exposure days shall be controlled as follows:

1. If the species being controlled is hydrocarbon or particulate, the mean exposure concentration must be within 15 percent of the target concentration for the single species being controlled.

2. For other species, the mean exposure concentration must be within 10 percent of the target concentration for the single species being controlled.

3. For all species, daily monitoring of CO, CO₂, NOₓ, SOₓ, and total hydrocarbons in the exposure chamber shall be required. Analysis of the particle size distribution shall also be performed to establish the stability and consistency of particle size distribution in the test exposure.

(i) * * * *

(ii) * * * *

(B) These procedures include requirements that the mean exposure concentration in the inhalation test chamber on 90 percent or more of the exposure days shall be controlled as follows:

1. If the species being controlled is hydrocarbon or particulate, the mean exposure concentration must be within 15 percent of the target concentration for the single species being controlled.

2. For other species, the mean exposure concentration must be within 10 percent of the target concentration for the single species being controlled.

3. For all species, daily monitoring of CO, CO₂, NOₓ, SOₓ, and total hydrocarbons in the exposure chamber shall be required. Analysis of the particle size distribution shall also be performed to establish the stability and consistency of particle size distribution in the test exposure.

* * * *

3. Section 79.62 is amended by revising paragraph (d)(1)(iii)(B), to read as follows:

§ 79.66 Neuropathology assessment.

* * * *

(e) * * * *

(5) * * * *

(iii) * * * *

(B) Perfusion technique. * * * * In addition, the lungs shall be instilled with fixative via the trachea during the fixation process in order to preserve the lungs and achieve whole-body fixation.

* * * *

PART 80—[AMENDED]

5. The authority citation for part 80 continues to read as follows:

Authority: Sections 114, 211 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7414, 7454, and 7601(a)).

* * * *

6. Section 80.46 is amended by revising paragraphs (f)(3) and (g)(9) to read as follows:

§ 80.46 Measurement of reformulated gasoline fuel parameters.

* * * *

(f) * * * *

3. Alternative test method. (i) Prior to September 1, 2000, any refiner or importer may determine aromatics content using ASTM standard method D-1319-93, entitled "Standard Test Method for Hydrocarbon Types in Liquid Petroleum Products by Flourescent Indicator Adsorption," for purposes of meeting any testing requirement involving aromatics content; provided that:

(ii) The refiner or importer test result is correlated with the method specified in paragraph (f)(1) of this section.

(g) * * * *

9(i) Prior to September 1, 2000, and when the oxygenates present are limited to MTBE, ETBE, TAME, DIPE, tertiary-amyl alcohol, and C1 to C4 alcohols, any refiner, importer, or oxygenate blender may determine oxygen and oxygenate content using ASTM standard method D-4815-93, entitled "Standard Test Method for Determination of MTBE, ETBE, TAME, DIPE, tertiary-Amyl Alcohol and C1 to C4 Alcohols in Gasoline by Gas Chromatography," for purposes of meeting any testing requirement; provided that

(ii) The refiner or importer test result is correlated with the method set forth in paragraphs (g)(1) through (g)(8) of this section.

* * * *

[FR Doc. 98-30401 Filed 11-16-98; 8:45 am]
The following regulatory provisions are broader in scope than the federal program and not part of the approved program: Tennessee Department of Environment and Conservation, Underground Storage Tank Program Rules, Chapter 1200–1–15—section-.09, insofar as it refers to guidelines and procedures for administering the Tennessee petroleum underground storage tank fund; section-.10, insofar as it refers to annual fees, the use, collection and failure to pay fees; and section-.11, insofar as it requires underground storage tank fees, use, collection failure to pay, and fee notices.

B. Decision

I conclude that the State of Tennessee's application for final program approval meets all of the statutory and regulatory requirements established by Subtitle I of RCRA. Accordingly, Tennessee is granted final approval to operate its underground storage tank program for petroleum. The State of Tennessee now has the responsibility for managing all regulated petroleum underground storage tank facilities within its border and carrying out all aspects of the underground storage tank program except with regard to hazardous substance underground storage tanks where EPA will retain regulatory authority. Tennessee also has primary enforcement responsibility for petroleum underground storage tanks, although EPA retains the right to conduct enforcement actions for all regulated underground storage tanks under section 9006 of RCRA.

C. Administrative Requirements

1. Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of section 6 of Executive Order 12866.

2. Executive Order 12875: Enhancing the Intergovernmental Partnership

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate on State, local or tribal government unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to 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, Executive Order 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 rule does not impose any enforceable duties on these entities. The State administers its underground storage tank program voluntarily, and any duties on other State, local or tribal governmental entities arise from that program, not from today's action. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

3. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly 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, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to 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, any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Tennessee is not approved to implement the underground storage tank program in Indian Country. This rule has no effect on the underground storage tank program that EPA administers in the Indian Country within the State. Accordingly, the requirements of
Executive Order 13045 applies to any rule that the Office of Management and Budget determines is "economically significant" as defined under Executive Order 12866, and that EPA determines that the environmental health or safety risk addressed by the rule has 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.

The Agency has determined that the final rule is not a covered regulatory action as defined in the Executive Order because it is not economically significant and does not address environmental health or safety risks. As such, the final rule is not subject to the requirements of Executive Order 13045.

5. 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 action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

6. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments and the private sector. Under sections 202 and 205 of the UMRA, EPA generally must prepare a written statement of economic and regulatory alternatives analyses for proposed and final rules with Federal mandates, as defined by the UMRA, that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. The section 202 and 205 requirements do not apply to today’s action because it is not a “Federal mandate” and because it does not impose annual costs of $100 million or more.

Today’s rule contains no Federal mandates for State, local or tribal governments or the private sector for two reasons. First, today’s action does not impose new or additional enforceable duties on any State, local or tribal governments or the private sector because the requirements of the Tennessee program are already imposed by the State and subject to State law. Second, the Act also generally excludes from the definition of a “Federal mandate” duties that arise from participation in a voluntary Federal program. Tennessee’s participation in an approved UST program is voluntary. Even if today’s rule did contain a Federal mandate, this rule will not result in annual expenditures of $100 million or more for State, local, and/or tribal governments in the aggregate, or the private sector. Costs to State, local and/or tribal governments already exist under the Tennessee program, and today’s action does not impose any additional obligations on regulated entities. In fact, EPA’s approval of state programs generally may reduce, not increase, compliance costs for the private sector.

The requirements of section 203 of UMRA also do not apply to today’s action. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, section 203 of the UMRA requires EPA to develop a small government agency plan. This rule contains no regulatory requirements that might significantly or uniquely affect small governments. The Agency recognizes that although small governments may own and/or operate USTs, they are already subject to the regulatory requirements under existing state law which are being approved by EPA, and, thus, are not subject to any additional significant or unique requirements by virtue of this program approval.

7. Certification Under the Regulatory Flexibility Act

EPA has determined that this approval will not have a significant economic impact on a substantial number of small entities. Such small entities which own and/or operate USTs are already subject to the regulatory requirements under existing State law which are being approved by EPA. EPA’s approval does not impose any additional burdens on these small entities. This is because EPA’s approval would simply result in an administrative change, rather than a change in the substantive requirements imposed on these small entities.

Therefore, EPA provides the following certification under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act. Pursuant to the provision at 5 U.S.C. 605(b), I hereby certify that this approval will not have a significant economic impact on a substantial number of small entities. This rule approves regulatory requirements under existing State law to which small entities are already subject. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

8. 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 today’s Federal Register. This rule is not a “major rule” as defined by 5 U.S.C. 804(2).

9. Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq., Federal agencies must consider the paperwork burden imposed by an information request contained in a proposed rule or a final rule. This rule will not impose any information requirements upon the regulated community.

List of Subjects in 40 CFR Part 281

Environmental protection, Administrative practice and procedure, Hazardous materials, State program approval, Underground storage tanks.

Authority: This notice is issued under the authority of section 9004 of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6974(b), 6991c.
A. Stanley Melburg,
Acting Regional Administrator, Region 4.
[FR Doc. 98–30720 Filed 11–16–98; 8:45 am]
BILLING CODE 6560–50–U

FEDERAL EMERGENCY
MANAGEMENT AGENCY

44 CFR Part 64
[Docket No. FEMA–7701]

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
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
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
that the community will be suspended
unless the required floodplain
management measures are met prior to
the effective suspension date. Since
these notifications have been made, this
final rule may take effect within less
than 30 days.

National Environmental Policy Act

This rule is categorically excluded
from the requirements of 44 CFR
Part 10, Environmental Considerations. No
environmental impact assessment has
been prepared.

Regulatory Flexibility Act

The Associate Director has
determined that this rule is exempt from
the requirements of the Regulatory
Flexibility Act because the National
Flood Insurance Act of 1968, as
amended, 42 U.S.C. 4022, prohibits
flood insurance coverage 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.

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
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
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
that the community will be suspended
unless the required floodplain
management measures are met prior to
the effective suspension date. Since
these notifications have been made, this
final rule may take effect within less
than 30 days.

National Environmental Policy Act

This rule is categorically excluded
from the requirements of 44 CFR
Part 10, Environmental Considerations. No
environmental impact assessment has
been prepared.

Regulatory Flexibility Act

The Associate Director has
determined that this rule is exempt from
the requirements of the Regulatory
Flexibility Act because the National
Flood Insurance Act of 1968, as
amended, 42 U.S.C. 4022, prohibits
flood insurance coverage unless an
appropriate public body adopts
adequate floodplain management
measures with effective enforcement
measures. The communities listed no
longer comply with the statutory
requirements, and after the effective
date, flood insurance will no longer be
available in the communities unless they
take remedial action.

Regulatory Classification

This final rule is not a significant
regulatory action under the criteria of
section 3(f) of Executive Order 12866 of
September 30, 1993, Regulatory
Planning and Review, 58 FR 51735.

Paperwork Reduction Act

This rule does not involve any
collection of information for purposes of
the Paperwork Reduction Act, 44 U.S.C.
3501 et seq.

Executive Order 12612, Federalism

This rule involves no policies that
have federalism implications under
Executive Order 12612, Federalism,
October 26, 1987, 3 CFR, 1987 Comp.,
p. 252.

Executive Order 12778, Civil Justice
Reform

This rule meets the applicable
standards of section 2(b)(2) of Executive
Order 12778, October 25, 1991, 56 FR

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is
amended as follows:

PART 64—[AMENDED]

1. The authority citation for Part 64
continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.;
Reorganization Plan No. 3 of 1978, 3 CFR,
1978 Comp., p. 329; E.O. 12127, 44 FR 19367,
3 CFR, 1979 Comp., p. 376.

§ 64.6 [Amended]

2. The tables published under the
authority of § 64.6 are amended as
follows: