

ER96-222, 000, SOUTHERN CALIFORNIA EDISON COMPANY  
 ER96-1663, 001, PACIFIC GAS AND ELECTRIC COMPANY, SAN DIEGO GAS & ELECTRIC COMPANY AND SOUTHERN CALIFORNIA EDISON COMPANY  
 ER96-1663, 002, PACIFIC GAS AND ELECTRIC COMPANY, SAN DIEGO GAS & ELECTRIC COMPANY AND SOUTHERN CALIFORNIA EDISON COMPANY  
 ER96-1663, 003, PACIFIC GAS AND ELECTRIC COMPANY, SAN DIEGO GAS & ELECTRIC COMPANY AND SOUTHERN CALIFORNIA EDISON COMPANY  
 ER96-1663, 004, PACIFIC GAS AND ELECTRIC COMPANY, SAN DIEGO GAS & ELECTRIC COMPANY AND SOUTHERN CALIFORNIA EDISON COMPANY  
 ER96-1663, 005, PACIFIC GAS AND ELECTRIC COMPANY, SAN DIEGO GAS & ELECTRIC COMPANY AND SOUTHERN CALIFORNIA EDISON COMPANY  
 ER96-1663, 006, PACIFIC GAS AND ELECTRIC COMPANY, SAN DIEGO GAS & ELECTRIC COMPANY AND SOUTHERN CALIFORNIA EDISON COMPANY  
 OA96-28, 000, PACIFIC GAS & ELECTRIC COMPANY  
 OA96-76, 000, SOUTHERN CALIFORNIA EDISON COMPANY  
 OA96-139, 000, SAN DIEGO GAS & ELECTRIC COMPANY  
 OA97-602, 000, SOUTHERN CALIFORNIA EDISON COMPANY  
 OA97-604, 000, SOUTHERN CALIFORNIA EDISON COMPANY  
 ORDER ON APPLICATIONS FOR AUTHORIZATIONS TO ESTABLISH AN INDEPENDENT SYSTEM OPERATOR AND POWER EXCHANGE.

E-2.

DOCKET# EC97-5, 000, OHIO EDISON COMPANY, PENNSYLVANIA POWER COMPANY, THE CLEVELAND ELECTRIC ILLUMINATING COMPANY AND THE TOLEDO EDISON COMPANY ORDER ON PROPOSED MERGER.

**OIL AND GAS AGENDA**

- I.  
 PIPELINE RATE MATTERS  
 PR-1.  
 RESERVED
- II.  
 PIPELINE CERTIFICATE MATTERS  
 PC-1.  
 OMITTED

**Lois D. Cashell,**  
 Secretary.

[FR Doc. 97-28534 Filed 10-23-97; 2:12 pm]

BILLING CODE 6717-01-P

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-5913-9]

**Agency Information Collection Activities: Submission for OMB Review; Comment Request; Regulations Governing Constructed or Reconstructed Major Sources**

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

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Regulations Governing Constructed or Reconstructed Major Sources (EPA ICR No. 1658.02). The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

**DATES:** Comments must be submitted on or before November 26, 1997.

**FOR FURTHER INFORMATION CONTACT:** Sandy Farmer at EPA, (202) 260-2740, and refer to EPA ICR No. 1658.02.

**SUPPLEMENTARY INFORMATION:**

**Title:** Regulations Governing Constructed or Reconstructed Major Sources; EPA ICR No. 1658.02. This is a new collection.

**Abstract:** Owners or operators of major sources of hazardous air pollutants (HAPs) who construct or reconstruct a source for which no maximum achievable control technology (MACT) standard has been set, must submit a one-time-only application to the permitting authority. No periodic reporting is required for this collection. Title V of the Clean Air Act (CAA) as amended in 1990 requires that MACT standards be met by constructed and reconstructed major sources of HAPs. This collection of information is mandatory under authority contained in section 112(g) of the CAA as amended in 1990 [42 U.S.C. 7401 (et. seq.) as amended by Pub. L. 101-549]

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** Notice required under 5 CFR 1320.8(d), soliciting comments on this collection

of information was published on April 1, 1994 in the proposed rule "Hazardous Air Pollutants: Proposed Regulations Governing Constructed, Reconstructed or Modified Major Sources" (59 FR 15504). A small number of comments were received concerning the ICR for the proposed rule. The comments fell into two general categories; estimated burden being too low and estimated number of sources being too low. Addressing these comments, EPA has made two significant changes to the rule. First, modified sources have been removed from the effected entities. Second the application process has been simplified by deleting the requirement that a detailed analytic determination of individual HAPs be conducted.

**Burden Statement:** The annual public reporting and recordkeeping burden for this collection of information is estimated to average 150 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

**Respondents/Affected Entities:** Major sources of HAPs for which a MACT standard has not been established.

**Estimated Number of Respondents:** 3,000.

**Frequency of Response:** Once per construction, reconstruction or modification.

**Estimated Total Annual Hour Burden:** 106,535 hours.

**Estimated Total Annualized Cost Burden:** \$0.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 1658.02 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OPPE Regulatory Information Division (2137), 401 M Street, SW, Washington, DC 20460.

(Or E-Mail  
Farmer.Sandy@epamail.epa.gov)

and

Office of Information and Regulatory  
Affairs, Office of Management and  
Budget, Attention: Desk Officer for  
EPA 725 17th Street, NW,  
Washington, DC 20503.

Dated: October 17, 1997.

**Richard Westlund,**

*Acting Director, Regulatory Information  
Division.*

[FR Doc. 97-28369 Filed 10-24-97; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5914-2]

### Motor Vehicles and Motor Vehicle Engines; Tampering Enforcement Policy for Alternative Fuel Aftermarket Conversions; Addendum to Mobile Source Enforcement Memorandum 1A

September 4, 1997.

*A. Purpose.* The purpose of this document is to clarify and revise the U.S. Environmental Protection Agency's (EPA's) "tampering" enforcement policy for motor vehicles and motor vehicle engines originally designed to operate on gasoline or diesel fuel and subsequently modified to operate exclusively or in conjunction with compressed natural gas (CNG) or liquified petroleum gas (LPG or propane), hereinafter referred to as "alternative fuels". The provisions of this Addendum shall apply to all persons subject to the tampering prohibition of Section 203(a) of the Act. For the purpose of this policy Addendum, the term *manufacturer* will apply to any person who designs, produces, and/or assembles components for converting vehicles or engines to operate on alternative fuels and is responsible for complying with all applicable requirements of this policy Addendum.

*B. Background.* EPA's policy is and has been that any alteration from an original configuration of a vehicle or engine as certified under Title II of the Act may constitute tampering under Section 203(a)(3). Routine maintenance and repair of vehicles and engines requires the use of replacement parts which may be non-original or "aftermarket" parts or systems. EPA's Office of Enforcement and General Counsel issued Mobile Source Enforcement Memorandum 1A (Memo 1A) on June 25, 1974 to provide guidance to covered parties regarding how the Agency intended to enforce the

"tampering" prohibition under Section 203(a)(3) of the Clean Air Act (Act) with respect to maintenance and the use of aftermarket parts.

Memo 1A provides, in part, that the use of an aftermarket part, alteration or add-on part will not constitute tampering if the dealer has a "reasonable basis" to believe that such acts will not adversely affect emissions performance. It also provides specific procedures or options by which the dealer would have a "reasonable basis". One available procedure is emissions testing performed in accordance with "40 CFR 85" (subsequently revised and incorporated under 40 CFR Part 86) demonstrating compliance with emission standards for the useful life of the vehicle or engine. An alternate option is that "a Federal, state or local environmental control agency represents that a reasonable basis exists" based on testing done in accordance with procedures specified by that agency. Many vehicles converted from gasoline fueled to CNG or propane have relied on the second option utilizing procedures established by California or Colorado for demonstrating emissions compliance.

EPA has recently become aware of federal emission test data generated under a program conducted by the National Renewable Energy Laboratory (NREL) which indicate that a significant number of these vehicles modified to run on alternative fuels may be exceeding one or more applicable federal emission standards. The installers involved in the NREL program had attempted to comply with Memo 1A by using conversion systems certified by the state of California under the "California Exhaust Emission Standards and Test Procedures for Systems Designed to Convert Motor Vehicles Certified for 1993 and Earlier Model Years to Use Liquefied Petroleum Gas or Natural Gas Fuels" (pre-1994 California Procedures). EPA has subsequently reviewed emission test data from other sources which generally substantiate the NREL results.

In response to concerns raised by these data, the Agency conducted a public stakeholders meeting on February 21, 1997, with representatives of the affected industries, regulatory agencies and interested fleet operators. The purpose of the meeting was to discuss these data and the causes of the emission failures as well as to explore all available options to identify and remedy the problems. Many reasons were provided for the emission problems, including inadequate initial testing, insufficient durability evaluations, overly broad vehicle

application based on limited testing, inadequate systems/parts specifications, improper installation and fuel variability. The concerns of the affected industries and fleets subject to several alternative fuel statutory mandates were also discussed.

The most significant conclusion reached at that meeting, and from extensive data review and discussions subsequent to that meeting, was that the pre-1994 California and Colorado procedures as currently structured do not provide an adequate demonstration or assurance that a vehicle or engine modified to operate on an alternative fuel using an aftermarket conversion system will comply with the applicable emission standards for its useful life. As a result of the above and in light of the number of vehicles and engines that may be converted to alternative fuels in the near future, EPA believes it is appropriate to issue this Addendum to Memo 1A (this Addendum) to provide additional guidance to the regulated community, including manufacturers and installers of alternative fuel conversion systems.

*C. Revised Policy.* Effective immediately, EPA will no longer accept a representation based on the pre-1994 California Procedures for alternative fuel conversion systems or on the test procedures under Colorado Regulation No. 14 in effect prior to the date of this Addendum as a "reasonable basis" under paragraph 3(c) of Memo 1A. Consequently, any future installation of an alternative fuel conversion system, or the modification of any motor vehicle or motor vehicle engine in compliance with Title II of the Clean Air Act to operate exclusively or in part with an alternative fuel, or the causing thereof, may constitute tampering under Section 203(a) of the Act, where the installer or manufacturer has relied exclusively on a representation by Colorado or California, as described above, that a reasonable basis exists in accordance with paragraph 3(c) of Memo 1A. Effective immediately, the "reasonable basis" under paragraph 3 of Memo 1A that EPA agrees may be relied on by any person, including a manufacturer, installer or operator, when converting, or causing the conversion of, a motor vehicle or motor vehicle engine to operate on an alternative fuel is limited to one of the three options listed below.

1. A Federal Certificate under 40 CFR Part 86 demonstrating compliance with the applicable standards or under 40 CFR Part 88 demonstrating compliance with Clean Fuel Fleet standards for each engine family to be converted in accordance with 40 CFR Part 85, Subpart F; or