suspend or cancel a term grazing permit, in whole or in part, as authorized by 36 CFR 222.4 (a)(2)(i), (ii), (iv), (v), and (a)(3) through (a)(6).

(b) *Parties.* Notwithstanding the provisions addressing parties to an appeal at § 251.86, only the following may participate in mediation of term grazing permit disputes under this section:

(1) A mediator authorized to mediate under a Department of Agriculture State certified mediation program:

(2) The Deciding Officer who made the decision being mediated, or designee;

(3) The holder whose term grazing permit is the subject of the Deciding Officer's decision and who has requested mediation in the notice of appeal;

(4) The holder's creditors, if applicable; and

(5) Legal counsel, if applicable. The Forest Service will have legal counsel participate only if the permittee choose to have legal counsel.

(c) *Timeframe.* When an appellant simultaneously requests mediation at the time an appeal is filed (§ 251.84), the Reviewing Officer shall immediately notify, by certified mail, all parties to the appeal that, in order to allow for mediation, the appeal is suspended for 45 calendar days from the date of the Reviewing Officer's notice. If agreement has not been reached at the end of 45 calendar days, but it appears to the Deciding Officer that a mediated agreement may soon be reached, the Reviewing Officer may notify, by certified mail, all parties to the appeal that the period for mediation is extended for a period of up to 15 calendar days from the end of the 45-day appeal suspension period. If a mediated agreement cannot be reached under the specified timeframes, the Reviewing Officer shall immediately notify, by certified mail, all parties to the appeal that mediation was unsuccessful, that the stay granted during mediation is lifted, and that the timeframes and procedures applicable to an appeal (§ 251.89) are reinstated as of the date of such notice.

(d) *Confidentiality.* Mediation sessions shall be confidential; moreover, dispute resolution communications, as defined in 5 U.S.C. 571(5), shall be confidential. However, the final agreement signed by the Forest Service official and the permit holder is subject to public disclosure.

(e) *Records.* Notes taken or factual material received during mediation sessions are not to be entered as part of the appeal record.

(f) *Cost.* The United States Government shall cover only incurred expenses of its own employees in mediation sessions.

(g) *Exparte communication.* Except to request a time extension or communicate the results of mediation pursuant to paragraph (d) of this section, the Deciding Officer, or designee, shall not discuss mediation and/or appeal matters with the Reviewing Officer.

Dated: June 27, 1999.

Anne Kennedy,

Deputy Under Secretary, Natural Resources and Environment.

[FR Doc. 99–17936 Filed 7–13–99; 8:45 am]

BILLING CODE 3410–11–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL186–1a; FRL–6374–1]

Approval and Promulgation of Implementation Plan; Illinois

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On November 14, 1995, May 9, 1996, June 14, 1996, February 1, 1999, and May 19, 1999, the State of Illinois submitted State Implementation Plan (SIP) revision requests to meet commitments related to our conditional approval of Illinois' May 15, 1992, SIP submittal for the Lake Calumet (Southeast Chicago), McCook, and Granite City, Illinois, Particulate Matter (PM) nonattainment areas. EPA is approving the SIP revision request as it applies to the Lake Calumet area, including the attainment demonstration for the Lake Calumet PM nonattainment area. The SIP revision request corrects, for the Lake Calumet PM nonattainment area, all of the deficiencies of the May 15, 1992, submittal (as discussed in the November 18, 1994, conditional approval notice). EPA is also removing the codification of the conditional approval and codifying the final portions of Illinois' part D plan for the Granite City, Lake Calumet, and McCook moderate PM nonattainment areas. EPA is approved the Granite City PM plan, effective May 11, 1998, and the McCook PM plan, effective November 9, 1998.

DATES: This rule is effective on September 13, 1999, unless EPA receives written adverse comments by August 13, 1999. If written adverse comment is received, EPA will publish a timely withdrawal of the rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: You should mail written comments to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

You may inspect copies of the revision request and EPA's analysis at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone David Pohlman at (312) 886–3299 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: David Pohlman at (312) 886–3299.

SUPPLEMENTARY INFORMATION: Throughout this document wherever "we", "us", or "our" are used we mean EPA.

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I. What is the background for this action?

Under section 107(d)(4)(B) of the Clean Air Act (Act), as amended on November 15, 1990 (amended Act), certain areas ("initial areas") were designated nonattainment for PM. Under section 188 of the amended Act these initial areas were classified as "moderate". The initial areas included the Lake Calumet, McCook, and Granite City, Illinois, PM nonattainment areas.

The Lake Calumet PM nonattainment area is located on the Southeast side of Chicago, and is defined as ''The area bounded on the north by 79th Street, on the west by Interstate 57 between Sibley Boulevard and Interstate 94 and by Interstate 94 between Interstate 57 and 79th Street, on the south by Sibley Boulevard, and on the east by the Illinois/Indiana State line.'' (See 40 CFR 81.314) Section 189 of the amended Act requires State submittal of a PM SIP for the initial areas by November 15, 1991. Illinois submitted the required SIP revision for the Lake Calumet, Illinois, PM nonattainment area on May 15, 1992. Upon review of Illinois' submittal, we identified several concerns. Illinois submitted a letter on March 2, 1994, committing to satisfy all of these concerns within one year of final conditional approval. On May 25, 1994, we proposed to conditionally approve the SIP. Final conditional approval was published on November 18, 1994, and became effective on December 19, 1994. The final conditional approval allowed the State until November 20, 1995, to correct the stated deficiencies. Of the five deficiencies, four apply to the Lake Calumet area:

1. Invalid emissions inventory and attainment demonstration, due to underestimated emissions from the roof monitors for the BOF at Acme Steel, the quench towers at Acme Steel and LTV Steel, and the rotary kiln incinerator at CWM Chemical Services.
2. Failure to adequately address maintenance of the PM NAAQS for at least 3 years beyond the applicable attainment date.
3. Lack of an opacity limit on coke oven combustion stacks at Acme Steel and LTV Steel.
4. The following enforceability concerns:

a. Section 212.107, Measurement Methods for Visible Emissions could be misinterpreted as requiring use of Method 22 for sources subject to opacity limits as well as sources subject to limits on detectability of visible emissions.

b. Inconsistencies in the measurement methods for opacity, visible emissions, and ''PM'' in section 212.110, 212.107, 212.108, and 212.109.

c. Language in several rules which exempts from mass emissions limits those sources having no visible emissions.

Illinois has since made submittals to correct the remaining deficiencies. Based on Illinois' submittals, we are now fully approving the SIP for the Lake Calumet area. At this time, we are only acting on the portions of those submittals that pertain to the Lake Calumet PM nonattainment area, because deficiencies concerning the other areas have been addressed. Our approval of the Granite City PM plan became effective on May 11, 1998 (see 63 FR 11842), and our approval of the McCook PM plan became effective on November 9, 1998 (see 63 FR 47431).

II. How has Illinois corrected the emissions inventory?

The first deficiency was an incomplete emissions inventory and attainment demonstration due to underestimated emissions from the roof monitors for the BOF at Acme Steel, the quench towers at Acme Steel and LTV Steel, and the rotary kiln incinerator at CWM Chemical Services. We pointed out that emissions from these sources were underestimated in the 1992 emissions inventory.

A. Quench Towers

The emissions inventory issue concerning the quench tower emissions calculations involved the use of ''clean water'' emission factor. (Clean water is defined as water with ≤ 1500 mg/l total dissolved solids (TDS.) Dirty water is defined as ≥ 5000 mg/l TDS.) We had argued that, because Illinois' rules allow weekly averaging and the PM standard is based on 24-hour measurements, Illinois' quench rule could allow significantly dirtier water than the 1200mg/l TDS limit suggests, and should, therefore, be modeled using the dirty water emission factor. Illinois submitted records of quench water TDS concentrations which show that daily concentrations rarely approach 1500 mg/l, let alone 5000 mg/l (Appendix 2 to Attachment 17 of Illinois' May 9, 1996, submittal). Based on the information provided by Illinois, we agree that the use of the clean water emission factor was appropriate.

B. BOF Roof Monitors

To correct the problem of underestimated emissions from the Acme Steel BOF roof monitors, Illinois adopted and submitted to the EPA a 20%, 3 minute average opacity limit on the Acme Steel BOF roof monitors (Attachment 6 of Illinois' February 1, 1999, submittal). Illinois also submitted a revised emissions inventory, which includes emissions from the BOF roof monitors. We agree that the revised emissions estimates are appropriate, given the tightened opacity limit.

C. Rotary Kiln Incinerator at CWM Chemical Services

The final emissions inventory issue was underestimated emissions from the rotary kiln incinerator at CWM Chemical Services. Illinois indicated in the May 9, 1996, submittal that this kiln is no longer operating. Therefore, this is no longer an issue.

III. What does the revised attainment demonstration predict about air quality?

In the submitted modeled attainment demonstration, which uses 5 years of meteorological data, a violation of the 24-hour NAAQS is indicated when six exceedances of the 24-hour standard are predicted. Each receptor's predicted 6th highest 24-hour value is, therefore, compared to the standard. The 24-hour PM standard is 150 micrograms per cubic meter (μg/m^3). The highest, sixth highest predicted 24-hour PM concentration at any receptor in the Lake Calumet nonattainment area was 119.2 μg/m^3. Thus, the modeling analysis predicts that the 24-hour NAAQS will be met.

A modeled violation of the annual PM standard is indicated when any receptor's 5 year arithmetic mean annual PM concentration exceeds the annual PM standard of 50 μg/m^3. The highest arithmetic mean annual PM concentration predicted by the modeling for the Lake Calumet area was 47.01 μg/m^3. Therefore, the modeling analysis predicts that the annual PM NAAQS will be met.

IV. How has Illinois addressed maintenance of the PM NAAQS?

The second deficiency was Illinois' failure to adequately address maintenance of the PM NAAQS for at least 3 years beyond the applicable attainment date. Because of the length of time it may take to determine whether an area has attained the standards, EPA recommends that PM nonattainment area SIP submittals demonstrate maintenance of the PM NAAQS for at least 3 years beyond the applicable attainment date. (See an August 20, 1991, memorandum from Fred H. Renner, Jr. to Regional Air Branch Chiefs titled ''Questions and Answers for Particulate Matter, Sulfur Dioxide, and Lead'') Illinois' May 15, 1992, submittal took growth into account in the modeling analysis, but did not adequately address maintenance of the NAAQS for PM.

The attainment date was December 31, 1994. Therefore, Illinois needs to show maintenance up to December 31, 1997. In the May 9, 1996, submittal, Illinois used ambient monitoring data to show that background concentrations of PM were no higher in 1995 than they were in 1991, and there are no significant trends in background PM concentrations from 1989 to 1995.

Illinois concluded from this analysis that the effects of growth on ambient PM concentrations in the Lake Calumet PM nonattainment area will continue to be negligible through the end of the maintenance period. Since the maintenance period has passed, this issue is no longer relevant.

V. What has Illinois done to provide opacity limits for coke oven combustion stacks?

The third deficiency was the lack of an opacity limit on coke oven combustion stacks at Acme Steel and LTV Steel. Because coke oven operations are generally covered by special opacity limits, Illinois' SIP exempts coke oven sources from the statewide 30 percent opacity limit. We approved this State exemption on September 3, 1981. We later realized that this exemption left coke oven combustion stacks without an opacity limit. Coke oven combustion stacks in Illinois are subject to grain loading limits which require stack tests for compliance determinations. Because stack tests can take months to perform and only last a few hours, an opacity limit, for which compliance can be determined by visual observations, is needed to ensure continuous compliance. We cited this deficiency in the November 18, 1994, conditional approval of Illinois' PM nonattainment area SIP submittal.

In response to the conditional approval of Illinois' PM plan, the State adopted a 30 percent opacity limit for coke oven combustion stacks. However, this rule also includes an exemption for ''when a leak between any coke oven and the oven's vertical or crossover flue(s) is being repaired * * *'' for up to 3 hours per repair. The EPA believes this rule is unacceptable. (See 62 FR 39199.)

In a February 1, 1999, letter, Illinois submitted a revised construction permit for Acme Steel. The permit, which was issued on January 11, 1999, includes a 30 percent opacity limit, and states that coke oven combustion stacks at Acme are not covered by the repair opacity exemption in 35 IAC 212.443(g)(2).

On May 19, 1999, Illinois submitted a revised Federally Enforceable State Operating Permit for LTV Steel which includes a 30 percent opacity limit, and limits the repair opacity exemption in 35 IAC 212.443(g)(2). The permit was issued on May 14, 1999. The permit limits the exemption to a particular type of repair where the ovens are pressurized for purposes of detecting and repairing leaks at tie-in joints. It also limits opacity during exemption periods to 60 percent. The permit further limits excess opacity to 3 hours per day and 20 hours per month. Mass emission limits continue to apply during repair exemption periods. We recognize that this type of repair can cause excess opacity, and that these repairs are necessary at the LTV facility due to tie-in joints resulting from an end-flue rehabilitation. The limits in the permit are stringent enough to ensure that excess opacity during repair periods is kept to a minimum, while still allowing the repairs to occur. We agree that the limits in the May 14, 1999, permit correct the previously-cited deficiency. This issue is resolved as it applies to LTV Steel.

VI. How has Illinois corrected the wording problems with the State rules?

The final issue from the November 18, 1994, conditional approval notice involves wording problems in several of Illinois' rules. The State has corrected these rules, and we approved the revised rules on March 11, 1998 (see 63 FR 11842). See the March 11, 1998, **Federal Register** notice for a discussion of these corrections.

VII. EPA Rulemaking Action

Illinois has corrected all of the deficiencies listed in the November 18, 1994, conditional approval as they relate to the Lake Calumet PM nonattainment area. Because Illinois has met all of the commitments of the conditional approval, we are approving the plan for the Lake Calumet PM nonattainment area. With this approval, Illinois has fulfilled all Clean Air Act requirements for Part D plans for the Lake Calumet, Granite City, and McCook moderate PM nonattainment areas.

Since all issues involving the conditional approval have been resolved, we are removing the codification of the conditional approval from the Code of Federal Regulations, Title 40, § 52.719. We are also fully approving 5 rules which we conditionally approved in our November 18, 1994, action. These rules, 35 Illinois Administrative Code 212.113, 212.210, 212.302, 212.309, and 212.316 were included in the conditional approval, but no deficiencies were identified with them. The rules were later resubmitted by Illinois on June 14, 1996.

We are publishing this rule without prior proposal because we view this as a noncontroversial revision and anticipate no adverse comments. However, in a separate document in this **Federal Register** publication, we are proposing to approve the SIP revision should written adverse comments be filed. This rule will become effective without further notice unless we receive relevant adverse written comment by August 13, 1999, as indicated above. Should we receive such comments, we will publish a final rule informing you that this rule will not take effect. Any parties interested in commenting on this action should do so at this time. If no such comments are received, you are advised that this action will be effective on September 13, 1999.

VIII. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 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. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have 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.

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects 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. If the mandate is unfunded, EPA must 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, E.O. 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies 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 small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D 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 create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions 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).

F. 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 annual 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 annual 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.

G. Submission to Congress and the Comptroller General

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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

H. Paperwork Reduction Act

This action does not contain any information collection requirements which requires OMB approval under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

I. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use "voluntary consensus standards" (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

J. 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 September 13, 1999. 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, Incorporation by reference, Particulate matter.

Dated: June 23, 1999.

Jerri-Anne Garl,

Acting Regional Administrator, Region 5.

For the reasons stated in the preamble, part 52, chapter I, title 40 of the Code of Federal Regulations 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 O—Illinois

2. Section 52.719 is removed and reserved.

3. Section 52.720 is amended by adding paragraph (c)(150) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(150) On November 14, 1995, May 9, 1996, June 14, 1996, February 1, 1999, and May 19, 1999, the State of Illinois submitted State Implementation Plan (SIP) revision requests to meet commitments related to the conditional approval of Illinois' May 15, 1992, SIP submittal for the Lake Calumet (Southeast Chicago), McCook, and Granite City, Illinois, Particulate Matter (PM) nonattainment areas. The EPA is approving the SIP revision request as it applies to the Lake Calumet area. The SIP revision request corrects, for the Lake Calumet PM nonattainment area, all of the deficiencies of the May 15, 1992, submittal.

(i) Incorporation by reference.

(A) Illinois Administrative Code Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emission Standards and Limitations for Stationary Sources, Part 212: Visible and Particulate Matter Emissions, Subpart A: General, Section 212.113; Subpart E: Particulate Matter from Fuel Combustion Sources, Section 212.210; Subpart K: Fugitive Particulate Matter, Sections 212.302, 212.309, and 212.316. Adopted at 20 Illinois Register 7605, effective May 22, 1996.

(B) Federally Enforceable State Operating Permit—Special: Application Number 98120091, Issued on May 14, 1999, to LTV Steel Company, Inc.

4. Section 52.725 is amended by adding paragraph (g) to read as follows:

§ 52.725 Control strategy: Particulates.

* * * * *

(g) Approval—On May 5, 1992, November 14, 1995, May 9, 1996, June 14, 1996, February 3, 1997, October 16, 1997, October 21, 1997, February 1, 1999, and May 19, 1999, Illinois submitted SIP revision requests to meet the Part D particulate matter (PM) nonattainment plan requirements for the Lake Calumet, Granite City and McCook moderate PM nonattainment areas. The submittals include federally enforceable construction permit, application number 93040047, issued on January 11, 1999, to Acme Steel Company. The part D plans for these areas are approved.

[FR Doc. 99–17766 Filed 7–13–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[Docket # MA–068–7203a; FRL–6377–1]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Massachusetts; Plan for Controlling MWC Emissions From Existing MWC Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The United States Environmental Protection Agency (EPA) approves the sections 111(d)/129 State Plan submitted by the Massachusetts Department of Environmental Protection on January 11, 1999. This State Plan is for implementing and enforcing provisions at least as protective as the Emissions Guidelines (EG) applicable to existing Municipal Waste Combustors (MWCs) units with capacity to combust more than 250 tons/day of municipal solid waste (MSW). *See* 40 CFR part 60, subpart Cb.

DATES: This direct final rule is effective on September 13, 1999 without further notice unless EPA receives significant, material and adverse comment by August 13, 1999. If EPA receives adverse comment by the above date, we will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: You should address your written comments to: Mr. Gerald Potamis, Chief, Air Permits Unit, Office of Ecosystem Protection, U.S. EPA-New England, Region 1, One Congress Street, Suite 1100 (CAP), Boston, Massachusetts 02114–2023.

Documents which EPA has incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. You may examine copies of materials the DEP submitted to EPA relative to this action 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 day of the visit.

Environmental Protection Agency-New England, Region 1, Air Permits Unit, Office of Ecosystem Protection, Suite 1100, One Congress Street, Boston, Massachusetts 02114–2023.

Massachusetts Department of Environmental Protection, Bureau of Waste Prevention, Division of Business Compliance, One Washington Street, Boston, Massachusetts 02108, (617) 556–1120.

FOR FURTHER INFORMATION CONTACT: John Courcier at (617) 918–1659.

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I. What action is EPA taking today?

EPA is approving the above referenced State Plan. However, we should note that by approving only the State Plan, EPA is taking no action on the proposed SIP revisions the MADEP also submitted with its State Plan. EPA will take action on these proposed SIP revisions and publish its findings in a future **Federal Register** document.

EPA is publishing this approval action without prior proposal because the Agency views this as a noncontroversial action 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 State Plan should relevant adverse comments be filed. If EPA receives no significant, material, and adverse comments by August 13, 1999, this action will be effective September 13, 1999.

If EPA receives significant, material, and adverse comments by the above date, we will withdraw this action before the effective date by publishing a subsequent document in the **Federal Register** that will withdraw this final action. EPA will address all public