

For valuation dates occurring in the month—	The values of $i_t$ are:					
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Issued in Washington, DC, on this 12th day of December 2000.

**David M. Strauss,**

*Executive Director, Pension Benefit Guaranty Corporation.*

[FR Doc. 00–31990 Filed 12–14–00; 8:45 am]

**BILLING CODE 7708–01–P**

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 920

[MD–047–FOR]

#### Maryland Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Final rule; correction.

**SUMMARY:** This document contains corrections to the final rule [MD–047–FOR], which was published Wednesday, November 8, 2000 (65 FR 66929). The final rule describes Maryland's procedures for financing abandoned mine land reclamation projects that involve the incidental extraction of coal.

**DATES:** Effective December 15, 2000.

#### FOR FURTHER INFORMATION CONTACT:

George Rieger, Program Manager, OSM, Appalachian Regional Coordinating Center, 3 Parkway Center, Pittsburgh, PA 15220. Telephone: (412) 937–2153. E-mail: grieger@osmre.gov

**SUPPLEMENTARY INFORMATION:** The final rule amended § 920.15 to add a new entry to the table describing the date the original amendment was submitted, the date of final publication, and the citation/description. As originally published in 65 FR 66929, the instructions were correct but the section heading erroneously read “§ 920.25 Approval of Maryland regulatory amendments.” It should have read “§ 920.15 Approval of Maryland regulatory amendments.”

#### Correction of Publication

Accordingly, the publication on November 8, 2000 of the final regulations (MD–047–FOR), which were the subject of FR Doc. 00–28618, is corrected to read as follows:

1. On page 66931, in the third column, the section heading is corrected to read as follows:

#### § 920.15 Approval of Maryland regulatory program amendments.

\* \* \* \* \*

Dated: November 20, 2000.

**Allen D. Klein,**

*Regional Director, Appalachian Regional Coordinating Center.*

[FR Doc. 00–32039 Filed 12–14–00; 8:45 am]

**BILLING CODE 4310–05–P**

## ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[MD 096–3061; FRL–6916–8]

#### Approval and Promulgation of Air Quality Implementation Plans; Maryland; Nitrogen Oxides Budget Program

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Maryland. The revision consists of amendments to Maryland's Nitrogen Oxides (NO<sub>x</sub>) Budget Program. The revisions implement the Ozone Transport Commission's (OTC) September 27, 1994 Memorandum of Understanding (MOU) in Maryland. In accordance with the MOU, the revisions implement the Maryland portion of a regional NO<sub>x</sub> cap and trade program that significantly reduces NO<sub>x</sub> emissions generated within the Ozone Transport Region (OTR). EPA is approving these revisions in accordance with the requirements of the Clean Air Act.

**EFFECTIVE DATE:** This final rule is effective on January 16, 2001.

**ADDRESSES:** Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and the Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland 21224.

#### FOR FURTHER INFORMATION CONTACT:

Cristina Fernandez, (215) 814–2178, or by e-mail at fernandez.cristina@epa.gov.

#### SUPPLEMENTARY INFORMATION:

#### I. Background

On August 28, 1998, the Maryland Department of the Environment (MDE) submitted a revision to its SIP. The revision to the SIP includes the adoption of new sections .01–.14 under a new chapter, COMAR 26.11.27—Post RACT Requirements for NO<sub>x</sub> Sources (Nitrogen Oxides (NO<sub>x</sub>) Budget Program) and new sections .01–.13 under a new chapter, COMAR 26.11.28—Policies and Procedures Relating to Maryland's NO<sub>x</sub> Budget Program. The revisions implement the Ozone Transport Commission's (OTC) September 27, 1994 Memorandum of Understanding (MOU) in Maryland. In accordance with the MOU, the revisions implement the Maryland portion of a regional NO<sub>x</sub> cap and trade program that significantly reduces NO<sub>x</sub> emissions generated within the Ozone Transport Region (OTR).

On November 16, 1999, MDE submitted amendments to its August 28, 1998 SIP revision request. The purpose of these amendments was to change the compliance date of the Maryland NO<sub>x</sub> Budget Program from May 1, 1999 to May 1, 2000. The revisions to the August 28, 1998 submittal include amendments to Regulations (.04) General Requirements, (.07) Allowance Banking, and (.11) End-of-Season Reconciliation under COMAR 26.11.27 and the repeal of Regulation (.08) Early Reduction Allowances under COMAR 26.11.28. On March 20, 2000, MDE submitted amendments to its August 28, 1998 SIP revision request consisting of two enforceable consent agreements between MDE and the Baltimore Gas and Electric Company and the Potomac Electric Power Company. These consent agreements impose special conditions and time lines for both companies regarding the implementation of Maryland's NO<sub>x</sub> Budget Trading Program requirements.

On October 19, 2000 (65 FR 62671), EPA published a notice of proposed rulemaking (NPR) for the State of Maryland proposing to approve the August 28, 1998 SIP revision request as amended by the November 16, 1999 and March 20, 2000 submittals. That NPR

provided for a public comment period ending on November 9, 2000. On November 9, 2000 (65 FR 67319), EPA published a notice extending the comment period to November 20, 2000. A detailed description of these SIP revisions and EPA's rationale for approving were provided in the October 19, 2000 NPR and will not be restated here. EPA received no comments on its proposed action to approve this SIP revision.

## II. Final Action

EPA is approving a revision to the Maryland SIP consisting of COMAR 26.11.27, Post RACT Requirements for NO<sub>x</sub> Sources (NO<sub>x</sub> Budget Program) and COMAR 26.11.28, Policies and Procedures Relating to Maryland's NO<sub>x</sub> Budget Program, as submitted on August 28, 1998 and as amended on November 16, 1999 and March 20, 2000. These revisions implement Maryland's portion of Phase II of the OTC's MOU to reduce nitrogen oxides. Moreover, this SIP revision is necessary for full approval of the attainment demonstration SIP for the Metropolitan Washington, DC ozone nonattainment area.

## III. Administrative Requirements

### A. General Requirements

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. This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). For the same reason, this rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in

Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

### B. Submission to Congress and the Comptroller General

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 rule 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**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

### C. Petitions for Judicial Review

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 February 13, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule 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 to approve Maryland NO<sub>x</sub> Budget Program 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, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: December 1, 2000.

**Bradley M. Campbell,**  
*Regional Administrator, Region III.*

40 CFR part 52 is amended as follows:

### PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

### Subpart V—Maryland

2. Section 52.1070 is amended by adding paragraph (c)(151) to read as follows:

#### § 52.1070 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(151) Revisions to the Maryland State Implementation Plan submitted on August 28, 1998, November 16, 1999 and March 20, 2000 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of August 28, 1998 from the Maryland Department of the Environment transmitting additions to the Maryland's State Implementation Plan pertaining to the Nitrogen Oxides Budget Program.

(B) Letter of November 16, 1999 from the Maryland Department of the Environment transmitting additions to the Maryland's State Implementation Plan pertaining to the Nitrogen Oxides Budget Program.

(C) Letter of March 20, 2000 from the Maryland Department of the Environment transmitting additions to the Maryland's State Implementation

Plan pertaining to the Nitrogen Oxides Budget Program.

(D) Revisions to COMAR 26.11.27, Post RACT Requirements for NO<sub>x</sub> Sources (NO<sub>x</sub> Budget Program) and COMAR 26.11.28, Policies and Procedures Relating to Maryland's NO<sub>x</sub> Budget Program, effective June 1, 1998.

(1) Addition of COMAR 26.11.27.01 through COMAR 26.11.27.14, except COMAR 26.11.27.04, .07 and .11.

(2) Addition of COMAR 26.11.28.01 through COMAR 26.11.28.13, except COMAR 26.11.28.08.

(E) Revisions to COMAR 26.11.27, Post RACT Requirements for NO<sub>x</sub> Sources (NO<sub>x</sub> Budget Program) and COMAR 26.11.28, Policies and Procedures Relating to Maryland's NO<sub>x</sub> Budget Program, effective October 18, 1999, consisting of the addition of new COMAR 26.11.27.04, .07 and .11.

(F) Revisions to COMAR 26.11.27, Post RACT Requirements for NO<sub>x</sub> Sources (NO<sub>x</sub> Budget Program) and COMAR 26.11.28, Policies and Procedures Relating to Maryland's NO<sub>x</sub> Budget Program, consisting of the consent agreement between the Maryland Department of the Environment and the Potomac Electric Power Company, effective September 13, 1999.

(G) Revisions to COMAR 26.11.27, Post RACT Requirements for NO<sub>x</sub> Sources (NO<sub>x</sub> Budget Program) and COMAR 26.11.28, Policies and Procedures Relating to Maryland's NO<sub>x</sub> Budget Program, consisting of the consent agreement between the Maryland Department of the Environment and the Baltimore Gas & Electric Company, effective November 19, 1999.

(ii) Additional Material—Remainder of August 28, 1998, November 16, 1999 and March 20, 2000 submittals pertaining to the Nitrogen Oxides Budget Program.

[FR Doc. 00-32001 Filed 12-14-00; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[PA-4096a; FRL-6577-9]

### Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of VOC and NO<sub>x</sub> RACT Determinations for Individual Sources

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action on revisions to the Commonwealth of Pennsylvania's State Implementation Plan (SIP). The revisions establish and require reasonably available control technology (RACT) for 56 major sources of volatile organic compounds (VOC) and nitrogen oxides (NO<sub>x</sub>). EPA is approving these revisions to establish RACT requirements in the SIP in accordance with the Clean Air Act.

**DATES:** This rule is effective on February 13, 2001 without further notice, unless EPA receives adverse written comment by January 16, 2001. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Written comments should be mailed to Makeba Morris, Chief, Permits and Technical Assessment Branch, Air Protection Division, Mailcode 3AP11, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

**FOR FURTHER INFORMATION CONTACT:** Ray Chalmers at (215) 814-2061 for information on sources #1 through #17, Melik Spain at (215) 814-2299 for information on sources #18 through #50, or Helene Drago at (215) 814-5796 for information on sources #51 through 56.

#### SUPPLEMENTARY INFORMATION:

#### I. Background

On September 20, 1995, December 8, 1995, January 10, 1996, March 21, 1996, April 16, 1996, May 2, 1996, June 10, 1996, September 13, 1996, January 21, 1997, July 2, 1997, November 4, 1997, December 31, 1997, March 24, 1998, April 20, 1998, May 29, 1998, July 24, 1998, December 7, 1998, February 2, 1999, March 3, 1999, April 9, 1999, and April 20, 1999, the Commonwealth of Pennsylvania (the Commonwealth) submitted formal revisions to its SIP to establish RACT for major sources of VOCs and NO<sub>x</sub>. EPA is approving the Commonwealth's RACT submittals for

56 of these sources in this rulemaking action. EPA will address the Commonwealth's submittals for other sources in later rulemaking actions. The Commonwealth's submittals consist of plan approvals, operating permits, and/or compliance permits which contain the RACT requirements for each source. In accordance with Pennsylvania's SIP revision request, EPA is approving only the RACT related requirements contained in these plan approvals, operating permits, and/or compliance permits.

Pursuant to sections 182(b)(2) and 182(f) of the Clean Air Act (CAA), Pennsylvania is required to implement RACT for all major VOC and NO<sub>x</sub> sources. The major source size is determined by its location, the classification of that area and whether it is located in the ozone transport region (OTR), which is established by the CAA. The Pennsylvania portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area (the Philadelphia area) consists of Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties and is classified as severe. Under section 184 of the CAA, at a minimum, moderate ozone nonattainment area requirements (including RACT as specified in sections 182(b)(2) and 182(f)) apply throughout the OTR. The entire Commonwealth of Pennsylvania is in the OTR. Therefore, RACT is applicable statewide in Pennsylvania.

#### II. Summary of the SIP Revision

The details of the RACT requirements for each source are discussed in the technical support documents (TSDs) found in the docket for this rulemaking action and will not be reiterated in this document. Briefly, EPA is approving revisions to the Pennsylvania SIP establishing and requiring VOC and/or NO<sub>x</sub> RACT for 56 major sources. The RACT determinations and requirements are included in plan approvals, operating permits and/or compliance permits. Several of the plan approvals, operating permits, and/or compliance permits also contain provisions which are not relevant to the requirements for RACT. These provisions are not part of Pennsylvania's SIP revision requests to EPA.

#### RACT Determinations

The following table identifies the individual plan approvals, operating permits and/or compliance permits EPA is approving. The specific emission limitations and other RACT requirements for these sources are summarized in the accompanying TSDs, which are available upon further request