

include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Approvals under section 111(d) of the Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal 111(d) Plan approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids EPA to base its actions concerning 111(d) Plans on such grounds. See *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, 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.

The 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 preexisting 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

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 this rule in

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 May 11, 1998. Filing a petition for reconsideration by the Regional 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

Environmental protection, Administrative practice and procedure, Air pollution control, Fertilizers, Paper and paper products industry, Phosphate, Reporting and recordkeeping requirements, Sulfuric acid plants, Sulfuric oxides.

Dated: January 15, 1998.

**Lynda F. Carroll,**

*Acting Regional Administrator, Region 6.*

40 CFR part 62 is amended as follows:

### PART 62—[AMENDED]

1. The authority citation for part 62 is revised to read as follows:

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

### Subpart E—Arkansas

2. Section 62.850 is amended by adding paragraphs (b)(3) and (b)(4) and revising paragraph (c) to read as follows:

#### § 62.850 Identification of plan.

\* \* \* \* \*

(b) \* \* \*

(3) Revisions to the Plan adopted by the Arkansas Commission on Pollution Control and Ecology on July 24, 1992, effective August 30, 1992, and a negative declaration for phosphate fertilizer plants dated September 2, 1992, submitted by the Governor on September 14, 1992.

(4) Revisions to the Plan adopted by the Arkansas Commission on Pollution Control and Ecology on May 30, 1997, effective July 1, 1997, and submitted by the Governor on August 18, 1997.

(c) Designated facilities: The plan applies to existing facilities in the following categories of sources:

- (1) Sulfuric acid plants.
- (2) Kraft pulp mills.

#### § 62.852 [Removed and reserved]

3. Section 62.852 is removed and reserved.

4. Section 62.854 is revised to read as follows:

#### § 62.854 Identification of plan—negative declaration.

On September 24, 1992, the Arkansas Department of Pollution Control and Ecology submitted a negative declaration, signed by the Chief of the Air Division on September 2, 1992, certifying that there are no existing phosphate fertilizer plants in the State of Arkansas subject to part 60, subpart B, of this chapter.

5. Section 62.855 is revised to read as follows:

#### § 62.855 Identification of sources.

The plan applies to existing facilities at the following existing sulfuric acid plant:

(a) El Dorado Chemical Company in El Dorado, Arkansas.

(b) [Reserved]

6. Sections 62.865 is amended by revising paragraphs (a)(3), (a)(4), and (a)(6) to read as follows:

#### § 62.865 Identification of sources.

(a) \* \* \*

(3) Green Bay Packaging, Arkansas Kraft Division in Morrilton, Arkansas.

(4) Gaylord Container Corporation in Pine Bluff, Arkansas.

\* \* \* \* \*

(6) Georgia-Pacific Corporation in Ashdown, Arkansas.

\* \* \* \* \*

[FR Doc. 98-5848 Filed 3-9-98; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 721

[OPPTS-506011; FRL-5775-2]

RIN 2070-AB27

### Ethane, 1,1,1,2,2-pentafluoro-; Revocation of Significant New Use Rule

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

**ACTION:** Final rule.

**SUMMARY:** EPA is revoking a significant new use rule (SNUR) promulgated under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for ethane, 1,1,1,2,2-pentafluoro- based on the receipt of new data. Based on the data, the Agency no longer finds that activities not described in the

corresponding TSCA section 5(e) consent order may result in significant changes in human exposure.

**DATES:** This rule is effective April 9, 1998.

**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., Washington, DC 20460, telephone: (202) 554-1404, TDD: (202) 554-0551; e-mail: TSCA-Hotline@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:**

**Electronic Availability:** Electronic copies of this document are available from the EPA Home Page at the **Federal Register**-Environmental Documents entry for this document under "Laws and Regulations" (<http://www.epa.gov/fedrgrstr/>).

In the **Federal Register** of September 23, 1992 (57 FR 44064) EPA issued a SNUR (OPPTS-50601) establishing significant new uses for ethane, 1,1,1,2,2-pentafluoro-. Because of additional data EPA has received for this substance, EPA is revoking this SNUR.

### I. Background

The Agency proposed the revocation of this SNUR in the **Federal Register** of December 13, 1995 (61 FR 64009) (FRL-4976-3). The background and reasons for the revocation of the SNUR is set forth in the preamble to the proposed revocation. The Agency received no comments concerning the proposed revocation. Therefore, EPA is revoking this rule.

### II. Rationale for Revocation of the Rule

During review of the PMN submitted for the chemical substance that is the subject of this revocation, EPA concluded that regulation was warranted based on available information that indicated activities not described in the TSCA section 5(e) consent order might result in significant changes in human exposure. Based on these findings, a SNUR was promulgated.

EPA has revoked the TSCA section 5(e) consent order that was the basis for this SNUR and no longer finds that activities other than those described in the TSCA section 5(e) consent order may result in significant changes in human exposure. The revocation of SNUR provisions for this substance is consistent with the proposed revocation of the TSCA section 5(e) consent order.

Therefore, EPA is revoking the SNUR provisions for this chemical substance. When this revocation becomes final,

EPA will no longer require notice of intent to manufacture, import, or process this substance. In addition, export notification under section 12(b) of TSCA will no longer be required.

### III. Public Record

The official record for this rulemaking, as well as the public version, has been established for this rulemaking under docket control number OPPTS-50601I (including comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as Confidential Business Information (CBI), is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The official rulemaking record is located in the TSCA Nonconfidential Information Center, Rm. NE-B607, 401 M St., SW., Washington, DC.

### IV. Regulatory Assessment Requirements

This final rule revokes or eliminates an existing regulatory requirement and does not contain any new or amended requirements. As such, the Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled "Regulatory Planning and Review" (58 FR 51735, October 4, 1993). Since this final rule does not impose any requirements, it does not contain any information collections subject to approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or require any other action under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). Nor does it require any prior consultation as specified by Executive Order 12875, entitled "Enhancing the Intergovernmental Partnership" (58 FR 58093, October 28, 1993), or special considerations as required by Executive Order 12898, entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (59 FR 7629, February 16, 1994) or require OMB review in accordance with Executive Order 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997).

In addition, pursuant to section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Agency has determined that SNUR revocations, which eliminate requirements without imposing any new ones, have no adverse economic impacts. The Agency's generic certification for SNUR revocations appears on June 2, 1997 (62

FR 29684) (FRL-5597-1), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

### V. 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, the Agency has 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 this rule in today's **Federal Register**. This is not a major rule as defined by 5 U.S.C. 804(2).

### List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: February 27, 1998.

**Charles M. Auer,**

*Director, Chemical Control Division, Office of Pollution Prevention and Toxics.*

Therefore, 40 CFR part 721 is amended as follows:

### PART 721—[AMENDED]

1. The authority citation for part 721 continues to read as follows:

**Authority:** 15 U.S.C. 2604, 2607, and 2625(c).

### § 721.3240 [Removed]

2. By removing § 721.3240.

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## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 64

[Docket No. FEMA-7684]

### 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