

rebuilt condition with the catalytic converter installed. These measurements indicate that the engine complies with the applicable smoke standards.

TABLE C.—CERTIFICATION EMISSION TEST RESULTS

[Post-Rebuild Composite Test Results (g/bhp-hr)]

	Baseline engine	Engine with CEM	Percent reduction
PM	0.13	0.08	38
HC	0.6	0.3	50
CO	0.7	0.4	43
NO _x	9.7	9.4	3
Smoke:			
Accel (percent)	1	1	
Lug (percent)	1	1	
Peak (percent)	6	5	

The information submitted by JMI shows that this equipment achieves a 25% or greater reduction in PM emissions and will be sold for less than the cost ceiling of \$2,000 (1992 dollars). If EPA approves the request for certification of this equipment, urban bus operators will be required to use this equipment or other equipment that is already certified to provide 25% or greater equivalent reductions to comply with Program 1 of this regulation beginning December 1, 1995. This requirement will continue unless other equipment which reduces PM emissions to 0.10 g/bhp-hr is certified at or below the \$7,940 life cycle cost ceiling.

If EPA approves JMI's certification request, urban bus operators who chose to comply under Option 2 of this regulation may also use this equipment. If certification is approved by EPA, the emission levels of the JMI equipment may be used to modify the Option 2 post rebuild levels in July 1996, unless other rebuild kits with life cycle costs below the life-cycle cost ceiling and lower PM emission levels are certified before July 1996.

At a minimum, EPA expects to evaluate this notification of intent to certify, and other materials submitted as applicable, to determine whether there is adequate demonstration of compliance with: (1) The certification requirements of § 85.1406, including whether the testing accurately substantiates the claimed emission reduction or emission levels; and, (2) the requirements of § 85.1407 for a notification of intent to certify, including whether the data provided by

JMI complies with the life cycle cost requirements.

The Agency requests that those commenting also consider these regulatory requirements, plus provide comments on any experience or knowledge concerning: (a) Problems with installing, maintaining, and/or using the candidate equipment on applicable engines; and, (b) whether the equipment is compatible with affected vehicles.

The date of this notice initiates a 45 day period during which the Agency will accept written comments relevant to whether or not the equipment described in the JMI notification of intent to certify should be certified pursuant to the urban bus retrofit/rebuild regulations. Interested parties are encouraged to review the notification of intent to certify and provide comment during the 45 day period. Please send separate copies of your comments to each of the above two addresses.

The Agency will review this notification of intent to certify, along with comments received from interested parties, and attempt to resolve or clarify issues as necessary. During the review process, the Agency may add additional documents to the docket as a result of the review process. These documents will also be available for public review and comment within the 45 day period.

Dated: December 1, 1995.
Mary D. Nichols,
Assistant Administrator for Air and Radiation.
[FR Doc. 95-30403 Filed 12-12-95; 8:45 am]
BILLING CODE 6560-50-P

[FRL-5344-6]

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: Twin Rivers Technologies' (TRT) has submitted to the Agency a notification of intent to certify urban bus retrofit/rebuild equipment pursuant to 40 CFR Part 85, Subpart O. The notification describes equipment consisting of biodiesel fuel additive in combination with a particular exhaust system catalyst. Pursuant to § 85.1407(a)(7), today's Federal Register notice summarizes the notification,

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 any comments it receives, 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 notification of intent to certify, as well as other materials specifically relevant to it, are contained in category X of Public Docket A-93-42, entitled "Certification of Urban Bus Retrofit/Rebuild Equipment". This docket is located at the address listed 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 X, at the address below, and an identical copy should be submitted to William Rutledge, also at the address below.

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

ADDRESSES: Submit identical copies of comments to each of the two following addresses: 1. U.S. Environmental Protection Agency, Public Docket A-93-42 (Category X), Room M-1500, 401 M Street S.W., Washington, DC 20460.
2. William Rutledge, Engine Compliance Group, Engine Programs and Compliance Division (6403J), 401 "M" Street S.W., Washington, DC 20460.

The TRT notification of intent to certify, as well as other materials specifically relevant to it, are contained in the public docket indicated above. 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.

FOR FURTHER INFORMATION CONTACT: William Rutledge, Engine Programs and Compliance Division (6403J), U.S. Environmental Protection Agency, 401 M Street S.W., Washington, DC 20460. Telephone: (202) 233-9297.

SUPPLEMENTARY INFORMATION:

I. Background

On April 21, 1993, the Agency published final Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses (58 FR 21359). The retrofit/rebuild program is intended

to reduce the ambient levels of particulate matter (PM) in urban areas and is limited to 1993 and earlier model year (MY) urban buses operating in metropolitan areas with 1980 populations of 750,000 or more, whose engines are rebuilt or replaced after January 1, 1995. Operators of the affected buses are required to choose between two compliance options: Program 1 establishes PM emissions requirements for each urban bus engine in an operator's fleet which is rebuilt or replaced. Program 2 is a fleet averaging program that establishes specific annual target levels for average PM emissions from urban buses in an operator's fleet.

A key aspect of the program is the certification of retrofit/rebuild equipment. To meet either of the two compliance options, operators of the affected buses must use equipment which has been certified by the Agency. Emissions requirements under either of the two compliance programs depend on the availability of retrofit/rebuild equipment certified for each engine model. To be used for program 1, equipment must be certified as meeting a 0.10 g/bhp-hr PM standard or as achieving a 25 percent reduction in PM. Equipment used for Program 2 must be certified as providing some level of PM reduction that would in turn be claimed by urban bus operators when calculating their average fleet PM levels attained under the program. For program 1, information on life cycle costs must be submitted in the notification of intent to certify in order for certification of the equipment to initiate (or trigger) program requirements. To trigger program requirements, the certifier must guarantee that the equipment will be available to all affected operators for a life cycle cost of \$7,940 or less at the 0.10 g/bhp-hr PM level, or for a life cycle cost of \$2,000 or less for the 25 percent or greater reduction in PM. Both of these values are based on 1992 dollars.

As noted above, operators of affected buses must use equipment which has been certified by EPA. An important element of the certification process is input from the public based on review of notifications of intent to certify. It is expected that engine manufacturers, bus manufacturers, transit operators, and industry associations will be able to provide valuable information related to the installation and use of particular equipment by transit operators. Such information will be useful to the Engine Programs and Compliance Division in its role of determining whether any specific equipment can be certified.

II. Notification Of Intent To Certify

By a notification of intent to certify signed August 18, 1995, and subsequently modified by letter dated October 5, 1995, Twin Rivers Technologies, Limited Partnership (TRT), with principal place of business at 780 Washington Street, Quincy, Massachusetts 02169, applied for certification of equipment applicable to certain urban bus engines manufactured by Detroit Diesel Corporation (DDC). The notification states that the candidate equipment will provide reductions in exhaust PM, as discussed below, dependent upon the configuration used, from petroleum-fueled diesel engines that have been properly calibrated or rebuilt to the original engine manufacturer's specifications.

TRT requests certification for the following two configurations of equipment: (1) Biodiesel fuel additive blended with diesel fuel (the blend is referred to as "B20") in combination with a particular exhaust system oxidation catalyst; and, (2) B20 and the catalyst, plus retarded fuel injection timing. Certification, if approved by the Agency, would apply to the combination of catalyst and biofuel supplied by TRT or its licensed distributors. The fuel B20 (alone) is not candidate for certification under this notification.

One configuration of the candidate equipment, as applied to some engines, provides PM reductions greater than 25 percent and the other configuration does not. This is discussed further below. TRT has not provided life cycle cost information with the notification and has not requested to be certified as being available for less than the life cycle cost ceiling.

A key component of both configurations of the candidate equipment is use of biodiesel as an additive at a 20 percent by volume blend ratio with diesel fuel. Biodiesel is an ester-based fuel oxygenate derived from biological sources for use in compression-ignition (that is "diesel") engines. Biodiesel is the alkyl ester product of the transesterification reaction of biological triglycerides, or biologically-derived oils. Any biological oil source, such as vegetable oils, animal fats or used cooking oils and fats, can produce esters through this reaction. TRT has registered biodiesel under the Agency's Fuel/Fuel Additive Registration Program, which defines Twin Rivers biodiesel (marketed as "EnviroDiesel™" and "EnviroDiesel Plus™") as an alkyl ester containing C1-C4 alcohols and C6-C24 acids. The

fuel handling procedure differs from that for diesel fuel only in that it requires mixing by the fuel distributor or bus operator of 20 percent by volume biodiesel with low-sulfur diesel fuel. TRT is a company created specifically for the production of biodiesel.

A key component of both configurations of the candidate equipment is a particular oxidation catalyst-muffler unit (discussed further below) designed to replace the typical noise muffler in the exhaust system of applicable recipient engines. In a report included as an attachment to TRT's notification, it is indicated that the combination of B20 and the catalyst achieve greater PM reductions than with the catalyst alone. Improved PM reduction associated with that combination may be due to an apparent shift in the composition of total exhaust particulates, when using B20, toward a lower soot fraction and higher soluble organic fraction (SOF). It is the SOF portion of the exhaust particulates that an oxidation catalyst is most effective in reducing.

The exhaust catalysts are to be matched to specific urban bus and engine configurations. Further, the maximum allowable exhaust pipe length between engine and catalyst is 108 inches. Exhaust system backpressure is designed to remain within the engine manufacturer's specified limits. The catalyst unit has no additional maintenance requirements for the life of the catalyst.

The second configuration of the candidate equipment includes the retard of fuel injection timing in combination with B20 and the above-described exhaust catalyst. All applicable engines using this second configuration and equipped with mechanical unit injection (MUI) would use a timing retard of four (4) degrees. All applicable engines using this configuration and equipped with electronically-controlled fuel injection would use a timing retard of one (1) degree. The notification states that timing is retarded by a shift of the timing sensor. The Agency requests comment and information concerning the reasonability of these timing specifications.

For its certification testing, TRT used catalytic muffler units that were manufactured by Engelhard Corporation and are the same formulation and configuration that is certified by the Agency for use in the urban bus program (see 60 FR 28402, dated May 31, 1995, for that certification). While an agreement is in place for Engelhard to supply TRT with catalysts, the physical specifications of the catalyst to be used in production are neither part of the

TRT notification of intent to certify nor provided to TRT as part of that agreement. In general, the Agency has concerns when a certifier is not aware of the technical specifications of equipment it wants to certify and when the potential exists for a change in equipment specifications to adversely affect emissions reduction performance. Such a change in specifications may occur, for example, with a change in catalyst production which may not be known to the certifier. In a letter provided to the Agency, Engelhard states that it will notify both TRT and the Agency in the event of changes to specifications of the catalytic converter muffler provided to TRT. The specifications for the catalyst have been provided to the Agency as a confidential part of Engelhard's notification of intent to certify its CMX™ catalyst muffler. A copy of this letter can be found in the public docket at the address indicated above. This provides the Agency with assurance that changes to catalyst specifications will be brought to the Agency's attention, and the Agency proposes to restrict certification for candidate TRT equipment to use of catalyst muffler units supplied by Engelhard and covered by Engelhard's certification, and require that use of catalysts supplied by any other supplier be the subject of a separate notification of intent to certify.

TRT presents exhaust emission data from testing the candidate equipment configurations on three engines using the federal engine-dynamometer test procedures of 40 CFR Part 86, as well

as chassis dynamometer testing. A 1977 model year DDC 6V71N and 1988 model year DDC 6V92TA DDEC II were tested on engine dynamometers, and another 1988 model year DDC 6V92TA DDEC II was tested on a chassis dynamometer. The 6V71N engine was selected to represent a "worst case", with respect to PM, for most of the engines for which certification of the equipment is being sought, and also to represent engines equipped with MUI. Based on a pre-rebuild PM level for the 6V71N of 0.50, from the table in 40 CFR section 85.1403(c)(1)(iii)(A), TRT states that the 6V71N qualities as "worst case" for all two-stroke/cycle engines with the exception of the 1990 DDC 6L71TA. The 1988 6V92TA DDEC engines were tested to show the results of the biodiesel fuel on engines having electronic fuel control, and also to represent the "worst case" engine configuration for such engines, based on their "pre-rebuild" level of 0.31 g/bhp-hr. The notification states that the fuel used for testing, both the biodiesel and diesel, are representative of commercially available biodiesel and low-sulfur diesel fuels.

Baseline testing was conducted after two of the test engines were rebuilt to the original engine manufacturer's configurations. A third engine had not been used prior to testing. Baseline testing was conducted using low sulfur test fuel having a maximum sulfur level of 0.05 weight percent. Subsequent testing of the engines was done after the candidate equipment was installed.

Table 1A below summarizes the emission levels from the engine

dynamometer testing. Table 1B summarizes the chassis testing in terms of range of impact on exhaust emissions of the candidate equipment from three driving cycles. The driving cycles used for the chassis testing were the Central Business District, New York Bus Composite Cycle, and the Arterial Cycle. A report attached to TRT's notification provides specific emission rates measured for each driving cycle and equipment configuration. Table 2 summarizes, for each test engine, the changes in PM and NO_x emissions with use of each configuration of the equipment. The reductions listed for the chassis testing include double weighting of the emission data from the Arterial Cycle, because TRT believes the resultant combination of the chassis driving cycles is more representative of the Agency's Urban Dynamometer Driving Schedule for Heavy-Duty Vehicles (40 CFR Part 86, Appendix I). Table 3 provides a summary of all engine models for which TRT intends the equipment to apply, and the associated percent reductions in PM emissions for these models, based on the test data. Table 4 summarizes the PM certification levels for each engine model for which certification is sought, based on reductions of Table 3 applied to the pre-rebuild levels established in the program regulations. Additional testing information is provided in reports from the facilities which conducted the emission testing (these reports are attachments to the notification).

TABLE 1A.—TEST ENGINE EMISSIONS

Engine	Gaseous and Particulate				Smoke			Comment
	HC	CO	NO _x	PM	ACC	LUG	Peak	
	g/bhp-hr				percent opacity			
Engine Dyno	1.3	15.5	10.7	0.60	20	15	50	1988 EPA stds.
1977 6V71N MUI	0.86	3.18	11.72	0.282	1.2	1.8	1.8	Baseline (low S, 2D).
1977 6V71N MU	0.38	0.86	12.11	0.166	0.9	1.7	1.7	B20 + cat.
1977 6V71N MU	0.42	0.94	8.47	0.213	2.2	2.8	2.9	B20, cat + 4° retard.
1988 6V92TA DDEC II	0.60	1.60	8.52	0.20	6.0	5.3	8.7	Baseline (low S, 2D).
1988 6V92TA DDEC II	0.21	0.95	9.12	0.11	3.7	1.7	6.9	B20 + cat.
1988 6V92TA DDEC II	0.25	1.05	8.35	0.12	5.1	2.5	8	B20, cat + 1° retard.

TABLE 1B.—CHASSIS TESTING: RANGE OF PERCENTAGE CHANGE ¹ IN EMISSIONS FROM BASELINE (LOW SULFUR DIESEL)

Pollutant	B20 + catalyst	B20 + catalyst + 1.5° retard
HC	-59 to -39	-33 to +3
CO	-85 to -54	-38 to -19
NO _x	+4 to +8	-5 to -2
PM	-56 to -22	-46 to -7

¹ Three different chassis driving cycles were used.

TABLE 2.—EMISSIONS CHANGES FROM TEST ENGINES

Test Engine	Configuration			Per cent PM change	Per cent NO _x change	Test/dyno
	B20	CAT	Timing retard			
1977 6V71N MUI	√	√	None	-41	+3	Engine.
1988 6V92TA DDEC II	√	√	4°	-24.5	-28	Engine.
1988 6V92TA DDEC II	√	√	None	-45	+6	Engine.
1988 6V92TA DDEC II	√	√	1°	-40	-2	Chassis.
1988 6V92TA DDEC II	√	√	None	-40	+4	Chassis.
1988 6V92TA DDEC II	√	√	1.5°	-27	-5	Chassis.

TABLE 3.—APPLICABLE ENGINES AND PM REDUCTION

Engine model	Model year	Configuration and per Cent PM Reduction	
		B20 + cat	B20, cat + retard
6V92TA MUI	79-87	41.1	24.5
6V92TA MUI	88-89	41.1	24.5
6V92TA DDEC I	86-87	45.0	40.0
6V92TA DDEC II	88-91	45.0	40.0
6V92TA DDEC II	92-93	45.0	40.0
6V71N MUI	73-87	41.1	24.5
6V71N MUI	88-89	41.1	24.5
6V71T MUI	85-86	41.1	24.5
8V71N MUI	73-84	41.1	24.5
6L71TA MUI	90	41.1	24.5
6L71TA MUI	88-89	41.1	24.5
6L71TA DDEC	90-91	45.0	40.0

TABLE 4.—PM CERTIFICATION LEVELS

Engine model	Model year	Equipment Configuration	
		B20 + cat	B20, cat + retard
6V92TA MUI	79-87	0.29	0.38
6V92TA MUI	88-89	0.17	0.23
6V92TA DDEC I	86-87	0.17	0.18
6V92TA DDEC II	88-91	0.17	0.19
6V92TA DDEC II	92-93	0.14	0.15
6V71N MUI	73-87	0.29	0.38
6V71N MUI	88-89	0.29	0.38
6V71T MUI	85-86	0.29	0.38
8V71N MUI	73-84	0.29	0.38
6L71TA MUI	90	0.34	0.44
6L71TA MUI	88-89	0.18	0.23
6L71TA DDEC	90-91	0.17	0.18

Section 85.1406(a) of the program regulations state "The test results must demonstrate that the retrofit/rebuild equipment * * * will not cause the urban bus engine to fail to meet any applicable Federal emission requirements set for that engine in the applicable portions of 40 CFR part 86 * * *". TRT's emission test data indicate that both configurations of the candidate equipment reduce hydrocarbon (HC) and carbon monoxide (CO), when compared with baseline (pre-retrofit) emissions. There is, however, potential for concern with regard to NO_x emissions from other

engines with which the candidate equipment might be certified, because an increase of three percent was measured for the MUI test engine when equipped with the B20-catalyst configuration without fuel injection retard, and six percent for the electronically-timed DDEC II test engine. Because test data is not available on all engines for which certification of the equipment is sought, TRT performed analyses to determine whether such increases would indicate that other engines exceed applicable NO_x standards. The analysis, in general, applies each of the measured increases

to the NO_x certification levels established by the engine manufacturer for engines tested under the Agency's new engine certification program. (New engine certification testing results are reported yearly by the Agency in its "Federal Certification Test Results".) Three percent increase in NO_x is evaluated for engines equipped with MUI, and six percent increase is evaluated for engines equipped with electronically-timed injection. The increased NO_x level is compared with the relevant standard for the particular engine. TRT's analyses is in the public docket, and discussed below.

TRT's analysis for MUI engines is broken down by engine model year to account for two new engine certification test procedures, each having particular emissions standards. The "13 mode" engine dynamometer test procedure was used for heavy-duty engine testing prior to the 1985 model year, and the "transient" engine dynamometer test procedure is used for 1985 and later model years. For certification under the urban bus program, TRT tested the 1977 model year 6V71N MUI engine using the "transient" procedure. While the "13 mode" test was used for new engine certification of the 1977 model year, the "transient" test is the current standard test procedure for heavy-duty engines and is generally recognized as more representative than the "13-mode" test. Therefore, the Agency believes that the NO_x increase measured by TRT using the "transient" test data is a relevant gauge of the impact of the candidate equipment. TRT's analysis applies the increase to the new engine certification data available for engines of 1984 and earlier model years. Prior to 1985, there was no federal emission standard for NO_x alone. The relevant emission standards (for engines that were certified using the "13-mode" procedure) are 16 g/bhp-hr for 1974 through 1978 model year engines and 10 g/bhp-hr for 1979 through 1984 model year engines, for the sum of HC

emissions added to NO_x emissions. TRT's initial analysis applied three percent increase to the new engine certification levels for HC + NO_x emissions for 1982 and later model year engines for which such data is available. This predicts that only one engine (a 325 horsepower version of 1982 model year 6V92TA engine family CGM0552FWG5) would exceed its NO_x standard. Further analysis for this engine, applying three percent increase in its NO_x emission level added to 50 percent decrease in its reported HC certification level, indicates that the combined federal emission standard would not be exceeded for this engine if equipped with the candidate equipment. Based on this analysis and TRT's emission test data indicating significant reductions in HC emissions (at least 50 percent), the Agency believes that for any applicable pre-1985 engine equipped with MUI, an increase in NO_x emissions of the percentage measured on the 1977 6V71N MUI test engine will be more than offset by a decrease in HC emissions, such that the HC + NO_x standard will not be exceeded.

Another part of TRT's analysis pertains to engines equipped with MUI and certified using the "transient" test procedure (that is, the engines of model year 1985 and later). TRT's analysis, applying three percent increase to NO_x

levels developed during new engine certification testing, indicates that no 1985 or later engine equipped with MUI would exceed the applicable federal standard if equipped with the candidate equipment. TRT also analyzed the impact of six percent increase in NO_x emissions on electronically-controlled engines, because their data show that NO_x emissions for the 1988 model year 6V92TA DDEC II test engine increase roughly six percent when equipped with the B20-catalyst configuration without injection retard. This increase in NO_x emissions is important, especially because federal standards for NO_x were lowered to 6.0 g/bhp-hr for the 1990 model year and 5.0 g/bhp-hr for the 1991 model year. Therefore, TRT analyzed the impact of six percent increase in NO_x emission levels developed during new-engine certification testing on Detroit Diesel Corporation's DDEC engines. (Under the new engine certification program, all DDEC engines have been tested using the "transient" procedure.) The results indicate that NO_x levels for the engine families in Table 5 would exceed the appropriate federal emission standard. Therefore, the Agency proposes that use of the candidate equipment without fuel injection retard on any urban bus engines of the engine families listed in Table 5 not be covered by certification under the urban bus program.

TABLE 5.—ENGINE FAMILIES NOT COVERED BY CERTIFICATION

Configuration: B20 and Catalyst (without injection retard)		
Model year	Model	Engine family
1990	6V92TA DDEC II	LDD0552FZG6
	6V92TA DDEC II Coach	LDD0552FZL2
1991	6L71TA DDEC ALCC	MDD0426FZFX
	6V92TA DDEC II	MDD0552FZG5
1992	6V92TA DDEC II	MDD0552FZL1
	6V92TA DDEC II	NDD0552FZG4
1993	6V92TA DDEC II Coach	NDD0552FZL0
	6V92TA DDEC II	PDD0552FZG2
	6V92TA DDEC II Coach	PDD0552FZL9

The Agency requests comment, additional analysis, or additional emission test data or for engine families to which the equipment is intended to apply, to determine whether regulatory requirements are met with urban bus engines using the candidate equipment.

While absolute smoke opacity levels during testing of the 1977 6V71N MUI test engine were well below relevant standards, increases were measured between the baseline test and testing using B20, catalyst and retarded timing. This is not of significant concern because the Agency believes the

absolute level of increase is more relevant than the percentage increase. Further, the absolute level of increase in opacity is believed not significant in the context of the current smoke test and opacity standards (in other words, there is probably no real increase in smoke opacity, given the nature of the smoke test and level of the standards). Finally, smoke emissions from heavy duty diesel engines, in general, have declined over the years as engines are designed to comply with declining federal PM emissions standards. The Agency believes that even if this test data

accurately predicts an increase in smoke emission opacity with other engines for which the equipment is intended to apply, it is not a significant increase. The Agency requests comment regarding the applicability of that data to other engines having MUI for which the equipment is intended to apply.

Smoke emission measurements for the 1988 engine indicate compliance with applicable standards.

As indicated in the notification, the 6V71N test engine qualities as a "worst case" for all two-stroke/cycle engines with exception of the 1990 DDC

6L71TA. (The 1990 model year DDC 6L71TA has a pre-rebuild PM level of 0.59 g/bhp-hr.) While TRT requests certification coverage for the 1990 DDC 6L71TA and warrants comparable particulate emissions reduction percentages for it as is demonstrated by the 6V71N test engine, the requirement of the program regulations have not been met. Therefore, the Agency believes that the notification lacks sufficient basis for certification of the candidate equipment with the 1990 DDC 6L71TA.

Section 85.1406(d) of the regulations governing urban bus equipment certification states, in part, “* * * installation of any certified retrofit/rebuild equipment shall not cause or contribute to an unreasonable risk to the public health, welfare or safety * * *”. Information for considering whether B20 in this context would affect any potential human health risks associated with exposure to conventional diesel emissions has been provided by TRT with its notification of intent to certify. This information will be reviewed by the Agency. The Agency has made this information part of the public docket at the address listed above. Any findings based on this information, together with any other information that may be considered, will be made part of the public docket located at the address noted above, and considered by the Agency in its decision regarding certification of the candidate equipment. The Agency requests additional information, including information on combustion by-products, for considering whether and, if so how, the use of the subject biodiesel blend, that is, B20, in diesel engines would affect any potential health risks associated with exposure to conventional diesel emissions.

Section 211 of the Clean Air Act sets forth fuel and fuel additive prohibitions, and gives the Agency authority to waive certain of those prohibitions. The Agency, however, does not believe that TRT must obtain a fuel additive waiver under Section 211(f)(4) of the Clean Air Act before certifying its additive system for the following reasons.

The Act prohibits the introduction into commerce of any fuel or fuel additive that is not substantially similar to a fuel or fuel additive used in the certification of any model year 1975 or later vehicle or engine under Section 206. The Administrator may waive this prohibition, if she determines that certain criteria are met. The Agency believes that certification of an urban bus retrofit system constitutes the certification of an engine under Section 206 for the purposes of the urban bus

retrofit/rebuild program, and, since the additive is used in the certification of the system, a waiver is not required to market the additive in the limited context of use with the certified retrofit system. This determination does not affect whether the additive is “substantially similar to any fuel or fuel additive” outside the context of the urban bus retrofit/rebuild program. The Agency’s position on this matter is discussed in additional detail as it relates to use of another fuel additive (Lubrizol Corporation) at 60 FR 36139 on July 13, 1995.

If the Agency certifies the candidate TRT equipment, operators may use it immediately, as discussed below. TRT’s notification indicates that the candidate equipment is to be certified for compliance program 2; however, as discussed below, the Agency believes that configurations utilizing the catalytic muffler and reducing PM by at least 25 percent may also be used in compliance with current program 1 requirements.

In a Federal Register notice dated May 31, 1995 (60 FR 28402), the Agency certified an exhaust catalyst manufactured by the Engelhard Corporation, as a trigger of program requirements. For urban bus operators affected by this program and electing to comply with program 1 requirements, that certification means that rebuilds and replacements of all applicable urban bus engines, performed 6 months or more after that date of certification (that is, rebuilds or replacements after December 1, 1995), must be performed with equipment certified to reduce PM emissions by 25 percent or more. Under Program 1, operators could use the TRT equipment if certified to reduce PM by at least 25 percent, or other equipment certified to provide at least a 25 percent reduction, until equipment is certified which triggers the 0.10 g/bhp-hr PM standard. For Program 1, operators may also use the B20 blend with the Engelhard catalyst and injection retard only for the following engines: 6V92TA DDEC I and DDEC II, and 6L71TA DDEC.

Operators who choose to comply with Program 2 and install the TRT equipment, would use the PM emission level(s) established during the certification process, in their calculations for target or fleet level as specified in the program regulations.

In accordance with the program requirements of section 85.1404(a), operators using the candidate equipment would have to maintain purchase records of the B20 blend if the operator purchases the premixed blend from a fuel supplier, or, of biodiesel and

low-sulfur diesel fuel if the operator mixes the B20. Such records would be subject to review in the event of an audit of a urban bus operator by the Agency. To be in compliance with program requirements, operators must be able to demonstrate that B20 is being used in the proper proportions required by the candidate equipment.

At a minimum, EPA expects to evaluate this notification of intent to certify, and other materials submitted as applicable, to determine whether there is adequate demonstration of compliance with: (1) The certification requirements of § 85.1406, including whether the testing accurately substantiates the claimed emission reduction or emission levels; and, (2) the requirements of § 85.1407 for a notification of intent to certify.

The Agency requests that those commenting also consider these regulatory requirements, plus provide comments on any experience or knowledge concerning: (a) problems with installing, maintaining, and/or using the candidate equipment on applicable engines; and, (b) whether the equipment is compatible with affected vehicles.

The date of this notice initiates a 45-day period during which the Agency will accept written comments relevant to whether or not the equipment described in the TRT notification of intent to certify should be certified pursuant to the urban bus retrofit/rebuild regulations. Interested parties are encouraged to review the notification of intent to certify and provide comment during the 45-day period. Please send separate copies of your comments to each of the above two addresses.

The Agency will review this notification of intent to certify, along with comments received from interested parties, and attempt to resolve or clarify issues as necessary. During the review process, the Agency may add additional documents to the docket as a result of the review process. These documents will also be available for public review and comment within the 45-day period.

Dated: December 1, 1995.

Mary D. Nichols,
Assistant Administrator for Air and Radiation.

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Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).