

or to protest the blanket approval of issuances of securities or assumptions of liability by Yankee Energy should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, Yankee Energy is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Yankee Energy's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is December 29, 1995.

Copies of the full text of the order are available from the Commission's Public Reference Branch, 888 First Street, N.E., Washington, D.C. 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 95-30346 Filed 12-12-95; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRC-5344-8]

### Retrofit Rebuild Requirements for 1993 and Earlier Model Year

#### Urban Buses; Approval of a Notification of Intent to Certify Equipment

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of agency certification of equipment for the urban bus retrofit/rebuild program.

**SUMMARY:** The Agency received a notification of intent to certify equipment signed March 13, 1995 from the Cummins Engine Company (Cummins) with principal place of business at BOX 3005, COLUMBUS, IN 47202-3005, for certification of urban bus retrofit/rebuild equipment pursuant to 40 CFR Sections 85.1401-85.1415.

The equipment is applicable to Cummins petroleum-fueled LTA10-B model petroleum fueled 4-stroke heavy-duty engines that were originally manufactured between November 1985 and December 1992. On June 21, 1995, EPA published a notice in the Federal Register that the notification had been received and made the notification available for public review and comment for a period of 45-days (60 FR 32316). EPA has completed its review of this notification, and the comments received, and the Director of the Engine Programs and Compliance Division<sup>1</sup> has determined that it meets all the requirements for certification. Accordingly, EPA approves the certification of this equipment effective December 13, 1995.

The certified equipment provides 25 percent or greater reduction in exhaust emissions of particulate matter (PM) for the engines for which it is certified, and meets the life-cycle cost requirements of the urban bus retrofit/rebuild program for certification. As such, it triggers the requirements for operators choosing to comply with compliance program 1 for applicable engines. This equipment may also be used by operators choosing to comply with compliance program 2.

The Cummins' notification, as well as other materials specifically relevant to it, are contained in Public Docket A-93-42, category VIII, entitled "Certification of Urban Bus Retrofit/Rebuild Equipment". This docket is located in room M-1500, Waterside Mall (Ground Floor), U.S. Environmental Protection Agency, 401 M Street SW, Washington, DC 20460.

Docket items may be inspected from 8:00 a.m. until 5:30 p.m., Monday through Friday. As provided in 40 CFR Part 2, a reasonable fee may be charged by the Agency for copying docket materials.

**DATES:** The date of this notice December 13, 1995 is the effective date of certification for the equipment described in the Cummins notification. This certified equipment may be used immediately by urban bus operators. Operators who have chosen to comply with Program 1 will be required to utilize this equipment (or other applicable equipment that is certified in the meantime) for any engine that is

<sup>1</sup>The Office of Mobile Sources underwent a reorganization in September 1995 in which the responsibility to oversee the Urban Bus Retrofit/Rebuild Program and approve certification was assigned to the Director of the Engine Programs and Compliance Division. Formerly, this responsibility was assigned to the Director of the Manufacturers Operations Division. The regulations at 40 CFR Sections 85.1401-85.1415 will be amended in the near future to reflect this change.

listed in Table B that undergoes rebuild on or after June 13, 1996.

**FOR FURTHER INFORMATION CONTACT:** Anthony Erb, Technical Support Branch, Engine Programs and Compliance Division (6405J), U.S. Environmental Protection Agency, 401 M St. SW, Washington, D.C. 20460. Telephone: (202) 233-9259.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

By a notification of intent to certify signed March 13, 1995, Cummins applied for certification of equipment applicable to the LTA10-B model urban bus engines that were originally manufactured between November 1985 and December 1992. Two separate horsepower/torque ratings are to apply for each Control Parts List (CPL),<sup>2</sup> either 270 horsepower and 860 foot-pounds of torque or 240 horsepower and 750 foot-pounds of torque. This equipment will reduce PM emissions 25 percent or more, on petroleum-fueled diesel engines that have been rebuilt to Cummins specifications. Life-cycle cost analysis information was submitted with the Cummins notification, along with a guarantee that the equipment will be offered to all affected operators for less than the incremental life cycle cost ceiling of \$2,000 (1992 dollars). Cummins listed the total kit price to be \$5,930 including an incremental increase of \$1,435 for component parts. Installation costs, maintenance costs and fuel costs were stated to be unchanged. This equipment triggers program requirements for the 25% reduction standard for the applicable engines.

All components of the candidate equipment are contained in a combination of two kits. The first kit is common to both horsepower/torque ratings and consists of a camshaft, cam key, cylinder kits, and a fuel plumbing kit. The second kit contains the injectors, cylinder head, turbocharger and fuel pump and is ordered based on the horsepower/torque rating that is desired. The first kit in combination with one of the second kits is required for the rebuild of an engine.

Using engine dynamometer testing in accordance with the Federal Test Procedure for heavy-duty diesel engines, Cummins documented significant reductions in PM emissions. Emission test data supplied by Cummins in the notification are shown in Table A. The data indicate that the applicable engines with the certified

<sup>2</sup>The CPL is a number that identifies a specific Cummins part or component.

equipment installed comply with applicable Federal emission standards for hydrocarbon (HC), carbon monoxide

(CO), oxides of nitrogen (NO<sub>x</sub>), and smoke emissions. These data also

demonstrate reductions in PM exhaust emissions.

TABLE A.—TEST ENGINE EMISSIONS  
[g/bhp-hr]<sup>3</sup>

Control Parts List	Engine Baseline Emission Levels				Smoke		
	HC	CO	NO <sub>x</sub>	PM	ACC	LUG	PEAK
0780 .....	0.69	3.04	4.97	0.58	13.6	2.2	28.4
0781 .....	0.85	2.05	4.97	0.59	11.5	2.2	19.74
0774 .....	0.68	3.34	6.86	0.46	11.0	1.4	23.3
0777 .....	0.68	2.93	6.49	0.61	12.8	1.8	33.5
0996 .....	1.33	4.73	5.17	0.61	14.9	2.7	37.5
1226 .....	0.69	2.65	4.58	0.45	13.5	1.1	30.6
1441 .....	0.6	2.70	4.7	0.46	10.0	1.0	18.0
1622 .....	0.6	2.70	4.7	0.46	10.0	1.0	18.0
1624 .....	0.69	2.65	4.58	0.45	13.5	1.1	30.6
1994 (240Hp) .....	1.1	2.3	5.1	0.28	7	2	12
1994 (270Hp) .....	0.8	2.3	5.4	0.24	6	1	10

<sup>3</sup> The baseline emission level for each pollutant is based on either the certification level or the average test audit result.

Cummins is certifying this equipment to PM emission levels of 0.34 g/bhp-hr for all engine models and years covered under this certification. This certification level represents a PM

reduction that ranges between 25 to 44 percent when compared to the original certification PM levels for these engines. The certification levels for this equipment in the urban bus program are

indicated in Table B, and apply only to the model numbers listed for engines that were manufactured within the cited manufacture dates.

TABLE B.—RETROFIT/REBUILD CERTIFICATION LEVELS FOR CUMMINS EQUIPMENT<sup>4</sup>

Engine family	Control parts list (CPL)	Manufacture dates	Original PM certification level (g/bhp-hr)	Retrofit PM certification level (g/bhp-hr) for 240 and 270 HP ratings
343B .....	780	11/20/85 to 12/31/87	0.58	0.34
343B .....	0781	11/20/85 to 12/31/87	0.59	0.34
343C .....	0774	11/20/85 to 12/31/89	0.46	0.34
343C .....	0777	11/20/85 to 12/31/89	0.61	0.34
343C .....	0996	12/04/87 to 08/19/88	0.61	0.34
343C .....	1226	07/26/88 to 12/31/90	0.50	0.34
343F .....	1226	07/12/90 to 08/26/92	0.45	0.34
343F .....	1441	12/18/90 to 12/31/92	0.46	0.34
343F .....	1622	04/24/92 to 12/31/92	0.46	0.34
343F .....	1624	04/24/92 to 12/31/92	0.45	0.34

<sup>4</sup> The original PM certification levels are based on the certification level or the average test audit result for each engine family. It is noted that for engine family 343F, although the PM standard for 1991 and 1992 was 0.25 g/bhp-hr and the NO<sub>x</sub> standard was 5.0 g/bhp-hr, Cummins certified the 1226, 1441, 1622, and 1624 CPLs to a Federal Emission Limit (FEL) of 0.49 g/bhp-hr PM and 5.6 g/bhp-hr NO<sub>x</sub> under the averaging, banking and trading program.

Under Program 1, all rebuilds of applicable engines performed 6 months following the effective date of this certification, must use this Cummins equipment (or other equipment certified in the meantime to reduce PM levels by at least a 25 percent). This requirement will continue for the applicable engines until such time as it is superseded by equipment that is certified to trigger the 0.10 g/bhp-hr emission standard for less than a life cycle cost of \$7,940 (in 1992 dollars).

Cummins has established a post-rebuild PM certification level of 0.34 g/bhp-hr for this equipment when installed on engines with either the 240/750 or the 270/860 horsepower/torque

rating. Operators who choose to comply with Program 2 and install this equipment, will use the 0.34 g/bhp-hr PM emission level in their calculation of fleet level attained.

## II. Summary and Analysis of Comments

EPA received comments from one party on this notification. The Amalgamated Transit Union, Local 998, Milwaukee, Wisconsin stated that this certification will have a significant impact on bus mechanics because local transit authorities will no longer be able to rebuild these engines due to the fact that the information needed to rebuild the engines, i.e., the technology and methods of modification, would not be

made available to local transit providers by the certifier. Without the opportunity to rebuild these engines, the workers skill base would erode and their ability in the future to diagnose and repair these engines would be greatly reduced. It was stated that in order to avoid this situation, the technology and methods of modification should be made available to local transit providers so that they have the choice of rebuilding in-house in order to reduce costs and maintain the skill level of the transit workforce.

Although the failure of a certifier to provide rebuild specifications to an operator that would enable the operator to perform engine rebuilds is not a

criteria that the Agency uses to evaluate an application during the review process, Cummins was contacted to determine whether or not information would be provided to operators that would enable them to rebuild the components of the certified kit and the engine rebuild itself. Cummins' representative stated that the information will be made available to authorized facilities only. Transit operators who desire to rebuild in-house have the option of being qualified as an authorized facility by meeting certain requirements through a Cummins review and approval process. Cummins stated that a few of the larger bus operators have obtained this approval already but noted that it may not be feasible for smaller operators who would not have a sufficient number of engines to justify the investment of time and resources necessary to become an authorized facility. Rebuilds that are not performed by an authorized facility would not be covered under the emissions warranties provided by Cummins under this certification.

Based on the Cummins policy, it will be necessary for an operator to perform the initial retrofit/rebuild of this equipment at an authorized Cummins facility. However, the urban bus retrofit/rebuild regulation allows a bus operator to use retrofit/rebuild equipment beyond the 150,000 mile warranty period. Therefore, a bus operator could perform maintenance (including rebuilding certain parts) on retrofit/rebuild equipment beyond the warranty period. Under these circumstances, the transit operator would be responsible for maintaining the equipment in proper operating condition, assumes responsibility for emissions performance, and is subject to the enforcement penalties associated with noncompliance under the retrofit/rebuild program. Cummins would not be responsible for warranty coverage as stated in 40 CFR Sections 85.1409 (a) and (b) for such engines after the expiration of the initial warranty periods.

In addition, it is noted that certification testing is currently underway for other equipment, including aftertreatment devices, that will allow operators to perform engine rebuilds using current rebuild practices. We anticipate that a number of these applications will be presented to EPA for approval in the near future. Certification of these applications should allow operators to maintain their current rebuild procedures.

### III. Certification Approval

The Agency has reviewed this notification, along with comments received from interested parties, and finds that the equipment described in this notification of intent to certify:

(1) Reduces particulate matter exhaust emissions by at least 25 percent, without causing the applicable engine families to exceed other exhaust emissions standards;

(2) Will not cause an unreasonable risk to the public health, welfare, or safety;

(3) Will not result in any additional range of parameter adjustability; and,

(4) Meets other requirements necessary for certification under the Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses (40 CFR Sections 85.1401 through 85.1415).

The Agency hereby certifies this equipment for use in the urban bus retrofit/rebuild program as discussed below in section IV.

### IV. Operator Requirements and Responsibilities

This equipment may be used immediately by urban bus operators who have chosen to comply with either program 1 or program 2, but must be properly applied. Currently, operators having certain engines who have chosen to comply with program 1 must use equipment certified to reduce PM emissions by 25 percent or more when those engines are rebuilt or replaced. Today's Federal Register notice certifies the above-described Cummins equipment as meeting that PM reduction requirement. Equipment that has been certified to reduce PM by 25% or more must be used by operators with applicable engines who have chosen program 1. Urban bus operators who choose to comply with Program 1 may use the certified Cummins equipment until such time as the 0.10 g/bhp-hr standard is triggered for the applicable engines.

Operators who choose to comply with Program 2 and use the Cummins equipment will use the appropriate PM emission level from Table B when calculating their fleet level attained (FLA).

As stated in the program regulations (40 CFR 85.1401 through 85.1415), operators should maintain records for each engine in their fleet to demonstrate that they are in compliance with the requirements beginning in January 1, 1995. These records include purchase records, receipts, and part numbers for the parts and components used in the rebuilding of urban bus engines.

Dated: November 14, 1995.

Mary D. Nichols,

*Assistant Administrator for Air and Radiation.*

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[FRL-5344-7]

### Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses; Public Review of a Notification of Intent to Certify Equipment

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of agency receipt of a notification of intent to certify equipment and initiation of 45 day public review and comment period.

**SUMMARY:** The Agency has received a notification of intent to certify urban bus retrofit/rebuild equipment pursuant to 40 CFR Part 85, Subpart O. Pursuant to § 85.1407(a)(7), today's Federal Register notice summarizes the notification below, announces that the notification is available for public review and comment, and initiates a 45-day period during which comments can be submitted. The Agency will review this notification of intent to certify, as well as comments received, to determine whether the equipment described in the notification of intent to certify should be certified. If certified, the equipment can be used by urban bus operators to reduce the particulate matter of urban bus engines.

The Johnson Matthey, Inc. (JMI) notification of intent to certify, as well as other materials specifically relevant to it, are contained in category XI-A of Public Docket A-93-42, entitled "Certification of Urban Bus Retrofit/Rebuild Equipment". This docket is located at the address below.

Today's notice initiates a 45 day period during which the Agency will accept written comments relevant to whether or not the equipment included in this notification of intent to certify should be certified. Comments should be provided in writing to Public Docket A-93-42, Category XI-A, at the address below. An identical copy should be submitted to Anthony Erb, also at the address below.

**DATES:** Comments must be submitted on or before January 29, 1996.

**ADDRESSES:** Submit separate copies of comments to each of the two following addresses:

1. U.S. Environmental Protection Agency, Public Docket A-93-42 (Category XI-A), Room M-1500, 401 M Street S.W., Washington, DC 20460.