

reporting of racial and ethnic data under the programs we administer. The Department also announced that districts must begin reporting data using the new collection procedures and aggregate reporting categories no later than for data about the 2010–2011 school year. Under the Guidance, for upcoming grant applications, which would include applications for new MSAP funds, districts are permitted to report data using the racial and ethnic categories used in their district for the 2009–2010 school year.

This means that districts have two options for reporting the required data in disaggregated categories in their MSAP applications.

For districts that have already converted to the revised categories, racial and ethnic student enrollment data should be reported and projected using the revised forms that disaggregate student enrollment data by race and ethnicity using the following categories: Hispanic/Latino, American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, White, and Two-or More Races.

For districts that have not already converted to the revised categories, racial and ethnic student enrollment data should be reported and projected using the revised forms that disaggregate student enrollment data by race and ethnicity using the following categories: American Indian or Alaskan Native, Asian or Pacific Islander, Black (Not of Hispanic Origin), Hispanic, and White.

Two versions of the forms will be included in the application package.

#### Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

#### Assessment of Educational Impact

In accordance with section 411 of the General Education Provisions Act, 20 U.S.C. 1221e-4, we have determined that these regulations do not require transmission of information that any other agency or authority of the United States gathers or makes available.

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(Catalog of Federal Domestic Assistance Number 84.165A Magnet Schools Assistance Program)

#### List of Subjects in 34 CFR Part 280

Elementary and secondary education, Equal educational opportunity, Grant programs—education, Reporting and recordkeeping requirements.

Dated: February 25, 2010.

**James H. Shelton, III,**

*Assistant Deputy Secretary for Innovation and Improvement.*

■ For the reasons discussed in the preamble, the Secretary amends part 280 of title 34 of the Code of Federal Regulations as follows:

#### PART 280—MAGNET SCHOOLS ASSISTANCE PROGRAM

■ 1. The authority citation for part 280 continues to read as follows:

**Authority:** 20 U.S.C. 7231–7231j, unless otherwise indicated.

#### § 280.2 [Amended]

■ 2. Section 280.2 is amended by revising paragraph (b) to read as follows:

#### § 280.2 Who is eligible to apply for a grant?

\* \* \* \* \*

(b) The Secretary approves a voluntary plan under paragraph (a)(2) of this section only if he determines that for each magnet school for which funding is sought, the magnet school will reduce, eliminate, or prevent minority group isolation within the period of the grant award, either in the magnet school or in a feeder school, as appropriate.

\* \* \* \* \*

#### § 280.4 [Amended]

■ 3. Section 280.4 is amended by removing the definition of *minority group isolation* in paragraph (b).

■ 4. Section 280.20(g) is revised to read as follows:

#### § 280.20 How does one apply for a grant?

\* \* \* \* \*

(g) An applicant that does not have an approved desegregation plan, and demonstrates that it cannot provide some portion of the information requested under paragraphs (f)(4) and (5) of this section, may provide other information (in lieu of that portion of the information not provided in response to paragraphs (f)(4) and (5) of this section) to demonstrate that the creation or operation of its proposed magnet school would reduce, eliminate, or prevent minority group isolation in the applicant's schools.

\* \* \* \* \*

[FR Doc. 2010–4415 Filed 3–3–10; 8:45 am]

BILLING CODE 4000–01–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 55

[EPA–R10–OAR–2009–0799; FRL–9123–1]

### Technical Amendment to the Outer Continental Shelf Air Regulations Consistency Update; Correction

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

**ACTION:** Final rule; correction.

**SUMMARY:** This document contains technical corrections to the final regulations, which were published in the **Federal Register** of Thursday January 21, 2010. The regulations related to the Consistency Update of the Outer Continental Shelf Air Regulations for Alaska.

**DATES:** Effective on March 22, 2010.

**FOR FURTHER INFORMATION CONTACT:** Natasha Greaves, Federal and Delegated Air Programs Unit, Office of Air, Waste, and Toxics, U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Suite 900, Mail Stop: AWT–107, Seattle, WA 98101; telephone number: (206) 553–7079; e-mail address: [greaves.natasha@epa.gov](mailto:greaves.natasha@epa.gov).

#### SUPPLEMENTARY INFORMATION:

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## I. Background Information

This Notice is to provide a technical correction to the final regulation published at 75 FR 3392, January 21, 2010. The final regulations that are the subject to these corrections are effective on March 22 and affect the State of Alaska Administrative Code ("ACC") Air Emission User Fee provision in 18 AAC 50.410 as incorporated into 40 CFR Part 55. Alaska revised the Air Emission User Fee provision in 18 AAC 50.410 to extend the date through which the current emission fee rates apply to stationary sources permitted under AS 46.14 from June 30, 2009 to June 30, 2010 and clarified that the fee applies annually. This correction relates only to the air emission user fee provision in 18 AAC 50.410.

## II. Need for Correction

As published, the final regulations contained an error which may prove to be misleading and needs to be clarified. The direct final rule in 75 FR 3392 inadvertently stated that Appendix A to 40 CFR part 55 was amended by "revising" Article 4 of paragraph (a)(1) under the heading "Alaska". The direct final rule should have said that at Appendix A to 40 CFR part 55 was amended by "adding" a provision within Article 4 of paragraph (a)(1) under the heading "Alaska".

■ Accordingly, the following correction is made to the final rule published January 21, 2010 (75 FR 3392).

■ 1. On page 3394, in the third column, amendatory instruction 3 is corrected to read as follows:

"3. Appendix A to Part 55 is amended under "Alaska" by revising paragraph (a)(1) introductory text and by adding an entry for "18 AAC 50.410" under article 4 to read as follows:"

Dated: February 25, 2010.

**Michelle L. Pirzadeh,**

*Acting Regional Administrator, Region 10.*

[FR Doc. 2010-4558 Filed 3-3-10; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 81

[EPA-R04-OAR-2007-0958-201005(c); FRL-9122-1]

### Determination of Nonattainment and Reclassification of the Atlanta, Georgia, 8-Hour Ozone Nonattainment Area; Correction

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

**ACTION:** Final rule; correcting amendment.

**SUMMARY:** On March 6, 2008, EPA published a document reclassifying the Atlanta, Georgia, area from marginal to moderate for the 1997 8-hour ozone nonattainment area by operation of law. This action clarifies a portion of the preamble language in the aforementioned **Federal Register** notice.

**DATES:** This action is effective March 4, 2010.

**ADDRESSES:** Copies of the documentation used in the action being corrected are available for inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Ms. Stacy Harder, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Ms. Harder can be reached at 404-562-9042, or via electronic mail at [harder.stacy@epa.gov](mailto:harder.stacy@epa.gov).

**SUPPLEMENTARY INFORMATION:** This action corrects preamble language for a designation that appears in Georgia's Attainment Designation Status section at 40 CFR part 81.311. The reclassification of the Atlanta Area from marginal to moderate for the 1997 8-hour ozone standard, was approved by EPA on March 6, 2008 (73 FR 12013). However, EPA inadvertently excluded Hall County from the list of counties included in the Atlanta, Georgia, 1997 8-hour ozone nonattainment area in the preamble portion of the rulemaking. Also, EPA inadvertently included Pickens County in the list of counties included in the Atlanta, Georgia, 1997 8-hour ozone nonattainment area, in the preamble portion of the rulemaking. Additionally, EPA is clarifying that "Bartow" and "Spalding" Counties were inadvertently misspelled as "Barton" and "Spaulding" Counties on page 12014. Therefore, EPA is correcting this inadvertent error by clarifying that the first sentence, in the second paragraph, in the first column, of page 12014 (**SUPPLEMENTARY INFORMATION**, Section I) should read: "The Atlanta Area is located in Northern Georgia and consists of Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton,

Paulding, Rockdale, Spalding and Walton Counties." The regulatory portion of the notice, found at 40 CFR 81.311, is correct as written in the March 6, 2008, rulemaking.

EPA has determined that today's action falls under the "good cause" exemption in section 553(b)(3)(B) of the Administrative Procedure Act (APA) which, upon finding "good cause," authorizes agencies to dispense with public participation where public notice and comment procedures are impracticable, unnecessary, or contrary to the public interest. Public notice and comment for this action are unnecessary because today's action to clarify the list of counties included in the Atlanta 1997 8-hour ozone nonattainment area, in the narrative portion of the rulemaking, has no substantive impact on EPA's March 6, 2008, approval of this regulation. In addition, EPA can identify no particular reason why the public would be interested in being notified of the correction of this omission, or in having the opportunity to comment on the correction prior to this action being finalized, since this correction action does not change the meaning of EPA's analysis or action to reclassify the Atlanta 1997 8-hour ozone nonattainment area from marginal to moderate.

EPA also finds that there is good cause under APA section 553(d)(3) for this correction to become effective on the date of publication of this action. Section 553(d)(3) of the APA allows an effective date less than 30 days after publication "as otherwise provided by the agency for good cause found and published with the rule." 5 U.S.C. 553(d)(3). The purpose of the 30-day waiting period prescribed in APA section 553(d)(3) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. Today's rule, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. Rather, today's rule merely corrects an inadvertent error in the preamble portion of a prior rule by clarifying the list of counties included in the 1997 8-hour ozone nonattainment area, which EPA approved on March 6, 2008. For these reasons, EPA finds good cause under APA section 553(d)(3) for this correction to become effective on the date of publication of this action.

### Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For