

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 action 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).

### 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 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 Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: July 30, 1998.

**Felicia Marcus,**

*Regional Administrator, Region IX.*

[FR Doc. 98-21208 Filed 8-6-98; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 62

[OH116-1b; FRL-6134-4]

#### Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Ohio; Control of Landfill Gas Emissions From Existing Municipal Solid Waste Landfills

**AGENCY:** Environmental Protection Agency (USEPA).

**ACTION:** Proposed rule.

**SUMMARY:** USEPA is proposing to approve the Ohio State Plan submittal for implementing the Municipal Solid Waste (MSW) Landfill Emission Guidelines. The State's plan submittal was made pursuant to requirements found in the Clean Air Act (CAA). The State's plan was submitted to USEPA in accordance with the requirements for adoption and submittal of State plans for designated facilities in title 40 of the Code of Federal Regulations part 60 (40 CFR part 60), subpart B. In the final rules section of this **Federal Register**, the USEPA is approving the State's request as a direct final rule without prior proposal because USEPA views this action as noncontroversial and anticipates no adverse comments. A detailed rationale for approving the State's request is set forth in the direct final rule. The direct final rule will become effective without further notice unless USEPA receives relevant adverse written comment. Should USEPA receive such comment, it will publish a final rule informing the public that the direct final rule will not take effect and such public comment received will be addressed in a subsequent final rule based on the proposed rule. If no adverse written comments are received, the direct final rule will take effect and no further action will be taken on this proposed rule. USEPA does not plan to institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

**DATES:** Written comments must be received on or before September 8, 1998.

**ADDRESSES:** Written comments may be mailed to J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), Region 5 at the address listed below.

Copies of the materials submitted by the Ohio Environmental Protection Agency (OEPA) may be examined during normal business hours at the following locations:

Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

OEPA, Division of Air Pollution Control, 1800 Watermark Drive, Columbus, OH 43215.

**FOR FURTHER INFORMATION CONTACT:** Randolph O. Cano at (312) 886-6036.

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule published in the rules section of this **Federal Register**.

Dated: July 24, 1998.

**David A. Ullrich,**

*Acting Regional Administrator, Region V.*

[FR Doc. 98-21031 Filed 8-6-98; 8:45 am]

BILLING CODE 6560-50-M

## GENERAL SERVICES ADMINISTRATION

### 41 CFR Part 101-44

RIN 3090-AG77

#### Donations to Service Educational Activities

**AGENCY:** Office of Governmentwide Policy, GSA.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would amend the regulation issued by GSA for donations made to educational activities of special interest to the armed services. The changes are necessary to comply with subsection 203(j)(2) of the Federal Property and Administrative Services Act of 1949, as amended. Subsection 203(j)(2) requires all donations of surplus property under the control of the Department of Defense (DOD) to service educational activities (SEAs) to be made through State Agencies for Surplus Property (SASPs). Currently, SEAs acquire property directly from DOD disposal facilities.

**DATES:** Submit comments on or before September 8, 1998.

**ADDRESSES:** Mail comments to the Personal Property Management Policy Division (MTP), Office of Governmentwide Policy, General Services Administration, 1800 F Street, NW, Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** Martha Caswell, Director, Personal Property Management Policy Division (202-501-3846).

**SUPPLEMENTARY INFORMATION:** Under this rule, the SASPs will assume responsibilities that were previously performed by the DOD including: (1) distributing the donated property to the

SEAs; (2) conducting utilization surveys and reviews during the period of restriction to ensure that donated property is being used by the SEA donees for the purposes for which it was donated; and (3) monitoring compliance by the SEA donees with the conditions specified in § 101-44.208 (except for §§ 101-44.208(a)(3) and (4)).

Additionally, it is important to note that the SEAs are not subject to any additional terms, conditions, reservations, or restrictions imposed by the SASPs. This exemption is provided by subsection 203(j)(4)(E) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(j)(4)(E)). Therefore, new proposed FPMR subsections 101-44.400(c)(5) and 101-44.401(b) specifically state that regulatory provisions at FPMR 101-44.208(a)(3) and (4) governing the imposition by SASPs of additional terms, conditions, reservations, or restrictions do not apply to donations of surplus DOD personal property to eligible SEAs.

This proposed rule is not a major rule for the purposes of Executive Order 12866. This rule is not required to be published in the **Federal Register** for notice and comment. Therefore, the Regulatory Flexibility Act does not apply.

The Paperwork Reduction Act does not apply because the proposed revisions do not impose recordkeeping or information collection requirements or the collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501-3520. This rule also is exempt from congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

The rule is written in a new, simpler to read and understand, question and answer format. In the new format, a question and its answer combine to establish a rule. This means the employee and the agency must follow the language contained in both the question and its answer.

#### List of Subjects in 41 CFR Part 101-44

Government property management, Reporting requirements, Surplus Government property.

For the reasons stated in the preamble, GSA proposes to amend 41 CFR Part 101-44 as follows:

#### PART 101-44—DONATION OF PERSONAL PROPERTY

1. The authority citation for 41 CFR Part 101-44 continues to read as follows:

**Authority:** Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

#### Subpart 101-44.4—Donations to Service Educational Activities

2. Subpart 101-44.4 is revised to read as follows:

Sec.

§ 101-44.400 What are the responsibilities of DOD, GSA, and State agencies in the Service Educational Activity (SEA) donation program?

§ 101-44.401 How is property for SEAs allocated and distributed?

§ 101-44.402 May SEAs acquire non-DOD property?

§ 101-44.403 What if a provision in this subpart conflicts with another provision in Part 101-44?

**§ 101-44.400 What are the responsibilities of DOD, GSA, and State agencies in the Service Educational Activity (SEA) donation program?**

(a) *Department of Defense.* The Secretary of Defense is responsible for:

(1) Determining the types of surplus personal property under DOD control that are usable and necessary for SEAs.

(2) Setting eligibility requirements for SEAs and making eligibility determinations.

(3) Providing surplus personal property under the control of DOD for transfer by GSA to State agencies for distribution to SEAs.

(b) *General Services Administration.* The Administrator of General Services is responsible for transferring surplus personal property designated by DOD to State agencies for donation to eligible SEAs.

(c) *State agencies.* State agency directors are responsible for:

(1) Verifying that an activity seeking to obtain surplus DOD personal property is an SEA designated as eligible by DOD to receive surplus personal property.

(2) Locating, screening, and acquiring from GSA surplus DOD personal property usable and necessary for SEA purposes.

(3) Distributing surplus DOD property fairly and equitably among SEAs and other eligible donees in accordance with established criteria.

(4) Keeping a complete and accurate record of all DOD property distributed to SEAs and furnishing GSA this information as required in § 101-44.4701(e).

(5) Monitoring compliance by SEA donees with the conditions specified in § 101-44.208 (except §§ 101-44.208(a)(3) and (4), which do not apply to donations of surplus DOD personal property to SEAs).

**§ 101-44.401 How is property for SEAs allocated and distributed?**

(a) *Allocations.* GSA will make allocations in accordance with subpart 101-44.2, unless DOD requests that property be allocated through a State agency for donation to a specific SEA. Those requests will be honored unless a request is received from an applicant with a higher priority.

(b) *Distributions.* State agencies must observe all the provisions of § 101-44.208, except §§ 101-44.208(a)(3) and (4), when distributing surplus DOD personal property to eligible SEAs.

**§ 101-44.402 May SEAs acquire non-DOD property?**

Generally no. Surplus property generated by Federal civil agencies is not eligible for donation to SEAs, unless the SEAs also qualify under § 101-44.207 to receive donations of surplus personal property.

**§ 101-44.403 What if a provision in this subpart conflicts with another provision in Part 101-44?**

The provisions of this subpart shall prevail.

Dated: August 3, 1998.

**G. Martin Wagner,**

*Associate Administrator for Governmentwide Policy.*

[FR Doc. 98-21132 Filed 8-6-98; 8:45 am]

BILLING CODE 6820-24-P

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## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 67

[Docket No. FEMA-7259]

#### Proposed Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency, FEMA.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed base (1% annual chance) flood elevations and proposed base flood elevation modifications for the communities listed below. The base flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The comment period is ninety (90) days following the second publication of this proposed rule in a