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**40 CFR Parts 86 and 89**

[FRL-5645-3]

RIN 2060-AG78

**Control of Air Pollution; Amendments to Emission Requirements Applicable to New Nonroad Compression-Ignition Engines at or Above 37 Kilowatts: Provisions for Replacement Compression-Ignition Engines and the Use of On-Highway Compression-Ignition Engines in Nonroad Vehicles**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed rule (NPRM).

**SUMMARY:** This NPRM proposes to amend the regulations applicable to compression-ignition nonroad engines at or above 37 kilowatts (kW) to address two disruptive situations that have arisen regarding the implementation of regulations applicable to these nonroad engines. No air quality impact is expected from these amendments.

This NPRM proposes to allow nonroad vehicle manufacturers to use certified on-highway engines in nonroad vehicles that are constructed from on-highway vehicles or that must use public roads between job sites. These amendments also propose to allow engine manufacturers to provide uncertified replacement engines to repower pre-regulation nonroad equipment when that equipment experiences major engine failure and a suitable certified engine that will fit in the equipment is not available.

Because the rule revision is not expected to receive any adverse comments, the revision is also being issued as a direct final rule in a separate part of this Federal Register.

**DATES:** Public comments on the amendments proposed herein will be accepted until December 12, 1996 or 30 days after the date of a public hearing if one is held.

The Agency will hold a public hearing regarding these proposed

amendments on December 6, 1996 if it receives a request to testify at a hearing by November 22, 1996. The Agency will cancel this hearing if no one requests to testify. Members of the public should call the contact person indicated below to notify EPA of their interest in testifying at the hearing. Interested parties may call the contact person after November 22, 1996 to determine whether and where the hearing will be held.

**ADDRESSES:** Interested parties may submit written comments (in duplicate) for EPA consideration by addressing them as follows: EPA Air Docket (LE-131), Attention: Docket Number A-96-37, room M-1500, 401 M Street, S.W., Washington, D.C. 20460. Please contact the individual listed below before submitting comments.

Materials relevant to this rulemaking are contained in the docket listed above and may be reviewed at that location from 8:00 am until 5:30 pm Monday through Friday. As provided in 40 CFR Part 2, a reasonable fee may be charged by EPA for photocopying.

**FOR FURTHER INFORMATION CONTACT:** John Guy, Office of Mobile Sources, Engine Programs and Compliance Division (6403J), 401 M Street S.W., Washington, D.C. 20460, 202-233-9276.

**SUPPLEMENTARY INFORMATION:**

**Regulated Entities**

Entities potentially regulated by this action are those which manufacture and use compression ignition engines of 37 kW or greater. Regulated categories and entities include:

Category	Examples of regulated entities
Industry ....	Manufacturers and users of compression ignition engines of 37 kW or greater.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your

facility is regulated by this action, you should carefully examine the criteria contained in § 89.1 of title 40 of the Code of Federal Regulations, as modified by today's action. If you have questions regarding the applicability of this action to a particular entity, consult one of the persons listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

If no adverse comments are timely received, no further activity is contemplated in relation to this proposed rule and the direct final rule in a separate part of this Federal Register will automatically go into effect on the date specified in that rule. If adverse comments are timely received on the direct final rule, the rule will be withdrawn and all public comment received on it will be addressed in a subsequent final rule based on this proposed rule. Because the Agency will not institute a second comment period on this proposed rule, any parties interested in commenting should do so during this comment period.

For further supplemental information, the detailed rationale, and the rule revisions, see the information provided in the direct final rule in a separate part of this Federal Register.

**List of Subjects**

*40 CFR Part 86*

Environmental protection, Administrative practice and procedure, Confidential business information, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements.

*40 CFR Part 89*

Environmental protection, Administrative practice and procedure, Confidential business information, Imports, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements, Research, Warranties.

Dated: October 28, 1996.

Carol M. Browner,

*Administrator.*

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