Middlesex County, NJ COAD approval dated December 2, 1994.

(*3*) Air Products and Chemicals' Hazardous Waste Incinerator, Gloucester County, NJ COAD approval dated January 25, 1996.

(*4*) Stony Brook Regional Sewerage Authority's sewage sludge incinerators, Mercer County, NJ COAD approval dated October 27, 1995 and modified on May 16, 1996.

(*5*) Township of Wayne, Mountain View Water Pollution Control Facility's sewage sludge incinerators, Passaic County, NJ COAD approval dated September 20, 1996.

(*6*) Atlantic States Cast Iron Pipe Company's cupola and annealing oven, Warren County, NJ COAD approval dated November 22, 1994.

(*7*) Warren County Resource Recovery Facility's Municipal Waste Incinerators, Warren County, NJ COAD dated August 1, 1996.

(*8*) Hercules Incorporated's Nitration System, Acid Concentrators, and Open Pit Burner, Union County, NJ COAD dated May 1, 1996.

(*9*) US Department of Navy, Naval Air Warfare Center Aircraft Division's jet engine test cells, Mercer County, NJ COAD approval dated October 31, 1995.

(*10*) Atlantic Electric Company's Utility Boiler #8, Salem County, NJ COAD approval dated February 25, 1997.

(*11*) U.S. Generating Company—Carneys Point Generating Plant's auxiliary boiler, Salem County, NJ COAD approval dated February 2, 1996.

(*12*) U.S. Generating Company—Logan Generating Plant's auxiliary boiler, Salem County, NJ COAD approval dated February 2, 1996.

(*13*) Schering Corporation's heat recovery steam generator with duct burner, Union County, NJ COAD approval dated January 5, 1996.

(*14*) Jersey Central Power & Light Company's combined cycle combustion turbines, Hunterdon County, NJ COAD approval dated April 10, 1996.

(*15*) Elizabethtown Water Company's internal combustion engines, Somerset County, NJ COAD approval dated May 8, 1996.

(ii) Additional information—Documentation and information to support NO_x RACT facility-specific emission limits, alternative emission limits, or repowering plan in four letters addressed to Regional Administrator Jeanne M. Fox from New Jersey Commissioner Robert C. Shinn, Jr. dated:

(A) June 18, 1996 for four SIP revisions,
(B) July 10, 1996 for three SIP revisions,
(C) December 17, 1996 for five SIP revisions,
(D) May 2, 1997 for three SIP revisions.

[FR Doc. 98–27924 Filed 10–19–98; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 68

[FRL–6166–9]

Request for Delegation of the Accidental Release Prevention Requirements: Risk Management Programs Under Clean Air Act Section 112(r)(7): State of Florida

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The purpose of this direct final rule is to announce that on June 19, 1998, the State of Florida, Department of Community Affairs (DCA), Division of Emergency Management (DEM), requested section 112(r) program delegation for all applicable Florida sources, except those with propane as their only regulated substance. If no adverse comments are received, EPA is approving this delegation request and this direct final rule will serve as formal delegation of the section 112(r) program for all applicable sources except those with propane as their only regulated substance. EPA is publishing a parallel proposed rule contained in the Proposed Rules section of this **Federal Register**.

DATES: This direct final rule will become effective on December 21, 1998. The direct final rule will become effective without further notice unless EPA receives no adverse written comments on or before November 19, 1998. Should the EPA receive such comments, it will publish a timely document withdrawing this rule.

ADDRESSES: Comments on this action should be addressed concurrently to: Michelle P. Thornton, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW, Atlanta, Georgia 30303–3104, patmon.michelle@epamail.epa.gov

Eve Rainey, Florida Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399–2140, eve.rainey@dca.state.fl.us

Copies of Florida's section 112(r) delegation request letter and accompanying documentation are available for public review during the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, at the addresses listed above. If you would like to review these documents, please make an appointment with the appropriate office at least 24 hours before visiting day.

FOR FURTHER INFORMATION CONTACT: Michelle P. Thornton, U.S. Environmental Protection Agency, Region 4, Air, Pesticides and Toxics Management Division, Air and Radiation Technology Branch, 30303–3104 (telephone 404 562–9121), patmon.michelle@ epamail.epa.gov or

Eve Rainey, Florida Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399–2140, (telephone 850 413–9914) eve.rainey@dca.state.fl.us

SUPPLEMENTARY INFORMATION: If no adverse comments are received by November 19, 1998, this direct final rule will automatically go into effect on December 21, 1998. Should the Agency receive such comments, it will publish a timely document withdrawing this direct final rule and will review and publish the comments in a subsequent document. If no relevant adverse comments on any provision of this direct final rule are timely filed, then it will become effective on December 21, 1998 and the State of Florida DCA/DEM will receive full delegation of authority to implement and enforce the requirements of the section 112(r) program for all applicable sources in its jurisdiction, except sources with propane as their only regulated substance.

On June 20, 1996, EPA published risk management program regulations, mandated under the accidental release prevention provisions of the Clean Air Act (CAA). These regulations require owners and operators of stationary sources subject to the regulations to submit risk management plans (RMPs) by June 21, 1999, to a central location specified by EPA. The plans will be available to State and local governments and the public. These regulations will encourage sources to reduce the probability of accidentally releasing substances that have the potential to cause harm to public health and the environment and will stimulate dialogue between industry and the public to improve accident prevention and emergency response practices.

Section 112(l) of the CAA and 40 CFR part 63, subpart E, authorize EPA, in part, to delegate authority to any state or local agency which submits an approvable program for implementation and enforcement of requirements for the prevention and mitigation of accidental releases of hazardous air pollutants. The State's program must contain adequate authorities, adequate resources for

implementation, and an expeditious compliance schedule for enforcing standards as detailed in 40 CFR sections 63.91 and 63.95.

On May 24, 1998, Chapter 22, Part IV, Florida Statutes, the Florida Accidental Release Prevention and Risk Management Planning Act (Chapter 98–193, Laws of Florida) became effective. This law adopts the federal requirements found in section 112(r) of the CAA of 1990 for specified sources and the corresponding Risk Management Program regulations for use with the Florida program.

On June 19, 1998, the State of Florida, Department of Community Affairs (DCA), Division of Emergency Management (DEM), requested section 112(r) program delegation for all applicable Florida sources, except those with propane as their only regulated substance. The State acknowledges and accepts that propane sources will not be under the jurisdiction of the Florida DCA/DEM and will default to EPA Region 4 for implementation and enforcement.

Through the State's legislative budget process, the Florida Accidental Releases Prevention/Risk Management Planning program received two full time equivalent (FTE) professional positions and more than $140,000 for initial program year activities. The state law also includes a fee system with amounts ranging from approximately $100 to $1,000 per process. Section 112(r) activities will also be integrated into an existing Hazardous Materials Planning Program which supports 13 FTEs and has contractual relationships with the State's eleven Local Emergency Planning Committees (LEPCs) and sixty-seven emergency management program offices.

Upon delegation, the State's program will be administered by the DCA/DEM, which is also responsible for implementation of the Federal Emergency Planning and Community Right-To-Know Act (EPCRA) program in the state. The DEM serves as staff to the State Emergency Response Commission (SERC) and has an established relationship with Florida's eleven LEPCs. Representatives on the SERC include delegates from the departments of Environmental Protection (DEP) and Labor and Employment Security (DLES). Florida's section 112(r) program will have technical assistance, outreach and education as its cornerstone with an emphasis on assisting sources with compliance and facilitating prevention discussions with the public.

After a thorough review of Florida's delegation request and its pertinent laws, rules, and regulations, the Region has determined that such a delegation is appropriate in that Florida has satisfied the criteria of 40 CFR sections 63.91 and 63.95, and has adequate and effective authorities, resources, and procedures in place for implementation and enforcement of non-major and major sources subject to the section 112(r) RMP Federal standards. The State has the primary authority and responsibility to carry out all elements of the section 112(r) program for all sources, except propane, covered in the State, including on-site inspections, record keeping reviews, audits and enforcement.

Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from review under Executive Order (E.O.) 12866, entitled Regulatory Planning and Review.

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.'' Today's rule does not create a mandate on state, local or tribal governments. The State of Florida has voluntarily requested delegation of this program. The state will be implementing its own pre-existing Accidental Releases Prevention/Risk Management Planning program as described in the Supplemental Information Section of this notice. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.'' Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Instead, the state of Florida will be implementing and enforcing this program. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

D. Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, the EPA must consider the paperwork burden imposed by any information collection request in a proposed or final rule. This rule will not impose any new information collection requirements.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA, Public Law 96–354, September 19, 1980) requires Federal agencies to give special consideration to the impact of regulation on small businesses. The RFA specifies that a regulatory flexibility analysis must be prepared if a screening analysis indicates a regulation will have significant impact on a substantial number of small entities. This direct final rule will not have a significant economic impact on a substantial number of small entities.

F. Unfunded Mandates

EPA has determined that the approval action promulgated 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.

G. Submission to Congress and the Comptroller General

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. EPA 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective December 21, 1998, unless EPA receives adverse written comments on or before November 19, 1998.

H. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law 104–113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This proposed rulemaking does not involve technical standards. Instead, it merely approves the Florida's pre-existing Accidental Release Prevention Program. Therefore, EPA is not considering the use of any voluntary consensus standards.

I. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it is not an economically significant rule as defined by E.O. 12866, and because it does not involve decisions based on environmental health or safety risks.

Dated: September 9, 1998.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 98–27926 Filed 10–19–98; 8:45 am]

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA–7699]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATES: The effective date of each community's suspension is the third date (''Susp.'') listed in the third column of the following tables.

ADDRESSES: If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

FOR FURTHER INFORMATION CONTACT: Robert F. Shea Jr., Division Director, Program Implementation Division, Mitigation Directorate, 500 C Street, SW., Room 417, Washington, DC 20472, (202) 646–3619.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 *et seq.*, unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 *et seq.* Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Associate Director finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer