

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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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.* * * *

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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.

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

accompanying state rule revisions and SIP revision together. In this action, the EPA is finalizing approval of the revision to 10 CSR 10–5.490 “Municipal Solid Waste Landfills” (which covers the St. Louis area) into Missouri’s SIP. The EPA will act on the section 111(d) State Plan and the revision to 10 CSR 10–6.310 “Restriction of Emissions From Municipal Solid Waste Landfills” in a separate action.

The proposed rule includes additional background information on Missouri’s Municipal Solid Waste Landfill Rule for the St. Louis Ozone Nonattainment Area. The Technical Support Document (TSD), located in the docket for this rulemaking, includes the summary and analysis of Missouri’s SIP Revision. The EPA solicited comments on the proposed approval of the submission and received one comment.

II. What is being addressed in this document?

As part of this action, EPA is approving the revision to 10 CSR 10–5.490, which implements the 2016 MSW landfill EG at more stringent thresholds in the St. Louis ozone nonattainment area, into Missouri’s SIP. EPA’s approval of 10 CSR 10–5.490 is in accordance with section 110 of the CAA and 40 CFR part 51.

EPA’s detailed rationale and discussion of Missouri’s revisions to 10 CSR 10–5.490 can be found in the EPA TSD, located in the docket for this rulemaking.

III. Have the requirements for approval of a SIP revision been met?

The State’s submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on this SIP revision from December 27, 2021 to February 3, 2022 and held a public hearing on January 27, 2022. The State received one comment on 10 CSR 10–5.490 concerning incorporation by reference of federal requirements and modified the rule in response.

In addition, as explained above and in more detail in the technical support document (TSD) which is part of this docket, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

IV. The EPA’s Response to Comments

The public comment period on the EPA’s proposed rule opened August 21, 2023 the date of its publication in the **Federal Register** and closed on

September 20, 2023. During this period, EPA received one comment from an individual commenter that was supportive of EPA’s proposed action.

V. What action is the EPA taking?

The EPA is taking final action to approve Missouri’s SIP revision submitted by the MoDNR on July 25, 2022 revising Missouri state rule 10 CSR 10–5.490, which incorporates requirements established in EPA’s updated Emission Guidelines, into the Missouri SIP replacing the prior SIP-approved version of the state rule. EPA amends 40 CFR part 52, subpart AA, to reflect this action.

VI. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Missouri state rule 10 CSR 10–5.490, state effective date July 30, 2022, which regulates municipal solid waste landfills in the St. Louis area as set forth below in the amendments to 40 CFR part 52. EPA has made, and will continue to make, these materials generally available through the docket for this action, EPA–R07–OAR–2023–0199, at <https://www.regulations.gov> and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

Therefore, these materials have been approved by the EPA for inclusion in the State Implementation Plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA’s approval, and will be incorporated by reference in the next update to the SIP compilation.

VII. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA’s role is to approve state choices provided that they meet the minimum criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. 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);

- 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); and

- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

In addition, the SIP submission 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).

Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, Feb. 16, 1994) directs Federal agencies to identify and address

“disproportionately high and adverse human health or environmental effects” of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. EPA defines environmental justice (EJ) as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” EPA further defines the term fair treatment to mean that “no group of people should bear a disproportionate burden of environmental harms and risks,

including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.”

MoDNR did not evaluate environmental justice considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. EPA did not perform an EJ analysis and did not consider EJ in this action. Due to the nature of the action being taken here, this action is expected to have a neutral to positive impact on the air quality of the affected area. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of E.O. 12898 of achieving environmental justice for people of color, low-income populations, and Indigenous peoples.

This action is subject to the Congressional Review Act, and EPA will submit a rule report to each House of

the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2). Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 16, 2024. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Particulate matter, Reporting

and recordkeeping requirements, Volatile organic compounds.

Dated: February 12, 2024.

Meghan A. McCollister, Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for part 52 continues to read as follows:

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

Subpart AA—Missouri

2. In § 52.1320, the table in paragraph (c) is amended by revising the entry for “10–5.490” to read as follows:

§ 52.1320 Identification of plan.

* * * * * (c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Table with 5 columns: Missouri citation, Title, State effective date, EPA approval date, Explanation. Includes Missouri Department of Natural Resources and Chapter 5—Air Quality Standards and Air Pollution Control Regulations for the St. Louis Metropolitan Area.

* * * * * [FR Doc. 2024-03299 Filed 2-15-24; 8:45 am] BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA-HQ-OLEM-2023-0299; EPA-HQ-OLEM-2023-00304; EPA-HQ-OLEM-2023-0382; FRL-11238-02-OLEM]

Deletion From the National Priorities List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of one site and partial deletion of two sites from the Superfund National

Priorities List (NPL). The NPL, created under 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 States, through their designated State agencies, have determined that all appropriate response actions under CERCLA have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: The document is effective February 16, 2024.

ADDRESSES: Docket: EPA has established a docket for this action under the Docket Identification included in Table 1 in the SUPPLEMENTARY INFORMATION section of this document. All documents in the docket are listed on the https://

www.regulations.gov website. The Final Close-Out Report (FCOR, for a full site deletion) or the Partial Deletion Justification (PDJ, for a partial site deletion) is the primary document which summarizes site information to support the deletion. It is typically written for a broad, non-technical audience and this document is included in the deletion docket for each of the sites in this rulemaking. 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. Docket materials are available through https://www.regulations.gov or at the corresponding Regional Records Centers. Locations, addresses, and