

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 90 and 91

[FRL-5871-2]

Control of Air Pollution; Amendments to Emission Requirements Applicable to New Nonroad Spark Ignition Engines At or Below 19 Kilowatts and New Marine Spark Ignition Engines: Provisions for Replacement Engines and the Use of Two Stroke Engines on Certain Nonhandheld Equipment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This NPRM proposes to amend the regulations applicable to spark-ignition nonroad engines at or below 19 kilowatts (kW) and spark ignition marine engines to address issues that have arisen with the implementation of regulations applicable to these nonroad engines. No significant air quality impact is expected from these amendments.

This NPRM proposes to allow engine manufacturers to provide uncertified engines to replace older engines when major engine failures occur and no suitable certified engine is available that will fit in the nonroad equipment or

marine outboard or personal watercraft. The proposed amendments would also allow manufacturers of nonhandheld equipment who have historically used two stroke engines to avail themselves of an option currently available only to lawnmower manufacturers that have historically used two stroke engines. The current regulation permits the lawnmower manufacturers to have additional time to convert to engines that will meet the more stringent nonhandheld standards. The proposed amendment would extend the option to other types of nonhandheld equipment, subject to appropriate constraints.

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 September 8, 1997 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 August 27, 1997 if it receives a request to testify at a hearing by August 18, 1997. 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 August 18, 1997 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-97-25, 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 spark-ignition nonroad engines of 19 kW or less and those entities which manufacture and use spark-ignition marine outboard or personal watercraft (including jetboat) engines. Regulated categories and entities include:

Category	Examples of regulated entities
Industry	Manufacturers and users of spark-ignition engines of 19 kW or less. Manufacturers and users of marine spark-ignition outboard or personal watercraft engines

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 product is regulated by this action, you should carefully examine the applicability criteria in §§ 90.1 and 91.1 of title 40 of the Code of Federal Regulations. If you have questions regarding the applicability of this action to a particular product, consult the person 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 in whole or in part 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 in 40 CFR Parts 90 and 91

Environmental protection, Air pollution control, Confidential business information, Imports, Labeling, Nonroad source pollution, Reporting and recordkeeping requirements, Research, Warranties.

Dated: July 30, 1997.
Carol M. Browner,
Administrator.
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