

Timely publication of these rules in the **Federal Register** may be precluded when a rule responds to an emergency, or when an event occurs without sufficient advance notice. The affected public is, however, often informed of these rules through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is provided by Coast Guard patrol vessels enforcing the restrictions imposed by the rule. Timely publication of notifications of enforcement of reoccurring regulations may be precluded when the event occurs with short notice or other agency procedural restraints.

Because **Federal Register** publication was not possible before the end of the effective period, mariners would have

been personally notified of the contents of these safety zones, security zones, special local regulations, regulated navigation areas or drawbridge operation regulations by Coast Guard officials on-scene prior to any enforcement action. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To meet this obligation without imposing undue expense on the public, the Coast Guard periodically publishes a list of these temporary safety zones, security zones, special local regulations, regulated navigation areas and drawbridge operation regulations. Permanent rules are not included in this list because they are published in their entirety in the

Federal Register. Temporary rules are also published in their entirety if sufficient time is available to do so before they are placed in effect or terminated. In some of our reoccurring regulations, we say we will publish a notice of enforcement as one of the means of notifying the public. We use this notification to announce those notifications of enforcement that we issued and will post them to their dockets.

The following unpublished rules were placed in effect temporarily during the period between April 2023 and June 2023. To view copies of these rules, visit www.regulations.gov and search by the docket number indicated in the following table.

Docket No.	Type of regulation	Location	Enforcement date
USCG–2023–0304	Safety Zones (Parts 147 and 165)	Tampa, FL	4/6/2023
USCG–2022–0726	Safety Zones (Parts 147 and 165)	Tacoma, WA	4/9/2023
USCG–2023–0228	Special Local Regulations (Part 100)	Charleston, SC	4/20/2023
USCG–2023–0003	Safety Zones (Parts 147 and 165)	San Francisco, CA	4/22/2023
USCG–2023–0362	Safety Zones (Parts 147 and 165)	Tarpon Springs, FL	4/26/2023
USCG–2023–0307	Safety Zones (Parts 147 and 165)	Erie, PA	4/27/2023
USCG–2023–0267	Safety Zones (Parts 147 and 165)	St. Thomas, USVI	4/29/2023
USCG–2023–0405	Security Zones (Part 165)	Philadelphia, PA	5/15/2023
USCG–2023–0433	Safety Zones (Parts 147 and 165)	San Pedro Bay, CA	5/18/2023
USCG–2023–0404	Safety Zones (Parts 147 and 165)	Pittsburgh, PA	5/25/2023
USCG–2023–0414	Safety Zones (Parts 147 and 165)	Lake Charles, LA	5/26/2023
USCG–2023–0439	Safety Zones (Parts 147 and 165)	Lake Ozark, MO	6/3/2023
USCG–2023–0342	Safety Zones (Parts 147 and 165)	Sturgeon Bay, WI	6/3/2023
USCG–2023–0021	Safety Zones (Parts 147 and 165)	Greene County, PA	6/8/2023
USCG–2023–0480	Safety Zones (Parts 147 and 165)	Charleston, SC	6/12/2023
USCG–2023–0505	Security Zones (Part 165)	San Francisco, CA	6/13/2023
USCG–2023–0484	Safety Zones (Parts 147 and 165)	Chicago, IL	6/15/2023
USCG–2023–0525	Security Zones (Part 165)	San Francisco, CA	6/19/2023
USCG–2023–0537	Safety Zones (Parts 147 and 165)	Santa Barbara Channel, CA	6/20/2023
USCG–2023–0422	Safety Zones (Parts 147 and 165)	Clear Creek, TX	6/23/2023

Michael Cunningham,
Chief, Office of Regulations and
Administrative Law.

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900–AR90

VA Veteran Readiness and Employment Program: Removal of Regulation Regarding Repayment of Training and Rehabilitation Supplies

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) is removing a regulation that addresses the circumstances under which a Veteran is to repay the value of

training and rehabilitation supplies and the exceptions where repayment is not required. A prior version of the regulation's authorizing statute contained a provision that permitted VA to require the return or repayment of books, supplies, or equipment if a Veteran failed to complete a course of vocational rehabilitation due to fault on their part. However, because the authorizing statute no longer contains that provision, and because there is no statutory authority allowing VA to require reimbursement of books, supplies, or equipment under any circumstance where a Veteran fails to complete a course of vocational rehabilitation, VA is removing the governing regulation.

DATES: This final rule is effective December 5, 2023.

FOR FURTHER INFORMATION CONTACT: Loraine Spangler, Policy Analyst, Veteran Readiness and Employment

Service (28), 810 Vermont Ave. NW, Washington, DC 20420; Loraine.Spangler@va.gov; (202) 461–9600 (this is not a toll-free telephone number).

SUPPLEMENTARY INFORMATION: The purpose of this rulemaking is to remove 38 CFR 21.222 (“Release of, and repayment for, training and rehabilitation supplies”) because it is no longer supported by statutory authority.

Section 21.222 sets forth the circumstances under which a Veteran is to repay the value of training and rehabilitation supplies when the Veteran fails to complete a rehabilitation program as planned. Section 21.222 also lists numerous exceptions where VA will not require reimbursement from the Veteran, including when the failure to complete the program is not the Veteran's fault.

A prior version of the regulation's authorizing statute provided that “[a]ny

books, supplies, or equipment furnished a veteran under this chapter shall be deemed released to the veteran, except that if, because of fault on the veteran's part, the veteran fails to complete the course of vocational rehabilitation, the veteran may be required by the Administrator to return any or all of such books, supplies, or equipment not actually expended, or to repay the reasonable value thereof." 38 U.S.C. 1509(a) (1976). However, Congress subsequently removed that provision from the authorizing statute. The current statute provides, in pertinent part, that the Secretary may provide "[v]ocational and other training services and assistance, including individualized tutorial assistance, tuition, fees, books, supplies, handling charges, licensing fees, and equipment and other training materials determined by the Secretary to be necessary to accomplish the purposes of the rehabilitation program in the individual case." 38 U.S.C. 3104(a)(7)(A). There is no longer a statutory provision that permits VA to require the return or repayment of books, supplies, or equipment when a Veteran fails to complete a course of vocational rehabilitation because of fault on the Veteran's part.

Accordingly, VA is removing 38 CFR 21.222, the regulation that addresses the circumstances under which a Veteran is to repay the value of training and rehabilitation supplies and the exceptions where repayment is not required. VA is removing § 21.222 in its entirety. The regulation's enumerated exceptions under which a Veteran is not required to repay the value of supplies are moot because there is no longer a statutory authority that permits VA to require the return or repayment of books, supplies, or equipment under any circumstance where a Veteran fails to complete a course of vocational rehabilitation.

Although 38 U.S.C. 3104 does not authorize VA to require the return or repayment of books, supplies, or equipment when a Veteran fails to complete a course of vocational rehabilitation, controls are in place to protect the integrity of the VR&E program and guard against fraud, waste, and abuse.

To conform with the removal of 38 CFR 21.222, VA is also revising 38 CFR 21.212(b) and 38 CFR 21.224 to remove their references to 38 CFR 21.222.

Administrative Procedure Act

The Secretary of Veterans Affairs finds that there is good cause under the provisions of 5 U.S.C. 553(b)(B) and (d) to publish this final rule without prior opportunity for public comment and

with immediate effect. There is no longer a statutory authority that permits VA to require the return or repayment of books, supplies, or equipment under any circumstance where a Veteran fails to complete a course of vocational rehabilitation. VA thus finds that prior opportunity for public comment is unnecessary under 5 U.S.C. 553(b)(B). For the same reason, VA concludes that there is good cause not to delay the effective date of the final rule under 5 U.S.C. 553(d)(3).

Paperwork Reduction Act

This final rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

Executive Orders 12866, 13563 and 14094

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 14094 (Modernizing Regulatory Review) supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review established in Executive Orders 12866 and 13563. The Office of Information and Regulatory Affairs has determined that this rulemaking is not a significant regulatory action under Executive Order 12866, as amended by Executive Order 14094. The Regulatory Impact Analysis associated with this rulemaking can be found as a supporting document at www.regulations.gov.

Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601–612, is not applicable to this rulemaking because notice of proposed rulemaking is not required. 5 U.S.C. 601(2), 603(a), 604(a).

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the

private sector, of \$100 million or more (adjusted annually for inflation) in any one year. This final rule will have no such effect on State, local, and tribal governments, or on the private sector.

Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this rule as not a major rule, as defined by 5 U.S.C. 804(2).

List of Subjects in 38 CFR Part 21

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Education, Employment, Grant programs—education, Grant programs—veterans, Health care, Loan programs—education, Loan programs—veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, signed and approved this document on November 27, 2023, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Jeffrey M. Martin,

Assistant Director, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.

For the reasons stated in the preamble, the Department of Veterans Affairs amends 38 CFR part 21 as set forth below:

PART 21—VETERAN READINESS AND EMPLOYMENT AND EDUCATION

Subpart A—Veteran Readiness and Employment

- 1. The authority citation for part 21, subpart A, continues to read as follows:

Authority: 38 U.S.C. 501(a), chs. 18, 31, and as noted in specific sections.

§ 21.212 [Amended]

- 2. Amend § 21.212 in paragraph (b) by removing “21.222” and adding in its place “21.220”.

§ 21.222 [Removed]

- 3. Remove § 21.222.

§ 21.224 [Amended]

■ 4. Amend § 21.224 by removing “21.222” and adding in its place “21.220”.

[FR Doc. 2023–26625 Filed 12–4–23; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[EPA–R05–OAR–2022–0442; FRL–10601–02–R5]

Air Plan Approval; Ohio; Volatile Organic Compounds

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving into the Ohio State Implementation Plan (SIP) a source-specific volatile organic compound (VOC) limit, excluding water and exempt solvents, for the applicable process lines at Forest City Technologies, Plant 4, in Wellington, Ohio as contained in the June 23, 2020, operating permit issued by the Ohio Environmental Protection Agency. On August 14, 2023, EPA proposed to approve this action and received no adverse comments.

DATES: This final rule is effective on January 4, 2024.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2022–0442. All documents in the docket are listed on the www.regulations.gov website. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information (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 either through www.regulations.gov or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays and facility closures due to COVID–19. We recommend that you telephone Anthony Maietta, at (312) 353–8777 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Anthony Maietta, Control Strategies Section, Air Programs Branch (AR18),

Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8777, maietta.anthony@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA.

I. Background Information

On August 14, 2023 (88 FR 54996), EPA proposed to approve the addition of paragraphs C.1.b)(1)e., C.1.d)(3), C.1.e)(1)c., C.1.f)(1)d., C.2.b)(1)e., C.2.d)(4), C.2.e)(3)b., and C.2.f)(1)d. as listed in the June 23, 2020, operating permit for Forest City Technologies into Ohio’s SIP. An explanation of the Clean Air Act (CAA) requirements, a detailed analysis of the revisions, and EPA’s reasons for proposing approval were provided in the notice of proposed rulemaking and will not be restated here. The public comment period for this proposed rule ended on September 13, 2023. EPA received two supportive comments from citizens. EPA also received one comment on the proposal that discussed border protection and vehicular incidents on roadways. All the comments received are included in the docket for this action.

We do not consider the border protection and vehicular incident comment to be germane or relevant to this action and therefore not adverse to this action. The comment lacks the required specificity to the proposed SIP revision and the relevant requirements of CAA section 110. Moreover, the comment does not address a specific regulation or provision in question or recommend a different action on the SIP submission from what EPA proposed. Therefore, we are finalizing our action as proposed.

II. Final Action

EPA is approving into Ohio’s SIP the addition of paragraphs C.1.b)(1)e., C.1.d)(3), C.1.e)(1)c., C.1.f)(1)d., C.2.b)(1)e., C.2.d)(4), C.2.e)(3)b., and C.2.f)(1)d. as listed in the Permit-to-Install and Operate, Number P0127984, issued to Forest City Technologies, Plant 4 on June 23, 2020.

III. Incorporation by Reference

In this rule, 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 permit for Forest City Technologies, Plant 4, which regulates operations at the plant, as described in section II of this preamble and set forth in the amendments to 40 CFR part 52 below. EPA has made, and will continue

to make, these documents generally available through www.regulations.gov, and at the EPA Region 5 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 EPA for inclusion in the SIP, 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 EPA’s approval, and will be incorporated by reference in the next update to the SIP compilation.¹

IV. 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, EPA’s role is to approve state choices, provided that they meet the 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 14094 (88 FR 21879, April 11, 2023);
- 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 subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- 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

¹ 62 FR 27968 (May 22, 1997).