

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)).

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.*).

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 which 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.

Unfunded Mandates

OSM has determined and certifies pursuant to the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of \$100 million or more in any given year on local, state, or tribal governments or private entities.

List of Subjects in 30 CFR Part 904

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 28, 1998.

Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 98-20716 Filed 8-3-98; 8:45 am]

BILLING CODE 4310-05-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 62**

[Region 2 Docket No. NY28-2-180a, FRL-6134-6]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the State Plan submitted by New York to fulfill the requirements of sections 111(d)/129 of the Clean Air Act for Municipal Waste Combustors (MWC). The State Plan addresses the implementation and enforcement of the Emissions Guidelines (EG) applicable to existing large MWCs with capacity to combust more than 250 tons per day of municipal solid waste. The State Plan imposes emission limits and control requirements for the existing MWC's in New York which will reduce the designated pollutants. In the final rules section of this **Federal Register**, EPA is approving New York's MWC State Plan as a direct final rule without prior proposal because the Agency views this as a noncontroversial action and anticipates no relevant adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to that direct final rule 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.

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 on or before September 3, 1998.

ADDRESSES: All comments should be addressed to: Ronald J. Borsellino, Chief, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007-1866.

Copies of the State submittal are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th

Floor, New York, New York 10007-1866.

New York State Department of Environmental Conservation, Division of Air Resources, 50 Wolf Road, Albany, New York 12233.

FOR FURTHER INFORMATION CONTACT:

Christine DeRosa or Kirk J. Wieber, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10278, (212) 637-4249.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: July 24, 1998.

William J. Muszynski,

Acting Regional Administrator, Region 2.

[FR Doc. 98-20772 Filed 8-3-98; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 63**

[IL-64-2-5807; FRL-6132-5]

RIN 2060-AF29**National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rules; notice of public hearing.

SUMMARY: This action proposes national emission standards for hazardous air pollutants (NESHAP) for ferroalloys production, which is comprised of ferronickel production facilities and ferromanganese, silicomanganese, and ferrochromium production facilities. The EPA has identified these facilities as major sources of hazardous air pollutant (HAP) emissions such as nickel and manganese. Nickel compounds such as nickel carbonyl and nickel subsulfate are some of the most toxic compounds of nickel. They can affect the lungs and the kidneys. Symptoms such as headaches, vomiting, chest pains, dry coughing, and visual disturbances have been reported from short-term exposure in humans. Additionally, human and animal studies reveal an increased risk of lung and nasal cancers from exposure to nickel refinery dusts and nickel subsulfate. Chronic exposure to nickel in humans also results in respiratory effects such as asthma due to primary irritation or an allergic response, and an increased risk of chronic respiratory tract infections.