

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 security zone lasting only 3.5 hours that will prohibit entry on a portion of Watson Bayou, in the vicinity of Eastern Shipbuilding. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

#### 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, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

- 2. Add § 165.T08–0769 to read as follows:

#### § 165.T08–0769 Security Zone; Watson Bayou, Panama City, FL.

(a) *Location.* The following area is a security zone: All navigable waters of Watson Bayou, Panama City FL, within an area bound by the following points: 30°08′17.8″ N, 85°38′6.6″ W (Diamond Point), thence northeast toward 30°08′34.6″ N, 85°37′55.7″ W (Eastern Shipbuilding), then east to the South East Avenue Bridge, and back to the point of origin.

(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 and a Federal, State, and local officer designated by or assisting the Sector Mobile Captain of the Port (COTP) in the enforcement of the security zone.

(c) *Regulations.* (1) Under the general security zone regulations in subpart D of this part, you may not enter the security zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative on VHF–CH 16. Those in the security zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section is effective from 1:30 p.m. on October 27, 2023, through 5 p.m. on November 27, 2023. The security zone will be enforced from 1:30 p.m. through 5 p.m. on October 27, 2023. If the event is delayed, the security zone will be enforcement on a subsequent date

before November 27, 2023, for approximately 3.5 hours. If the COTP determines no further need to enforce the security zone, the COTP will issue a general permission to enter via a Broadcast Notice to Mariners to indicate that the zone will no longer be subject to enforcement. If the COTP determines the need to enforce the section at a subsequent time, the COTP will provide the public with notice of enforcement of the security zone by marine broadcast, local notice to mariners, on-scene notice by a designated representative, or other appropriate means in accordance with 33 CFR 165.7.

Dated: October 16, 2023.

**U.S. Mullins,**

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

[FR Doc. 2023–23318 Filed 10–20–23; 8:45 am]

**BILLING CODE 9110–04–P**

#### DEPARTMENT OF EDUCATION

#### 34 CFR Part 685

[Docket ID ED–2023–OPE–0004]

RIN 1840–AD81

#### Improving Income Driven Repayment for the William D. Ford Federal Direct Loan Program and the Federal Family Education Loan (FFEL) Program

**AGENCY:** Office of Postsecondary Education, Department of Education.

**ACTION:** Announcement of early implementation date.

**SUMMARY:** The U.S. Department of Education (Department) designates a regulatory provision in its final rule related to income-driven repayment for early implementation.

**DATES:** October 23, 2023. For the implementation dates of the regulatory provision, see **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Bruce Honer, U.S. Department of Education, 400 Maryland Avenue SW, 5th Floor, Washington, DC 20202. Telephone: (202) 987–0750. Email: [Bruce.Honer@ed.gov](mailto:Bruce.Honer@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:** Section 482(c)(1) of the Higher Education Act of 1965, as amended (HEA), requires that regulations affecting programs under title IV of the HEA be published in final form by November 1 prior to the start of the award year (July 1) to which they apply. Section 482(c)(2) of the HEA also

permits the Secretary to designate any regulatory provision as one that an entity subject to the provision may choose to implement earlier and to outline the conditions for early implementation.

On July 10, 2023, the Department published in the **Federal Register** a final rule amending regulations related to income-driven repayment (88 FR 43820). In that final rule, we designated certain provisions for early implementation.

The Secretary is exercising his authority under section 482(c) of the HEA to designate an additional regulatory change made in that final rule for early implementation beginning on October 23, 2023.

The Secretary is designating for early implementation the change to the process for a borrower re-enrolling in the Revised Pay As You Earn (REPAYE) repayment plan, which is now also known as the Saving on a Valuable Education (SAVE) repayment plan, after previously being enrolled in a different plan. Under current 34 CFR 685.209(c)(4)(vi)(D) and (E), a borrower returning to REPAYE must provide documentation of income for the years in which the borrower was not on REPAYE. Section 685.209(e) of the final rule, which will become effective on July 1, 2024, employs a simpler process that does not require documentation of prior years' income information. See 88 FR 43820, 43901. On October 23, 2023, the Department will implement § 685.209(e), to the extent it eliminates the requirement for borrowers returning to SAVE after having previously been on REPAYE to provide prior years' income. The Secretary is designating only the removal of this requirement for early implementation, rather than all of § 685.209(e).

While documentation of income for years in which a borrower was not enrolled in REPAYE is no longer required, a borrower will still need to provide documentation of their income information to allow the Department to calculate the borrower's current monthly payment amount under the SAVE plan.

**Accessible Format:** On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

**Electronic Access to This Document:** The official version of this document is

the document published in the **Federal Register**. You may access the official 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 Adobe 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.

**Miguel A. Cardona,**  
Secretary of Education.

[FR Doc. 2023-23334 Filed 10-20-23; 8:45 am]

**BILLING CODE 4000-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R06-OAR-2022-0605; FRL-11128-02-R6]

### Air Plan Approval; Arkansas; Excess Emissions

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

**ACTION:** Final rule.

**SUMMARY:** Pursuant to the Federal Clean Air Act (CAA, the Act), the Environmental Protection Agency (EPA) is approving two revisions to the Arkansas State Implementation Plan (SIP) submitted by the Governor on May 12, 2022, and November 1, 2022. These SIP revisions were submitted in response to EPA's June 12, 2015, finding of substantial inadequacy and SIP call concerning excess emissions during periods of startup, shutdown, and malfunction (SSM) events. EPA is approving these SIP revisions and finds that the revisions correct the inadequacies identified in Arkansas' SIP in the June 12, 2015, SIP call.

**DATES:** This rule is effective on November 22, 2023.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R06-OAR-2022-0605. 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, e.g., 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. Publicly available docket materials are available electronically through <https://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** James E. Grady, EPA Region 6 Office, Regional Haze and SO<sub>2</sub> Section, (214) 665-6745; [grady.james@epa.gov](mailto:grady.james@epa.gov). Please call or email Mr. Grady above or call Mr. Bill Deese at 214-665-7253 if you need alternative access to material indexed but not provided in the docket.

### SUPPLEMENTARY INFORMATION:

Throughout this document "we," "us," and "our" mean "the EPA."

## I. Background

The background for this action is discussed in detail in our July 21, 2023, proposed action (88 FR 47095). In that document we proposed to approve revisions to the Arkansas SIP which were submitted on May 12, 2022, and November 1, 2022, subsequent to EPA's January 12, 2022, finding of failure to submit concerning excess emissions during periods of SSM.<sup>1</sup> We proposed to approve the removal of two SSM provisions identified as substantially inadequate in the June 12, 2015, SIP call.<sup>2</sup> Specifically, we proposed to approve the removal of Regulation 19.602-Emergency Conditions and Regulation 19.1004(H)-Malfunctions, Breakdowns, Upsets from the Arkansas SIP. We also proposed to determine that such SIP revisions correct the substantial inadequacies in the Arkansas SIP as identified in the June 2015 SIP call and in response to EPA's January 2022 finding of failure to submit.

## II. Response to Comments

The public comment period for our proposed approval and determination expired on August 21, 2023, and no adverse comments were received. We received one comment from Sierra Club and Environmental Integrity Project supporting removal of Regulation 19.602 and Regulation 19.1004(H) from the Arkansas SIP. Therefore, we are finalizing our action as proposed.

## III. Final Action

The EPA is approving the revisions to the Arkansas SIP submitted by the State

<sup>1</sup> Findings of Failure to Submit State Implementation Plan Revisions in Response to the 2015 Findings of Substantial Inadequacy and SIP Calls To Amend Provisions Applying To Excess Emissions During Periods of Startup, Shutdown, and Malfunction, 87 FR 1680 (Jan. 12, 2022), available at [www.regulations.gov](http://www.regulations.gov), Docket ID No. EPA-HQ-OAR-2021-0863.

<sup>2</sup> 80 FR 33839 (June 12, 2015).