

participating in the title IV, HEA programs undergoes a change in ownership that results in a change of control as described in § 600.31, the Secretary may continue the institution's participation in those programs on a provisional basis, if the institution under the new ownership submits a "materially complete application" that is received by the Secretary no later than 10 business days after the day the change occurs.

(2) For purposes of this section, a private nonprofit institution, a private for-profit institution, or a public institution submits a materially complete application if it submits a fully completed application form designated by the Secretary supported by—

(i) A copy of the institution's State license or equivalent document that—as of the day before the change in ownership—authorized or will authorize the institution to provide a program of postsecondary education in the State in which it is physically located;

(ii) A copy of the document from the institution's accrediting association that—as of the day before the change in ownership—granted or will grant the institution accreditation status, including approval of any non-degree programs it offers;

(iii) Audited financial statements of the institution's two most recently completed fiscal years that are prepared and audited in accordance with the requirements of 34 CFR 668.23; and

(iv) Audited financial statements of the institution's new owner's two most recently completed fiscal years that are prepared and audited in accordance with the requirements of 34 CFR 668.23, or equivalent information for that owner that is acceptable to the Secretary.

(h) *Terms of the extension.* (1) If the Secretary approves the institution's materially complete application, the Secretary provides the institution with a provisional Program Participation Agreement (PPA). The provisional PPA extends the terms and conditions of the program participation agreement that were in effect for the institution before its change of ownership.

(2) The provisional PPA expires on the earlier of—

(i) The date on which the Secretary signs a new program participation agreement;

(ii) The date on which the Secretary notifies the institution that its application is denied; or

(iii) The last day of the month following the month in which the change of ownership occurred, unless the provisions of paragraph (h)(3) of this section apply.

(3) If the provisional PPA will expire under the provisions of paragraph (h)(2)(iii) of this section, the Secretary extends the provisional PPA on a month-to-month basis after the expiration date described in paragraph (h)(2)(iii) of this section if, prior to that expiration date, the institution provides the Secretary with—

(i) A "same day" balance sheet showing the financial position of the institution, as of the date of the ownership change, that is prepared in accordance with Generally Accepted Accounting Principles (GAAP) published by the Financial Accounting Standards Board and audited in accordance with Generally Accepted Government Auditing Standards (GAGAS) published by the U.S. General Accounting Office;

(ii) If not already provided, approval of the change of ownership from the State in which the institution is located by the agency that authorizes the institution to legally provide postsecondary education in that State;

(iii) If not already provided, approval of the change of ownership from the institution's accrediting agency; and

(iv) A default management plan unless the institution is exempt from providing that plan under 34 CFR 668.14(b)(15).

(Approved by the Office of Management and Budget under control number 1845-0012)

[FR Doc. 2021-19141 Filed 9-2-21; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2021-0366; FRL-8797-02-R9]

Air Plan Approval; California; San Diego County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to

approve a revision to the San Diego County Air Pollution Control District (SDCAPCD or "District") portion of the California State Implementation Plan (SIP). This revision concerns emissions of volatile organic compounds (VOCs) from gasoline transfers into underground stationary storage tanks at gasoline dispensing facilities. We are approving a local rule that regulates these emission sources under the Clean Air Act (CAA or "Act").

DATES: This rule will be effective on October 4, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R09-OAR-2021-0366. 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 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: Rebecca Newhouse, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 972-3004 or by email at newhouse.rebecca@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, "we," "us" and "our" refer to the EPA.

Table of Contents

- I. Proposed Action
- II. Public Comments and EPA Responses
- III. EPA Action
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

I. Proposed Action

On June 7, 2021,¹ the EPA proposed to approve the following rule into the California SIP.

¹ 86 FR 30232.

Local agency	Rule #	Rule title	Adopted	Submitted
SDCAPCD	61.3.1	Transfer of Gasoline into Stationary Underground Storage Tanks.	March 1, 2006	August 9, 2017. ²

We proposed to approve this rule because we determined that it complies with the relevant CAA requirements. Our proposed action contains more information on the rule and our evaluation.

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. During this period, we received no comments.

III. EPA Action

No comments were submitted. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is fully approving this rule into the California SIP. Additionally, we find that SDCAPCD has rectified the deficiency identified in our December 3, 2020, partial disapproval³ of the District's reasonably available control technology (RACT) analysis for the 2008 8-hr ozone National Ambient Air Quality Standard ("2008 RACT SIP") with respect to the source category covering the "Design Criteria for Stage I Vapor Control Systems—Gasoline Service Stations" (EPA-450/R-75-102) Control Techniques Guidelines ("Stage I Gasoline Transfer CTG"). This action terminates the sanctions and Federal Implementation Plan (FIP) clocks associated with our partial disapproval of the District's 2008 RACT SIP for the Stage I Gasoline Transfer CTG.⁴ This action also satisfies the District's RACT obligation for this source category with respect to the 2008 8-hr ozone NAAQS.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the SDCAPCD rule described in the amendments to 40 CFR part 52 set forth

² The District supplemented its submittal by providing additional proof of public notice, submitted by CARB to the EPA on December 28, 2020. Letter dated December 28, 2020, from Richard W. Corey, Executive Officer, CARB, to John W. Busterud, Regional Administrator, EPA, Region IX, transmitting the proof of public notice in The Daily Transcript, and Minute Order No.1 from the SDCAPCD Board hearing on October 14, 2020.

³ 85 FR 77996.

⁴ This action does not stop or otherwise impact the sanctions and FIP clocks associated with our partial disapproval of other CTG source categories identified in our partial approval and partial disapproval of the District's 2008 RACT SIP. See id.

below. The EPA has made, and will continue to make, these documents available through www.regulations.gov and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. 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 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 Clean Air Act; and

- Does not provide the 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).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the 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 and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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. The 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 Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 2, 2021. 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, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping

requirements, Volatile organic compounds.

Dated: August 27, 2021.

Elizabeth Adams,

Acting Regional Administrator, Region IX.

For the reasons stated in the preamble, the Environmental Protection Agency amends part 52, chapter I, title 40 of the Code of Federal Regulations 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

■ 2. Section 52.220 is amended by adding paragraph (c)(503)(i)(B)(2) to read as follows:

§ 52.220 Identification of plan.

* * * * *

- (c) * * *
- (503) * * *
- (i) * * *
- (B) * * *

(2) Rule 61.3.1, “Transfer of Gasoline into Stationary Underground Storage Tanks,” adopted on March 1, 2006.

* * * * *

§ 52.237 [Amended]

■ 3. Section 52.237 is amended by removing and reserving paragraph (b)(2)(i)(A).

[FR Doc. 2021–19031 Filed 9–2–21; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R02–OAR–2018–0564, FRL 8921–02–Region 2]

Approval and Promulgation of State Plans for Designated Facilities; New York

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the state plan submitted by New York State to implement and enforce Emission Guidelines (EG) for existing large municipal waste combustor (MWC) units. The state plan is consistent with the amended EG promulgated by the EPA on May 10, 2006. New York’s plan establishes emission limits and other

requirements for the purpose of reducing emissions of lead, mercury, cadmium, organics, hydrogen chloride, and other air pollutants from large MWC units throughout the state. New York submitted its plan to fulfill the requirements of certain sections of the Clean Air Act.

DATES: This rule is effective on October 4, 2021. The incorporation by reference of certain materials listed in the rule is approved by the Director of the Federal Register as of October 4, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R02–OAR–2018–0564. All documents in the docket are listed on the <http://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 and will be publicly available only in hard copy form. Publicly available docket materials are available through www.regulations.gov, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional available information.

FOR FURTHER INFORMATION CONTACT: Fausto Taveras, Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007–1866, (212) 637–3378, or by email at Taveras.Fausto@epa.gov.

SUPPLEMENTARY INFORMATION: The following table of contents describes the format for the **SUPPLEMENTARY INFORMATION** section:

- I. What action is the EPA taking?
- II. What are the details of the EPA’s action?
- III. What comments were received in response to the EPA’s proposed action?
- IV. What is the EPA’s conclusion?
- V. Incorporation by Reference
- VI. Statutory and Executive Order Reviews

I. What action is the EPA taking?

The EPA is approving New York’s revised state plan, submitted on July 12, 2013, for the control of air emissions from existing large municipal waste combustor (MWC) units throughout the state, except for any existing large MWC units located in Indian Nation Land. In accordance with the Clean Air Act (“CAA” or the “Act”), New York previously submitted a state plan on December 15, 1997, as supplemented on June 22, 1998, which was approved by the EPA on August 4, 1998. *See* 63 FR 41427. New York also submitted a revised state plan on October 7, 1998, as supplemented on November 5, 1998, which was approved by the EPA on February 9, 1999. *See* 64 FR 6237. New

York submitted its July 12, 2013 revised plan to fulfill the requirements of sections 111(d) and 129 of the CAA. The revised state plan adopts and implements the Emission Guidelines (EG) amended by the EPA on May 10, 2006 applicable to existing large MWC units and establishes revised emission limits and other requirements for units constructed on or before September 20, 1994. *See* 71 FR 27324 (May 10, 2006); 40 CFR 60.32b(a). New York’s revised state plan regulates all the existing units designated as large MWCs by the amended EG with a combustion capacity greater than 250 tons per day of municipal solid waste for which construction commenced on or before September 20, 1994. This approval, once effective, will render New York’s revised large MWC rules included in the state plan federally enforceable.

II. What are the details of the EPA’s action?

On July 12, 2013,¹ the New York State Department of Environmental Conservation (NYSDEC) submitted to the EPA its sections 111(d) and 129 state plan to implement the EPA’s amended EG for existing large MWC units located in New York state. New York has incorporated by reference the applicable requirements of the amended EG in Part 200 of Title 6 of the New York Codes, Rules and Regulations (6 NYCRR), entitled, “General Provisions.” The amended regulation became effective on October 20, 2007. New York will enforce the requirements under Part 201, entitled “Permits and Registration.” By incorporating the requirements of the amended EG into Part 200, NYSDEC has the authority to include them as applicable requirements in the permits of subject emission sources. As a result, the Part 200 requirements are enforceable by New York and become federally enforceable once the state plan is approved by the EPA.

New York’s revised state plan includes all of the EPA’s required elements as described in the amended EG and 40 CFR subpart B, as summarized herein:

- (1) A demonstration of the state’s legal authority to implement the CAA sections 111(d) and 129 state plan;

¹ In an email dated December 6, 2017, the New York State Department of Environmental Conservation (NYSDEC) provided a copy of the New York State Office of Attorney General opinion dated June 9, 1980, finding that New York state administrative agencies are authorized to incorporate by reference federal statutes and regulations that are applicable to the state, and that such action is not prohibited by the New York State Constitution.