

ACTION: Direct final rule; correcting amendment.

SUMMARY: This document corrects errors in the amendatory instructions of a final rule pertaining to the chart listing Virginia regulations which EPA has incorporated by reference into the Virginia SIP.

EFFECTIVE DATE: March 10, 2003.

FOR FURTHER INFORMATION CONTACT: Harold A. Frankford, (215) 814-2108 or

by e-mail at frankford.harold@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document wherever “we,” or “our” are used we mean EPA. On January 7, 2003 (68 FR 663), we published a final rulemaking action announcing corrections to the chart in 40 CFR 52.2020(c) summarizing the approved SIP rules. As stated 68 FR 663 at page 666, the intent of these amendatory instructions was to correct

typographical errors by renumbering these entries with the correct regulatory citations. After reviewing the chart published on page 666, we have determined that this action provided an incomplete list of entries which EPA had intended to correct. In addition to those entries listed in 68 FR 663 at 666, EPA had intended to correct the following entries originally published on April 21, 2000 (65 FR 21315), as described below:

Federal Register page (65 FR)	Entry	Column title	Description of correction
21322	5-20-305	State Effective Date	Replace “2/1/97” with “7/1/97”
21323	5-40-311	Title/Subject	Replace “Dioxide” with “Oxides”
21342	5-91-20	State Effective Date	Replace “1/1/98” with “1/24/97”
	5-91-20	Explanation [Former SIP Citation]	Revise the existing note regarding the term “Northern Virginia program area”

In this document on page 667, an amendatory instruction (2.d.) inadvertently removed entries 5-9-150, 4-91-450 and 4-91-460 from this chart. Another amendatory instruction (2.f.) contained a typographical error to the citation identifying entry 4-40-450. As stated in 68 FR 663 at page 666, the intent of these amendatory instructions was not to remove these entries from the chart, but merely to correct typographical errors by renumbering these entries with the correct regulatory citations, as described below:

1. Replace entry “4-40-450” with “5-40-450.”
2. Replace entry “5-9-150” with “5-91-150.”
3. Replace entry “4-91-450” with “5-91-450.”
4. Replace entry “4-91-460” with “5-91-460.”

However, the rule chart published in the January 7, 2003 action omitted these new entries which were meant to replace these incorrect entries. This action corrects the chart in 40 CFR 52.2420(c) by removing the incorrect chart entries and adding the correct chart entries in their place.

Also, on page 667 amendatory instructions 2.e. and 2.g. were incorrect. As a result, the corrections as described on page 666 to entry 5-80-10 and the title for “Chapter 160 General Conformity Rules” were not made to the rule chart at page 668. This action provides the correct amendatory instructions.

Finally, this action corrects typographical errors published in the rule chart for 68 FR 663 at page 668 to the headings “Chapter 10” and “Chapter 20” and to the notes found in the respective “Explanation [Former SIP Citation]” columns for entries 5-10-10 and 5-10-20.

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making today’s rule final without prior proposal and opportunity for comment because we are merely correcting an incorrect citation in a previous action. Thus, notice and public procedure are unnecessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(B).

Statutory and Executive Order Reviews

Under Executive Order (E.O.) 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. For this reason, this action is also not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355 (May 22, 2001)). Because the agency has made a “good cause” finding that this action is not subject to notice-and-comment requirements under the Administrative Procedures Act or any other statute as indicated in the **SUPPLEMENTARY INFORMATION** section above, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of

UMRA. This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it 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 governments, as specified by Executive Order 13132 (64 FR 43255, August 10, 1999). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

This technical correction action does not involve technical standards; 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. The rule also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). 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, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1998) 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