

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 safety zone lasting approximately one hour that will prohibit entry within 350-foot radius of a land launched fireworks display. 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, 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, 70124; 33 CFR 1.05-1, 6.04-1, 6.04-6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

- 2. Add § 165.T09-0560 to read as follows:

§ 165.T09-0560 Safety Zone; Lake Erie, Erie, PA.

(a) *Location.* The following area is a safety zone: All waters of Presque Isle Bay, from surface to bottom, encompassed by 350-foot radius around 42°8'19.6008" N 80°5'29.2806" W.

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, 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 of Buffalo (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) In accordance with the general regulations in section § 165.23, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the COTP Buffalo or their designated representative.

(2) Vessel operators desiring to enter or operate within the safety zone must contact the COTP Buffalo or their designated representative to obtain permission to do so. The COTP Buffalo or their designated representative may be contacted via VHF Channel 16.

(d) *Enforcement period.* The regulated area described in paragraph (a) of this section is effective from 8:45 through 9:45 p.m. on August 8, 2023.

Dated: July 10, 2023.

M.I. Kuperman,

Captain, U.S. Coast Guard, Captain of the Port Sector Buffalo.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2023-0516]

Safety Zones; Annual Events in the Captain of the Port Buffalo Zone

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulations.

SUMMARY: The Coast Guard will enforce a safety zone that encompasses certain navigable waters in the Cleveland Inner Harbor West Basin on Lake Erie, for the Whiskey Island Paddlefest in Cleveland, OH. This action is necessary and intended for the safety of life and property on navigable waters during this event. During the enforcement period, no person or vessel may enter the respective safety zone without the permission of the Captain of the Port Buffalo or a designated representative.

DATES: The regulations in 33 CFR 165.939, Table (c)(1) will be enforced from 7:30 a.m. through 1:30 p.m. on August 19, 2023.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Lieutenant Jared Stevens, Waterways Management Division, U.S. Coast Guard Marine Safety Unit Cleveland; telephone 216-937-0124, email *D09-SMB-MSUCLEVELAND-WWM@uscg.mil*.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce Safety Zones; Annual Events in the Captain of the Port Buffalo Zone, as listed in 33 CFR 165.939, Table 165.939(c)(1) in Cleveland, OH on all U.S. waters from 41°29'59.5" N and 081°42'59.3" W to 41°30'4.4" N and 081°42'44.5" W to 41°30'17.3" N and 081°43'0.6" W to 41°30'9.4" N and 081°43'2.0" W to 41°29'54.9" N and 081°43'34.4" W to 41°30'0.1" N and 081°43'3.1" W and back to 41°29'59.5" N and 081°42'59.3" W (NAD 83) for the Whiskey Island Paddlefest in the Cleveland Inner Harbor West Basin, Lake Erie.

Pursuant to 33 CFR 165.23, entry into, transiting, or anchoring within the safety zone during an enforcement period is prohibited unless authorized by the Captain of the Port Buffalo or a designated representative. Those seeking permission to enter the safety zone may request permission from the Captain of Port Buffalo via channel 16, VHF-FM. Vessels and persons granted permission to enter the safety zone shall obey the directions of the Captain of the Port Buffalo or his designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

This notice of enforcement is issued under authority of 33 CFR 165.939 and 5 U.S.C. 552 (a). In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via Broadcast Notice to Mariners or Local Notice to Mariners. If the Captain of the Port Buffalo determines that the safety zone need not be enforced for the full duration stated in this notice, they may use a Broadcast Notice to Mariners to grant general permission to enter the respective safety zone. This notification is being issued by the Coast Guard Sector Buffalo Prevention Department Head at the direction of the Captain of the Port.

Dated: July 11, 2023.

Jeff B. Bybee,

Commander, U.S. Coast Guard, Sector Buffalo Prevention Department Head.

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DEPARTMENT OF EDUCATION

34 CFR Chapter III

[Docket ID ED-2023-OESE-0038]

Final Priority and Requirements— Technical Assistance and Dissemination To Improve Services and Results for Children With Disabilities and the School Safety National Activities—National Technical Assistance Center on Positive Behavioral Interventions and Supports

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Final priority and requirements.

SUMMARY: The Department of Education (Department) announces a priority and requirements for the National Technical Assistance Center on Positive Behavioral Interventions and Supports (Center) under the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities and the School Safety National Activities programs, Assistance Listing Number 84.326S. The final priority and requirements in this document are specific to the work funded out of the School Safety National Activities program and are designed to improve student safety and well-being. We may use this priority or one or more of these requirements in fiscal year (FY) 2023 and later years.

DATES: Effective August 16, 2023.

FOR FURTHER INFORMATION CONTACT: Renee Bradley, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202. Telephone: (202) 987-1128. Email: Renee.Bradley@ed.gov.

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7-1-1.

SUPPLEMENTARY INFORMATION:

Purpose of Program: The purpose of the Center is to enhance the capacity of States and local educational agencies (LEAs) to implement positive and safe school climates, and effectively support and respond to students' social, emotional, behavioral, and mental health needs to ensure participation and enhance learning, by implementing evidence-based practices (EBPs) within a multi-tiered system of support (MTSS) framework.

Note: The Center is jointly funded under the Individuals with Disabilities Education Act (IDEA) and the Elementary and Secondary Education Act (ESEA). By combining funds from two separate programs, the Department is able to make a

more comprehensive investment to address the purpose of the Center.

Program Authority: Section 4631(a)(1)(B) of the ESEA (20 U.S.C. 7281).

We published a notice of proposed priority and requirements (NPP) for this program in the **Federal Register** on March 13, 2023 (88 FR 15336). That document contained background information and our reasons for proposing the particular priority, including the requirements.

As discussed in the *Analysis of Comments and Changes* section of this document, we made minor changes to the priority. We made both substantive and editorial changes to the application requirements.

Public Comment: In response to our invitation in the NPP, 16 parties submitted comments addressing the priority, including the requirements.

Generally, we do not address technical and other minor changes, or suggested changes the law does not authorize us to make under the applicable statutory authority. In addition, we do not address general comments that raised concerns not directly related to the proposed priority and requirements.

Analysis of Comments and Changes: An analysis of the comments and of any changes in the priority and requirements since publication of the NPP follows. We group major issues according to subject.

General Comments:

Comment: All commenters expressed general support for the priority and requirements. Commenters supported the Department's efforts to implement EBPs within an MTSS/Positive Behavioral Interventions and Supports (PBIS) framework, supports for underserved students, and the provision of technical assistance (TA) to State educational agencies (SEAs) and local educational agencies (LEAs) to develop, expand, and sustain schoolwide MTSS frameworks and to build personnel capacity and expertise to promote safe, positive, predictable, and culturally and linguistically inclusive learning environments where students feel a sense of belonging.

In addition, a commenter appreciated the access to external expertise; a second commenter recognized the need for support of various subgroups and geographic areas; and a third commenter expressed support for the inclusion of rural schools in the priority.

Discussion: We appreciate the support for the program and for the specific emphasis on implementing EBPs within an MTSS/PBIS framework.