(i) * * *

(C) * * *

(*3*) Previously approved on April 17, 1987 and now deleted without replacement Rule 61.

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[FR Doc. 98–22319 Filed 8–18–98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OH117–1; FRL–6147–9]

Approval and Promulgation of Maintenance Plan Revisions; Ohio

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The United States Environmental Protection Agency (USEPA) is finalizing a June 18, 1998, proposal to approve an Ohio State Implementation Plan (SIP) revision to remove the air quality triggers from the Dayton-Springfield (Montgomery, Clark, Greene, and Miami Counties), Ohio maintenance area contingency plan.

EFFECTIVE DATE: This action will be effective on August 19, 1998.

ADDRESSES: Copies of the documents relevant to this action are available for inspection during normal business hours at the following location: Regulation Development Section, Air Programs Branch, (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

Please contact William Jones at (312) 886–6058 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: William Jones, Environmental Scientist, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6058.

SUPPLEMENTARY INFORMATION:

I. Background

Since the initial Clean Air Act (CAA) attainment status designations were made, the Dayton-Springfield area has attained the one hour ozone standard and has been redesignated to attainment status for ozone. As a requirement of being redesignated to attainment status, the area developed a maintenance plan. The purpose of the maintenance plan is to assure maintenance of the one hour ozone National Ambient Air Quality Standards (NAAQS) for at least ten years.

The area's maintenance plan included contingency provisions. The contingency provisions are intended to identify and correct violations of the one hour ozone NAAQS in a timely fashion. Triggers are included in the contingency provisions to identify the need to implement measures and correct air quality problems until such time as a revised maintenance or attainment plan could be developed to address the level of the air quality problem. Triggering events in the contingency plans could be linked to ozone air quality and/or an emission level of ozone precursors.

USEPA approved the Dayton-Springfield ozone maintenance plan in the **Federal Register** on May 5, 1995 (60 FR 22289).

II. One Hour Ozone Standard Revocation

On July 18, 1997, USEPA approved a revision to the NAAQS for ozone which changed the standard from 0.12 parts per million (ppm) averaged over one hour, to 0.08 ppm, averaged over eight hours. The USEPA is revoking the one hour standard in separate rulemakings based on an area's attainment of the one hour ozone standard. The first round of revocations was for areas attaining the one hour standard based on quality assured air monitoring data for the years 1994–1996. The second round of one hour ozone standard revocations was for areas attaining the one hour standard based on quality assured air monitoring data for the years 1995–1997. USEPA intends to publish rulemakings on an annual basis revoking the one hour ozone standard for additional areas that come into attainment of the one hour standard.

On July 22, 1998, USEPA published a final rule (63 FR 39432) in the **Federal Register** revoking the one hour ozone standard in areas attaining the one hour standard based on quality assured air monitoring data for the years 1995–1997. In that action, USEPA revoked the one hour ozone standard in the Dayton-Springfield, Ohio ozone maintenance area, effective July 22, 1998.

On July 16, 1997, President Clinton issued a directive to Administrator Browner on implementation of the new ozone standard, as well as the current one hour ozone standard (62 FR 38421). In that directive the President laid out a plan on how the new ozone and particulate matter standards, as well as the current one hour standard, are to be implemented. A December 29, 1997 memorandum entitled ''Guidance for Implementing the 1-Hour and Pre-Existing PM10 NAAQS,'' signed by Richard D. Wilson, USEPA's Acting Assistant Administrator for Air and Radiation, reflected that directive. The purpose of the guidance set forth in the memorandum is to ensure that the momentum gained by States to attain the one hour ozone NAAQS was not lost when moving toward implementing the eight hour ozone NAAQS.

The guidance document explains that maintenance plans will remain in effect for areas where the one hour standard is revoked; however, those maintenance plans may be revised to withdraw certain contingency measure provisions that have not been triggered or implemented prior to USEPA's determination of attainment and revocation. Where the contingency measure is linked to the one hour ozone standard or air quality ozone concentrations, the measures may be removed from the maintenance plan. Measures linked to non-air quality elements, such as emissions increases or vehicle miles traveled, may be removed if the State demonstrates that removing the measure will not affect an area's ability to attain the eight hour ozone standard.

In other words, after the one hour standard is revoked for an area, USEPA believes it is permissible to withdraw contingency measures designed to correct violations of that standard. Since such measures were designed to address future violations of a standard that no longer exists, it is no longer necessary to retain them. Furthermore, USEPA believes that future attainment and maintenance planning efforts should be directed toward attaining the eight hour ozone NAAQS. As part of the implementation of the eight hour ozone standard, the State's ozone air quality will be evaluated and eight hour attainment and nonattainment designations will be made.

III. Review of the State Submittal

In a letter from Donald R. Schregardus, Director, Ohio Environmental Protection Agency (OEPA) received by USEPA on April 27, 1998, OEPA officially requested that all air quality triggers be deleted from the maintenance plans for the areas in Ohio now attaining the one hour ozone standard and where USEPA proposed to revoke the one hour standard. In a letter from Robert Hodanbosi, Chief of the Division of Air Pollution Control, dated June 11, 1998, OEPA transmitted the results of its public hearing held on June 1, 1998. No public comments were made at the hearing and no written comments were received.

The USEPA believes that Ohio's request is consistent with the December 29, 1997 guidance document and the

July 16, 1997 Presidential Directive, and that the request is approvable. On June 18, 1998, USEPA proposed to approve Ohio's request to remove the air quality triggers from the Dayton-Springfield, Ohio maintenance plan. On July 22, 1998, USEPA revoked the one hour ozone standard in the Dayton-Springfield area.

IV. Public Comments on the Proposed Rulemaking

The public comment period on USEPA's June 18, 1998, proposal to approve Ohio's request ended on July 20, 1998. See 63 FR 33314. No public comments were received on USEPA's proposed approval.

V. USEPA Final Action

USEPA is approving in final the maintenance plan revisions to remove the air quality triggers in the Dayton-Springfield, Ohio ozone maintenance area.

VI. Administrative Procedure Act

This action will be effective immediately upon publication in the **Federal Register** pursuant to the Administrative Procedure Act, 5 U.S.C. 553(d) (1) and (3) (APA) for good cause. A delayed effective date is unnecessary due to the nature of this action, which removes certain SIP measures related to the 1-hour ozone standard, which has been revoked. The thirty day delay of the effective date of this action generally required by the Administrative Procedure Act is unwarranted in that it does not serve the public interest to unnecessarily delay the effective date of this action.

VII. Administrative Requirements

(A) Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

(B) Executive Order 13045

This rule is not subject to Executive Order 13045, titled ''Protection of Children's Health From Environmental Health Risks and Safety Risks,'' because it is not an ''economically significant'' action under Executive Order 12866.

(C) Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because it does not create any new requirements. Therefore, because this Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids USEPA 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, signed into law on March 22, 1995, USEPA must undertake various actions in association with 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 the private sector, of $100 million or more. This Federal action approves the removal of pre-existing requirements under state or local law, and imposes no new requirements. Accordingly, no additional costs to state, local, or tribal governments, or the private sector, result from this action.

(E) Audit Privilege and Immunity Law

Nothing in this action should be construed as making any determination or expressing any position regarding Ohio's audit privilege and immunity law (Sections 3745.70–3745.73 of the Ohio Revised Code). USEPA will be reviewing the effect of the Ohio audit privilege and immunity law on various Ohio environmental programs, including those under the Clean Air Act, and taking appropriate action(s), if any, after thorough analysis and opportunity for Ohio to state and explain its views and positions on the issues raised by the law. The action taken herein does not express or imply any viewpoint on the question of whether there are legal deficiencies in this or any Ohio Clean Air Act program resulting from the effect of the audit privilege and immunity law. As a consequence of the review process, the regulations subject to the action taken herein may be disapproved, federal approval for the Clean Air Act program under which they are implemented may be withdrawn, or other appropriate action may be taken, as necessary.

(F) Congressional Review Act

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. USEPA 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).

(G) 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 October 19, 1998. Filing a petition for reconsideration by the Administrator of this final rule 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, and shall not postpone the effectiveness of such rule or action. This action 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, Hydrocarbons, Intergovernmental relations, Ozone, Nitrogen oxides.

Dated: August 11, 1998.

David A. Ullrich,

Acting Regional Administrator, Region V.

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 *et seq.*

Subpart KK—Ohio

2. Section 52.1885 is amended by adding paragraph (a)(10) to read as follows:

§ 52.1885 Control Strategy: Ozone.

(a) * * *

(10) Approval—On April 27, 1998, Ohio submitted a revision to remove the

air quality triggers from the ozone maintenance plan for the Dayton-Springfield, Ohio Area (Miami, Montgomery, Clark, and Greene Counties)

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[FR Doc. 98–22337 Filed 8–18–98; 8:45 am]
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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 307

RIN 0970–AB71

Automated Data Processing Funding Limitation for Child Support Enforcement Systems

AGENCY: Office of Child Support Enforcement (OCSE), ACF, HHS.

ACTION: Final rule.

SUMMARY: The Federal share of funding available at an 80 percent matching rate for child support enforcement automated systems changes resulting from the Personal Responsibility and Work Opportunity Reconciliation Act is limited to a total of $400,000,000 for fiscal years 1996 through 2001. This rule responds to the requirement that the Secretary of Health and Human Services issue regulations which specify a formula for allocating this sum among the States, Territories and eligible systems.

EFFECTIVE DATE: This rule is effective August 19, 1998.

FOR FURTHER INFORMATION CONTACT: Robin Rushton, (202) 690–1244.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

This rule does not require information collection activities and, therefore, no approvals are necessary under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)). In a separate transmittal, however, the Administration for Children and Families submitted for approval the information collection activities under 45 CFR § 307.15 which is referenced in this rule.

Statutory Authority

These regulations are published under the authority of the Social Security Act (the Act), as amended by the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA; P.L. 104–193) and Section 5555 of the Balanced Budget Act of 1997 [P.L. 105–33].

Section 344(b) of P.L. 104–193 amends section 455(a) of the Act to provide enhanced Federal matching for approved development and implementation costs of automated child support enforcement systems.

Section 344(b)(2) of PRWORA establishes a temporary limitation on payments under the special Federal matching rate of 80 percent. The Secretary of Health and Human Services may not pay more than $400,000,000 in the aggregate for approved systems development and implementation costs in fiscal years 1996 through 2001. Under this section the Secretary is also required to prescribe in regulation a formula for allocating the available $400,000,000 among the States. According to section 344(b)(2)(C) the formula for allocating the specified funds among the States shall take into account the relative size of State IV–D caseloads and the level of automation required to meet the IV–D automated data processing requirements. Section 5555 of The Balanced Budget Act of 1997 amends the requirements in this section of PRWORA to include certain systems in the allocation formula.

Regulatory Provisions

Background

With the enactment of the Family Support Act of 1988 (P.L. 100–485), States were required to have an operational child support enforcement system, certified by the Office of Child Support Enforcement (OCSE) as meeting the requirements specified in that statute and implementing regulations, no later than October 1, 1995. (P.L. 104–85 subsequently extended this deadline to October 1, 1997.) PRWORA specifies new requirements in section 454A of the Act which must be included in a State child support enforcement system no later than October 1, 2000. The new automation requirements require State systems to perform functions including: controlling and accounting of Federal, State and local funds to carry out the child support enforcement program; maintaining data necessary to meet Federal reporting requirements; maintaining data on State performance for calculation of performance indicators; safeguarding of the integrity and security of data in the automated system; developing a State case registry; performing data matches; and providing expedited administrative procedures. (PRWORA requires the establishment of State New Hire and State Disbursement Units but does not require them to be an integrated part of the Statewide automated child support system.)

For fiscal years 1996 through 2001, the Department of Health and Human Services (HHS) will reimburse 80 percent of approved State expenditures for development and implementation of automated systems which meet the requirements of section 454(16) of the Act as in effect on September 30, 1996 (i.e., Family Support Act requirements which must be completed by October 1, 1997), the amended section 454(16), and new section 454A of the Act. The Federal share of reimbursement to States is limited to an aggregate total of $400,000,000. Once a State reaches its allocated share of the $400,000,000, Federal funding remains available at the 66 percent rate for additional approved expenditures incurred in developing and implementing child support enforcement systems. Child Support Enforcement Action Transmittal 96–10 (OCSE–AT–96–10) provides instructions for submitting claims for Federal reimbursement at the 80 percent rate.

PRWORA requires the Secretary of Health and Human Services to issue regulations which specify a formula for allocating the $400,000,000 available at 80 percent FFP among the States and Territories. The Balanced Budget Act Amendments add specified systems to the entities included in the formula. The allocation formula must take into account the relative size of State and systems IV–D (child support enforcement) caseloads and the level of automation needed to meet title IV–D automated data processing requirements.

Accordingly, we published a proposed rule in the **Federal Register** on March 2, 1998 [63 FR 10173] in which we revised 45 CFR Part 307 to include conforming changes and to add § 307.31. In response to the notice of proposed rulemaking we received nine letters containing ten comments from nine State agencies. Six of these were letters of support which commended the fairness of the allocation formula. We clarified the preamble discussion of the allocation formula to respond to comments raised in the other three letters.

These clarifications are included in the following sections which describe the regulatory provisions. A discussion of all the comments received and our response follows in the preamble under the Response to Comments section.

Conditions that must be met for 80 percent Federal financial participation

P.L. 104–193 provides enhanced funds to complete development of child support enforcement systems which meet the requirements of both the