provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

4. Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

5. Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal that is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

6. Unfunded Mandates

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 926

Intergovernmental relations, Surface mining, underground mining.

Dated: November 23, 1998.

Russell F. Price,

Acting Regional Director, Western Regional Coordinating Center.

[FR Doc. 98–31914 Filed 11–30–98; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 90

[FRL–6195–2]

RIN 2060–AE29

Phase 2 Emission Standards for New Nonroad Spark-Ignition Engines At or Below 19 Kilowatts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; Notice of Availability.

SUMMARY: The Environmental Protection Agency (EPA) is publishing notice of the availability for public review information received by the Agency following the publication of its Notice of Proposed Rulemaking (NPRM) for new nonroad spark-ignition (SI) engines at or below 19 kilowatts (25 horsepower). These engines are used principally in lawn and garden equipment, both in nonhandheld applications such as lawnmowers, and also in handheld applications such as trimmers and chainsaws. The NPRM was published in the **Federal Register** on January 27, 1998, and the close of the comment period for the NPRM was March 13, 1998. The additional information received since the publication of the NPRM relates to whether final standards more stringent than those contained in the NPRM would be achievable by the regulated industry.

The additional information cited in this document was gathered in response to the NPRM. This additional notice of availability is not required, but is intended to inform the public of information included in the rulemaking record upon which EPA may rely when adopting the final program. Due to the short deadline for a final rulemaking, EPA is not reopening the comment period on the NPRM, but will endeavor to review and place in the docket any comments submitted in response to this document, to the extent time allows.

ADDRESSES: Materials relevant to this rulemaking are contained in EPA Air and Radiation Docket, Attention Docket No. A–96–55, Room M–1500 (mail code 6102), 401 M Street, SW, Washington, DC 20460. These materials may be viewed from 8:00 a.m. until 5:30 p.m. weekdays. The docket may also be reached by telephone at (202) 260–7548. As provided in 40 CFR part 2, a reasonable fee may be charged by EPA for photocopying.

FOR FURTHER INFORMATION CONTACT: Robert Larson, Office of Mobile Sources, Engine Programs and Compliance Division, (734) 214–4277, larson.robert@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: This document contains two sections. The first section provides background on the pending small SI engine rulemaking. The second section contains a listing of relevant information available in the docket for the pending rulemaking made available to the Agency since the publication of the NPRM.

I. Background

On January 27, 1998, EPA issued a NPRM proposing a second phase of regulations to control emissions from new nonroad SI engines at or below 19 kilowatts (25 horsepower) (''small SI engines'') (63 FR 3950). This action was preceded by a March 27, 1997, Advanced Notice of Proposed Rulemaking (62 FR 14740). EPA solicited comment on virtually all aspects of the NPRM. The public comment period for the NPRM closed March 13, 1998.

EPA held a public hearing on February 11, 1998, and the oral testimony and written material provided at that hearing have been added to the docket for this rule. This information was supplemented by more extensive documentation provided as written comment to the NPRM, which is also included in the docket for this rule.[1] At the public hearing, in response to a request by the Engine Manufacturers Association (EMA) to extend the comment period so as to allow written comments to reflect the information provided at a March 26, 1998, hearing of the California Air Resources Board (ARB) concerning its rules impacting many of these same engines, EPA committed to also consider all publicly available information of which EPA was informed and which was provided to the State of California for their deliberations. This information regarding the recently adopted small engine standards by the State of California has also been incorporated in the docket.[2]

Section 213(a)(3) of the Clean Air Act requires EPA's standards to achieve the greatest degree of emission reduction achievable through the application of technology which the Administrator determines will be available, giving appropriate consideration to cost, lead time, noise, energy and safety factors. The NPRM contained lengthy discussion of the proposed standards, the expected costs of their implementation, and the potential costs and benefits of adopting more stringent standards such as those that were under consideration by the California ARB. In the NPRM, EPA explicitly asked for comment regarding the level of the proposed standards and the impacts and timing for implementing more stringent standards, so as to allow it to establish the most appropriate standards in the final rule. In particular, EPA requested comment on the impacts and timing for

[1] A listing of these items is in Section II.A. of this document.

[2] A listing of these items is in Section II.B. of this document.

implementing emission standards that would require the same types of technology as anticipated by proposed rules under consideration at that time by the California ARB.

After the close of the comment period and upon reviewing the information supplied during the comment period, EPA determined that it was desirable to get further details regarding the technological feasibility, cost and lead time implications of meeting standards more stringent than those contained in the NPRM. EPA's NPRM already contained estimates of the costs and feasibility of more stringent standards. Some commenters had charged that, based on these discussions, EPA's proposed standards would not satisfy the stringency requirements of Clean Air Act Section 213(a)(3). For the purpose of gaining additional information on feasibility, cost and lead time implications of more stringent standards, EPA had several meetings, phone conversations, and written correspondence with specific engine manufacturers, with industry associations representing those manufacturers, with representatives of state regulatory associations, and with members of Congress. Summaries of those meetings, phone conversations, and written correspondence have also been placed in the docket.[3] EPA also sought information relating to the impact on equipment manufacturers, if any, of changes in technology potentially required to meet more stringent standards than were contained in the NPRM. Summaries of this information have been placed in the docket.[4] Additionally, EPA received numerous comments on the NPRM requesting closer harmonization with the compliance program provisions adopted by the State of California. In some cases, EPA also discussed these harmonization issues with manufacturers to improve the Agency's understanding of the needs and benefits to the industry of such harmonization; when applicable, these conversations are also noted in the meeting documentation provided to the docket.[5]

Finally, EPA received numerous pieces of correspondence, much of it after the formal comment period closed, from representatives of the model airplane and related hobbyist community. This correspondence has also been included in the docket and will be considered by EPA in developing its final rule.[6]

As EPA has stated on prior occasions, in adopting the final small SI engine rule EPA intends to consider all relevant information that becomes available. This includes information received during the comment period on an NPRM, and, to the extent possible, important information which becomes available after the formal NPRM comment period has concluded. Regarding the small SI engine rulemaking, to the extent that post-NPRM information has expanded or updated the knowledge of the Agency regarding technological feasibility, production lead time estimates for incorporating improved designs, cost to manufacturers, cost to consumers and similar factors, it is reasonable to expect that the improved information may result in changing assessments of how the pending rule can best achieve regulatory goals compared to what had been expected at the time of the NPRM. This is especially true in the case of a rulemaking concerning an industry, like small SI engines, that is undergoing relatively rapid technological achievement.

II. Summary of Information Available in Docket to This Rule

The following is a listing of information received by EPA after the publication of the NPRM that is available in the docket to the pending rulemaking, EPA Air Docket #A–96–55. This listing may be incomplete, as new material may be added to the docket, and may have already been added following signature of this document but before its publication in the **Federal Register**. Readers may wish to review docket materials for information other than that specifically identified in this document.

A. Oral and Written Comment Submitted During the Comment Period to the NPRM

Oral testimony was presented on behalf of 8 individuals or organizations at the February 11, 1998, public hearing. The docket contains a transcript of the hearing and a listing of hearing attendees (Items IV–F–01 and IV–F–02), as well as copies of written materials presented at the hearing (Item IV–D–28). In addition, written comments from 22 individuals or organizations were submitted to the docket (Items IV–D–01 through IV–D–22) by the close of the comment period.

B. Information Relating to the California ARB Small Off-Road Engine Program

The California ARB issued a Mail-Out (#MSC 98–02) on January 27, 1998, noticing a March 26, 1998, Public Hearing to Consider Amendments to the Small Off-Road Engine Regulations, and containing the staff proposal and report on this topic (Item IV–G–06). At the March 26, 1998, Public Hearing, California ARB staff made available a modified version of the regulation portion of Mail-Out 98–02, which staff proposed to the Board at the hearing (Item IV–G–07). The California ARB staff presentation made at the hearing, as well as written materials submitted in response to the hearing notice are also contained in the docket (Items IV–G–05, and Item IV–D–27). Finally, on March 9, 1998, the Portable Power Equipment Manufacturers Association (PPEMA) forwarded to EPA the ''PPEMA Proposal for ARB Tier II Emissions Regulations'' (Item IV–D–23).

C. Summaries of Meetings, Phone Conversations, and Correspondence Received by the Agency Regarding Programs for Nonhandheld and Handheld Engines

First, summaries of substantive correspondence, conversations, or meetings with nonhandheld engine manufacturers or industry associations representing those manufacturers, including EMA, Tecumseh Products, Briggs & Stratton, Honda, and Kohler, between May 1998 and September 1998, regarding topics such as standards and implementation dates for Class I engines, in-use verification testing and compliance, useful life definitions, a technology to reduce emissions on OHV engines, and Class I and II Phase 2 Final Regulations, are contained in the docket (see Items IV–C–01, IV–C–02, IV–D–25, IV–D–26, IV–E–15, IV–E–16, IV–E–19, IV–E–25. IV–E–44, IV–E–45, IV–E–46, IV–E–48, IV–E–49, IV–E–53, IV–E–54, IV–E–57, IV–E–59, IV–E–60, IV–E–63, IV–E–64, and IV–G–26).

Second, summaries of substantive correspondence, conversations, or meetings with handheld engine manufacturers or industry associations representing those manufacturers, including PPEMA, John Deere, Poulan, McCulloch, Dolmar, Tanaka, and Stihl, between June 1998 and September 1998, regarding topics such as a PPEMA proposal for Phase 2 standards and effective dates, including Phase 3 standards in the Phase 2 final rule, standards for handheld engines that would skip Phase 2 levels and go directly to Phase 3 levels, appropriate emission standards for commercial

[3] A listing of these items is in Section II.C. of this document.

[4] A listing of these items is in Section II.D. of this document.

[5] A listing of these items is in Section II.C. of this document.

[6] A listing of these items is in Section II.E. of this document.

products, a technology for reducing handheld 2-stroke emissions, and Phase 2 handheld engine emission standard feasibility, are contained in the docket (see Items IV–C–03, IV–E–09, IV–E–11 through IV–E–14, IV–E–17, IV–E–18, IV–E–20, IV–E–21, IV–E–23, IV–E–26, IV–E–40, IV–E–43, IV–E–50, IV–E–51, IV–E–56, IV–E–62, IV–E–65, IV–E–66, IV–G–22, IV–G–27, and IV–G–28).

Third, summaries of separate discussions held between EPA and Honda, American Suzuki Motor Corporation, and Tecumseh Products concerning the displacement cutoff for an additional nonhandheld class are contained in the docket (see Items IV–E–24, IV–E–52).

Fourth, summaries of a September 16, 1998 telephone conversation between EPA and Tom Cackette (California Air Resources Board) and a September 17, 1998 telephone conversation between EPA and Jason Grumet (NESCAUM) regarding the development of final Phase 2 regulations for small engines is contained in the docket (see Items IV–E–61 and IV–E–22).

Fifth, summaries of correspondence between EPA and members of Congress, including Representative Jo Ann Emerson and three colleagues to EPA, regarding pending Phase 2 regulations for small SI engines, Senator Herb Kohl to EPA on behalf of constituent Cliff Feldmann, President of the Auger and power Equipment Manufacturers Association (APEMA), Representative Frank Lucas to EPA on behalf of constituent Mr. Dick Roberts, a member of the Auger and Power Equipment Manufacturers Association (APEMA), are contained in the docket, (Items IV–C–06, IV–C–05 and IV–C–04).

Finally, summaries of substantive correspondence, conversations, or meetings with other individuals or organizations, including May 20, 1998 information from and September 3, 1998 meeting with Boswell Energy Systems regarding a technology for reducing emissions from small SI engines and June 22, 1998 correspondence from Autonnic Research to EPA regarding the Autonnic Maintenance Alert Meters, June 16, 1998 meeting and October 20 telephone conversations between EPA, Pyrotek Inc. and others regarding Spark Plug Technology for Emission Reductions for Small SI Engines At or Below 19 kW, and correspondence from MECA to EPA regarding catalytic technology for small SI nonroad engines, are contained in the docket (Items IV–D–24, IV–E–07, IV–G–13, IV–E–42 and IV–E–41, and IV–G–25).

D. Information on the Impact of More Stringent Standards on Equipment Manufacturers

EPA sought information on the impact on equipment manufacturers, if any, of changes in technology potentially required to meet more stringent standards than were contained in the NPRM. Summaries of substantive correspondence received or conversations or meetings held regarding the impact of standards on equipment manufacturers are contained in the docket (see Items IV–E–27 through IV–E–39, IV–E–52, IV–E–55, IV–E–58 , IV–E–67, and IV–G–20).

E. Correspondence from Representatives of the Model Airplane and Hobbyist Community

EPA received numerous pieces of correspondence before and after the close of the comment period on the NPRM from representatives of the model airplane and related hobbyist community (Items IV–D–07; IV–G–08 through IV–G–12; IV–G–14 through IV–G–19; IV–G–21; IV–G–23, and IV–G–24).

Dated: November 20, 1998.

Robert Perciasepe,

Assistant Administrator, Office of Air and Radiation.

[FR Doc. 98–32001 Filed 11–30–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 61 and 63

[FRL–6187–7]

Approval of the Clean Air Act, Section 112(l), Delegation of Authority to Three Local Air Agencies in Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to section 112(l) of the 1990 Clean Air Act (CAA), the state of Washington Department of Ecology (Ecology) requested program approval and delegation of authority for three local agencies in Washington to implement and enforce locally-adopted hazardous air pollutant (HAP) regulations which adopt by reference the federal National Emission Standards for Hazardous Air Pollutants (NESHAP) contained within 40 CFR Parts 61 and 63, as these regulations apply to all sources (i.e., both Part 70 and non-Part 70 sources). On behalf of these agencies, Ecology also requested approval of a mechanism by which these agencies will receive delegation of future NESHAPs; and requested that EPA waive its notification requirements such that sources will only need to send notifications and reports to the delegated local agencies. Additionally, Ecology also requested approval of certain local air agency potential-to-emit limiting regulations which would then be recognized as federally enforceable. The local air agencies that would be implementing and enforcing these regulations are: the Northwest Air Pollution Authority (NWAPA); the Puget Sound Air Pollution Control Agency (PSAPCA); and the Southwest Air Pollution Control Authority (SWAPCA) collectively referred to as ''NWAPA, PSAPCA, and SWAPCA.''

In the Rules section of this **Federal Register**, EPA is promulgating direct final approval of Ecology's request, on behalf of NWAPA, PSAPCA, and SWAPCA, for program approval and delegation of authority to implement and enforce specific 40 CFR Parts 61 and 63 federal NESHAP regulations which have been adopted into local law (as apply to both Part 70 and non-Part 70 sources). EPA is delegating these programs to Ecology for the purpose of redelegating them to NWAPA, PSAPCA, and SWAPCA, consistent with Ecology's statute, the Revised Code of Washington (RCW) 70.94.860. Additionally, EPA is promulgating direct final approval of the mechanism by which NWAPA, PSAPCA, and SWAPCA will receive delegation of future NESHAP regulations that are adopted unchanged into local law; and is waiving the requirement for sources to send copies of notifications and reports to EPA. Finally, EPA is promulgating direct final approval of PSAPCA and SWAPCA's potential-to-emit regulations as federally enforceable.

EPA is taking direct final action without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for this approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated in relation to this action. If EPA receives relevant adverse comments, the direct final rule will not take effect and all public comments will be addressed in a subsequent final rule based on this proposed action. The EPA will not institute a second comment period on this action. Any parties interested in commenting should do so at this time.

DATES: Comments must be received in writing by December 31, 1998.

ADDRESSES: Written comments must be submitted to Doug Hardesty at the