

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-5928-1]

**Agency Information Collection Activities: Proposed Collection; Emergency Clearance Request; Comment Request; Four Private Party Anecdotal Surveys Regarding Prospective Purchaser Agreements and Comfort/Status Letters**

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 EPA has submitted an emergency clearance request for the following proposed Information Collection Request (ICR) to the Office of Management and Budget (OMB): Four Private Party Anecdotal Surveys Regarding Prospective Purchaser Agreements and Comfort/Status Letters, EPA ICR Number 1837.01. The emergency clearance request has been submitted for emergency processing within 14 days after publication in the **Federal Register**. During this time period, EPA is soliciting comments on specific aspects of the proposed information collection.

**DATES:** Please submit comments on or before December 10, 1997.

**ADDRESSES:** U.S. Environmental Protection Agency, Office of Site Remediation Enforcement, 401 M Street, SW (MC 2273A), Washington, DC 20460. Interested persons may contact Elisabeth Freed at (202) 564-5117 for a copy of the ICR or see the EPA ICR website at <http://www.epa.gov/icr>. Refer to ICR Number 1837.01.

**FOR FURTHER INFORMATION CONTACT:** Elisabeth Freed, Office of Site Remediation Enforcement, Policy and Program Evaluation Division, (202) 564-5117, (202) 564-0093 (fax), [freed.elisabeth@epamail.epa.gov](mailto:freed.elisabeth@epamail.epa.gov).

**SUPPLEMENTARY INFORMATION:**

**Affected entities:** Entities potentially affected by this action are those which are non-government parties at sites where Prospective Purchaser Agreements and Comfort/Status Letters have been issued, or at sites where they have been sought, but not obtained. These parties may include, but are not limited to, lending officials, developers, and attorney representatives of parties to the site.

**Title:** Four Private Party Anecdotal Surveys Regarding Prospective Purchaser Agreements and Comfort/

Status Letters, EPA ICR Number 1837.01, [Proposed Information Collection]

**Abstract:** In 1995, EPA issued guidance and policies concerning the use of Prospective Purchaser Agreements and Comfort/Status Letters. (See Guidance on Settlements with Prospective Purchasers of Contaminated Property, published in May of 1995 and Policy on the Issuance of Comfort/Status Letters, published in November of 1996). Since that date, EPA has entered into 66 Prospective Purchaser Agreements and issued more than 200 Comfort/Status Letters. OSRE will use four anecdotal surveys to collect information from private parties (non-government personnel) at sites where Prospective Purchaser Agreements and Comfort/Status Letters have been issued, or where they have been sought but not obtained. OSRE will use the information collected to evaluate the effectiveness of the guidance on Prospective Purchaser Agreements and the Comfort/Status Letter policy. Responses to this information collection are strictly voluntary, and the information collection is a one-time effort. OSRE will ensure the confidentiality of the responses to the information collection by employing contractor support to collect the information and by limiting access to individual responses to EPA personnel overseeing the information collection. Using contractors to collect the information through telephone surveys is expected to increase the candor of the responses. Contractors will transcribe responses onto survey forms and will assist in compiling and analyzing the information. Only EPA personnel overseeing this information collection will have access to individual responses. All other personnel, as well as other interested parties, will be limited to examining only compiled summaries of data. This process will safeguard the confidentiality of the information. All contractors involved in the information collection have signed non-disclosure statements and Conflict of Interest assessments. These documents ensure that the contractors have examined the information collection assignment for possible conflicts of interest and have found none. They also ensure that contractors will not reveal any information they collect while conducting the surveys. 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.

EPA would like to solicit comments to:

(i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

**Burden Statement:** This information collection is estimated to cost \$28,882 and take 1048 hours. Note that although four survey instruments will be used in this information collection, each respondent will be asked to respond to only one survey instrument. Which instrument they will receive will be determined by their site type (site type is defined as participant or non-participant) and whether a Prospective Purchaser Agreement or a Comfort/Status Letter was involved at the site. There will be approximately 600 respondents, with an average response time of 36 minutes. This is a one-time information collection, and participation is strictly voluntary. Of the anticipated 1048 hours required for the information collection, 650 are estimated as EPA burden, and 398 are estimated as respondent burden. 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.

Dated: November 20, 1997.

**Leslie A. Jones,**

*Acting Branch Chief of Site Remediation Enforcement, Policy Guidance Branch.*

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**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-5927-9]

**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 11, 1997 from Nelson Industries, Inc., Nelson Division (Nelson) with principal place of business at 1801 Highway 51 West, P.O. Box 428, Stoughton, WI, 53589 for certification of urban bus retrofit/rebuild equipment pursuant to 40 CFR 85.1401 through 85.1415. The equipment is applicable to petroleum-fueled Detroit Diesel Corporation (DDC) two-stroke/cycle engines originally installed in urban buses from model year 1979 to model year 1993, excluding the DDC 6L71TA 1990 model year engines, all alcohol fueled engines, and models which were manufactured with particulate trap devices. In addition, the equipment is applicable to engines which have been previously rebuilt using the certified DDC 6V92TA MUI or DDECII upgrade kits.<sup>1</sup> On July 11, 1997, 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 (62 FR 37228). EPA received no comments in response to that **Federal Register** notice. Subsequently, EPA has completed its review of this notification, and the Director of the Engine Programs and Compliance Division has determined that it meets all the requirements for certification. Accordingly, EPA certified

this equipment in a letter to Nelson Industries dated October 14, 1997.

The certified equipment provides 25 percent or greater reduction in exhaust emissions of particulate matter (PM) for the engines for which it is certified. In addition, this equipment is certified as complying with a life cycle cost limit of \$2,000 or less (in 1992 dollars).

The Nelson notification, as well as other materials specifically relevant to it, are contained in Public Docket A-93-42, category XIX, 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 effective date of certification is October 14, 1997, established in a letter from EPA to Nelson Industries. This certified equipment may be used immediately by urban bus operators. The impact of this certification on transit operators is discussed in more detail in section IV of today's notice.

**FOR FURTHER INFORMATION CONTACT:** Tom Stricker, Engine Compliance Programs Group, Engine Program and Compliance Division (6403J), U.S. Environmental Protection Agency, 401 M St. SW, Washington, D.C. 20460. Telephone: (202) 564-9322.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

By a notification of intent to certify signed March 11, 1997, Nelson applied for certification of equipment applicable to petroleum-fueled Detroit Diesel Corporation (DDC) two-cycle engines originally installed in an urban bus from model year 1979 to model year 1993, excluding the DDC 6L71TA 1990 model year engines and models which were manufactured with particulate trap devices or alcohol fueled. In addition, Nelson requested certification for engines rebuilt using the certified DDC 6V92TA MUI or DDECII upgrade kits when the CEM is installed at the same

time as the DDC rebuild kit. The notification of intent to certify states that the equipment being certified is a catalytic exhaust muffler (Nelson converter), packaged as a direct replacement for the muffler. The application demonstrates that the candidate equipment provides a 25 percent or greater reduction in emissions of particulate matter (PM) for petroleum fueled diesel engines relative to an original engine configuration with no after treatment installed. Certification is applicable to engines that are rebuilt to original specifications, or in-use engines that are not rebuilt at the time the Nelson converter is installed provided the engine is calibrated to meet the original manufacturer's specifications and meets engine oil consumption limits specified by Nelson. According to Nelson, a 6-cylinder engine that uses more than one-and-a-half quarts of oil per 10 hours of operation, or an 8-cylinder engine that uses more than 2.0 quarts of oil per 10 hours of operation, must be rebuilt. The Nelson Converter is certified for use on engines rebuilt using new DDC certified rebuild kits only in those instances where the Nelson converter is installed at the same time the DDC rebuild kit is installed on the engine.

Using engine dynamometer testing in accordance with the Federal Test Procedure for heavy-duty diesel engines, Nelson documented a 53% PM reduction for the test engine retrofit with the Nelson Converter compared to a standard rebuild. The test engine with the certified retrofit equipment installed complies with applicable Federal emission standards for hydrocarbon (HC), carbon monoxide (CO), oxides of nitrogen (NO<sub>x</sub>), and smoke emissions in addition to demonstrating reductions in PM exhaust emissions.

Table A below lists the engine models covered by this certification, and the PM level to which each model is certified. The Nelson equipment is certified to reduce PM emissions by 25 percent. The certification level (shown as "PM Level with Converter" in Table A) represents a 25 percent reduction in PM emissions compared to the pre-rebuild PM level shown in the table at 40 CFR Section 85.1403(c)(1)(iii)(A).

TABLE A.—CERTIFICATION LEVELS

Engine models	Model year	PM level with converter	Code	Family
6V92TA MUI <sup>2</sup> .....	1979-87	0.38	All	All.

<sup>1</sup> The DDC 6V92TA MUI upgrade kit was certified by EPA on October 2, 1995 (60 FR 51472). The DDC

6V92TA DDECII upgrade kit was certified by EPA on July 19, 1996 (61 FR 37738).