi Road; College Park, MD 20740–6001.

FOR FURTHER INFORMATION CONTACT: Edward Germino, Strategy and Performance Division, by email at regulation_comments@nara.gov, or by telephone at 301–837–3758. Contact rmstandards@nara.gov with any questions on electronic records management.

SUPPLEMENTARY INFORMATION:

Background

On January 1, 2021, Public Law 116–283 amended the Federal Records Act at 44 U.S.C. 2912 to require the Archivist of the United States to promulgate regulations governing Federal agency preservation of electronic messages that are records. The law states that the regulations must require agencies to electronically capture, manage, and preserve electronic message records, and must require that they can readily access such records through electronic searches. Additionally, the regulations should include timelines for Federal agencies to implement the resulting regulatory requirements as expeditiously as practicable.

We are amending 36 CFR part 1220, Federal Records; General, to define electronic messages and incorporate them into all existing requirements governing Federal records. We are also modifying 36 CFR part 1222, Creation and Maintenance of Federal Records, to specifically restate that the capture, management, and preservation of electronic records, including electronic messages, is an essential part of a Federal records management program.

These changes incorporate electronic messages into existing regulations on electronic records management. The current regulations in 36 CFR part 1236, Electronic Records Management, already state that records management controls are needed to ensure that Federal records in electronic information systems can provide adequate and proper documentation of agency business for as long as the information is needed. Part 1236 also requires agencies to ensure all records in electronic information systems are retrievable and usable for as long as they need the records to conduct agency business. In addition, 36 CFR 1222.22 currently specifies requirements for adequate documentation of agency business. These existing regulations apply to all electronic records, including electronic messages.

We are not providing agencies with a timeline for implementing these requirements. The Archivist of the United States has previously

promulgated regulations that cover the requirements set forth in Public Law 116–283, and agencies have been required to implement them for some time already. These requirements are effective on the effective date of this final rule.

Regulatory Analysis

Executive Order 12866, Regulatory Planning and Review, and Executive Order 13563, Improving Regulation and Regulation Review

The Office of Management and Budget (OMB) has reviewed this rulemaking and determined it is not “significant” under section 3(f) of Executive Order 12866. It is not significant because it applies only to Federal agencies, updates the regulations due to a statutory requirement, the new requirements are being added to clarify ones that agencies have already been required to follow, and is not establishing a new program. The requirements are necessary to comply with statute and to ensure agencies are appropriately preserving records.

Regulatory Flexibility Act (5 U.S.C. 601, et seq.)

This review requires an agency to prepare an initial regulatory flexibility analysis and publish it when the agency publishes the proposed rule. This requirement does not apply if the agency certifies that the rulemaking will not, if promulgated, have a significant economic impact on a substantial number of small entities (5 U.S.C. 603). We certify, after review and analysis, that this rulemaking will not have a significant adverse economic impact on small entities.

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

The Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, et seq.) requires that agencies consider the impact of paperwork and other information collection burdens imposed on the public and, under the provisions of PRA section 3507(d), obtain approval from OMB for each collection of information we conduct, sponsor, or require through regulations. This rulemaking does not impose additional information collection requirements on the public that are subject to the Paperwork Reduction Act.

Executive Order 13132, Federalism

Executive Order 13132 requires agencies to ensure State and local officials have the opportunity for meaningful and timely input when developing regulatory policies that may have a substantial, direct effect on the

states, on the relationship between the Federal Government and the states, or on the distribution of power and responsibilities among the various levels of government. If the effects of the rule on State and local governments are sufficiently substantial, the agency must prepare a Federal assessment to assist senior policy makers. This rulemaking will not have any effects on State and local governments within the meaning of the E.O. Therefore, no federalism assessment is required.

Unfunded Mandates Reform Act (Sec. 202, Pub. L. 104–4; 2 U.S.C. 1532)

The Unfunded Mandates Reform Act requires that agencies determine whether any Federal mandate in the rulemaking may result in State, local, and Tribal governments, in the aggregate, or the private sector, expending \$100 million in any one year. NARA certifies that this rulemaking does not contain a Federal mandate that may result in such an expenditure.

List of Subjects in 36 CFR Parts 1220 and 1222

Archives and records.

For the reasons discussed in the preamble, NARA amends 36 CFR parts 1220 and 1222 as follows:

PART 1220—FEDERAL RECORDS; GENERAL

- 1. The authority citation for part 1220 continues to read as follows:

Authority: 44 U.S.C. Chapters 21, 29, 31, and 33.

- 2. In § 1220.18, add a definition in alphabetical order for “Electronic messages” to read as follows:

§ 1220.18 What definitions apply to the regulations in Subchapter B?

* * * * *

Electronic messages means electronic mail and other electronic messaging systems that are used for purposes of communicating between individuals. Electronic messages that satisfy the definition of a Federal record under the Federal Records Act are electronic records.

* * * * *

PART 1222—CREATION AND MAINTENANCE OF FEDERAL RECORDS

- 3. The authority citation for part 1222 continues to read as follows:

Authority: 44 U.S.C. 2904, 3101, 3102, and 3301.

- 4. In § 1222.26:
 - a. Revise the section heading;

- b. Redesignate the introductory text as paragraph (a) introductory text;
- c. Redesignate paragraphs (a) through (e) as paragraphs (a)(1) through (5); and
- d. Add a new paragraph (b).

The revision and addition read as follows:

§ 1222.26 What are the general recordkeeping requirements for agencies?

* * * * *

(b) Agencies must capture, manage, and preserve electronic records with appropriate metadata and must be able to access and retrieve electronic records, including electronic messages, through electronic searches.

Debra Steidel Wall,

Acting Archivist of the United States.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2022–0625; FRL–10023–01–R10]

Air Plan Approval; Alaska; Updates to Materials Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; administrative change.

SUMMARY: The Environmental Protection Agency (EPA) is updating the materials that are incorporated by reference into the Alaska State Implementation Plan (SIP). The regulations affected by this format change have all been previously submitted by Alaska and approved by the EPA. In this action, the EPA is also notifying the public of corrections to typographical errors, and minor formatting changes to the incorporation by reference tables. This update affects the SIP materials that are available for public inspection at the National Archives and Records Administration and the EPA Regional Office.

DATES: This action is effective December 12, 2022.

ADDRESSES: SIP materials which are incorporated by reference into the Code of Federal Regulations (CFR) at 40 CFR part 52 are available for inspection at the following locations: online at www.regulations.gov in the docket for this action, by appointment at the EPA Region 10, 1200 Sixth Avenue, Suite 155, Seattle, WA 98101, and by appointment at the National Archives and Records Administration (NARA). For information on the availability of

this material at the EPA Regional Office, please contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document. For information on the availability of this material at NARA, email fr.inspection@nara.gov, or go to: www.archives.gov/federal-register/cfr/ibr-locations.html.

FOR FURTHER INFORMATION CONTACT: Kristin Hall, EPA Region 10, 1200 Sixth Avenue, Suite 155, Seattle, WA 98101, at (206) 553–6357 or hall.kristin@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The SIP is a living document that a state revises as necessary to address its unique air pollution problems. Therefore, from time to time, the EPA must take action on SIP revisions containing new and/or revised regulations, approving and incorporating them by reference into the SIP. On May 22, 1997, the EPA revised the procedures for incorporating by reference federally approved SIP provisions, as a result of consultations between the EPA and the Office of the Federal Register (OFR) (62 FR 27968). The description of the revised SIP document, IBR procedures and “Identification of plan” format is discussed in further detail in the May 22, 1997, **Federal Register** document. On April 10, 2014, the EPA published a **Federal Register** beginning the new IBR procedure for Alaska (79 FR 19820). The EPA subsequently published an update to the IBR materials for Alaska on December 8, 2017 (82 FR 57836). Since then, the EPA has approved and incorporated by reference the following provisions of Alaska Administrative Code (18 AAC 50) into the Alaska SIP.

A. Added Regulations

- 18 AAC 50.030 State Air Quality Control Plan, except (a) (requiring compliance with prescribed control technology and regulating the implementation of contingency measures)
- 18 AAC 50.078 Additional Control Measures for a Serious Nonattainment Area, except (c) and (d) (regulating the sulfur content of fuel oil in space heaters and other equipment)
- 18 AAC 50.079 Provisions for Coal-Fired Heating Devices, except (e) (limiting the sale, installation, use and other activities related to coal-fired heating devices)

B. Revised Regulations

- 18 AAC 50.015 Air Quality Designations, Classifications, and Control Regions (designating areas

within Alaska based on ambient air quality)

- 18 AAC 50.025 Visibility and Other Special Protection Areas (establishing visibility, woodsmoke and sulfur dioxide special protection areas within Alaska)
- 18 AAC 50.035 Documents, Procedures and Methods Adopted by Reference, except (a)(6), (a)(9), (b)(4) (adopting certain air quality monitoring, measurement, and testing guidelines and standards)
- 18 AAC 50.040 Federal Standards Adopted by Reference, except (a), (b), (c), (d), (e), (g), (j), and (k) (adopting certain Federal major source permitting requirements)
- 18 AAC 50.055 Industrial Processes and Fuel-Burning Equipment, except (d)(2)(B) (establishing emission standards for industrial processes and fuel burning)
- 18 AAC 50.075 Solid Fuel-Fired Visible Emission Standards, except (d)(2) and (f) (setting visible emission standards for certain types of heating devices)
- 18 AAC 50.076 Solid Fuel-Fired Heating Device Fuel Requirements; Requirements for Wood Sellers, except (g)(11) (establishing operating requirements for heating devices, fuel burned in such devices, and certification for commercial wood sellers)
- 18 AAC 50.077 Standards for Wood-Fired Heating Devices, except (g) (regulating the types of heating devices allowed to be installed and used in certain areas of the State)
- 18 AAC 50.215 Ambient Air Quality Analysis Methods, except (a)(4) (establishing requirements for the analysis of ambient air quality monitoring and modeling data)
- 18 AAC 50.220 Enforceable Test Methods, except (c)(1)(A), (B), (C), and (c)(2) (establishing requirements for conducting air pollution emissions tests)
- 18 AAC 50.230 Pre-Approved Emission Limits, except (d) (establishing pre-approved nitrogen oxide emission limits for certain diesel engines)
- 18 AAC 50.250 Procedures and Criteria for Revising Air Quality Classifications (governing how geographic area classifications may be revised)
- 18 AAC 50.260 Guidelines for Best Available Retrofit Technology Under the Regional Haze Rule (setting rules for control of visibility-impairing pollutants from certain stationary sources)
- 18 AAC 50.311 Nonattainment Area Major Stationary Source Permits