

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 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 removing Amendment 39-10154 (62 FR 52225, October 7, 1997), and by adding a new airworthiness directive, to read as follows:

**MT-Propeller Entwicklung GMBH:** Docket No. 97-ANE-36-AD. Revises AD 97-21-01, Amendment 39-10154.

**Applicability:** MT-Propeller Entwicklung GMBH Model MTV-3-B-C/L250-21 propellers. These propellers are installed on but not limited to Sukhoi 29 aircraft.

**Note 1:** This airworthiness directive (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 (c) 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.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent propeller hub cracks, which could result in propeller blade separation and possible loss of control of the aircraft, accomplish the following:

(a) Within 50 hours time in service (TIS) after the effective date of this AD, accomplish the following:

(1) Perform an initial dye penetrant or eddy current inspection of propeller hub, part number (P/N) B-050 or A-909-A, in accordance with paragraph (a) of MT-Propeller Entwicklung GMBH Service Bulletin (SB) No. 12C, dated March 4, 1998. The dye penetrant inspection may be done on-wing, but the eddy current inspection must be performed in an FAA-approved propeller repair station.

(2) If cracks are found, prior to further flight, remove the existing propeller hub and replace with a serviceable propeller hub.

(3) Rework propeller hubs, P/N B-050, by chamfering the hub bore to 0.08 inch x 45 degrees (for further information, see Detail Y of MT-Propeller Entwicklung GMBH SB No. 12C, dated March 4, 1998). Mark hubs that have been reworked in accordance with AD 97-21-01, or this revised AD, with the letters SB12C using a metal impression stamp (1/8 inch round bottom characters) above the propeller hub serial number and part number, located in the transition area between propeller blades 1 and 2 and the pitch change cylinder.

(b) Thereafter, perform dye penetrant or eddy current inspections, in accordance with paragraph (a) of MT-Propeller Entwicklung GMBH Service Bulletin (SB) No. 12C, dated March 4, 1998. The dye penetrant inspection may be done on-wing, but the eddy current inspection must be performed in an FAA-approved propeller repair station:

(1) For propellers with hubs, P/N B-050, inspect at intervals not to exceed 50 hours TIS, or 6 months since last inspection, whichever occurs first.

(2) For propellers with hubs, P/N A-909-A, inspect at intervals not to exceed 200 hours TIS, or 12 months since last inspection, whichever occurs first.

(3) If cracks are found, prior to further flight, remove the existing propeller hub and replace with a serviceable propeller hub.

(c) 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, Boston Aircraft Certification Office. Operators shall submit their requests through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Boston Aircraft Certification Office.

**Note 2:** Information concerning the existence of approved alternative methods of

compliance with this airworthiness directive, if any, may be obtained from the Boston Aircraft Certification Office.

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

Issued in Burlington, Massachusetts, on November 23, 1998.

**David A. Downey,**

*Assistant Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 98-31859 Filed 11-30-98; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 926

[SPATS No. MT-019-FOR]

#### Montana Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

**SUMMARY:** Office of Surface Mining Reclamation and Enforcement (OSM) is announcing receipt of a proposed amendment to the Montana regulatory program (hereinafter, the "Montana program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of Montana's 1998 Vegetation Guidelines which are required by the Administrative Rules of Montana (ARM) at 26.24.726(1). The amendment is intended to revise the Montana program to be consistent with the corresponding Federal regulations.

**DATES:** Written comments must be received by 4:00 p.m., [m.s.t.] December 31, 1998. If requested, a public hearing on the proposed amendment will be held on December 28, 1998. Requests to present oral testimony at the hearing must be received by 4:00 p.m., [m.s.t.] on December 16, 1998.

**ADDRESSES:** Written comments should be mailed or hand delivered to Guy Padgett, Director, Casper Field Office, at the address listed below.

Copies of the Montana program, the proposed amendment, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free

copy of the proposed amendment by contacting OSM's Casper Field Office.

Guy Padgett, Director, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, 100 East "B" Street, Federal Building, Room 2128, Casper, Wyoming 82601-1918, Telephone: (307) 261-6550

Steve Welch, Chief, Industrial and Energy Minerals Bureau, Montana Department of Environmental Quality, 1520 E. Sixth Ave., P.O. Box 200901, Helena, MT 59620-0901, Telephone: (406) 444-4964

**FOR FURTHER INFORMATION CONTACT:** Guy Padgett, Telephone: (307) 261-6550.

*Internet address:* gpadgett@osmre.gov.

**SUPPLEMENTARY INFORMATION:**

**I. Background on the Montana Program**

On April 1, 1980, the Secretary of the Interior conditionally approved the Montana program. General background information on the Montana program, including the Secretary's findings, the disposition of comments, and conditions of approval of the Montana program can be found in the April 1, 1980, **Federal Register** (45 FR 21560). Subsequent actions concerning Montana's program and program amendments can be found at 30 CFR 926.15, 926.16, and 926.30.

**II. Proposed Amendment**

By letter dated November 4, 1998, Montana submitted a proposed amendment to its program pursuant to SMCRA (30 U.S.C. 1201 *et seq.*) (Administrative Record No. MT-16-01). Montana submitted the proposed amendment in response to a March 29, 1990, letter (Administrative Record No. MT-6-13) that OSM sent to Montana in accordance with 30 CFR 732.17(c), and in response to a subsequent required program amendment at 30 CFR 926.16(i). The proposed amendment contains the 1998 Vegetation Guidelines in which Montana proposes to meet the requirements of ARM 26.4.726(1) regarding acceptable field and laboratory methods.

Specifically, Montana proposes to address sampling methods by requiring a range site map with community descriptions, production sampling, the estimation of percent cover by one of four methods, the measurement of vegetation density, and documentation of the premine condition. The Guidelines provide the requirements for reference areas, as well as the levels of technical standards. Also in the Guidelines is a list of normal husbandry practices which meet the criteria established in ARM 17.24.725. Specifications for the grazing

management plan are given. Phase III bond release evaluations are described with respect to: (1) hypothesis testing for production, cover, and density; and (2) evaluations not requiring hypothesis testing, such as diversity, utility, season of use, the 80/60 rule, and predominantly native composition. Appendix A contains statistical formulas for determining sample adequacy; Levene's test for homogeneity of variances; the one-sample, one-sided t test; the one-sided t test for two independent samples; the one-sample, one-sided sign test; the one-sided Mann-Whitney test for two independent samples; the Satterthwaite correction; and data transformation. Appendix B contains a list of rules addressing vegetation and land use requirements. Appendix C contains a list of Montana range plants.

**III. Public Comment Procedures**

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Montana program.

**1. Written Comments**

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Casper Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

**2. Public Hearing**

Persons wishing to testify at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., [m.s.t.] December 16, 1998. Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to testify at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to testify have been heard. Persons in the audience who have not been scheduled to testify, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to testify and persons present in the audience who wish to testify have been heard.

**3. Public Meeting**

If only one person requests an opportunity to testify at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the Administrative Record.

**IV. Procedural Determinations**

**1. Executive Order 12866**

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

**2. Executive Order 12988**

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and the Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

**3. National Environmental Policy Act**

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program

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]

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## 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.<sup>1</sup> 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.<sup>2</sup>

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

<sup>1</sup> A listing of these items is in Section II.A. of this document.

<sup>2</sup> A listing of these items is in Section II.B. of this document.