

The National Education Association (NEA), the California Teachers Association (CTA), and individual plaintiffs Shane Heiman, Kwynn Uyehara, and Stephanie Portilla, who are NEA and CTA members who were enrolled or considering enrolling in online education programs, filed a challenge to the Delay Rule, arguing that, because the Department did not submit these regulations to negotiated rulemaking, the Department violated the Higher Education Act of 1965, as amended, and the Administrative Procedure Act. They asked for the Delay Rule to be vacated and that the December 2016 Distance Education Rules be allowed to go into effect. Complaint for Declaratory and Injunctive Relief, *National Education Association v. DeVos*, No. 18-cv-05173-LB (N.D. CA August 23, 2018).

On April 26, 2019, the Court issued its Memorandum Opinion and Order, granting the Plaintiffs' motion for summary judgment and denying the Department's cross-motion for summary judgment, stating that the Department did not have good cause to forgo negotiated rulemaking with respect to the Delay Rule. The Court vacated the Delay Rule, but stayed the vacatur for 30 days from the date of the order (April 26, 2019). *National Education Association v. DeVos*, No. 18-cv-05173-LB (N.D. CA April 26, 2019).

### Regulations

With this action by the Court, the final regulations, published December 19, 2016 (81 FR 92236), listed below took effect.

- Section 600.2 Definitions "State authorization reciprocity agreement."
- Section 600.9(c) State authorization.
- Section 668.2 Definitions "Distance Education."
- Section 668.50 Institutional disclosures for distance or correspondence programs.

**Accessible Format:** Individuals with disabilities may obtain this document in an accessible format (e.g., braille, large print, audiotope, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

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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.

Dated: July 22, 2019.

**Betsy DeVos,**

*Secretary of Education.*

[FR Doc. 2019-15869 Filed 7-26-19; 8:45 am]

**BILLING CODE 4000-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 81

[EPA-R07-OAR-2019-0190; FRL-9996-08-Region 7]

### Approval of Missouri Air Quality Implementation Plans; Redesignation of the Missouri Portion of the St. Louis-St. Charles-Farmington, MO-IL 2012 PM<sub>2.5</sub> Unclassifiable Area

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to approve a request from the Missouri Department of Natural Resources (MoDNR) to redesignate the Missouri portion of the St. Louis-St. Charles-Farmington, MO-IL fine particulate matter (PM<sub>2.5</sub>) unclassifiable area ("St. Louis area" or "area") to unclassifiable/attainment for the 2012 annual fine particulate matter (PM<sub>2.5</sub>) National Ambient Air Quality Standard (NAAQS). The Missouri portion of the St. Louis area comprises of the City of St. Louis and the counties of Franklin, Jefferson, St. Charles, and St. Louis. The EPA now has sufficient data to determine that the St. Louis area is in attainment of the 2012 PM<sub>2.5</sub> NAAQS. Therefore, EPA is approving the state's December 11, 2018 request to redesignate the area to unclassifiable/attainment for the 2012 PM<sub>2.5</sub> NAAQS based upon valid, quality-assured, and certified ambient air monitoring data showing that the PM<sub>2.5</sub> monitors in the area are in compliance with the 2012 PM<sub>2.5</sub> NAAQS. The EPA will address the Illinois portion of the St. Louis area in a separate rulemaking action.

**DATES:** This final rule is effective on July 29, 2019.

**ADDRESSES:** EPA has established a docket for this action under Docket ID

No. EPA-R07-OAR-2019-0190. 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:

Lachala Kemp, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551-7214, or by email at [kemp.lachala@epa.gov](mailto:kemp.lachala@epa.gov).

### SUPPLEMENTARY INFORMATION:

Throughout this document "we," "us," and "our" refer to EPA. This section provides additional information by addressing the following:

### Table of Contents

- What is being addressed in this document?
- Have the requirements for approval of a SIP submission been met?
- The EPA's Response to Comments
- What action is the EPA taking?
- Statutory and Executive Order Reviews

### I. What is being addressed in this document?

This final rulemaking takes final action on MoDNR's December 11, 2018, request to change the designation of the Missouri portion of the St. Louis area from unclassifiable to unclassifiable/attainment for the 2012 PM<sub>2.5</sub> NAAQS, based on quality-assured and certified monitoring data for 2015-2017, and approves that the Missouri portion of the St. Louis area has met the requirements for redesignation under section 107(d)(3)(E) of the CAA. The background for this action is discussed in detail in the EPA's proposed rulemaking published in the **Federal Register** on May 16, 2019 (84 FR 22101).

### II. Have the requirements for approval of a SIP submission been met?

The State's submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The MoDNR held a thirty-day comment period, and a public hearing on October 25, 2018. No oral or written comments were received. The submission satisfied the completeness criteria of 40 CFR part 51, appendix V.

**III. The EPA’s Response to Comments**

The public comment period on EPA’s proposed rule opened May 16, 2019, the date of its publication in the **Federal Register** and closed on June 17, 2019. During this period, the EPA received no comments on the action.

**IV. What action is the EPA taking?**

The EPA is approving the MoDNR’s December 11, 2018, request to redesignate the Missouri portion of the St. Louis area from unclassifiable to unclassifiable/attainment for the 2012 primary annual PM<sub>2.5</sub> NAAQS. This final rulemaking changes the legal designation, found at 40 CFR part 81, of the City of St. Louis and the counties of Franklin, Jefferson, St. Charles, and St. Louis from unclassifiable to unclassifiable/attainment for the 2012 primary annual PM<sub>2.5</sub> NAAQS.

**V. Statutory and Executive Order Reviews**

Under the CAA, a redesignation of an area to unclassifiable/attainment is an action that affects the status of a geographical area and does not impose any additional regulatory requirements on sources beyond those imposed by state law. A redesignation to unclassifiable/attainment does not create any new requirements. Accordingly, this action merely takes final action to approve to redesignate an area to unclassifiable/attainment and does not impose additional requirements. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under

Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of the National Technology Transfer and Advancement Act (NTTA) because this rulemaking does not involve technical standards; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible

methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

This action is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

**List of Subjects in 40 CFR Part 81**

Environmental protection, Air pollution control.

Dated: July 23, 2019.

**James Gulliford,**  
*Regional Administrator, Region 7.*

For the reasons stated in the preamble, the EPA amends 40 CFR part 81 as set forth below:

**PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES**

- 1. The authority citation for part 81 continues to read as follows:

**Authority:** 42 U.S.C. 7401, *et seq.*

**Subpart C—Section 107 Attainment Status Designations**

- 2. In § 81.326, the table entitled “Missouri—2012 Annual PM<sub>2.5</sub> NAAQS” is amended by revising the entries for “St. Louis Area, MO-IL:” to read as follows:

**§ 81.326 Missouri.**  
\* \* \* \* \*

**MISSOURI—2012 ANNUAL PM<sub>2.5</sub> NAAQS**  
[Primary]

Designated area <sup>1</sup>	Designation		Classification	
	Date <sup>2</sup>	Type	Date <sup>2</sup>	Type
St. Louis Area, MO-IL:				
Franklin County .....	7/29/2019, [insert <b>Federal Register</b> citation].	Unclassifiable/Attainment.		
Jefferson County .....	7/29/2019, [insert <b>Federal Register</b> citation].	Unclassifiable/Attainment.		
St. Charles County .....	7/29/2019, [insert <b>Federal Register</b> citation].	Unclassifiable/Attainment.		
St. Louis County .....	7/29/2019, [insert <b>Federal Register</b> citation].	Unclassifiable/Attainment.		
St. Louis City .....	7/29/2019, [insert <b>Federal Register</b> citation].	Unclassifiable/Attainment.		
*	*	*	*	*

<sup>1</sup> Includes areas of Indian country located in each county or area, except as otherwise specified.  
<sup>2</sup> This date is April 15, 2015, unless otherwise noted.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[EPA-HQ-SFUND-2003-0010; FRL-9996-45-Region 7]

#### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the Omaha Lead Superfund Site

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) Region 7 announces the deletion of 500 residential parcels of the Omaha Lead Superfund site (Site or OLS) located in Omaha, Nebraska, from the National Priorities List (NPL). This partial deletion pertains to 500 residential parcels. The remaining parcels will remain on the NPL and are not being considered for deletion as part of this action. The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of Nebraska, through the Nebraska Department of Environmental Quality, determined that all appropriate Response Actions under CERCLA were completed at the identified parcels. However, this deletion does not preclude future actions under CERCLA.

**DATES:** This action is effective July 29, 2019.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID no. EPA-HQ-SFUND-2003-0010. All documents in the docket are listed on the <http://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information 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 either electronically through <http://www.regulations.gov> or in hard copy at the site information repositories. Locations, contacts, and viewing hours of the Site information repositories are:

- EPA Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219, open from 8 a.m. to 4 p.m. Monday–Friday.

- W. Dale Clark Library, located at 215 S 15th Street, Omaha, NE 68102, open 10 a.m. to 8 p.m. Monday–Thursday; 10 a.m. to 6 p.m. Friday and Saturday; and 1 p.m. to 6 p.m. Sunday.

#### FOR FURTHER INFORMATION CONTACT:

Elizabeth Hagenmaier, Remedial Project Manager, U.S. Environmental Protection Agency, Region 7, SEMD/LMSE, 11201 Renner Boulevard, Lenexa, KS 66219, telephone (913) 551-7939, email: [hagenmaier.elizabeth@epa.gov](mailto:hagenmaier.elizabeth@epa.gov).

**SUPPLEMENTARY INFORMATION:** The portion of the site to be deleted from the NPL are 500 residential parcels of the Omaha Lead Superfund site, Omaha, Nebraska. A Notice of Intent for Partial Deletion for this Site was published in the **Federal Register** (84 FR 24069) on May 24, 2019.

The closing date for comments on the Notice of Intent for Partial Deletion was June 24, 2019. No public comments were received, and EPA has determined it will proceed with the partial deletion.

The EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Deletion of a site from the NPL does not preclude further remedial action. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system. Deletion of portions of a site from the NPL does not affect responsible party liability, in the unlikely event that future conditions warrant further actions.

#### List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: July 23, 2019.

**James Gulliford,**

*Regional Administrator, Region 7.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[EPA-HQ-SFUND-1992-0007; FRL-9997-23-Region 7]

#### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the Cleburn Street Well Superfund Site

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

**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) Region 7 is publishing a direct final Notice of Partial Deletion of the Cleburn Street Well Superfund Site (Site), located in Grand Island, Nebraska, from the National Priorities List (NPL) for of the Operable Unit (OU) 1 and OU4. This partial deletion pertains to OU1—Contaminated subsurface soil at former One-Hour Martinizing (OHM) and OU4—Soil and Groundwater at Ideal Cleaners. The remaining OU2, OU3, and OU5 will remain on the NPL and are not being considered for deletion as part of this action. The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This direct final partial deletion is being published by EPA with the concurrence of the State of Nebraska, through the Nebraska Department of Environmental Quality (NDEQ); because EPA has determined that all appropriate response actions at these identified parcels under CERCLA have been completed. However, this partial deletion does not preclude future actions under Superfund, including Five Year Reviews.

**DATES:** This direct final partial deletion is effective September 27, 2019 unless EPA receives adverse comments by August 28, 2019. If adverse comments are received, the EPA will publish a timely withdrawal of the direct final partial deletion in the **Federal Register** informing the public that the partial deletion will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID no. EPA-HQ-SFUND-1992-0007, by one of the following methods:

- <http://www.regulations.gov>. Follow the on-line instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish