

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 less than a week during hours that will prohibit entry within 1,100 yards of pollution response operations at the vessel ALEUTIAN STORM. It is categorically excluded from further review under paragraph L60(c) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

#### 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. 0170.1, Revision No. 01.3.

■ 2. Add § 165.T11–158 to read as follows:

#### § 165.T11–158 Emergency Safety Zone; Pacific Ocean, Bodega Bay, CA

(a) *Location.* The following area is a safety zone: all navigable waters, from surface to bottom, within a 1,100-yard radius seaward of the following coordinates 38°19'43" N 123°4'16.2" W (NAD 83).

(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, or a Federal, State, or local officer designated by or assisting the Captain of the Port San Francisco (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulation 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) The safety zone is closed to all vessel traffic, except as may be permitted by the COTP or the COTP’s designated representative.

(3) Vessel operators desiring to enter or operate within the safety zone must contact the COTP or the COTP’s designated representative to obtain permission to do so. Vessel operators given permission to enter or operate within the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP’s designated representative. Persons and vessels may request permission to enter the safety zone through the 24-hour Command Center at telephone (415) 399–3432.

(d) *Enforcement period.* This section will be enforced from 11:30 a.m. on February 13, 2024, to 11:59 p.m. on February 19, 2024, or as announced via Broadcast Notice to Mariners.

(e) *Information Broadcasts.* The COTP or the COTP’s designated representative will notify the maritime community of periods during which this zone will be enforced in accordance with 33 CFR 165.7.

Dated: February 13, 2024.

**Taylor Q. Lam,**

*Captain, U.S. Coast Guard, Captain of the Port Sector San Francisco.*

[FR Doc. 2024–03369 Filed 2–14–24; 4:15 pm]

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### DEPARTMENT OF EDUCATION

#### 34 CFR Part 5

**RIN 1880–AA84**

[Docket ID ED–2008–OM–0011]

#### Availability of Information to the Public; Correction

**AGENCY:** Office of the Secretary, Department of Education.

**ACTION:** Final rule; correction.

**SUMMARY:** On June 14, 2010, the Department of Education (Department) published in the **Federal Register** a final rule amending the Department’s Freedom of Information Act (FOIA) regulations, and a correction was published in the **Federal Register** on January 26, 2024. The 2010 final rule implemented amendments made to the FOIA statute and clarified how the Department processes FOIA requests for agency records, and the January 26, 2024, document corrected the administrative exhaustion provisions related to the Appeals of Adverse Determinations section in the FOIA regulations. We are correcting the title of that revised provision, which inadvertently was omitted in the January 26, 2024 correction. All other provisions in the FOIA regulations remain the same.

**DATES:** This correction is effective February 16, 2024.

**FOR FURTHER INFORMATION CONTACT:** Deborah O. Moore, Department of Education, 400 Maryland Avenue SW, Washington, DC 20202. Telephone: (202) 381–1414. Email: [Deborah.Moore@ed.gov](mailto:Deborah.Moore@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:** On June 14, 2010, the Department published a

final rule amending the Department's FOIA regulations in 34 CFR part 5, including § 5.40(b) (Appeals of Adverse Determinations). On January 26, 2024, we corrected that provision to strike the last sentence, which contained erroneous language. 89 FR 5097.

Because the title of the corrected provision inadvertently was omitted in the amendatory instructions, we are correcting that provision to add back the original title, "Appeal requirements."

All other information in the 2010 final rule remains the same, except for the provisions that were amended on December 12, 2019 (84 FR 67865) and January 26, 2024 (89 FR 5097).

### Waiver of Rulemaking

Under the Administrative Procedure Act (APA) (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed regulations. However, the APA provides that an agency is not required to conduct notice-and-comment rulemaking when the agency, for good cause, finds that notice and public comment are impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 553(b)(B)).

Rulemaking is "unnecessary" in those situations in which "the administrative rule is a routine determination, insignificant in nature and impact, and inconsequential to the industry and to the public." *Utility Solid Waste Activities Group v. EPA*, 236 F.3d 749, 755 (D.C. Cir. 2001), quoting U.S. Department of Justice, *Attorney General's Manual on the Administrative Procedure Act* 31 (1947) and *South Carolina v. Block*, 558 F. Supp. 1004, 1016 (D.S.C. 1983).

There is good cause to waive rulemaking here, because rulemaking is unnecessary. The actions in this document merely correct an inadvertent deletion of an existing regulatory title and are not an exercise of the Department's discretion. Thus, the Secretary has determined that publication of a proposed rule is unnecessary under 5 U.S.C. 553(b)(B).

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edition of the **Federal Register** and the Code of Federal Regulations at [www.govinfo.gov](http://www.govinfo.gov). At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

### List of Subjects in 34 CFR Part 5

Administrative practice and procedure, Investigations.

Accordingly, part 5 of title 34 of the Code of Federal Regulations is corrected by making the following correcting amendments:

### PART 5—AVAILABILITY OF INFORMATION TO THE PUBLIC

■ 1. The authority citation for part 5 continues to read as follows:

**Authority:** 5 U.S.C. 552, 20 U.S.C. 1221e-3, and 20 U.S.C. 3474.

■ 2. Section 5.40 is amended by adding a subject heading to paragraph (b) to read as follows:

#### § 5.40 Appeals of adverse determinations.

\* \* \* \* \*

(b) *Appeal requirements.* \* \* \*

\* \* \* \* \*

**Alexis Barrett,**

*Chief of Staff, Office of the Secretary  
Department of Education.*

[FR Doc. 2024-03267 Filed 2-15-24; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R07-OAR-2023-0199; FRL-10830-03-R7]

### Approval of State Plans for Designated Facilities and Pollutants; MO; Approval and Promulgation of Implementation Plans; Control of Emissions From Existing Municipal Solid Waste Landfills

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a revision to the Missouri State Implementation Plan (SIP) related to municipal solid waste landfills in the St. Louis ozone nonattainment area. The revision to this rule includes incorporating by reference Emission Guidelines (EG) for Municipal Solid Waste (MSW) landfills. EPA is approving this SIP revision based on EPA's finding that the rule implements more stringent thresholds and do not impact the stringency of the SIP or have an adverse effect on air quality. The EPA's approval of this rule revision is being done in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** This final rule is effective March 18, 2024.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R07-OAR-2023-0199. 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, *i.e.*, 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 information.

**FOR FURTHER INFORMATION CONTACT:** Allyson Prue, Environmental Protection Agency, Region 7 Office, Air Permitting and Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551-7277; email address: [prue.allyson@epa.gov](mailto:prue.allyson@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document "we," "us," and "our" refer to EPA.

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### I. Background

On August 21, 2023, the EPA proposed to approve Missouri's submitted section 111(d) State Plan with two accompanying state rule revisions and a SIP revision in the **Federal Register** (88 FR 56787). The EPA proposed to approve both the section 111(d) State Plan with two