

and all fair housing and equal opportunity requirements. The purpose of the plan and requirements is to achieve a condition in which eligible families of similar income levels in the same housing market have a like range of housing choices available to them regardless of their race, color, religion, sex (including actual or perceived sexual orientation and gender identity), disability, familial status, or national origin.

* * * * *

■ 8. In § 891.750, revise the introductory text of paragraph (b) and paragraphs (b)(3), (c)(1), (2), and (3)(i) to read as follows:

§ 891.750 Selection and admission of tenants.

* * * * *

(b) *Determination of eligibility and selection of tenants.* The Borrower is responsible for determining whether applicants are eligible for admission and for the selection of families. To be eligible for admission, an applicant family must be a family that includes a person with a disability (that meets the definition of “handicapped family” in 24 CFR 891.505); meet any project occupancy requirements approved by HUD; meet the disclosure and verification requirements for Social Security Numbers, as provided by 24 CFR part 5, subpart B; and be a low-income family, as defined in part 5, subpart F of this title, as modified by 24 CFR 891.505. Under certain circumstances, HUD may permit the leasing of units (or residential space in a group home) to ineligible families under § 891.720.

* * * * *

(3) If the Borrower determines that an applicant is ineligible for admission or the Borrower is not selecting the applicant for other reasons, the Borrower will promptly notify the applicant in writing of the determination, the reasons for the determination, and that the applicant has a right to request a meeting to review the rejection, in accordance with HUD requirements. The review, if requested, may not be conducted by the member of the Borrower’s staff who made the initial decision to reject the applicant. The applicant may also exercise other rights, including filing a complaint with HUD’s Office of Fair Housing and Equal Opportunity, if the applicant believes the applicant is being discriminated against on the basis of race, color, religion, sex (including actual or perceived sexual orientation

and gender identity), disability, familial status, or national origin.

* * * * *

(c) * * *

(1) *Regular reexaminations.* If the family occupies an assisted unit (or residential space in a group home), the Borrower must reexamine the income and composition of the family at least every 12 months. Upon verification of the information, the Borrower shall make appropriate adjustments in the total tenant payment in accordance with § 5.657 of this title and must adjust the rent. The Borrower must also request an appropriate adjustment to the project assistance payment. Further, the Borrower must determine whether the family’s unit size is still appropriate and must carry out any unit transfer in accordance with HUD standards. At the time of reexamination, the Borrower must require the family to meet the disclosure and verification requirements for Social Security Numbers, as provided by 24 CFR part 5, subpart B. For requirements regarding the signing and submitting of consent forms by families for obtaining wage and claim information from State Wage Information Collection Agencies, see 24 CFR part 5, subpart B.

(2) *Interim reexamination.* If the family occupies an assisted unit (or residential space in a group home) the family must comply with the provisions in § 5.657 of this title regarding interim reporting of changes in income. If the Borrower receives information concerning a change in the family’s income or other circumstances between regularly scheduled reexaminations, the Borrower must consult with the family and make any adjustments determined to be appropriate. See 24 CFR part 5, subpart B, for the requirements for the disclosure and verification of Social Security Number at interim reexaminations involving new household members. For requirements regarding the signing and submitting of consent forms by families for obtaining wage and claim information from State Wage Information Collection agencies, see 24 CFR part 5, subpart B. Any change in the family’s income or other circumstances that result in an adjustment in the total tenant payment, tenant rent, or project assistance payment must be verified.

(3) * * *

(i) A family occupying an assisted unit (or residential space in a group home) shall remain eligible for project assistance payments until the total tenant payment equals or exceeds the gross rent (or a pro rata share of the gross rent in a group home). The

termination of subsidy eligibility will not affect the family’s other rights under its lease. Project assistance payments may be resumed if, as a result of changes in income, rent, or other relevant circumstances during the term of the PAC, the family meets the income eligibility requirements of § 5.657 of this title (as modified in § 891.105) and project assistance is available for the unit or residential space under the terms of the PAC. The family will not be required to establish its eligibility for admission to the project under the remaining requirements of paragraph (b) of this section.

* * * * *

Julia R. Gordon,

Assistant Secretary for Housing—FHA Commissioner.

[FR Doc. 2023–24236 Filed 11–1–23; 8:45 am]

BILLING CODE 4210–67–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2017–0760, EPA–R09–OAR–2020–0476, and EPA–R09–OAR–2021–0176; FRL–11409–01–R9]

Air Plan Revisions; California; Antelope Valley Air Quality Management District; Imperial County Air Pollution Control District; Correcting Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correcting amendments.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to correct sections in the Code of Federal Regulations (CFR), erroneously caused by administrative oversight, to reflect the current status of conditional approval provisions in the California State Implementation Plan (SIP). These corrections concern Antelope Valley Air Quality Management District’s (AVAQMD’s) reasonably available control technology (RACT) SIP demonstration requirements for the 1997 and 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS) and Imperial County Air Pollution Control District’s (ICAPCD’s) RACT SIP demonstration requirements for the 2008 8-hour ozone NAAQS.

DATES: These correcting amendments are effective on November 2, 2023.

ADDRESSES: The EPA has established dockets for this action under Docket ID No. EPA–R09–OAR–2017–0760, EPA–R09–OAR–2020–0476, and EPA–R09–

OAR–2021–0176. All documents in the dockets 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 (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 availability information. If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Elijah Gordon, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 972–3158 or by email at gordon.elijah@epa.gov.

SUPPLEMENTARY INFORMATION: Table 1 lists the documents addressed by this corrective action with the dates they were locally adopted, revised, or amended, and submitted by the California Air Resources Board (CARB).

TABLE 1—RACT SIP DEMONSTRATIONS AND SIP-APPROVED RULES

Local agency	Document	Local action	Submitted
AVAQMD	AVAQMD 8-Hour Reasonably Available Control Technology—State Implementation Plan Analysis (RACT SIP Analysis)—1997 8-hour Ozone NAAQS “2006 RACT SIP”.	Adopted 09/19/2006	01/31/2007
AVAQMD	AVAQMD 8-Hour Reasonably Available Control Technology—State Implementation Plan Analysis (2015 RACT SIP Analysis)—2008 8-hour Ozone NAAQS “2015 RACT SIP”.	Adopted 07/21/2015	10/23/2015
AVAQMD	Rule 1151.1—Motor Vehicle Assembly Coating Operations	Adopted 6/20/2017	8/9/2017
AVAQMD	Rule 1110.2—Emissions from Stationary, Non-Road and Portable Internal Combustion Engines.	Amended 09/18/2018	10/30/2018
ICAPCD	Reasonably Availability Control Technology Analysis for the 2017 Imperial County State Implementation Plan for the 2008 8-Hr Ozone Standard “2017 RACT SIP”.	Adopted 09/12/2017	11/14/2017
ICAPCD	Rule 415—Transfer and Storage of Gasoline	Revised 11/03/2020	02/19/2021

The EPA conditionally approved revisions to the AVAQMD portion of the California SIP on October 10, 2017 (82 FR 46923). These revisions concerned AVAQMD’s demonstration regarding RACT requirements for the AVAQMD portion of the Western Mojave Desert nonattainment area for the 1997 8-hour ozone NAAQS, and the AVAQMD portion of the West Mojave Desert nonattainment area for the 2008 8-hour ozone NAAQS. In the October 10, 2017 action, we added paragraphs (b), (b)(1), (b)(2), (b)(3), and (b)(4) to the “Identification of plan—conditional approval” section of 40 CFR part 52, subpart F (40 CFR 52.248), addressing RACT demonstrations for rules deemed to not meet RACT requirements. According to 40 CFR 52.248(b), if the State failed to meet its commitment to address the identified deficiencies by November 9, 2018, the conditional approval would be treated as a disapproval. The State submitted SIP revisions addressing all identified deficiencies for the rules listed in paragraphs 40 CFR 52.248(b)(1) through (4) in advance of this November 9, 2018 deadline.

We subsequently approved the SIP revisions addressing the identified deficiencies. We finalized approval of Rule 1151.1 on May 24, 2018 (83 FR 24033). In that rulemaking action, we evaluated Rule 1151.1 for RACT-level stringency, and stated in our proposal that Rule 1151.1 regulates activities

covered by the CTG document “Control Techniques Guidelines for Automobile and Light-Duty Truck Assembly Coatings” (EPA–453/R–08–006, September 2008).¹ Our approval of Rule 1151.1 as establishing RACT for this CTG cured the identified deficiencies associated with our conditional approval of the portion of the District’s RACT SIP associated with Rule 1151 in 40 CFR 52.248(b)(3).

Additionally, we finalized approval of Rule 1110.2 on September 10, 2021 (86 FR 50645). In that rulemaking action, we evaluated Rule 1110.2 for RACT-level stringency, and stated in our proposal that Rule 1110.2 was submitted in order to address the RACT deficiencies identified in our previous conditional approval for major source NO_x RACT.² Our approval of Rule 1110.2 as establishing RACT for the major stationary sources regulated by this rule cured the identified deficiency associated with our conditional approval of the portion of the District’s RACT SIP associated with Rule 1110.2 in 40 CFR 52.248(b)(2).

¹ 83 FR 11944 (March 19, 2018). In the District’s commitment letter to CARB (dated 06/26/2017) and CARB’s forwarded letter to the EPA (dated 06/27/2017), AVAQMD stated that rather than adopt a modification to Rule 1151 to address the RACT deficiency, it would adopt a new rule, Rule 1151.1, to correct the identified deficiency. They also stated their commitment to revise and correct identified deficiencies within Rule 1110.2.

² 86 FR 17567 (April 5, 2021).

Due to an administrative oversight, our notices approving these new revisions neglected to remove the conditional approval language from 40 CFR 52.248(b)(2), 40 CFR 52.248(b)(3), and, consequently, 40 CFR 52.248(b). This action addresses this administrative oversight.

Separately, the EPA conditionally approved a revision to the ICAPCD portion of the California SIP on February 13, 2020 (85 FR 8181). This revision concerned ICAPCD’s demonstration regarding RACT requirements for the 2008 8-hour ozone NAAQS in the Imperial County ozone nonattainment area. In the February 13, 2020 action, we added paragraph (i) to 40 CFR 52.248, addressing RACT demonstrations for Rule 415, and stating that if the State failed to meet its commitment to address these identified deficiencies by one year from the date of the conditional approval, the conditional approval would be treated as a disapproval.³ The State submitted a revised Rule 415, addressing these deficiencies in advance of this deadline.

We finalized approval of the revised Rule 415 on September 2, 2021 (86 FR 49248). In that rulemaking action, we evaluated Rule 415 for RACT-level stringency, and stated in our proposal

³ In the District’s commitment letter to CARB (dated 05/08/2019) and CARB’s forwarded letter to the EPA (dated 05/28/2019), ICAPCD stated their commitment to revise and correct identified deficiencies within Rule 415.

that Rule 415 regulates activities covered by the CTG document “Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals” (EPA–450/2–77–026, October 1977).⁴ That proposal stated that Rule 415 was revised in response to the EPA’s previous conditional approval and that the updated version of Rule 415 corrected the identified deficiencies. Therefore, our approval of Rule 415 as establishing RACT for this CTG cured the identified deficiency associated with our conditional approval of the portion of the District’s RACT SIP associated with Rule 415 in 40 CFR 52.248(i). Due to an administrative oversight, our notice approving Rule 415 neglected to remove the conditional approval language from 40 CFR 52.248(i). This action addresses this administrative oversight.

For the reasons described above, this action corrects the regulatory text to reflect the current status of AVAQM’s RACT SIP demonstration for the 1997 and 2008 8-hour ozone NAAQS. The EPA is removing Rule 1110.2, “Emission from Stationary, Non-road & Portable Internal Combustion Engines,” and Rule 1151, “Motor Vehicle and Mobile Equipment Coating Operations,” from the regulatory text at 40 CFR 52.248(b)(2) and 40 CFR 52.248(b)(3), respectively. Consequently, AVAQM has met its RACT SIP obligations for these 1997 and 2008 8-hour NAAQS and, therefore, the EPA is removing the prior conditional approvals for these RACT SIP demonstrations from the Code of Federal Regulations (40 CFR 52.248(b)), leaving only the subsequently approved rules in the California SIP. This action also corrects the regulatory text to reflect the current status of ICAPCD’s RACT SIP demonstration for the 2008 8-hour ozone NAAQS. ICAPCD has met its RACT SIP obligations for this NAAQS and, therefore, the EPA will remove the prior conditional approval for this RACT SIP demonstration from the Code of Federal Regulations (40 CFR 52.248(i)), leaving only the subsequently approved rule in the California SIP.

The EPA has determined that this 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 public interest. Public notice and comment for this action is unnecessary because the underlying rules and RACT

evaluations were already subject to a 30-day comment period, and this action is merely making administrative changes and updating the regulatory text accordingly. Further, this action is consistent with the purpose and rationale of the final rules. Because this action does not change the EPA’s analyses or overall actions, no purpose would be served by additional public notice and comment. Consequently, additional public notice and comment are unnecessary.

The EPA also finds that there is good cause under APA section 553(d)(3) for these amendments to become effective on the date of publication of this action. Section 553(d)(3) of the APA allows an effective date of 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. This rule does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. This action merely corrects incomplete amendatory instructions in previous rulemakings. For these reasons, the EPA finds good cause under APA section 553(d)(3) for these changes to become effective on the date of publication of this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: October 19, 2023.

Martha Guzman Aceves,
Regional Administrator, Region IX.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended 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 F—California

§ 52.248 [Amended]

- 2. Section 52.248 is amended by removing and reserving paragraphs (b) and (i).

[FR Doc. 2023–23740 Filed 11–1–23; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2023–0479; FRL–11425–02–R9]

Determination To Defer Sanctions; California; California Air Resources Board

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final determination.

SUMMARY: The Environmental Protection Agency (EPA) is making an interim final determination that the California Air Resources Board (CARB) has submitted a rule and other materials that correct deficiencies in its Clean Air Act (CAA or “Act”) state implementation plan (SIP) provisions concerning emissions of volatile organic compounds (VOCs) from vapor recovery systems of gasoline cargo tanks. This determination is based on a proposed approval, published elsewhere in this **Federal Register**, of CARB’s California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 8, Article 1, Section 94014 (“Section 94014”) which regulates this source category. The effect of this interim final determination is that the imposition of sanctions that were triggered by a previous limited disapproval by the EPA in 2022 is now deferred. If the EPA finalizes its approval of CARB’s submission, relief from these sanctions will become permanent.

DATES: This interim final determination is effective November 2, 2023. However, comments will be accepted on or before December 4, 2023.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2023–0479 at <https://www.regulations.gov>. For comments submitted at [Regulations.gov](https://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](https://www.regulations.gov). The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI)

⁴ 86 FR 24835 (May 10, 2021).