

Table II.—Lump Sum Valuations

[In using this table: (1) For benefits for which the participant or beneficiary is entitled to be in pay status on the valuation date, the immediate annuity rate shall apply; (2) For benefits for which the deferral period is y years (where y is an integer and  $0 < y \leq n_1$ ), interest rate  $i_1$  shall apply from the

valuation date for a period of y years, and thereafter the immediate annuity rate shall apply; (3) For benefits for which the deferral period is y years (where y is an integer and  $n_1 < y < n_1 + n_2$ ), interest rate  $i_2$  shall apply from the valuation date for a period of  $y - n_1$  years, interest rate  $i_1$  shall apply for the following  $n_1$  years, and thereafter the immediate annuity rate shall apply; (4)

For benefits for which the deferral period is y years (where y is an integer and  $y > n_1 + n_2$ ), interest rate  $i_3$  shall apply from the valuation date for a period of  $y - n_1 - n_2$  years, interest rate  $i_2$  shall apply for the following  $n_2$  years, interest rate  $i_1$  shall apply for the following  $n_1$  years, and thereafter the immediate annuity rate shall apply.]

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		$i_1$	$i_2$	$i_3$	$n_1$	$n_2$
36 .....	10-1-96	11-1-96	5.25	4.50	4.00	4.00	7	8

Issued in Washington, DC, on this 9th day of September 1996.

Martin Slate,

*Executive Director, Pension Benefit Guaranty Corporation.*

[FR Doc. 96-23474 Filed 9-12-96; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[NM29-1-7272a; FRL-5549-9]

### Approval and Promulgation of Implementation Plan for New Mexico—Albuquerque/Bernalillo County: General Conformity Rules

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

**ACTION:** Direct final rule.

**SUMMARY:** This action approves the Albuquerque/Bernalillo County State Implementation Plan (SIP) revision that contains regulations for implementing and enforcing the general conformity rules which the EPA promulgated on November 30, 1993 (58 FR 63214). Specifically, the general conformity rules enable the Albuquerque/Bernalillo County Air Quality Control Board to review conformity of all Federal actions (see 40 CFR part 51, subpart W—Determining Conformity of General Federal Actions to State or Federal Implementation Plans) with the control strategy SIP's submitted for the nonattainment and maintenance areas within the boundary of Bernalillo County. This approval action is intended to streamline the conformity process and allow direct consultation among agencies at the local levels. The Federal actions by the Federal Highway Administration and Federal Transit Administration (under 23 U.S.C. or the

Federal Transit Act) are covered by the transportation conformity rules under 40 CFR part 51, subpart T—Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act. The EPA approved the Albuquerque/Bernalillo County transportation conformity SIP on November 8, 1995 (60 FR 56241).

The EPA is approving this SIP revision under sections 110(k) and 176 of the Clean Air Act (the Act). The rationale for the approval and other information are provided in this document.

**DATES:** This action is effective on November 12, 1996, unless adverse or critical comments are received by October 15, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Copies of the Albuquerque/Bernalillo County General Conformity SIP and other relevant information are available for inspection during normal business hours at the following locations. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day:

Air Planning Section (6PDL), Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, Telephone: (214) 665-7214.

Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Air Pollution Control Division, Albuquerque Environmental Health Department, One Civic Plaza, Albuquerque, New Mexico 87103, Telephone: (505) 768-2600.

**FOR FURTHER INFORMATION CONTACT:** Mr. J. Behnam, P. E., Air Planning Section (6PDL), Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, telephone (214) 665-7247.

### SUPPLEMENTARY INFORMATION:

#### I. Background

Conformity provisions first appeared in the Act as amended in 1977 (Pub. L. 95-95). Although these provisions did not define conformity, they provided that no Federal department could engage in, support in any way or provide financial assistance for, license or permit, or approve any activity which did not conform to a SIP that has been approved or promulgated for the nonattainment or maintenance areas.

The 1990 Amendments of the Act expanded the scope and content of the conformity provisions by defining conformity to an implementation plan. Conformity is defined in section 176(c) of the Act as conformity to the SIP's purpose of eliminating or reducing the severity and number of violations of the National Ambient Air Quality Standards and achieving expeditious attainment of such standards, and that such activities will not: (1) cause or contribute to any new violation of any standard in any area, (2) increase the frequency or severity of any existing violation of any standard in any area, or (3) delay timely attainment of any standard or any required interim emission reductions or other milestones in any area.

The Act requires EPA to promulgate criteria and procedures for determining conformity of all other Federal actions in the nonattainment or maintenance areas (actions other than those under Title 23 U.S.C. or the Federal Transit Act) to a SIP. The criteria and procedures developed for this purpose

are called "general conformity" rules. The rules pertaining to actions under Title 23 U.S.C. or the Federal Transit Act were published in a separate Federal Register notice on November 24, 1993 (see 58 FR 62188). The EPA published the final general conformity rules on November 30, 1993 (58 FR 63214) and codified them at 40 CFR part 51, subpart W—Determining Conformity of General Federal Actions to State or Federal Implementation Plans. The general conformity rules require the States and local air quality agencies (where applicable) to adopt and submit a general conformity SIP revision to the EPA not later than November 30, 1994.

## II. Evaluation of State's (Albuquerque/Bernalillo County) Submission

In response to the Federal Register notice of November 30, 1993, the Governor of New Mexico submitted a SIP revision which included the general conformity rules adopted by the Albuquerque/Bernalillo County Air Quality Control Board. Currently, the Albuquerque/Bernalillo area is nonattainment for carbon monoxide and has requested redesignation to attainment; however, the general conformity SIP revision is applicable to all nonattainment and maintenance classifications under the Act. The following paragraphs present the results of EPA's review and evaluation of the Albuquerque/Bernalillo County nonattainment area SIP revision.

The Albuquerque Environmental Health Department (AEHD) is the lead air agency for SIP development, adoption, and enforcement in the Bernalillo County carbon monoxide nonattainment area. The New Mexico Air Quality Control Act (NMAQCA) allows, by ordinance, "A" class counties (as defined in the New Mexico statute) and any municipality within an "A" class county to create a municipal, county, or joint air quality board to administer and enforce the provisions of the NMAQCA. The City of Albuquerque and Bernalillo County have jointly established such a board, namely Albuquerque/Bernalillo County Air Quality Control Board, for administration and enforcement of NMAQCA because Bernalillo County is an "A" class county. The AEHD is the regulatory and administrative agency for implementing and enforcing the air quality control regulations of the Board in the Bernalillo County nonattainment area.

On December 19, 1994, the Governor of New Mexico submitted a SIP revision on behalf of the Albuquerque/Bernalillo County Air Quality Control Board in compliance with 40 CFR part 51 subpart

W that contains the general conformity rules. The SIP revision was adopted by the Board on November 9, 1994, after appropriate public participation and interagency consultation. The AEHD adopted the Federal general conformity rules verbatim with the exception of limited changes and additional definitions, where necessary, to create consistency with the local processes, procedures, and area specific terms or names. These minor modifications and additional clarifications do not in any way alter the effect, implementation and enforcement of the Federal conformity requirements in the Bernalillo County nonattainment area. The EPA has determined that AEHD's general conformity rule meets the Federal requirements and EPA is approving this SIP revision.

## III. Final Action

The EPA is approving the general conformity SIP revision for the Albuquerque/Bernalillo County nonattainment area as submitted by the Governor of New Mexico on December 19, 1994. The EPA has evaluated this SIP revision and has determined that Albuquerque/Bernalillo County nonattainment area has fully adopted the provisions of the Federal general conformity rules in accordance with 40 CFR part 51 subpart W. The appropriate public participation and comprehensive interagency consultations have been undertaken during development and adoption of these rules by the Albuquerque Environmental Health Department at the local level.

The EPA is publishing this action without prior proposal because the EPA views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective November 12, 1996, unless adverse or critical comments concerning this action are submitted and postmarked by October 15, 1996. If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received concerning this action will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received on this action, the public is advised that this

action will be effective November 12, 1996.

## IV. Administrative Requirements

### A. Regulatory Flexibility

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, the EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (5 U.S.C. 603 and 604). Alternatively, under 5 U.S.C. 605(b), the EPA may certify that the rule will not have a significant impact on a substantial number of small entities (see 46 FR 8709). Small entities include small businesses, small not-for-profit enterprises, and governmental entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on small entities. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids EPA from basing its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. section 7410(a)(2).

### B. Unfunded Mandates

Under sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, the EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of this SIP or plan revision approved in this action, the State and any affected local or tribal governments have elected to adopt the program provided for under sections 110 and 176 of the Clean Air Act. The rules and commitments approved in this action may bind State, local, and tribal governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules and commitments being approved by this action will impose or lead to the imposition of any mandate upon the State, local, or tribal governments, either as the owner or operator of a source or as a regulator, or would impose or lead to the imposition

of any mandate upon the private sector, the EPA's action will impose no new requirements; such sources are already subject to these requirements under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. Therefore, the EPA has determined that this final action does not include a mandate that may result in estimated costs of \$100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

#### *C. Submission to Congress and the General Accounting Office*

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the EPA submitted 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 the rule in today's Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

#### *D. Procedural Information*

This action has been classified as a Table Three action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995, memorandum from Ms. Mary Nichols, Assistant Administrator for Air and Radiation.

#### *E. Petition for Judicial Review*

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 12, 1996. Filing a petition for reconsideration of this final rule by the Regional Administrator does not affect the finality of this rule for purposes of judicial review; nor does it extend the time within which a petition for judicial review may be filed, or postpone the effectiveness of this rule. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

Nothing in this action shall be construed as permitting, allowing, or establishing a precedent for any future request for a revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, General conformity, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Volatile organic compounds.

Dated: July 24, 1996.

Allyn M. Davis,

*Acting Regional Administrator.*

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

#### **PART 52—[AMENDED]**

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

Authority: 42 U.S.C. 7401-7671q.

#### **Subpart GG—New Mexico**

2. Section 52.1620 is amended by adding paragraph (c)(60) to read as follows:

##### **§ 52.1620 Identification of Plan.**

\* \* \* \* \*

(c) \* \* \*

(60) A revision to the New Mexico State Implementation Plan for General Conformity: Albuquerque/Bernalillo County Air Quality Control Regulation No. 43 "General Conformity" as adopted on November 9, 1994, and filed with the State Records and Archives Center on December 16, 1994, was submitted by the Governor on December 19, 1994.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Air Quality Control Regulation No. 43 "General Conformity" as adopted on November 9, 1994, and filed with the State Records and Archives Center on December 16, 1994.

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#### **40 CFR Part 52**

[LA 25-1-6964a; FRL-5449-7]

#### **Approval and Promulgation of Implementation Plans for Louisiana: General Conformity Rules**

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

**ACTION:** Direct final rule.

**SUMMARY:** This action conditionally approves a revision to the Louisiana State Implementation Plan (SIP) that contains regulations for implementing and enforcing the general conformity rules which the EPA promulgated on November 30, 1993. Specifically, the

general conformity rules enable the Louisiana Department of Environmental Quality (LDEQ) to review conformity of all Federal actions (see 40 CFR part 51 subpart W—Determining Conformity of General Federal Actions to State or Federal Implementation Plans) with the control strategy SIP's submitted for the nonattainment and maintenance areas in Louisiana. This approval action is intended to streamline the conformity process and allow direct consultation among agencies at the local levels. The Federal actions by the Federal Highway Administration and Federal Transit Administration (under 23 U.S.C. or the Federal Transit Act) are covered by the transportation conformity rules under 40 CFR part 51, subpart T—Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act. The EPA will act on the State's transportation conformity SIP under a separate Federal Register document.

The EPA is approving this SIP revision under sections 110(k) and 176 of the Clean Air Act (the Act). The rationale for the approval and other information are provided in this notice.

**DATES:** This action is effective on November 12, 1996, unless adverse or critical comments are received by October 15, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Copies of the State's submittal and other relevant information are available for inspection during normal business hours at the following locations. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

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665-7214

Air and Radiation Docket and  
Information Center, Environmental  
Protection Agency, 401 M Street,  
S.W., Washington, D.C. 20460

Air Quality Division, Louisiana  
Department of Environmental Quality,  
7290 Bluebonnet Boulevard, Baton  
Rouge, Louisiana 70810, Telephone:  
(504) 765-0219

**FOR FURTHER INFORMATION CONTACT:** Mr.  
J. Behnam, P. E., Air Planning Section  
(6PDL), Multimedia Planning and  
Permitting Division, Environmental  
Protection Agency, Region 6, 1445 Ross