



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2024-0210; FRL-11949-03-R9]

Air Quality Plan; California; Mojave Desert Air Quality Management District; Replacing Outdated Requirements; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correcting amendments.

SUMMARY: On January 8, 2026, the EPA published a final rule in the **Federal Register** approving revisions to the California State Implementation Plan (SIP). In the final rule, the EPA included inaccurate amendatory instructions that prevented full incorporation of the final rule into the Code of Federal Regulations (CFR). This correction will ensure the revisions the EPA approved for the Mojave Desert Air Quality Management District's (MDAQD) portion of the California SIP are fully reflected in the CFR.

DATES: This action is effective on [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

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SUPPLEMENTARY INFORMATION: This action corrects an error in the amendatory instructions in a final rulemaking affecting 40 CFR part 52.

On January 8, 2026 (91 FR 613), the EPA published a final rule approving amended or rescinded prohibitory and administrative rule revisions adopted by the Mojave Desert Air Quality Management District (MDAQMD) and submitted by the California Air Resources Board (CARB) as a revision to the California SIP.

The EPA's January 8, 2026 final rule included amendatory instructions for section 52.220

(of title 40 of the CFR) to add paragraph (c)(42)(xiii)(G) to read as follows: “(G) Previously approved on June 3, 1980, in paragraph (c)(42)(xiii)(C) of this section and now deleted with replacement in paragraph (c)(610)(i)(D)(7) of this section: Rule 702.” However, paragraph (c)(42)(xiii)(G) had already been added by another final rule published at 91 FR 607 on the same day. Due to these inaccurate amendatory instructions, the paragraph that the EPA had intended to add to the CFR through the EPA’s final rule published at 91 FR 613 could not be added. The EPA is correcting the error by adding paragraph (c)(42)(xiii)(H) to 40 CFR 52.220 to read: “(H) Previously approved on June 3, 1980, in paragraph (c)(42)(xiii)(C) of this section and now deleted with replacement in paragraph (c)(610)(i)(D)(7) of this section: Rule 702.”

The EPA has determined that this action falls under the “good cause” exemption in section 553(b)(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 is unnecessary because the underlying rule for which this correcting amendment has been prepared was already subject to a 30-day comment period. Further, this action is consistent with the purpose and rationale of the final rule for which inaccurate amendatory instructions are being corrected herein. Because this action does not change the EPA’s analysis or overall action, 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 this correction 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 inaccurate amendatory instructions in the previous rulemaking. For this reason, the 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 is therefore not subject to review by the Office of Management and Budget, and because SIP actions are exempt from review under Executive Order 12866, this action is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025).

In addition, because this action merely corrects inaccurate amendatory instructions in a previous rulemaking, this action does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.); does not impose any enforceable duty or contain any unfunded mandate 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 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); and 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).

Because this action is not subject to notice-and-comment requirements under the APA or any other statute, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General

of the General Accounting Office prior to publication of this rule in the **Federal Register**. This rule is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 52

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

Dated: March 26, 2026.

Michael Martucci,
Acting Regional Administrator, Region IX.

For the reasons stated in the preamble, the Environmental Protection Agency 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 F-California

2. Section 52.220 is amended by adding paragraph (c)(42)(xiii)(H) to read as follows:

§52.220 Identification of plan-in part.

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(c) * * *

(42) * * *

(xiii) * * *

(H) Previously approved on June 3, 1980, in paragraph (c)(42)(xiii)(C) of this section and now deleted with replacement in paragraph (c)(610)(i)(D)(7) of this section: Rule 702.

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