Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and the Allegheny County Health Department, Bureau of Environmental Quality, Division of Air Quality, 301 39th Street, Pittsburgh, Pennsylvania 15201.

FOR FURTHER INFORMATION CONTACT: Denis M. Lohman, (215) 566–2192, or by e-mail at lohman.denny@epamail.epa.gov. While requests for information may be made via e-mail, comments for EPA consideration regarding this proposal must be submitted in writing to the address indicated above.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title (pertaining to source-specific requirements for the USX Clairton Coke Works in the Liberty Borough PM–10 nonattainment area) which is located in the Rules and Regulations Section of this **Federal Register**.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter.

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

Dated: May 28, 1998.

W. Michael McCabe,

Regional Administrator, Region III.

[FR Doc. 98–15584 Filed 6–11–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[SIPTRAX PA039/067–4072; FRL–6107–9]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania: Attainment Demonstration and Contingency Measures for the Liberty Borough PM–10 Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule and withdrawal of proposed rule.

SUMMARY: EPA is proposing to approve state implementation plan (SIP) revisions submitted by the Pennsylvania Department of Environmental Protection (PADEP) consisting of an attainment demonstration and contingency measures for Allegheny County, Pennsylvania's Liberty Borough particulate matter nonattainment area. In fact, EPA is reproposing to approve the attainment demonstration because the Allegheny County Health Department's (ACHD) modeling analysis (submitted as a SIP revision by PADEP) adequately demonstrates that the regulatory portion of the attainment plan is sufficient to attain and maintain the National Ambient Air Quality Standards (NAAQS) for particulate matter that was in effect at the time of the submittal, and because its analyses have been corroborated by monitored air quality data. EPA is proposing to approve the contingency measures for the area because they satisfy the requirements of the Clean Air Act (the Act). EPA approved the regulatory portion of the attainment plan for the Liberty Borough area as a SIP revision in an earlier rulemaking action.

Because EPA is reproposing approval of the attainment demonstration portion of the attainment plan for the Liberty Borough area, it is withdrawing its earlier April 11, 1995 (60 FR 18385) proposal to approve the County's attainment demonstration. Any interested parties who would like to comment on EPA's reproposal to approve the attainment demonstration and its proposal to approve the contingency measures for the Liberty Borough area should do so at this time by following the directions below.

Elsewhere in the Proposed Rules section of today's **Federal Register**, EPA is also proposing to find that the Liberty Borough area has attained the NAAQS for particulate matter and is withdrawing an earlier proposal to find that the area did not attain the NAAQS. In the Final Rules section of today's **Federal Register**, EPA is taking direct final action to approve source-specific control requirements for the USX Clairton Coke Works which further strengthen the SIP for Liberty Borough area.

DATES: Comments must be received on or before July 13, 1998.

ADDRESSES: Comments may be mailed to Makeba Morris, Chief, Technical Assessment Branch, Mailcode 3AP22, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. 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, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Allegheny County Health Department, Department of Air Quality, 301 39th Street, Pittsburgh, Pennsylvania 15201; and Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Denis M. Lohman, (215) 566–2192, or by e-mail at lohman.denny@epamail.epa.gov. While requests for information may be made via e-mail, comments for EPA consideration regarding this proposal must be submitted in writing to the address indicated above.

SUPPLEMENTARY INFORMATION:

I. Background

On January 6, 1994, the Pennsylvania Department of Environmental Protection (PADEP) submitted an attainment plan to EPA on behalf of Allegheny County for the Liberty Borough PM–10 nonattainment area.[1] (PM–10 is particulate matter smaller than 10 microns in diameter.) The purpose of this revision to the PADEP's SIP is to fulfill the requirements under section 189 of the Act for a regulatory plan to attain the PM–10 NAAQS and to submit a demonstration (including air quality modeling) that the plan is sufficient to attain this goal. These ''Part D'' requirements are described in more detail in the technical support document (TSD) to this rulemaking. Copies of the TSD are available, upon request, from the EPA Regional office listed in the **ADDRESSES** section of this document.

On April 11, 1995, EPA proposed to approve the January 1994 attainment plan submittal, as well as two SIP revisions that the Commonwealth had submitted previously (see 60 FR 18385). The attainment plan consisted of regulatory requirements to reduce PM–10 emissions and an attainment demonstration. After EPA proposed to approve the demonstration, the County reported that the PM–10 NAAQS had been exceeded twice in March of 1995. These exceedances called the County's attainment demonstration into question, and, although EPA took final action[2] to approve the regulatory portion of the attainment plan (which included limits on a variety of industrial sources), to make these regulations part of the SIP and federally enforceable, EPA took no action on the attainment demonstration at that time.

On July 12, 1995, PADEP submitted contingency measures to EPA for the Liberty Borough area. Contingency measures, as required by section 172(c)(9) of the Act, are enforceable emission limitations and/or emission reduction measures, beyond what was

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[1] The Liberty Borough PM–10 nonattainment area is comprised of the City of Clairton and the Boroughs of Glassport, Liberty, Lincoln, and Port Vue.

[2] See 61 FR 29664.

required to demonstrate attainment, that must go into effect upon a finding by EPA that an area has failed to attain the particulate matter NAAQS.

On July 18, 1997, EPA revised the NAAQS for particulate matter.[3] In this notice, however, ''NAAQS'' and ''PM–10 NAAQS'' refer to the previously existing NAAQS that were in effect at the time that the attainment plan was required and submitted.

II. Statutory, Regulatory and Settlement Requirements

As noted above, areas that became nonattainment for PM–10 by operation of the Clean Air Act Amendments of 1990 must submit a demonstration (including air quality modeling) showing that the plan will provide for attainment of the PM–10 NAAQS as expeditiously as practicable but no later than December 31, 1994. (See section 189(a)(1)(B) of the Act.) Alternatively, the State may show that attainment by December 31, 1994 is impracticable. The 24-hour PM–10 NAAQS is 150 micrograms/cubic meter ($\mu g/m^3$), and the standard is attained when the expected number of days per calendar year with a 24-hour average concentration greater than 150 $\mu g/m^3$ is equal to or less than one. The annual PM–10 NAAQS is 50 $\mu g/m^3$, and the standard is attained when the expected annual arithmetic mean concentration is less than or equal to 50 $\mu g/m^3$ (see 40 CFR 50.6). The requirements for approvable attainment demonstrations are found in 40 CFR 51, Appendix W, the *Guideline on Air Quality Models.*

On February 21, 1996, the Group Against Smog and Pollution (GASP), a citizen's environmental group, sued EPA in order to compel Agency action on a number of planning activities regarding the Liberty Borough area. The settlement of this suit requires, among other things, that EPA to take action on the County's attainment demonstration by March 31, 1998, in light of air quality data collected from 1995 through 1997. The TSD includes a detailed summary of the Settlement Agreement's provisions.

Section 172(c)(9) of the Act, requires that all moderate nonattainment area SIPs that demonstrate attainment must include contingency measures. These measures must take effect without further regulatory action by the State or EPA, upon a determination by EPA that the area has failed to make reasonable further progress toward attainment or has failed to attain the PM–10 NAAQS by the applicable statutory attainment date. Contingency measures should consist of other available measures that are not already part of the area's control strategy, and should contain emission reductions representing approximately one year or reasonable further progress toward attainment (see the General Preamble to Title I of the Clean Air Act Amendments of 1990, especially 57 FR 13543–13544).

III. The State Submittals

Allegheny County produced an attainment demonstration for the Liberty Borough area using air quality modeling. The demonstration showed that the NAAQS for PM–10 would be attained beginning in 1995 and maintained in future years. Allegheny County's analysis shows that, even if all sources emitted at their maximum allowable emission rates, the 24-hour PM–10 concentration would not exceed 150 $\mu g/m^3$ more than once per year.[4] Similarly, the demonstration shows that, in the attainment year, the annual PM–10 concentration will not exceed the annual PM–10 NAAQS of 50 $\mu g/m^3$. No separate analysis to demonstrate that the PM–10 NAAQS will be maintained in future years was necessary because the population of the Liberty Borough is decreasing.

Section 189(e) of the Act requires that all Part D control requirements applicable to PM–10 (e.g., RACT, new source review) must also apply to PM–10 precursors. The County's analysis, submitted by PADEP, demonstrated that while locally emitted sulfur dioxide was a significant precursor to ambient PM–10, volatile organics and nitrogen oxides were not. Therefore, according to the County's analysis, the PM–10 control requirements, pursuant to Part D section 189(e) of the Act, should apply to sulfur dioxide but not to volatile organics or nitrogen oxides. EPA is reproposing to approve Allegheny County's attainment demonstration for the Liberty Borough area, submitted by PADEP, because the demonstration is technically sound and comports with 40 CFR Part 51, Appendix W (the *Guideline on Air Quality Models*). In addition, the most recent three full years of air quality data indicate that the area is attaining the NAAQS. The TSD for this proposal provides a detailed description of EPA's rationale for proposing to approving the County's attainment demonstration for the Liberty Borough area. For additional information, see EPA's April 11, 1995 proposed approval (60 FR 18385). The TSD for that proposal is also available upon request from the EPA Regional Office listed in the **ADDRESSES** section, above.

The County's contingency measures, submitted by PADEP, consist of an amendment to section 2105.21.e of Article XXI. It requires that within 30 days following a notice by the ACHD that EPA has made a finding that the area has not attained the NAAQS, USX's Clairton Coke Works (the largest source of PM–10 in the nonattainment area) shall improve procedures to capture pushing emissions by holding hot coke under the hood of the pushing emissions control device for at least 67 seconds immediately after the pusher ram begins to move and the damper to the PEC device is opened, or for at least 15 seconds immediately following the fall of the last coke into the coke car, whichever is longer. This provision is applicable to all USX-Clairton batteries except Battery B (which is equipped with a coke-side shed). EPA is proposing to approve this submittal because it fulfills the requirements of section 172(c)(9), as described above.

IV. Proposed Action

EPA is reproposing to approve the attainment demonstration portion of the attainment plan for the Liberty Borough PM–10 nonattainment area. EPA is also proposing to find that the PM–10 precursor requirements of 189(e) of the Act do not apply to volatile organic compounds or to nitrogen oxides and that they do apply for sulfur dioxide. In addition, EPA is proposing to approve the July 12, 1995 contingency measures submittal for the area. EPA is withdrawing its prior April 11, 1995 proposal to approve the County's attainment demonstration for the Liberty Borough area, because three years of air quality data are now available to corroborate the County's demonstration, and this data provides further information not available at the time of the 1995 proposal.

Nothing in this proposal should be construed as permitting or allowing or establishing a precedent for any future request for 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 authority.

V. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

[3] See 62 FR 38652.

[4] This demonstration did not account for the additional emission reduction requirements on USX Clairton contained in the SIP-strengthening, ''post-settlement'' SIP revision being approved in the Final Rules section of today's **Federal Register** .

B. Executive Order 13045

The proposed rule is not subject to E.O. 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks,'' because it is not an ''economically significant'' action under E.O. 12866.

C. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, 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, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the Clean Air 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, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

D. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action being proposed does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

The Administrator's decision to approve or disapprove this SIP revision for the Liberty Borough PM–10 nonattainment area revision will be based on whether it meets the requirements of section 110(a)(2)(A)–(K) and part D of the Clean Air Act, as amended, and EPA regulations in 40 CFR part 51.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Nitrogen dioxide, particulate matter, Sulfur oxide.

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

Dated: May 28, 1998.

W. Michael McCabe,

Regional Administrator, Region III.

[FR Doc. 98–15582 Filed 6–11–98; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 24

[FHWA Docket No. FHWA–98–3379]

RIN 2125–AE34

Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally Assisted Programs

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); request for comments.

SUMMARY: This proposal would implement several amendments to the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act), 42 U.S.C. 4601–4655, that were made by Pub. L. 105–117, enacted on November 21, 1997. Those amendments provide that an alien not lawfully present in the United States shall not be eligible to receive relocation payments or any other assistance provided under the Uniform Act, unless such ineligibility would result in exceptional and extremely unusual hardship to the alien's spouse, parent, or child, and such spouse, parent, or child is a citizen or an alien admitted for permanent residence. The amendments direct the lead agency (the FHWA) to promulgate implementing regulations within one year of their enactment. If promulgated, this rule would apply to the Uniform Act activities of all Federal departments and agencies that are covered by the Act.

DATES: Comments must be received on or before August 11, 1998.

ADDRESSES: Your signed, written comments must refer to the docket number appearing at the top of this document and you must submit the comments to the Docket Clerk, U.S. DOT Dockets, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or post card.

FOR FURTHER INFORMATION CONTACT: Marshall Schy, Office of Right-of-Way, (202) 366–2035; or Reid Alsop, Office of the Chief Counsel, HCC–31, (202) 366–1371, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

Internet users can access all comments received by the U.S. DOT Dockets, Room PL–401, by using the universal resource locator (URL): http://dms.dot.gov. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

An electronic copy of this document may be downloaded by using a modem and suitable communications software from the **Federal Register** Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the **Federal Register**'s home page at: http://www.nara.gov/nara/fedreg and the Government Printing Office's database at: http://www.access.gpo.gov/su__docs.

Background

The Uniform Act designates the Department of Transportation (the Department) as the lead agency for implementing the Uniform Act. The Department has delegated this responsibility to the FHWA (49 CFR 1.48 (cc)). Pursuant to section 213 of the Uniform Act, the FHWA promulgated a single governmentwide regulation for implementing the Uniform Act, at 49 CFR part 24. That regulation was developed with the active cooperation