

of the revision to rule 62–212.400 was to correct discrepancies between State and Federal rule language on exemptions from Prevention of Significant Deterioration and to include additional provisions. EPA stated in the direct final rule that if EPA received adverse comment by February 26, 2003, the rule would be withdrawn and not take effect. EPA subsequently received adverse comment. EPA will address the comment in a subsequent final action based upon the proposed action published on January 27, 2003 (see 68 FR 3847). EPA will not institute a second comment period on this action.

**DATES:** The direct final rule is withdrawn as of March 13, 2003.

**FOR FURTHER INFORMATION CONTACT:** Heidi LeSane, Air Planning Branch, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Phone number: 404/562–9035; E-mail: [lesane.heidi@epa.gov](mailto:lesane.heidi@epa.gov).

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: March 6, 2003.

J.I. Palmer, Jr.,

Regional Administrator, Region 4.

[FR Doc. 03–6111 Filed 3–12–03; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 62

[Region II Docket No. NY58–253a, FRL–7464–8]

### Approval and Promulgation of State Plans for Designated Facilities; New York

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

**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking direct final action to approve the State plan submitted by New York State to implement and enforce the Emission Guidelines (EG) for existing small Municipal Waste Combustion (MWC) Units. New York's plan establishes emission limits and other requirements for the purpose of reducing toxic air emissions from small MWC units throughout the State. New York submitted its plan to fulfill the

requirements of sections 111(d) and 129 of the Clean Air Act.

**DATES:** This direct final rule is effective on May 12, 2003 without further notice, unless EPA receives adverse comment by April 14, 2003.

If EPA receives such comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

**ADDRESSES:** All comments should be addressed to: Raymond Werner, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 290 Broadway, New York, New York 10007–1866.

Copies of the state submittal is available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region II Office, Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007–1866.  
New York State Department of Environmental Conservation, Division of Air Resources, 625 Broadway, 2nd Floor, Albany, New York 12233.

**FOR FURTHER INFORMATION CONTACT:** Anthony (Ted) Gardella, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007–1866, (212) 637–4249.

**SUPPLEMENTARY INFORMATION:** The following table of contents describes the format for the **SUPPLEMENTARY INFORMATION** section:

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#### I. EPA Action

##### A. What Action Is EPA Taking Today?

EPA is approving New York's State plan, submitted on October 22, 2002, for the control of air emissions from existing small Municipal Waste Combustion (MWC) units throughout

the State, except for those small MWCs located on Indian Nation land. New York submitted its plan to fulfill the requirements of section 111(d) and 129 of the Clean Air Act (CAA). The State plan adopts and implements the Emission Guidelines (EG) applicable to existing small MWCs, and establishes emission limits and other requirements for units constructed on or before August 30, 1999. This approval, once effective, will make the New York small MWC rules included in the State plan federally enforceable.

#### B. Why Is EPA Taking This Action?

EPA has evaluated New York's small MWC State plan for consistency with the CAA, EPA guidelines and policy. EPA has determined that New York's State plan meets all requirements and therefore, EPA is approving New York's State plan to implement and enforce the EG applicable to existing small MWCs.

#### C. Who Is Affected by New York's State Plan?

New York's State plan regulates all the units designated by the EG for existing small MWCs which commenced construction on or before August 30, 1999 and which have the capacity to combust at least 35 tons per day of municipal solid waste or refuse-derived fuel but no more than 250 tons per day of municipal solid waste or refuse-derived fuel. If the owner or operator of a small MWC made changes after June 6, 2001, that meet the definition of modification or reconstruction for subpart AAAA (New Source Performance Standards for New Small Municipal Waste Combustion Units) of 40 CFR part 60, the small MWC unit becomes subject to subpart AAAA and the State plan no longer applies to that unit.

#### D. How Does This Approval Affect Sources Located in Indian Nation Land?

New York's State plan does not cover units located in Indian Nation Land. Therefore, any units located in Indian Nation Land will be subject to the Federal plan, subpart JJJ of 40 CFR part 62, promulgated on January 31, 2003 (see 68 FR 5144).

#### E. How Does This Approval Relate to the Federal Plan?

The Federal plan is applicable to small MWC units located in Indian Nation Land and units throughout New York for which there is no approved State plan. Therefore, until this approval action becomes effective, small MWC units within New York State's jurisdiction are subject to the Federal plan. Upon approval of New York's