not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this proposed rule will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this proposed rule will economically affect it.

Colleciton of Information

This proposed rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*)

Federalism

The Coast Guard has analyzed this proposed rule under the principles and criteria contained in Executive Order 12612 and has determined that this proposed rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) [Pub. L. 104–4, 109 Stat. 48] requires Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. UMRA requires a written statement of economic and regulatory alternatives for rules that contain Federal mandates. A ''Federal mandate'' is a new or additional enforceable duty imposed on any State, local, or tribal government, or the private sector. If any Federal mandate causes those entities to spend, in the aggregate, $100 million or more in any one year, the UMRA analysis is required. This proposed rule would not impose Federal mandates on any State, local, or tribal governments, or the private sector.

Environment

The Coast Guard has considered the environmental impact of this proposed rule and concluded that under figure 2–1, paragraph 34(g), of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. A written Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Proposed Regulation

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR Part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, 160.5; 49 CFR 1.46. Section 165.100 is also issued under authority of Sec. 311, Pub. L. 105–383.

2. Add temporary § 165.T01–094 to read as follows:

§ 165.T01–094 Safety Zone: Staten Island Fireworks, Lower New York Bay and Raritan Bay.

(a) *Safety Zone A:*

(1) *Location.* All waters of Lower New York Bay within a 360-yard radius of the fireworks barge in approximate position 40°35′11″ N., 074°03′42″ W. (NAD 1983), about 350 yards east of South Beach, Staten Island.

(2) *Effective period.* This paragraph (a) is effective from 8:30 p.m. until 10 p.m. on August 28, 1999. If the event is canceled for inclement weather, then this paragraph is effective from 8:30 p.m. until 10 p.m. on August 29, 1999.

(b) *Safety Zone B:*

(1) *Location.* All waters of Raritan Bay in the vicinity of the Raritan River Cutoff and Ward Point Bend (West) within a 240-yard radius of the fireworks barge in approximate position 40°30′04″ N., 074°15′35″ W. (NAD 1983), about 240 yards east of Raritan River Cutoff Channel Buoy 2 (LLNR 36595).

(2) *Effective period.* This paragraph (b) is effective from 8:30 p.m. until 10 p.m. on September 4, 1999. If the event is canceled for inclement weather, then this paragraph is effective from 8:30 p.m. until 10 p.m. on September 5, 1999.

(c) *Effective Period.* This section is effective from 8:30 p.m. on August 28, 1999, until 10 p.m. on September 5, 1999.

(d) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: June 23, 1999.

R.E. Bennis,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 99–17186 Filed 7–6–99; 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DE039–1021; FRL–6372–4]

Approval and Promulgation of Air Quality Implementation Plans; Delaware Enhanced Motor Vehicle Inspection and Maintenance (I/M) Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Delaware. This action proposes approval of revisions to the enhanced motor vehicle inspection and maintenance (I/M) SIP submitted by the Delaware Department of Natural Resources and Environmental Control (DNREC). Because EPA has determined that the conditions of its May 19, 1997 conditional approval of Delaware's enhanced I/M SIP have now been satisfied, this action proposes to remove those conditions and to grant full approval of the enhanced I/M SIP.

DATES: Written comments must be received on or before August 6, 1999.

ADDRESSES: Written comments may be mailed to David Arnold, Chief, Ozone and Mobile Sources Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; Delaware Department of Natural Resources & Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19903.

FOR FURTHER INFORMATION CONTACT: Jill Webster, (215) 814–2033, or by e-mail at Webster.Jill@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: The information in this section is organized as follows:

A. What is today's action?
B. Why is EPA taking this action?
C. Why did Delaware make these changes?

D. What are the new changes to Delaware's I/M program?
E. How did EPA review Delaware's submittal?
F. How did Delaware satisfy the deficiencies identified in the conditional approval?
G. What are the specifics of the new I/M program changes?
H. What is the process for EPA approval of this action?
I. Where can I get additional background information on this action?
J. How this document complies with the Federal Administrative Requirements for Proposed Rulemaking.

A. What is Today's Action?

On May 19, 1997, EPA conditionally approved Delaware's enhanced Inspection and Maintenance (I/M) program. On June 16, 1998, Delaware submitted a SIP revision to satisfy the conditions established in the May 19, 1997 conditional approval. Because EPA has determined that Delaware has satisfied all of the conditions of its May 19, 1997 conditional approval, EPA is proposing to approve the June 16, 1998 SIP revision submittal together with additional I/M SIP revisions submitted by DNREC on May 24, 1999.

B. Why is EPA Taking This Action?

EPA is proposing approval because Delaware has submitted an enhanced I/M SIP that meets the requirements of the I/M rule as found in 40 CFR 51.350 through 51.373 (the I/M rule). EPA believes that Delaware's I/M SIP submittal satisfies the deficiencies imposed in the May 19, 1997 conditional approval rule. Furthermore, EPA has determined that recent changes made by Delaware to its enhanced I/M program also meet the requirements of the I/M Rule.

C. Why did Delaware Make These Changes?

Delaware revised its I/M SIP to improve air quality and to meet requirements of the 1990 Clean Air Act Amendments (the Act) for an enhanced I/M program. The Act requires states to make changes to improve existing I/M programs or to implement new ones for certain nonattainment areas. Both Kent and New Castle counties, are part of the Philadelphia-Wilmington-Trenton severe ozone nonattainment area. The DNREC submitted a revised SIP to EPA on February 17, 1995 that included enhancements to their I/M program. The intent of the revisions was to meet the requirements of the Act and the I/M rule. The submittal consisted of Regulation Numbers 26 and 33 of the Delaware Regulations Governing the Control of Air Pollution.

EPA identified numerous deficiencies of the February 17, 1995 submittal. On May 19, 1997, EPA granted Delaware a conditional approval of the program, contingent upon Delaware's commitment to submit a revised enhanced I/M SIP by June 18, 1998 correcting the deficiencies identified in EPA's conditional approval. On June 16, 1998, Delaware submitted Regulation 31-Low Enhanced Inspection and Maintenance Program, for the purpose of addressing the program deficiencies. Regulation 31 replaced Regulation 26 for Kent and New Castle counties. Regulation 33 was rescinded and also replaced by Regulation 31.

D. What are the New Changes to Delaware's I/M Program?

Delaware has also made new changes to its enhanced I/M program. Delaware has adopted regulations that incorporate Low Emitter Profile (LEP) modeling, expanded model year exemptions, and a two-speed idle test. The LEP modeling is commonly referred to as ''clean screening''. These revisions were submitted to EPA on May 24, 1999.

E. How did EPA Review Delaware's Submittal?

First, EPA reviewed the June 16, 1998 SIP revision submittal to verify that Delaware's enhanced I/M program satisfied the conditions imposed in the May 19, 1997 conditional approval. Second, EPA reviewed the new program changes submitted on May 24, 1999 to verify that Delaware's enhanced I/M program still conformed to requirements of the Act and the I/M rule.

F. How did Delaware Satisfy the Deficiencies Identified in the Conditional Approval?

As previously explained, EPA had identified various deficiencies of Delaware's I/M program. Most of these deficiencies related to insufficient administrative requirements and lack of supporting documentation. On June 16, 1998 and on May 24, 1999, DNREC submitted revisions to its conditionally approved enhanced I/M program. EPA used the ''Inspection and Maintenance Program SIP Requirements Checklist'' as a guideline for performing a detailed review of both the June 16, 1998 and May 24, 1999 submittals. The checklist is part of the technical support document (TSD) for this rulemaking. The details of the checklist review are not outlined in this notice, but are available in the TSD. The TSD is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document. This document will briefly describe the conditions satisfied by Delaware.

Table 1. briefly describes how Delaware satisfied the I/M requirement. The table also identifies the location in the Delaware submittal that contains the required information.

TABLE 1.

Deficiency	Corrective action taken by Delaware	Location in SIP submittal
Required provisions covering all requirements of Applicability, 40 CFR 51.350, including ZIP codes for all covered areas and statement by authorized Delaware official that the program requirement will not sunset.	Delaware Regulation 31 includes ZIP codes for all covered areas and letter from Secretary of the Delaware Department of Natural Resources & Environmental Control, Christophe A.G. Tulou, stating that the program will stay in place throughout attainment and maintenance period for ozone.	Delaware Regulation 31, section 1 and Appendix 1(d).
Did not submit modeling that demonstrated meeting the performance standard by failing to include provisions for an on-road testing program; Enhanced I/M Performance Standard 40 CFR 51.351.	Submittal included modeling that demonstrated meeting the performance standard with the new program changes, and included an on-road testing program.	Delaware Regulation 31, section 2; Plan for Implementation, section 2 and Appendix 2(b).
Insufficient network type description and a long term program evaluation; Network Type and Program Evaluation 40 CFR 51.353.	Delaware Regulation 31 includes network type description and the Plan for Implementation includes program evaluation description.	Delaware Regulation 31, section 3 and Appendix 3(a)(7); Plan for Implementation, section 3.

TABLE 1.—Continued

Deficiency	Corrective action taken by Delaware	Location in SIP submittal
Did not submit a resource Budget Plan and other requirements of Adequate Tools and Resources 40 CFR 51.354.	The Plan for Implementation includes resource budget plan necessary for program operation.	Plan for Implementation, section 4, Appendix 4(a), and Appendix 4(b).
Insufficient description of test frequency other requirements of Test Frequency and Convenience 40 CFR 51.355.	Delaware Regulation 31 describes the test frequency in detail, as well as how testing and short wait times are insured.	Delaware Regulation 31, section 4 and Plan for Implementation, section 5.
Lack of description of vehicles covered by the program and other requirements of Vehicle Coverage 40 CFR 51.356.	Delaware Regulation 31 provides the necessary description of vehicle coverage and the Plan for Implementation provides estimation of special exemptions.	Delaware Regulation 31, section 5 and Appendix 5(f). Plan for Implementation, section 6.
Insufficient detail regarding test procedures and evaporative test standards; Test Procedures and Standards 40 CFR 51.357.	Delaware Regulation 31 includes appropriate test procedures and standards*.	Delaware Regulation 31, section 6, Appendix 6(a), Appendix 6(a)(5), and Appendix 6(a)(8).
Lack of detail regarding test equipment, including specifications and other requirements of Test Equipment 40 CFR 51.358.	The Plan for Implementation includes all pertinent equipment specifications and other necessary equipment information.	Plan for Implementation, section 8 and Appendix 8(a).
Did not submit all necessary equipment calibration procedures and quality control measures; Quality Control 40 CFR 51.359.	The Plan for Implementation includes all necessary quality control and calibration procedures.	Plan for Implementation, section 9, Appendix 9(a)(1), Appendix 9(c), and Appendix 9(c).
Lack of necessary waiver requirement of minimum expenditure of at least $450, adjusted annually to reflect changes in the Consumer Price Index (CPI) and other requirements of Waivers & Compliance via Diagnostic Inspection 40 CFR 51.360.	Delaware Regulation 31 includes the necessary waiver expenditure requirement of minimum $450 adjusted annually to reflect changes in CPI compared to 1989**.	Delaware Regulation 31, section 7 and Appendix 7(a). Plan for Implementation, section 10.
Insufficient detail regarding Delaware's registration denial process and how it's linked with the inspection process; Motorist Compliance Enforcement 40 CFR 51.360.	Delaware Regulation 31 provides sufficient detail regarding Delaware's registration denial system and motorist compliance.	Delaware Regulation 31, section 8 and Appendix 8 (a). Plan for Implementation, section 11, Appendix 11(b), Appendix 11(c)(1).
Lack of detailed description of Delaware's quality assurance program including details of auditing procedures, inspector training, and fraud prevention as well as other requirements of Quality Assurance 40 CFR 51.363.	The Plan for Implementation details all of Delaware quality assurance procedures and all necessary quality assurance requirements.	Plan for Implementation, section 9, Appendix 9 (a)(1), Appendix 9(b), and Appendix 9(c).
Lack of detail regarding enforcement against stations, contractors, and inspectors; Enforcement Against Contractors, Stations, and Inspectors 40 CFR 51.364.	Delaware Regulation 31 provides sufficient detail of enforcement and disciplinary actions to be taken with regard to stations, contractors, and inspectors.	Delaware Regulation 31, section 9 and Appendix 9(a).
Submittal did not include data collection procedures or provisions for data collection and other requirements of Data Collection 40 CFR 51.365.	The Plan for Implementation details all data collection procedures and data collected.	Plan for Implementation, section 15.
Submittal did not include data analysis and reporting procedures required in Data Analysis and Reporting 40 CFR 51.366.	The Plan for Implementation details data analysis and reporting procedures.	Plan for Implementation, section 16.
Lack of description of Inspector training and training course; Inspector Training and Licensing or Certification 40 CFR 51.367.	The Plan for Implementation contains an overview of Inspector training and other requirements of inspector certification.	Plan for Implementation, section 17 and Appendix 17.
Submittal did not include measures/provisions that will be implemented to protect the consumer and provide for public awareness; Public Information and Consumer Awareness 40 CFR 51.368.	The Plan for Implementation describes Delaware's process for consumer protection and public education.	Plan for Implementation, section 18 and Appendix 18.
Submittal did not include a description of the steps Delaware will take to ensure effective repairs, as well as other requirements of Improving Repair Effectiveness 40 CFR 51.369.	The Plan For Implementation provides Delaware's procedures for ensuring repair effectiveness.	Delaware Regulation 31, section 10. Plan for Implementation, section 19.
Submittal did not include methods for ensuring that vehicles subject to emission related recalls receive necessary repairs prior to completing emission test/registration; Compliance with Recall Notices 40 CFR 51.368.	EPA advised Delaware to reserve this section in Regulation 31 Delaware will supplement the reserved section, subsequent to EPA issuing guidance with regard to recalls. EPA believes that by reserving compliance with recalls in the SIP, Delaware has satisfied this condition for the purpose of this rulemaking.	Delaware Regulation 31, section 11 and Plan for Implementation, section 20.
Lack of provisions for implementing an on-road testing program and other requirements of On-Road Testing 40 CFR 51.371.	Delaware Regulation 31 and the Plan for Implementation sufficiently provides for an on-road testing program.	Delaware Regulation 31, section 12 and Plan for Implementation, section 21.

*The two-speed idle test that Delaware will implement varies slightly from the EPA test procedure. The length of preconditioning is shortened as compared to EPA guidance. EPA has previously approved this test procedure change in other areas.

**Delaware will implement a waiver of $450 January 1, 2000. Delaware will not meet the requirement to implement a full waiver amount of $450, plus CPI adjustment until January 1, 2001.

G. What are the Specifics of the New I/M Program Changes?

LEP Modeling (Clean Screening)

As previously stated, Delaware has also promulgated new program changes to alleviate long motorist wait times. Delaware incorporated provisions that allow clean screening when motorists must wait more than 60 minutes for an inspection.

What is LEP modeling (clean screening) and how does it work? LEP modeling is the exemption of some vehicles based upon historical emissions test performance. The LEP model flags certain makes, model years, and engine families as likely low emitting vehicles. During busy hours of operations, the Delaware Division of Motor Vehicles (DMV) may exempt vehicles that the LEP model predicts to be low emitting. Clean screening exemptions will only occur when motorists must wait more than 60 minutes for an inspection. And the DMV will only exempt, by LEP modeling, a predetermined number of vehicles on an annual basis.

Additional information about the methodology of the LEP model is contained in a dKC del la Torre report titled ''Assessment of Alternative I/M Test Scenario,'' February 6, 1998. A copy of that report is in the rulemaking docket of this proposed rulemaking and is available for public inspection. Additional information regarding Delaware's process for LEP modeling (clean screening) and pertinent regulatory requirements, are also found in the TSD.

Delaware plans to implement LEP modeling provisions starting January 1, 2000.

Model Year Exemption Expansion and 2-Speed Idle Test

Delaware will expand the model year exemptions to the five newest model years. The implementation date of the exemption expansion is September 1, 1999. After this date, the newest five model year vehicles will be exempt from the emissions inspection process.

Delaware will also change the exhaust test that will be performed on 1981 and newer vehicles. The new test type will be a two-speed idle test. The two-speed idle test will measure vehicle emissions at idle speed and at 2500 rpm. Vehicles that are older than 1981 will continue to be tested with the current idle test. Delaware will implement the new test procedure on November 1, 1999.

H. What is the Process for EPA Approval of This Action?

EPA's review of this material indicates that Delaware has met their commitment to address the conditions identified in the February 5, 1997 conditional approval. EPA is proposing to approve the Delaware SIP revision for the Low Enhanced Inspection and Maintenance Program, which was submitted on June 16, 1998. EPA is also proposing to approve additional revisions to the I/M program, submitted on May 24, 1999. EPA is soliciting public comments on its proposed approval that Delaware's June 16, 1998 submittal satisfies the conditions imposed in the May 19, 1997 conditional approval and its proposed approval of additional revisions to the I/M program, submitted on May 24, 1999. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the **ADDRESSES** section of this document. We will address all comments in a subsequent final rule. There will be no second comment period, so those wishing to comment must do so before the comment period closes.

I. Where can I Get Additional Background Information on This Action?

EPA proposed conditional approval of Delaware's Low Enhanced Inspection and Maintenance Program in a **Federal Register** action dated February 5, 1997, (62 FR 5361). We conditionally approved the program in a **Federal Register** action, dated May 19, 1997 (62 FR 27195).

J. How This Document Complies With the Federal Administrative Requirements for Proposed Rulemaking

A. Executive Orders 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from review under 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 EPA complies by consulting, E.O. 12875 requires EPA to 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

E.O. 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), applies to any rule that the EPA determines (1) is ''economically significant,'' as defined under E.O. 12866, and (2) 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. This proposed rule is not subject to E.O. 13045 because it is not an economically significant regulatory action as defined by E.O. 12866, and it does not address an environmental health or safety risk that would have a disproportionate effect on children.

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 EPA complies by consulting, E.O. 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, 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. This action does not involve or impose any requirements that affect Indian Tribes. 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 proposed 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 a 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 proposed approval action 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, proposing to approve Delaware's I/M SIP, 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 to propose approval of Delaware's enhanced I/M SIP.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

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

Dated: June 28, 1999.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

[FR Doc. 99–17210 Filed 7–6–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[IL188–1b; FRL–6371–6]

Approval of Hospital/Medical/Infectious Waste Incinerator State Plan for Designated Facilities and Pollutants: Illinois

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: We are proposing to approve Illinois' State Plan for Hospital/Medical/Infectious Waste Incinerators (HMIWI), submitted on May 28, 1999. The State Plan adopts and implements our Emissions Guidelines (EG) applicable to existing HMIWIs. Our approval means that we find the State Plan meets Clean Air Act (Act) requirements. In the final rules section of this **Federal Register**, the EPA is approving the State's request as a direct final rule without prior proposal because EPA 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 the Agency receives relevant adverse written comment on this action. Should the Agency 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 this proposed rule. If no adverse written comments are received, the direct final rule will take effect on the date stated in that document and no further activity will be taken on this proposed rule. EPA 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 on this proposed rule must be received on or before August 6, 1999.

ADDRESSES: Written comments should be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State submittal are available for inspection at: Regulation Development Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.