today's **Federal Register**. This rule is not a ''major'' rule as defined by 5 U.S.C. 804(2).

E. Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 20, 1998. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the 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, Reporting and recordkeeping.

Dated: April 8, 1998.

Michelle D. Jordan,

Acting Regional Administrator, Region 5.

40 CFR part 52, 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 X-Michigan

2. Section 52.1174 is amended by adding paragraph (q) to read as follows:

§ 52.1174 Control strategy: Ozone.

* * * * *

(q) Correction of approved plan—Michigan air quality Administrative Rule, R336.1901 (Rule 901)—Air Contaminant or Water Vapor, has been removed from the approved plan pursuant to section 110(k)(6) of the Clean Air Act (as amended in 1990).

[FR Doc. 98–13295 Filed 5–18–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[GA–37–9811a; FRL–6003–8]

Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Georgia

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is approving the Sections 111(d) and 129 State Plan submitted by the Georgia Department of Natural Resources (DNR) for the State of Georgia on November 13, 1997, for implementing and enforcing the Emissions Guidelines (EG) applicable to existing Municipal Waste Combustors (MWCs) with capacity to combust more than 250 tons per day of municipal solid waste (MSW).

DATES: This direct final rule is effective July 20, 1998 unless adverse or critical comments are received by June 18, 1998. If the direct final rule is withdrawn, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments on this action should be addressed to Scott M. Martin at the Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303. Copies of documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. Reference file GA 37–9811a. The Region 4 office may have additional background documents not available at the other locations.

Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303–3104.

Air Protection Branch, Georgia Environmental Protection Division, Georgia Department of Natural Resources, 4244 International Parkway, suite 120, Atlanta, Georgia 30354.

FOR FURTHER INFORMATION CONTACT: Scott Davis at (404) 562–9127 or Scott Martin at (404) 562–9036.

SUPPLEMENTARY INFORMATION:

I. Background

On December 19, 1995, pursuant to sections 111 and 129 of the Clean Air Act (Act), EPA promulgated new source performance standards (NSPS) applicable to new MWCs and EG applicable to existing MWCs. The NSPS and EG are codified at 40 CFR Part 60, Subparts Eb and Cb, respectively. *See* 60 FR 65387. Subparts Cb and Eb regulate the following: particulate matter, opacity, sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, lead, cadmium, mercury, and dioxins and dibenzofurans.

On April 8, 1997, the United States Court of Appeals for the District of Columbia Circuit vacated Subparts Cb and Eb as they apply to MWC units with capacity to combust less than or equal to 250 tons per day of MSW (small MWCs), consistent with their opinion in *Davis County Solid Waste Management and Recovery District* v. *EPA*, 101 F.3d 1395 (D.C. Cir. 1996), *as amended*, 108 F.3d 1454 (D.C. Cir. 1997). As a result, subparts Cb and Eb apply only to MWC units with individual capacity to combust more than 250 tons per day of MSW (large MWC units).

Under section 129 of the Act, EG are not Federally enforceable. Section 129(b)(2) of the Act requires states to submit to EPA for approval State Plans that implement and enforce the EG. State Plans must be at least as protective as the EG, and become Federally enforceable upon approval by EPA. The procedures for adoption and submittal of State Plans are codified in 40 CFR Part 60, Subpart B. EPA originally promulgated the Subpart B provisions on November 17, 1975. EPA amended Subpart B on December 19, 1995, to allow the subparts developed under section 129 to include specifications that supersede the general provisions in Subpart B regarding the schedule for submittal of State Plans, the stringency of the emission limitations, and the compliance schedules. *See* 60 FR 65414.

This action approves the State Plan submitted by the Georgia DNR for the State of Georgia to implement and enforce Subpart Cb, as it applies to large MWC units only.

II. Discussion

The Georgia DNR submitted to EPA on November 13, 1997, the following in their 111(d) and 129 State Plan for implementing and enforcing the EG for existing MWCs under its direct jurisdiction in the State of Georgia: Legal Authority; Inventory of MWC Plants/Units; MWC Emissions Inventory; Emission Limits and Standards; Compliance Schedule; Procedures for Testing and Monitoring Sources of Air Pollutants, Demonstration That the Public Had Adequate Notice and Opportunity to Submit Written Comments and Public Hearing Summary; Submittal of Progress Reports to EPA; Federally Enforceable State Operating Permit (FESOP) for the Savannah Energy Systems Company MWC facility; Pollution Control Project review for the Savannah Energy Systems Company MWC facility; and applicable State of Georgia statutes and rules of the Georgia DNR. The Georgia DNR submitted its Plan after the Court of Appeals vacated Subpart Cb as it applies to small MWC units. Thus, the Georgia State Plan covers only large MWC units. As a result of the *Davis* decision and subsequent vacatur order,

there are no EG promulgated under sections 111 and 129 that apply to small MWC units. Accordingly, EPA's review and approval of the Georgia State Plan for MWCs addresses only those parts of the Georgia State Plan which affect large MWC units. Small units are not subject to the requirements of the Federal Rule and not part of this approval. Until EPA again promulgates EG for small MWC units, EPA has no authority under section 129(b)(2) of the Act to review and approve State Plans applying state rules to small MWC units.

The approval of the Georgia State Plan is based on finding that: (1) the Georgia DNR provided adequate public notice of public hearings for the proposed plan and the FESOP which allow the Georgia DNR to implement and enforce the EG for large MWCs, and (2) the Georgia DNR also demonstrated legal authority to adopt emission standards and compliance schedules applicable to the designated facility; enforce applicable laws, regulations, standards and compliance schedules; seek injunctive relief; obtain information necessary to determine compliance; require recordkeeping; conduct inspections and tests; require the use of monitors; require emission reports of owners and operators; and make emission data publicly available.

In Attachment A of the Plan, the Georgia DNR cites the following references for the legal authority: State of Georgia Attorney General's Opinion Regarding State Authority to Operate the Title V Operating Permit Program; The Georgia Air Quality Act, Sections 12–9–1 through 12–9–25; The Rules of the Georgia Department of Natural Resources for Air Quality Control, Chapter 391–3–1; the Georgia Natural Resources Act; the Georgia Administrative Procedures Act; and the Official Code of Georgia Annotated. These statutes and regulations are contained in Attachments H, I, J, and K. On the basis of the Attorney General's Opinion, the statutes, and rules of the State of Georgia, the State Plan and FESOP are approved as being at least as protective as the Federal requirements for existing large MWC units.

The Georgia DNR cites all emission standards and limitations for the major pollutant categories as conditions in the FESOP for Savannah Energy Systems, the only designated facility in the State of Georgia subject to these standards and limitations. These standards and limitations in the FESOP have been approved as being at least as protective as the Federal requirements contained in Subpart Cb for existing large MWC units.

The Georgia DNR submitted the compliance schedule for Savannah Energy Systems, the only large MWC under its direct jurisdiction in the State of Georgia. The FESOP contains conditions consistent with 40 CFR Part 60, subparts B and Cb, specifications for compliance schedules. This portion of the Plan and FESOP has been reviewed and approved as being at least as protective as Federal requirements for existing large MWC units.

In Attachment B, the Georgia DNR submitted an emissions inventory of all designated pollutants for Savannah Energy Systems, the only large MWC under their direct jurisdiction in the State of Georgia. This portion of the Plan has been reviewed and approved as meeting the Federal requirements for existing large MWC units.

The Georgia DNR includes its legal authority to require owners and operators of designated facilities to maintain records and report to its agency the nature and amount of emissions and any other information that may be necessary to enable its agency to judge the compliance status of the facilities in Attachment C of the State Plan and as conditions in the FESOP for Savannah Energy Systems. The Georgia DNR also cites its legal authority to provide for periodic inspection and testing and provisions for making reports of MWC emissions data, correlated with emission standards that apply, available to the general public. In Attachment D of the State Plan, the Georgia DNR submitted its Procedures for Testing and Monitoring Sources of Air Pollutants, Section 2.2b for Municipal Waste Combustors, to support the requirements of monitoring, recordkeeping, reporting, and compliance assurance. These State of Georgia rules are contained in Attachments D, H, I, J, and K of the Plan. This portion of the Plan and FESOP have been reviewed and approved as being at least as protective as the Federal requirements for existing large MWC units.

As stated on page A–3 of the Plan, the Georgia DNR will provide progress reports of Plan implementation updates to the EPA on an annual basis. These progress reports will include the required items pursuant to 40 CFR 60, subpart B. This portion of the Plan has been reviewed and approved as meeting the Federal requirement for State Plan reporting.

Final Action

EPA is approving the above referenced State Plan. EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comments be filed. This rule will be effective July 20, 1998 without further notice unless the Agency receives relevant adverse comments by June 18, 1998.

If the EPA receives such comments, then EPA will publish a timely document withdrawing the final rule and informing the public that the rule did not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on the proposed rule. Only parties interested in commenting on the proposed rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on July 20, 1998 and no further action will be taken on the proposed rule.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

III. Administrative Requirements

A. Executive Order 12866

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

B. 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.

State Plan approvals under section 111(d) and section 129(b)(2) 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 Regional Administrator certifies that it does not have a significant impact on any small entities affected.

C. 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 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.

D. Submission to Congress and the General Accounting Office

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**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

E. 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 July 20, 1998. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the 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 62

Administrative practice and procedure, Air pollution control, Environmental protection, Intergovernmental relations, Municipal waste combustors, Reporting and recordkeeping requirements.

Dated: March 16, 1998.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

40 CFR Part 62 is amended as follows:

PART 62—[AMENDED]

1. The authority citation for Part 62 continues to read as follows:

Authority: 42 U.S.C. 7401–7642

Subpart L—Georgia

2. Part 62.2600 is amended by adding paragraphs (b)(4) and (c)(3) to read as follows:

§ 62.2600 Identification of plan.

* * * * *

(b) * * *

(4) State of Georgia Plan for Implementation of 40 CFR Part 60, Subpart Cb, For Existing Municipal Waste Combustors, submitted on November 13, 1997, by the Georgia Department of Natural Resources.

(c) * * *

(3) Existing municipal waste combustors.

3. Subpart L is amended by adding a new § 62.2606 and a new undesignated center heading to read as follows:

METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDE EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

§ 62.2606 Identification of sources.

The plan applies to existing facilities with a municipal waste combustor (MWC) unit capacity greater than 250 tons per day of municipal solid waste (MSW) at the following MWC sites:

(1) Savannah Energy Systems Company, Savannah, Georgia.

(2) [Reserved].

[FR Doc. 98–13117 Filed 5–18–98; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA–7688]

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