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#### List of Subjects in 34 CFR Part 226

Education, Educational facilities, Grant programs—education, Reporting and recordkeeping requirements, Schools.

Miguel A. Cardona,  
Secretary of Education.

For the reasons discussed in the preamble, the Secretary amends part 226 of title 34 of the Code of Federal Regulations as follows:

#### PART 226—STATE CHARTER SCHOOL FACILITIES INCENTIVE PROGRAM

- 1. The authority citation for part 226 continues to read as follows:

**Authority:** 20 U.S.C. 1221e–3; 7221d(b), unless otherwise noted.

##### § 226.4 [Amended]

- 2. Section 226.4 is amended in paragraph (a) introductory text by removing “5210” and adding in its place “4310”.

##### § 226.11 [Amended]

- 3. Section 226.11 is amended in paragraph (a) by removing “§ 226.13 and”.
- 4. Section 226.12 is amended:
  - a. In paragraph (d)(3), by removing “5205(b)(2)(C)” and adding, in its place, “4304(k)(2)(C)”;
  - b. By revising paragraph (e).
 The revision reads as follows:

##### § 226.12 What selection criteria does the Secretary use in evaluating an application for a State Charter School Facilities Incentive program grant?

\* \* \* \* \*

(e) *State experience.* The experience of the State in addressing the facility needs of charter schools through various means, including providing per-pupil

aid and access to State loan or bonding pools.

\* \* \* \* \*

##### § 226.13 [Removed and Reserved]

- 5. Section 226.13 is removed and reserved.

##### § 226.14 [Amended]

- 6. Section 226.14 is amended:
  - A. In the section heading, by removing “other”.
  - B. In paragraph (a)(1), by removing “improvement, corrective action, or restructuring under title I of the ESEA” and adding, in its place, “comprehensive support and improvement or targeted support and improvement under the ESEA”.

[FR Doc. 2022–01336 Filed 1–24–22; 8:45 am]

BILLING CODE 4000–01–P

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 52

[EPA–R04–OAR–2020–0362; FRL–9238–02–R4]

##### Air Plan Approval; FL; Removal of Motor Vehicle Rules

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving changes to a State Implementation Plan (SIP) revision submitted by the State of Florida, through the Florida Department of Environmental Protection (FDEP), in a letter dated July 2, 2020. Specifically, EPA is approving the removal of rules prohibiting tampering with motor vehicle air pollution control equipment and rules concerning visible emissions from motor vehicles. These rules were previously approved into the SIP even though they were not required by the Clean Air Act (CAA or Act) to be in the SIP. EPA is approving the removal of the tampering rules and visible emission rules from the federally approved SIP because removing the requirements is consistent with the CAA and applicable regulations.

**DATES:** This rule is effective February 24, 2022.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2020–0362. All documents in the docket are listed on the [www.regulations.gov](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 [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. EPA requests that, if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office’s official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

##### FOR FURTHER INFORMATION CONTACT:

Kelly Sheckler, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9222. Ms. Kelly Sheckler can also be reached via electronic mail at [sheckler.kelly@epa.gov](mailto:sheckler.kelly@epa.gov).

##### SUPPLEMENTARY INFORMATION:

##### I. Background

Florida submitted a SIP revision, through a letter dated July 2, 2020, to update the State’s air quality rules, specifically, for the removal of Chapters 62–243 and 62–244 from the Florida SIP. The first rule relates to anti-tampering measures that restricted the removal or disabling of specific motor vehicle air pollution control devices and prohibited the sale, lease, or transfer of motor vehicles by licensed motor vehicle dealers. The second rule relates to the prohibition of operating either gasoline or diesel-powered vehicles on public roads that emit visible emissions for more than five continuous seconds. Chapters 62–243 and 62–244 implement certain “on-road” prohibitions of Florida Statutes (F.S.) Section 316.2935.

The purpose of Chapter 62–243, *Tampering with Motor Vehicles Air Pollution Control Equipment*, is to prohibit licensed motor vehicle dealers from offering for sale, lease or transfer, vehicles that had the emission control components tampered with or removed. Chapter 62–244, *Visible Emissions from Motor Vehicles*, implements requirements relating to the operation of a motor vehicle on public roads in the state of Florida that emit visible emissions from the exhaust tailpipe for

more than a continuous period of five minutes. These rules specifically were intended to give guidance to law enforcement officers on how to issue noncriminal traffic citations to anyone operating a motor vehicle emitting visible emissions from the vehicle's tailpipe on public roads.

On November 22, 2021, EPA published a notice of proposed rulemaking (NPRM) to approve the aforementioned changes to Florida's SIP. See 86 FR 66255. EPA's November 22, 2021, NPRM includes further detail on the changes made in Florida's July 2, 2020, submittal and EPA's rationale for approving these changes to the SIP. Comments were due on the November 22, 2021, NPRM on or before December 22, 2021. EPA received no comments on the November 22, 2021, NPRM. Therefore, EPA is approving the changes in this final action.

## II. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. EPA is finalizing the removal of provisions from the Florida SIP regarding the Motor Vehicle Rules at Chapter 62–243, F.A.C.—*Tampering with Motor Vehicle Air Pollution Control Equipment* and Chapter 62–244, F.A.C.—*Visible Emissions from Motor Vehicles*, which are incorporated by reference in accordance with the requirements of 1 CFR part 51. EPA has made and will continue to make the SIP generally available at the EPA Region 4 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).<sup>1</sup>

## III. Final Action

EPA is removing Chapter 62–243, F.A.C.—*Tampering with Motor Vehicle Emission Control Equipment*, and Chapter 62–244, F.A.C.—*Visible Emissions from Mobile Sources*, in their entirety, from the Florida SIP. EPA is taking final action to approve these changes to the SIP because they are consistent with the CAA.

## 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 Act and applicable Federal regulations. See 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. 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);
- 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 CAA; 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).

The SIP 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 as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General

of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 28, 2022. 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, Incorporation by reference, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: January 18, 2022.

**Daniel Blackman,**

*Regional Administrator, Region 4.*

For the reasons stated in the preamble, EPA amends 40 CFR part 52 as follows:

## 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 K—Florida

#### § 52.520 [Amended]

- 2. In § 52.520(c), the table is amended by:

- a. Removing the heading “Chapter 62–243 Tampering With Motor Vehicle Air Pollution Control Equipment” and the entries “62–243.100,” “62–243.200,” “62–243.300,” “62–243.400,” “62–243.500,” “62–243.600,” and “62–243.700;” and

- b. Removing the heading “Chapter 62–244 Visible Emissions From Motor Vehicles” and the entries “62–244.100,” “62–244.200,” “62–244.300,” “62–

<sup>1</sup> See 62 FR 27968 (May 22, 1997).

244.400,” “62–244.500,” and “62–244.600.”

[FR Doc. 2022–01303 Filed 1–24–22; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R04–OAR–2021–0033; FRL–9278–02–R4]

### Air Plan Approval; North Carolina; Mecklenburg; Source Testing

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is finalizing approval of a State Implementation Plan (SIP) revision to the Mecklenburg County portion of the North Carolina SIP, hereinafter referred to as the Mecklenburg County Local Implementation Plan (LIP). The revision was submitted through the North Carolina Division of Air Quality (NCDAQ), on behalf of Mecklenburg County Air Pollution Control (MCAQ), via a letter dated April 24, 2020, which was received by EPA on June 19, 2020. This SIP revision includes changes to Mecklenburg County Air Pollution Control Ordinance (MCAPCO) rules incorporated into the LIP regarding performance testing for stationary sources of air pollution. EPA is approving these changes pursuant to the Clean Air Act (CAA or Act).

**DATES:** This rule is effective February 24, 2022.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2021–0033. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) website. Although listed in the index, some information may not be 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 [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION**

**CONTACT** section to schedule your inspection. The Regional Office’s official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** D. Brad Akers, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. Mr. Akers can be reached via electronic mail at [akers.brad@epa.gov](mailto:akers.brad@epa.gov) or via telephone at (404) 562–9089.

#### SUPPLEMENTARY INFORMATION:

#### I. Background and Overview

The Mecklenburg LIP was submitted to EPA on June 14, 1990, and EPA approved the plan on May 2, 1991. See 56 FR 20140. Mecklenburg County is now requesting that EPA approve changes to the LIP for, among other things, general consistency with the North Carolina SIP.<sup>1</sup> Mecklenburg County prepared three submittals in order to update the LIP and reflect regulatory and administrative changes that NCDAQ made to the North Carolina SIP since EPA’s 1991 LIP approval.<sup>2</sup> The three submittals were submitted as follows: NCDAQ transmitted the October 25, 2017, submittal to EPA but later withdrew it from review through a letter dated February 15, 2019. On April 24, 2020, NCDAQ resubmitted the October 25, 2017, update to EPA and also submitted the January 21, 2016, and January 14, 2019, updates. Due to an inconsistency with public notices at the local level, these submittals were withdrawn from EPA through the letter dated February 15, 2019. Mecklenburg County corrected this error, and NCDAQ submitted the updates to EPA in a submittal dated April 24, 2020.

This final rule modifies the LIP by revising, adding, and removing several rules related to the source testing rules, located in MCAPCO Article 2.0000, *Air Pollution and Control Regulations and Procedures*. The specific sections addressed in this final rule are Section 2.2600, *Source Testing*, Section 2.0900, *Volatile Organic Compounds*, and Rule 2.0501 of Section 2.0500, *Compliance with Emission Control Standards*.<sup>3</sup> The

April 24, 2020, LIP revision first makes minor changes to recodify portions of Rules 2.0501 of Section 2.0500 and several rules in Section 2.0900. Next, the LIP revision removes Rule 2.0941, *Alternative Method for Leak Testing*, from the SIP, which in effect removes an alternative test for vapor leaks in gasoline tank trucks which is no longer available in Mecklenburg County. In addition, other changes modify the LIP by updating or incorporating new performance testing requirements, and by making other minor changes to language throughout the recodified rules for consistency. See EPA’s November 26, 2021, notice of proposed rulemaking (NPRM) for further detail on these changes and EPA’s rationale for approving them. See 86 FR 67412. EPA did not receive public comments on the November 26, 2021, NPRM.

#### II. 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 following Mecklenburg County rules, with an effective date of June 1, 2008: Rule 2.0501, *Compliance with Emission Control Standards*;<sup>4</sup> Rule 2.0912, *General Provisions on Test Methods and Procedures*; Rule 2.0943, *Synthetic Organic Chemical and Polymer Manufacturing*; Rule 2.0945, *Petroleum Dry Cleaning*; Rule 2.2602, *General Provisions on Test Methods and Procedures*;<sup>5</sup> Rule 2.2603, *Testing Protocol*; Rule 2.2604, *Number of Test Points*; Rule 2.2605, *Velocity and Volume Flow Rate*; Rule 2.2606, *Molecular Weight*; Rule 2.2607, *Determination of Moisture Content*; Rule 2.2608, *Number of Runs and Compliance Determination*; Rule 2.2610, *Opacity*; Rule 2.2612, *Nitrogen Oxide Testing Methods*; Rule 2.2613,

2.2600 rules, including: Rules 2.2616, *Fluorides*; 2.2618, *Mercury*; 2.2619, *Arsenic, Beryllium, Cadmium, Hexavalent Chromium*; and 2.2620, *Dioxins and Furans*. Provisions for these pollutants were not previously included in the Mecklenburg LIP.

<sup>4</sup> Except for the addition of paragraph 2.0501(e), with an effective date of June 1, 2008; and except for changes to remove and recodify the prefatory text at 2.0501(c) and for subparagraphs (c)(3), (c)(4), (c)(5), (c)(6), (c)(10), (c)(15), (c)(16), and (c)(18), which will remain unchanged with a state effective date of June 14, 1990. Because EPA is acting on other portions of Rule 2.0501, which includes moving former paragraph (e) to paragraph (c) with an effective date of June 1, 2008, there will be two paragraphs 2.0501(c), with different state effective dates. EPA will consider the remaining portions of the June 14, 1990 version of paragraph (c) in a separate action.

<sup>5</sup> Except for paragraph 2.2602(i), which corresponds to existing 2.0501(c)(18) in the LIP.

<sup>1</sup> Hereinafter, the terms “North Carolina SIP” and “SIP” refer to the North Carolina regulatory portion of the North Carolina SIP (*i.e.*, the portion that contains SIP-approved North Carolina regulations).

<sup>2</sup> The Mecklenburg County, North Carolina revision that is dated April 24, 2020, and received by EPA on June 19, 2020, is comprised of three previous submittals—one dated January 21, 2016; one dated October 25, 2017; and one dated January 14, 2019.

<sup>3</sup> Additionally, EPA notes that NCDAQ did not request EPA approval into the LIP of several Section