FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Hartzell Propeller Inc.: Docket No. 99–NE–21–AD.

Applicability: Hartzell Propeller Inc. ( )HC–( )( )Y( )–( ) series propellers, identified by hub serial numbers (S/Ns) listed in Table 1 of this airworthiness directive (AD).

Table 1.—Hub Serial Numbers

121, 251, 715, 1111, 1387, 1661, 2383, 2479, 2883, 3059, 3343, 3479, 3717, 3890, 3990, 4690, and 5523
AM911
AN1309, AN2773, AN2826, AN2828, and AN3883
AU42, AU696, AU814, AU992, AU1226, AU1290, AU1416, AU2641, AU2643, AU2658, AU2699, AU2847, AU7186E, AU8364A, AU8418A and AU12997
BP344, BP715, BP1276, BP1772, BP2121, BP3811, BP3763, BP3978, BP5674, BP6126, BP6194, BP7141, BP7297, BP7513, BP8199, BP8708, and BP9586
CH6190 & CH19251
CJ52, CJ54, CJ419, and CJ649
DA1404 and DA1418
DG101
DJ4431, DJ4449, DJ9521A, DJ10407A, DJ11249A, DJ11880A, and DJ11881A
DN3775
DV11 and DV12
FH307
P560

Note 1: This AD applies to each propeller identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For propellers that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Note 2: This AD is limited to propellers returned to service from November 1996 to October 1998 by Brothers Aero Service Company, Inc. (BASCO), Air Agency Certificate Number B4TR903J, revoked by Amended Order of Revocation, dated May 12, 1999.

Compliance: Required as indicated, unless accomplished previously.

To prevent propeller failure from the conditions present after being returned to service by BASCO, and possible airplane loss of control, accomplish the following:

(a) Within 10 hours time-in-service after the effective date of this AD, accomplish the following:

(1) Disassemble,

(2) Clean,

(3) Inspect for the following:

(i) Nicks,

(ii) Scratches,

(iii) Failure of blades to meet minimum dimensions,

(iv) Alodine and/or paint applied over corrosion,

(v) Lack of chemical conversion coating applied beneath the de-ice boots,

(vi) Bolts incorrectly torqued,

(vii) Incorrect parts,

(viii) Incorrect installation of parts, and

(ix) Reinstallation of parts intended for one-time use.

(4) Repair and replace with serviceable parts, as necessary.

(5) Perform a cold roll operation on the blade shanks,

(6) Reassemble and test.

Note 3: Information on performing an overhaul of the affected propellers may be found in the applicable Hartzell Propeller Inc. Overhaul Manual.

Note 4: For a current list of propeller overhaul facilities approved to perform the blade shank cold rolling procedure contact Hartzell Product Support, telephone (937) 778–4379. Not all propeller repair facilities have the equipment to properly perform a cold roll of the blade shanks.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Chicago Aircraft Certification Office. Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Chicago Aircraft Certification Office.

Note 5: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Chicago Aircraft Certification Office.

(c) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Burlington, Massachusetts, on September 13, 1999.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 99–24461 Filed 9–17–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–106010–98]

RIN 1545–AW16

Qualified Lessee Construction Allowances for Short-Term Leases

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains proposed regulations concerning an exclusion from gross income for qualified lessee construction allowances provided by a lessor to a lessee for the purpose of constructing long-lived property to be used by the lessee pursuant to a short-term lease. The proposed regulations affect a lessor and a lessee paying and receiving, respectively, qualified lessee construction allowances that are depreciated by a lessor as nonresidential real property and excluded from the lessee's gross income. The proposed regulations provide guidance on the exclusion, the information required to be furnished by the lessor and the lessee, and the time and manner for providing that information to the IRS. This document also provides notice of a public hearing on these proposed regulations.

DATES: Written and electronic comments must be received by December 20, 1999. Outlines of topics to be discussed at the public hearing scheduled for January 19, 2000, must be received by December 29, 1999.

ADDRESSES: Send submissions to: CC:DOM:CORP:R (REG–106010–98), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through

Friday between the hours of 8 a.m. and 5 p.m. to: CC:DOM:CORP:R (REG–106010–98), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC. Alternatively, taxpayers may submit comments electronically via the Internet by selecting the ''Tax Regs'' option on the IRS Home Page, or by submitting comments directly to the IRS Internet site at http://www.irs.ustreas.gov/tax__regs/regslist.html. The public hearing will be held in room 2615, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the regulations, Paul Handleman, (202) 622–3040; concerning submissions, the hearing, and/or to be placed on the building access list to attend the hearing, Michael Slaughter, (202) 622–7180 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in this notice of proposed rulemaking has been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)). Comments on the collection of information should be sent to the Office of Management and Budget, Attn: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, OP:FS:FP, Washington, DC 20224. Comments on the collection of information should be received by November 19, 1999.

Comments are specifically requested concerning:

Whether the proposed collection of information is necessary for the proper performance of the functions of the IRS, including whether the information will have practical utility;

The accuracy of the estimated burden associated with the proposed collection of information (see below);

How the quality, utility, and clarity of the information to be collected may be enhanced;

How the burden of complying with the proposed collection of information may be minimized, including through the application of automated collection techniques or other forms of information technology; and

Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

The requirement for the collection of information in this notice of proposed rulemaking is in § 1.110–1(c). The information is required so that a taxpayer receiving a construction allowance as lessee from the lessor may establish the amount qualifying for the safe harbor under section 110(a). The collection of information is mandatory. The likely respondents are businesses and other for-profit organizations.

Estimated total annual reporting burden: 10,000 hours.

The estimated annual burden per respondent varies from .5 hours to 1.5 hours, depending on individual circumstances, with an estimated average of 1 hour.

Estimated number of respondents: 10,000.

Estimated annual frequency of responses: once.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number assigned by the Office of Management and Budget.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR part 1) to provide regulations under section 110 of the Internal Revenue Code of 1986. Section 110 was added to the Code by section 1213(a) of the Taxpayer Relief Act of 1997, Public Law 105–34 (Act). Under section 1213(e) of the Act, the amendment made by section 1213(a) applies to leases entered into after August 5, 1997.

Explanation of Provisions

Tax Treatment of Lessee Construction Allowances

Section 61(a) provides that gross income means ''all income from whatever source derived'' except as otherwise provided in subtitle A of the Internal Revenue Code. Generally, the receipt of a construction allowance by a lessee from a lessor for property to be constructed and used by the lessee pursuant to a lease represents an accession to wealth includible in gross income in the year of receipt. However, amounts received by a lessee that are expended by the lessee on assets owned by the lessor are not includible in the lessee's gross income because there is no accession to wealth. Thus, the proper tax treatment of construction allowances turns on whether the lessee or the lessor owns the property constructed with the allowance.

Ownership for tax purposes generally is determined by applying a ''benefits and burdens of ownership'' test to the facts and circumstances surrounding the transaction. The benefits and burdens of ownership test was developed by the Tax Court to determine whether a purported lease should be treated as a sale for Federal income tax purposes. The court set forth the following factors to determine whether the taxpayer had the benefits and burdens of ownership of the leased property: (1) whether legal title passes; (2) how the parties treat the transaction; (3) whether an equity interest was acquired in the property; (4) whether the contract creates a present obligation on the seller to execute and deliver a deed and a present obligation on the purchaser to make payments; (5) whether the right of possession is vested in the purchaser; (6) which party pays the property taxes; (7) which party bears the risk of loss or damage to the property; and (8) which party receives the profits from the operation and sale of the property. *See Grodt & McKay Realty, Inc.* v. *Commissioner,* 77 T.C. 1221 (1981), and *Coleman* v. *Commissioner,* T.C. Memo. 1987–195, *aff'd,* 16 F.3d 821 (7th Cir. 1994).

In a coordinated issue paper dated October 7, 1996, the IRS enumerated certain specific factors that help establish whether the benefits and burdens of ownership of the leasehold improvements are with the lessee or the lessor; *i.e.*, who carries personal property and liability insurance on the leasehold improvements; who is the beneficiary under those policies; who is responsible for replacing the leasehold improvements if they wear out prior to the end of the lease term; and, if the usefulness of the leasehold improvements extends beyond the lease term, who has the remainder interest in the improvements.

To the extent the lessee holds the benefits and burdens of ownership of the leasehold improvements constructed with the construction allowance, the lessee has an accession to wealth and income under section 61(a). However, to the extent the lessor holds the benefits and burdens of ownership, the lessee is acting merely as an agent of the lessor and the construction allowance is not includible in the gross income of the lessee.

Congress was concerned that the traditional factors used by the IRS in making the determination of who is the

tax owner of property may be applied differently by the lessor and the lessee and may lead to controversies between the IRS and taxpayers.

H.R. Rep. No. 148, 105th Cong., 1st Sess. 423 (1997) (House Report); S. Rep. No. 33, 105th Cong., 1st Sess. 232–33 (1997) (Senate Report). Consequently, the Act provides a safe harbor whereby it is assumed that a construction allowance is used to construct or improve lessor property (and is properly excludable by the lessee) when long-lived property is constructed or improved and used pursuant to a short-term lease. The Act also provides a reporting requirement to ensure that both the lessee and the lessor consistently treat the property subject to the construction allowance as nonresidential real property owned by the lessor. House Report at page 424; Senate Report at page 233.

Safe Harbor Under Section 110

Section 110(a) provides, in general, that gross income of a lessee does not include any amount received in cash (or treated as a rent reduction) by a lessee from a lessor under a short-term lease of retail space, for the purpose of such lessee's constructing or improving qualified long-term real property for use in such lessee's trade or business at such retail space, but only to the extent that such amount does not exceed the amount expended by the lessee for such construction or improvement.

Section 110(c)(1) defines the term ''qualified long-term real property'' as nonresidential real property which is part of, or otherwise present at, the retail space referred to in section 110(a) and which reverts to the lessor at the termination of the lease. Section 110(c)(2) defines the term ''short-term lease'' as a lease (or other agreement for occupancy or use) of retail space for 15 years or less (as determined under the rules of section 168(i)(3)). Section 110(c)(3) defines the term ''retail space'' as real property leased, occupied, or otherwise used by a lessee in its trade or business of selling tangible personal property or services to the general public.

Consistent with section 110(c)(1), the proposed regulations define the term ''qualified long-term real property'' as nonresidential real property under section 168(e)(2)(B), which is section 1250 property other than residential rental property and property with a class life of less than 27.5 years. The proposed regulations do not require a direct tracing of the construction allowance, but assume that the construction allowance is used to construct or improve the lessor's property if qualified long-term real property is constructed by the lessee at the leased retail space. The IRS and the Department of Treasury specifically request comments on whether the definition of ''retail space'' needs to be clarified.

The proposed regulations recognize that a lessee may not be able to construct the qualified long-term real property in the same taxable year as it receives the construction allowance from the lessor. Thus, the proposed regulations give the lessee additional time to satisfy the safe harbor by allowing the construction allowance to be expended for qualified long-term real property until 8½ months after the close of the taxable year in which the construction allowance was received by the lessee.

The legislative history of the Act states that no inference is intended as to the treatment of amounts that are not subject to the safe harbor provision. In such cases, the provisions of IRS coordinated issue paper and present law (including case law) will continue to apply where applicable. H.R. Conf. Rep. No. 220, 105th Cong., 1st Sess. 658–59 (1997). Thus, a construction allowance failing to qualify under the safe harbor provision is not includible in the lessee's gross income if the lessor has the benefits and burdens of ownership of the property constructed with the construction allowance. Ownership of the property is determined under general principles of Federal tax law based on all the facts and circumstances.

Consistency Between Lessee and Lessor and Reporting Requirements

Section 110(b) provides that qualified long-term real property constructed or improved in connection with any amount excluded from a lessee's income by reason of section 110(a) shall be treated as nonresidential real property of the lessor (including for purposes of section 168(i)(8)(B)).

Section 110(d) provides that, under regulations, the lessee and lessor described in section 110(a) must, at such times and in such manner as may be provided in such regulations, furnish to the Secretary information concerning the amounts received (or treated as a rent reduction) and expended as described in section 110(a), and any other information which the Secretary deems necessary to carry out the provisions of section 110.

The Act provides that the lessor will treat any qualified long-term real property constructed or improved with a construction allowance excluded from the lessee's gross income under section 110(a) as nonresidential real property owned by the lessor. However, the lessee's exclusion is not dependent upon the lessor's treatment of the property as nonresidential real property. House Report at page 424; Senate Report at page 233.

The proposed regulations prescribe the information required to be furnished by the lessor and the lessee and the time and manner for providing that information to the IRS. A lessor or a lessee that fails to furnish the required information may be subject to a penalty under section 6721.

Proposed Effective Date

The regulations are proposed to be applicable to leases entered into on or after the date final regulations are published in the **Federal Register**.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It is hereby certified that the collection of information in these regulations will not have a significant economic impact on a substantial number of small entities. This certification is based upon the fact that any burden on taxpayers is minimal. Accordingly, a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments (a signed original and eight (8) copies) or electronic comments that are submitted timely to the IRS. The IRS and Treasury Department specifically request comments on the clarity of the proposed rule and how it may be made easier to understand. All comments will be available for public inspection and copying.

A public hearing has been scheduled for Wednesday, January 19, 2000, at 10 a.m. in room 2615, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Due to building security procedures, visitors must enter at the 10th Street entrance, located between Constitution and Pennsylvania Avenues, NW. In addition, all visitors must present photo identification to enter the building. Because of access

restrictions, visitors will not be admitted beyond the immediate entrance area more than 15 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

The rules of 26 CFR 601.601(a)(3) apply to the hearing.

Persons who wish to present oral comments at the hearing must submit an outline of the topics to be discussed and the time to be devoted to each topic (signed original and eight (8) copies) by December 29, 1999.

A period of 10 minutes will be allotted to each person for making comments.

An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting information. The principal author of these regulations is Paul F. Handleman, Office of the Assistant Chief Counsel (Passthroughs and Special Industries), IRS. However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

Paragraph 1. The authority citation for part 1 is amended by adding an entry in numerical order to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

Section 1.110–1 also issued under 26 U.S.C. 110(d); * * *

Par. 2. Section 1.110–1 is added to read as follows:

§ 1.110–1 Qualified lessee construction allowances.

(a) *Overview.* Amounts provided to a lessee by a lessor for property to be constructed and used by the lessee pursuant to a lease are not includible in the lessee's gross income if the amount is a qualified lessee construction allowance under paragraph (b) of this section.

(b) *Qualified lessee construction allowance*—(1) *In general.* A qualified lessee construction allowance means any amount received in cash (or treated as a rent reduction) by a lessee from a lessor—

(i) Under a short-term lease of retail space;

(ii) For the purpose of constructing or improving qualified long-term real property for use in the lessee's trade or business at that retail space; and

(iii) To the extent the amount is expended by the lessee in the taxable year received on the construction or improvement of qualified long-term real property for use in the lessee's trade or business at that retail space.

(2) *Definitions*—(i) *Qualified long-term real property* is nonresidential real property under section 168(e)(2)(B) that is part of, or otherwise present at, the retail space referred to in paragraph (b)(1)(i) of this section and which reverts to the lessor at the termination of the lease. Thus, qualified long-term real property does not include property qualifying as section 1245 property under section 1245(a)(3).

(ii) *Short-term lease* is a lease (or other agreement for occupancy or use) of retail space for 15 years or less (as determined pursuant to section 168(i)(3)).

(iii) *Retail space* is nonresidential real property under section 168(e)(2)(B) that is leased, occupied, or otherwise used by the lessee in its trade or business of selling tangible personal property or services to the general public.

(3) *Purpose requirement.* An amount will meet the requirement in paragraph (b)(1)(ii) of this section only to the extent that the lease agreement for the retail space expressly provides that the construction allowance is for the purpose of constructing or improving qualified long-term real property for use in the lessee's trade or business at that retail space.

(4) *Expenditure requirement*—(i) *In general.* Expenditures referred to in paragraph (b)(1)(iii) of this section will be treated as being made first from the lessee's construction allowance. Tracing of the construction allowance to the actual lessee expenditures for the construction or improvement of qualified long-term real property is not required. However, the lessee should maintain accurate records of the amount of the qualified lessee construction allowance received and the expenditures made for qualified long-term real property.

(ii) *Time when expenditures deemed made.* For purposes of paragraph (b)(1)(iii) of this section, an amount is deemed to have been expended by a lessee in the taxable year in which the construction allowance was received by the lessee if the amount is expended within 8½ months after the close of that taxable year.

(5) *Consistent treatment by lessor.* Qualified long-term real property constructed or improved with any amount excluded from a lessee's gross income by reason of paragraph (a) of this section must be treated as nonresidential real property owned by the lessor (for purposes of depreciation under 168(e)(2)(B) and determining gain or loss under section 168(i)(8)(B)). For purposes of the preceding sentence, the lessor must treat the construction allowance as fully expended in the manner required by paragraph (b)(1)(iii) of this section unless the lessor is notified by the lessee in writing to the contrary. General tax principles apply for purposes of determining when the lessor may begin depreciation of its nonresidential real property. The lessee's exclusion from gross income under paragraph (a) of this section, however, is not dependent upon the lessor's treatment of the property as nonresidential real property.

(c) *Information required to be furnished*—(1) *In general.* The lessor and the lessee described in paragraph (b) of this section who are paying and receiving a qualified lessee construction allowance, respectively, must furnish the information described in paragraph (c)(3) of this section in the time and manner prescribed in paragraph (c)(2) of this section.

(2) *Time and manner for furnishing information.* The requirement to furnish information under paragraph (c)(1) of this section is met by attaching a statement with the information described in paragraph (c)(3) of this section to the lessor's or the lessee's, as applicable, timely filed (including extensions) Federal income tax return for the taxable year in which the construction allowance was paid by the lessor or received by the lessee (either in cash or treated as a rent reduction), as applicable. A lessor or a lessee may report the required information for several qualified lessee construction allowances on a combined statement. However, a lessor's or a lessee's failure to provide information with respect to each lease will be treated as a separate failure to provide information for purposes of paragraph (c)(4) of this section.

(3) *Information required*—(i) *Lessor.* The statement provided by the lessor must contain the lessor's name (and, in the case of a consolidated group, the parent's name), employer identification number, taxable year and the following information for each lease:

(A) The lessee's name (in the case of a consolidated group, the parent's name).

(B) The address of the lessee.

(C) The employer identification number of the lessee.

(D) The location of the retail space (including mall or strip center name, if applicable, and store name).

(E) The amount of the construction allowance.

(F) The amount of the construction allowance treated by the lessor as nonresidential real property owned by the lessor.

(ii) *Lessee.* The statement provided by the lessee must contain the lessee's name (and, in the case of a consolidated group, the parent's name), employer identification number, taxable year and the following information for each lease:

(A) The lessor's name (in the case of a consolidated group, the parent's name).

(B) The address of the lessor.

(C) The employer identification number of the lessor.

(D) The location of the retail space (including mall or strip center name, if applicable, and store name).

(E) The amount of the construction allowance.

(F) The amount of the construction allowance that is a qualified lessee construction allowance under paragraph (b) of this section.

(4) *Failure to furnish information.* A lessor or a lessee that fails to furnish the information required in this paragraph (c) may be subject to a penalty under section 6721.

(d) *Effective date.* This section is applicable to leases entered into on or after the date final regulations are published in the **Federal Register**.

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

[FR Doc. 99–24321 Filed 9–17–99; 8:45 am]

BILLING CODE 4830–01–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AZ 086–0017b; FRL–6438–2]

Approval and Promulgation of State Implementation Plans; Arizona State Implementation Plan Revision, Maricopa County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve revisions to the Arizona State Implementation Plan (SIP) which concern the control of volatile organic compounds (VOC) emissions from different surface coating operations using primarily metal and plastic substrates and the aerospace manufacturing and rework industry.

The intended effect of this action is to regulate emissions of VOCs according to the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In the Final Rules Section of this **Federal Register**, the EPA is approving the state's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for this approval is set forth in the direct final rule. If no adverse comments are received, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting should do so at this time.

DATES: Written comments must be received by October 20, 1999.

ADDRESSES: Comments should be addressed to: Andrew Steckel, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the rule revisions and EPA's evaluation report of each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105;

Environmental Protection Agency, Air Docket (6102), 401 ''M'' Street, SW., Washington, D.C. 20460;

Arizona Department of Environmental Quality, 3003 North Central Avenue, Phoenix, AZ 85012; and,

Maricopa County Environmental Services Department, 1001 North Central Ave., Phoenix, AZ 85004.

FOR FURTHER INFORMATION CONTACT: Jerald S. Wamsley, [AIR–4], Air Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1226.

SUPPLEMENTARY INFORMATION: This document concerns Maricopa County Rule 336, Surface Coating Operations and Rule 348, Aerospace Manufacturing and Rework Operations, submitted to EPA on August 4, 1999 by the Arizona Department of Environmental Quality. For further information, please see the information provided in the direct final action that is located in the rules section of this **Federal Register**.

Dated: September 3, 1999.

Laura Yoshii,

Acting, Regional Administrator, Region IX.

[FR Doc. 99–24432 Filed 9–17–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[NV 015–MSWb; FRL–6440–5]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Nevada

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve the Nevada State Plan for implementing the emissions guidelines applicable to existing municipal solid waste (MSW) landfills. The Plan was submitted by the Nevada Division of Environmental Protection (NDEP) for the State of Nevada to satisfy requirements of section 111(d) of the Federal Clean Air Act. In the Final Rules section of this **Federal Register**, EPA is approving the Nevada State Plan as a direct final rule without prior proposal because the Agency views this as a noncontroversial action and anticipates that it will not receive any significant, material, and adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no significant, material, and adverse comments are received in response to this action, no further activity is contemplated in relation to this proposed rule. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action.

DATES: Comments must be received in writing by October 20, 1999.

ADDRESSES: Written comments should be addressed to Andrew Steckel, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.