

economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities”.

The Agency has determined that the finding of failure to attain finalized today would result in none of the effects identified in section 3(f). Under section 186(b)(2) of the CAA, findings of failure to attain and reclassification of nonattainment areas are based upon air quality considerations and must occur by operation of law in light of certain air quality conditions. They do not, in and of themselves, impose any new requirements on any sectors of the economy. In addition, because the statutory requirements are clearly defined with respect to the differently classified areas, and because those requirements are automatically triggered by classifications that, in turn, are triggered by air quality values, findings of failure to attain and reclassification cannot be said to impose a materially adverse impact on State, local, or tribal governments or communities.

#### V. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 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 economic 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.

As discussed in section III of this document, findings of failure to attain and reclassification of nonattainment areas under section 186(b)(2) of the CAA do not in-and-of-themselves create any new requirements. Therefore, I certify that today's action does not have a significant impact on small entities.

#### VI. Unfunded Mandates Act

Under sections 202, 203 and 205 of the Unfunded Mandates Reform Act of 1995 (Unfunded Mandates Act), signed into law on March 22, 1995, EPA must assess whether various actions undertaken in association with proposed or final regulations include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector, or to state, local or tribal governments in the aggregate. EPA believes, as discussed above, that the finding of failure to attain and reclassification of the Clark County nonattainment area are factual determinations based upon air quality

considerations and must occur by operation of law and, hence, do not impose any Federal intergovernmental mandate, as defined in section 101 of the Unfunded Mandates Act.

#### VII. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted 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 General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

#### List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations.

**Authority:** 42 U.S.C. 7401-7671q.

Dated: September 18, 1997.

**Harry Seraydarian,**

*Acting Regional Administrator.*

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### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 258

[F-97-FLXF-FFFF; FRL-5900-7]

RIN 2050-AE24

#### Revisions to Criteria for Municipal Solid Waste Landfills

**AGENCY:** Environmental Protection Agency.

**ACTION:** Direct final rule; confirmation of effective date.

**SUMMARY:** On July 29, 1997, the U.S. Environmental Protection Agency (EPA) published a direct final rule (62 FR 40708) which established regulations to implement the Land Disposal Program Flexibility Act of 1996 (LDPFA). These regulations provide additional flexibility to Approved States for any municipal solid waste landfill (MSWLF) that receives 20 tons or less of municipal solid waste per day. The additional flexibility applies to alternative frequencies of daily cover, frequencies of methane monitoring, and infiltration layers for final cover. As stated in the preamble to the direct final rule, provisions contained in the Revised Criteria for Municipal Solid Waste Landfills (56 FR 51104; October 9, 1991 and 61 FR 60327; November 27,

1996) provide the additional flexibility for demonstrating financial assurance contemplated by Congress in the LDPFA. The additional flexibility will allow the owners and operators of small MSWLFs the opportunity to reduce their costs of MSWLF operation while still protecting human health and the environment. The EPA has not received an adverse comment objecting to this rule as written. Therefore, this rule will go into effect as scheduled.

**DATES:** The effective date of the direct final rule published at 62 FR 40708 remains October 27, 1997.

**FOR FURTHER INFORMATION CONTACT:** For general information, contact the RCRA Hotline at 800 424-9346 or TDD 800 553-7672 (hearing impaired). In the Washington, DC, metropolitan area, call 703 412-9810 or TDD 703 412-3323.

For more detailed information on specific aspects of this rulemaking, contact Mr. Allen J. Geswein, U. S. Environmental Protection Agency, Office of Solid Waste (5306W), 401 M Street, SW, Washington, D.C. 20460, 703 308-7261, [geswein.allen@epamail.epa.gov].

**Elizabeth A. Cotsworth,**

*Acting Director, Office of Solid Waste.*

[FR Doc. 97-25879 Filed 10-1-97; 8:45 am]

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### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 721

[OPPTS-50625B; FRL-5744-6]

RIN 2070-AB27

#### Revocation of Significant New Use Rules for Certain Acrylate Substances

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

**ACTION:** Final rule.

**SUMMARY:** EPA is revoking significant new use rules (SNURs) promulgated under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for 95 substances based on new toxicity data. Based on the new data the Agency no longer finds that activities not described in the TSCA section 5(e) consent order may result in significant changes in human exposure.

**DATES:** This rule is effective November 3, 1997.

**FOR FURTHER INFORMATION CONTACT:** Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-543A, 401 M St., SW.,