

*J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*

Executive Order 12898 requires that each Federal agency make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionate high and adverse human health or environmental effects of its programs, policies, and activities on minorities and low-income populations.

The EPA concluded that the Phase 1 Rule should not raise any environmental justice issues; for the same reasons, this proposal should not raise any environmental justice issues. The health and environmental risks associated with ozone were considered in the establishment of the 8-hour, 0.08 ppm ozone NAAQS. The level is designed to be protective with an adequate margin of safety. The proposed rule provides a framework for improving environmental quality and reducing health risks for areas that may be designated nonattainment.

**List of Subjects in 40 CFR Part 51**

Environmental protection, Air pollution control, Carbon monoxide, Lead, Nitrogen dioxide, Ozone, Particulate matter, Sulfur oxides.

Dated: January 27, 2005.

**Jeffrey R. Holmstead,**  
*Assistant Administrator for Air and Radiation.*

For the reasons stated in the preamble, Title 40, Chapter I of the Code of Federal Regulations, is proposed to be amended as follows:

**PART 51—[AMENDED]**

1. The authority citation for part 51 continues to read as follows:

Authority: 23 U.S.C. 101; 42 U.S.C. 7401–7671q.

**Subpart X—Provisions for Implementation of 8-Hour Ozone National Ambient Air Quality Standard**

2. Section 51.900 is amended by revising paragraph (f) introductory text and adding paragraph (f)(13) to read as follows:

**§ 51.900 Definitions.**  
\* \* \* \* \*

(f) *Applicable requirements* means for an area the following requirements to the extent such requirements apply or applied to the area for the area’s classification under section 181(a)(1) of the CAA for the 1-hour NAAQS at the time of the effective date of the final rule designating the area for the 8-hour standard as nonattainment, attainment, or unclassifiable:  
\* \* \* \* \*

(13) Attainment demonstration or an alternative as provided under § 51.905(a)(1)(ii).  
\* \* \* \* \*

3. Section 51.905 is amended by revising paragraph (e)(2)(ii) and by adding paragraph (e)(2)(iii) as follows:

**§ 51.905 How do areas transition from the 1-hour NAAQS to the 8-hour NAAQS and what are the anti-backsliding provisions?**  
\* \* \* \* \*

- (e) \* \* \*
- (2) \* \* \*

(ii) The State is no longer required to impose under CAA sections 181(b)(4) and 185 fees on emissions sources in areas classified as severe or extreme based on a failure to meet the 1-hour attainment date.

(iii) The State is no longer required to implement contingency measures under CAA section 172(c)(9) based on a failure to attain the 1-hour NAAQS or to make

reasonable further progress toward attainment of the 1-hour NAAQS.

\* \* \* \* \*

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**DEPARTMENT OF TRANSPORTATION**

**Federal Transit Administration**

**49 CFR Part 605**

[Docket No. FTA–99–5082]

**RIN 2132-AA67**

**School Bus Operations; Amendment of Tripper Service Definition; Correction**

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Withdrawal of rulemaking; correction.

**SUMMARY:** The Federal Transit Administration (FTA) published a document in the **Federal Register** of January 28, 2005, withdrawing a notice of proposed rulemaking relating to its School Bus Operations regulation. This document misidentified the Regulation Identifier Number (RIN).

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Martineau, 202–366–1936.

**Correction**

In the **Federal Register** of January 28, 2005, in FR Doc. 05–1644 on page 4081, in the heading section, correct the Regulation Identifier Number (RIN) to read:

RIN 2132-AA67

Dated: January 28, 2005.

**Scott A. Biehl,**

*Assistant Chief Counsel for Legislation and Rulemaking.*

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