

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Food and Drug Administration****21 CFR Part 74****[Docket No. FDA-2017-C-0935]****Listing of Color Additives Subject to Certification; D&C Black No. 4; Confirmation of Effective Date****AGENCY:** Food and Drug Administration, HHS.**ACTION:** Final rule; confirmation of effective date.

**SUMMARY:** The Food and Drug Administration (FDA or we) is confirming the effective date of July 10, 2018, for the final rule that appeared in the **Federal Register** of June 7, 2018, and that amended the color additive regulations to provide for the safe use of D&C Black No. 4 for coloring ultra-high molecular weight polyethylene (UHMWPE) non-absorbable sutures for use in general surgery.

**DATES:** Effective date of final rule published in the **Federal Register** of June 7, 2018 (83 FR 26356) confirmed: July 10, 2018.

**ADDRESSES:** For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and insert the docket number found in brackets in the heading of this final rule into the "Search" box and follow the prompts, and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

**FOR FURTHER INFORMATION CONTACT:** Joseph M. Thomas, Center for Food Safety and Applied Nutrition (HFS-265), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740-3835, 301-796-9465.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of June 7, 2018 (83 FR 26356), we amended the color additive regulations to add § 74.3054, "D&C Black No. 4," (21 CFR 74.3054) to provide for the safe use of D&C Black No. 4 for coloring UHMWPE non-absorbable sutures for use in general surgery.

We gave interested persons until July 9, 2018, to file objections or requests for a hearing. We received no objections or requests for a hearing on the final rule. Therefore, we find that the effective date of the final rule that published in the **Federal Register** of June 7, 2018, should be confirmed.

**List of Subjects in 21 CFR Part 74**

Color additives, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 342, 343, 348, 351, 352, 355, 361, 362, 371, 379e) and under authority delegated to the Commissioner of Food and Drugs, we are giving notice that no objections or requests for a hearing were filed in response to the June 7, 2018, final rule. Accordingly, the amendments issued in the final rule became effective July 10, 2018.

Dated: September 12, 2018.

**Leslie Kux,***Associate Commissioner for Policy.*

[FR Doc. 2018-20288 Filed 9-17-18; 8:45 am]

**BILLING CODE 4164-01-P****DEPARTMENT OF DEFENSE****Office of the Secretary****32 CFR Part 300****[Docket ID: DOD-2017-OS-0029]****RIN 0790-AJ71****Defense Logistics Agency Freedom of Information Act Program****AGENCY:** Defense Logistics Agency, DoD.**ACTION:** Final rule.

**SUMMARY:** This final rule removes DoD's regulation concerning the Defense Logistics Agency Freedom of Information Act (FOIA) program. On February 6, 2018, the DoD published a FOIA program final rule as a result of the FOIA Improvement Act of 2016. When the DoD FOIA program rule was revised, it included DoD component information and removed the requirement for component supplementary rules. The DoD now has one DoD-level rule for the FOIA program that contains all the codified information required for the Department. Therefore, this part can be removed from the CFR.

**DATES:** This rule is effective on September 18, 2018.

**FOR FURTHER INFORMATION CONTACT:** Lewis Oleinick at 571-767-6194.

**SUPPLEMENTARY INFORMATION:** It has been determined that publication of this CFR part removal for public comment is impracticable, unnecessary, and contrary to public interest since it is based on removing DoD internal policies and procedures.

DLA internal guidance concerning the implementation of the FOIA within DLA will be published in DLA Instruction (DLAI) 5400.11.

This rule is one of 14 separate DoD FOIA rules. With the finalization of the DoD-level FOIA rule at 32 CFR part 286,

the Department is eliminating the need for this separate FOIA rule and reducing costs to the public as explained in the preamble of the DoD-level FOIA rule published at 83 FR 5196-5197.

This rule is not significant under Executive Order (E.O.) 12866, "Regulatory Planning and Review"; therefore, E.O. 13771, "Reducing Regulation and Controlling Regulatory Costs" does not apply.

**List of Subjects in 32 CFR Part 300**

Freedom of information.

**PART 300—[REMOVED]**

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 300 is removed.

Dated: September 13, 2018.

**Aaron T. Siegel,***Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2018-20228 Filed 9-17-18; 8:45 am]

**BILLING CODE 5001-06-P****DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 100****[Docket No. USCG-2018-0725]****Special Local Regulations, Marine Events Within the Fifth Coast Guard District; Correction****AGENCY:** Coast Guard, DHS.**ACTION:** Notice of enforcement of regulation; correction.

**SUMMARY:** The Coast Guard published a document in the **Federal Register** of August 13, 2018, concerning a notice of enforcement of regulations of special local regulations for the Baltimore Air Show from October 4, 2018, through October 7, 2018. The document contained incorrect times for the enforcement periods.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ron Houck, 410-576-2674.

**SUPPLEMENTARY INFORMATION:****Corrections**

In the **Federal Register** of August 13, 2018, in FR Doc. 2018-17282:

1. On page 39879, in the first column, correct the **DATES** caption to read:

**DATES:** The regulations in 33 CFR 100.501 will be enforced for the Baltimore Air Show regulated area listed in item b.23 in the table to § 100.501 from 2:45 p.m. through 4:30 p.m. on October 4, 2018, from 10:30 a.m. through 5 p.m. on October 5, 2018,

from 11:30 a.m. through 5 p.m. on October 6, 2018, and from 11:30 a.m. through 5 p.m. on October 7, 2018.

2. On page 39879, in the second column, correct lines 12 through 16 to read:

Regulated area from 2:45 p.m. through 4:30 p.m. on October 4, 2018, from 10:30 a.m. through 5 p.m. on October 5, 2018, from 11:30 a.m. through 5 p.m. on October 6, 2018, and from 11:30 a.m. through 5.

Dated: September 12, 2018.

**Joseph B. Loring,**

*Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.*

[FR Doc. 2018–20206 Filed 9–17–18; 8:45 am]

BILLING CODE 9110–04–P

## DEPARTMENT OF EDUCATION

### 34 CFR Part 222

RIN 1810–AB24

[Docket ID ED–2015–OESE–0109]

#### Impact Aid Program; Corrections

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

**ACTION:** Final regulations; correcting amendments.

**SUMMARY:** The Department of Education (Department) published final regulations in the **Federal Register** on September 20, 2016 to amend the Impact Aid Program (IAP) regulations issued under title VII of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act. The amendatory instructions at the end of the 2016 final rule inadvertently removed some definitions from these regulations. This document corrects the regulations by adding those definitions back into the Code of Federal Regulations (CFR).

**DATES:** These regulations are effective September 18, 2018.

**FOR FURTHER INFORMATION CONTACT:** Kristen Walls, U.S. Department of Education, 400 Maryland Avenue SW, Room 3C103, Washington, DC 20202. Telephone: (202) 260–3858. Email: [Kristen.walls@ed.gov](mailto:Kristen.walls@ed.gov).

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

**SUPPLEMENTARY INFORMATION:** On September 20, 2016, the Secretary published final regulations for this program in the **Federal Register** (81 FR 64728). The amendatory instructions for

§ 222.161 resulted in some of the definitions from § 222.161 being mistakenly removed. It was not our intention to remove these definitions through that rulemaking and the preamble to the proposed or final rule never indicated that we were removing these definitions. We are taking this action to correct the regulations. The definitions that were removed and that we are adding back in their proper place are: Equalize expenditures, local tax revenues, local tax revenues covered under a State equalization program, revenue, State aid, and total local tax.

#### 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 thereon are impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 553(b)(B)). There is good cause to waive rulemaking here as unnecessary.

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).

These regulations merely restore the regulatory definitions as they appeared in the CFR prior to their unintended removal in connection with the 2016 Impact Aid final rule. Because the definitions were originally adopted through notice-and-comment rulemaking and their removal was in error, rulemaking to restore the definitions is unnecessary.

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(Catalog of Federal Domestic Assistance Number 84.041 Impact Aid)

#### List of Subjects in 34 CFR Part 222

Administrative practice and procedure, Education of individuals with disabilities, Elementary and secondary education, Federally affected areas, Grant programs—education, Indians—education, Reporting and recordkeeping requirements, School construction.

Dated: September 13, 2018.

**Frank Brogan,**

*Assistant Secretary for Elementary and Secondary Education.*

Accordingly, part 222 of title 34 of the Code of Federal Regulations is corrected by making the following amendments:

#### PART 222—IMPACT AID PROGRAMS

■ 1. The authority citation for part 222 continues to read as follows:

**Authority:** 20 U.S.C. 7701–7714, unless otherwise noted.

■ 2. Section 222.161 is amended by revising paragraph (c) to read as follows:

#### § 222.161 How is State aid treated under section 7009 of the Act?

\* \* \* \* \*

(c) *Definitions.* The following definitions apply to this subpart:

*Current expenditures* is defined in section 7013(4) of the Act. Additionally, for the purposes of this section it does not include expenditures of funds received by the agency under sections 7002 and 7003(b) (including hold harmless payments calculated under section 7003(e)) that are not taken into consideration under the State aid program and exceed the proportion of those funds that the State would be allowed to take into consideration under § 222.162.

*Equalize expenditures* means to meet the standard set forth in § 222.162.

*Local tax revenues* means compulsory charges levied by an LEA or by an intermediate school district or other local governmental entity on behalf of