

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** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on 06/02/97 (62 FR 29826); two comments were received.

**Burden Statement:** The annual public reporting and recordkeeping burden for this collection of information is estimated to average 40.5 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:** Owners/Operators of construction activities.

**Estimated Number of Respondents:** 186,121.

**Frequency of Response:** Varies.

**Estimated Total Annual Hour Burden:** 7,697,707 hours.

**Estimated Total Annualized Cost Burden (non-labor costs):** \$2,045,000.

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. 1842.02 and OMB Control No. 2040-0188 in any correspondence.

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

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: July 26, 1999.

**Stephen T. Vineski,**  
*Acting Director, Regulatory Information Division.*

[FR Doc. 99-19590 Filed 7-29-99; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6410-4]

### 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 (EPA).

**ACTION:** Notice of agency receipt of a notification of intent to certify equipment and initiation of 45 day public review and comment period.

**SUMMARY:** The Agency has received a request to amend a notification of intent to certify urban bus retrofit/rebuild equipment pursuant to 40 CFR part 85, subpart O from the Engelhard Corporation (Engelhard) to include life cycle costs. On March 20, 1998 (63 FR 13660) EPA certified a Engelhard retrofit catalytic muffler which demonstrated a 25% reduction in particulate matter (PM) for 1992-1993 Cummins L-10 electronically-controlled (EC) petroleum-fueled diesel engines (that are not originally equipped with aftertreatment devices). In the original notification dated October 18, 1996, Engelhard provided life cycle cost information applicable only to the L-10 EC engines.

In a letter dated April 20, 1998, Engelhard requested that the March 20, 1998 certification be amended to include all pre-1994 Cummins L-10 engines and "all other 4-stroke urban bus engines". Based on this request, EPA published a notice in the **Federal Register** on November 30, 1998 (63 FR 65780) for public review and comment. In the November 30 notice, EPA provided a summary of the notification amendment request and identified the engines that are being considered for inclusion in the, "all other 4-stroke urban bus engine" classification under the urban bus retrofit/rebuild program for which the catalytic muffler would be applicable. EPA has received comments on the November document and they are currently being reviewed.

Today's document is in response to a letter dated December 4, 1998 from Engelhard requesting that a second amendment be made to the October 18, 1996 notification of intent to certify. Engelhard is specifically requesting that

the life cycle costs apply for the equipment and all engine models referenced in the November 30, 1998 **Federal Register** notice. Engelhard has submitted pricing information along with the guarantee that the equipment would be offered to all affected operators for less than the incremental life cycle cost ceiling of \$2000 (in 1992 dollars). EPA notes that, if certified to comply with life cycle cost requirements of the urban bus retrofit program, this equipment would trigger program requirements for the 25% reduction standard for specific engines. If certified as a trigger of this standard, then urban bus operators using compliance option 1 will be required to use this retrofit/rebuild equipment or other equipment certified to provide a 25% or greater reduction PM at the time of engine rebuild or replacement for specified engine models.

Pursuant to section 85.1407(a)(7), today's **Federal Register** document summarizes the notification below, 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 the additional information submitted relative to the notification of intent to certify, as well as comments received, to determine whether this equipment may be certified to comply with the life cycle requirements of the program.

The Engelhard letters dated April 20, 1998 and December 4, 1998, and the original notification of intent to certify, as well as other materials specifically relevant to it, are contained in category XVII-A of Public Docket A-93-42, entitled "Certification of Urban Bus Retrofit/Rebuild Equipment." This docket is at the address below.

Today's notice initiates a 45-day period during which the Agency will accept written comments relevant to whether or not the equipment as described herein should be certified for life-cycle costs for the applicable engines. Comments should be provided in writing to Public Docket A-93-42, Category XVII-A, at the address below. An identical copy should be submitted to Anthony Erb, also at the address below.

**DATES:** Comments must be submitted on or before September 13, 1999.

**ADDRESSES:** Submit separate copies of comments to the two following addresses:

1. U.S. Environmental Protection Agency, Public Docket A-93-42 (Category XVII-A), Room M-1500, 401 M Street S.W., Washington, D.C. 20460.

2. Anthony Erb, Engine Compliance and Programs Group, Engine Programs & Compliance Division (6403J), 401 "M" Street S.W., Washington, D.C. 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.

**FOR FURTHER INFORMATION CONTACT:**

Anthony Erb, Engine Programs & Compliance Division (6403J), U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460. Telephone: (202) 564-9259.

**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 programs: Program 1 sets particulate matter 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.

Certification of retrofit/rebuild equipment is a key element of the retrofit/rebuild. To show compliance under either of the compliance programs, operators of the affected buses must use equipment that has been certified by the Agency. Emissions requirements under either of the two compliance programs depend on the availability of certified retrofit/rebuild equipment 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.

**II. Notification of Intent to Certify**

By a notification of intent to certify signed November 18, 1996, Engelhard applied for certification of equipment applicable to all Cummins L-10 engines that were originally manufactured prior to and including 1993. The notification of intent to certify stated that the candidate equipment would reduce PM emissions 25 percent or more on petroleum-fueled diesel engines that are rebuilt to Cummins specifications.

The candidate equipment consists of a "catalytic converter muffler" or CMX™, that is a muffler containing an oxidation catalyst. The CMX is intended to replace the standard muffler previously installed in the engine exhaust system. The CMX is intended to be maintenance free, requiring no service for the full in-use compliance period. The engine fuel to be used with this equipment is standard diesel fuel with a maximum sulfur content of 0.05 weight % sulfur.

Life cycle cost information was submitted with the original notification, along with a guarantee that the equipment would be offered to all affected operators for less than the incremental life cycle cost ceiling. EPA's certification of this equipment on March 20, 1998 triggered the requirements for operators using compliance option 1, to reduce PM by 25% when rebuilding or replacing 1992-1993 Cummins L-10 EC models. As a trigger of this standard, urban bus operators were required to use this retrofit/rebuild equipment, or other equipment certified to provide a PM reduction on any applicable engine rebuilt on or after September 21, 1998.

In a letter to EPA dated April 20, 1998, Engelhard requested that the March 20, 1998 certification be amended to include all pre-1994 Cummins L-10 models and all other 4-stroke urban bus engines. Table A of this document provides a listing of the additional 4-stroke urban bus engines to which the candidate equipment is believed to be applicable. EPA requested comment on the appropriateness of the engines currently listed in Table A and information on any additional engines for which this certification may be applicable in the

**Federal Register** document that was published on November 30, 1998.

Identification of the engines in this classification was deemed to be necessary based on a letter from Engelhard dated March 16, 1998 which states that the inclusion of "all other 4-stroke engines" in the Engine Control Systems certification dated January 29, 1998 (63 FR 4445) was causing confusion in the marketplace because it was not clear which engines were included in the "all other 4-stroke engine" classification. Accordingly, this notice sought to clarify this matter by identifying the applicable engines. EPA requested additional information on the appropriateness of the engines identified in Table A of this document for this classification. As stated in the notice, it is EPA's intent that the list of engines will apply to the candidate Engelhard certification discussed herein, the Engine Control Systems certification referenced above and to future notifications of intent to certify equipment under the urban bus retrofit regulations that include engines in the "all other 4-stroke" classification. Comments have been received and are currently being reviewed relative to the April 20, 1998 amendment request.

The equipment to be applied to the engines is a "Catalytic Converter Muffler" or CMX™, that is a muffler containing an oxidation catalyst. The CMX is intended to replace the standard muffler previously installed in the engine exhaust system. The CMX is intended to be maintenance free, requiring no service for the full in-use compliance period. The engine fuel to be used with this equipment is standard diesel fuel with a maximum sulfur content of 0.05 wt. % sulfur.

Engelhard has requested approval for all Cummins L-10 engines and all other urban bus 4-stroke engines manufactured prior to and including 1993. As a basis for this certification, Engelhard presented exhaust emission data from testing a 1987 240hp Cummins L-10 engine, control parts list number 0777 (CPL# 0777) along with test data to support this certification. Detailed information on the emission test data presented can be found in the November 30, 1998, **Federal Register** document (63 FR 65780).

In the amendment request of December 4, 1998, Engelhard has provided life cycle cost data relative to the engines that are listed in the April 20, 1998 amendment request. This amendment request to include the life cycle costs, if approved for certification, will trigger new rebuild requirements for specified models listed in Table A.

If the Agency certifies the candidate Engelhard equipment within the applicable life cycle cost, operators will be affected as follows. Under Program 1, this equipment would be available for all rebuilds of applicable Cummins L-10 urban bus engines and other 4-stroke urban bus engines listed in Table A following the effective date of certification. For the following 4-stroke urban bus engines as listed in footnote 3, certification within life cycle cost limits, would trigger the requirement to use this or other equipment certified to produce a 25% reduction of: Caterpillar

8 cylinder engines, General Motors 6 cylinder and 8 cylinder engines, International Harvester/Navistar 8 cylinder engines, MAN 6 and 8 cylinder engines, Saab-Scania 6 cylinder engines, and Volvo 6 cylinder engines installed in applicable urban buses. With regard to the Cummins L-10 models included in Table A, triggering equipment was certified by EPA on December 13, 1995 (60 FR 64046).

The requirement to use certified equipment demonstrating at least a 25% reduction in PM will continue until such time as equipment is certified that

triggers the 0.10 g/bhp-hr emission standard for less than a life cycle cost of \$7,940 (in 1992 dollars). If the Agency certifies the candidate Engelhard equipment, then operators who choose to comply with Program 2 and install this equipment may use the PM emission level(s) established during the certification review process in their calculations for fleet level as specified in the program regulations. Emission levels proposed by Engelhard are provided in Table A as well.

TABLE A.—ENGELHARD RETROFIT/REBUILD CERTIFICATION LEVELS FOR 4-STROKE ENGINES<sup>1</sup>

Cummins/other engine family	Control parts list (CPL)	Manufacture dates	New engine PM level	Retrofit PM level with CMX	Retrofit PM level with CMX and Cummins Kit
343B .....	780	11/20/85 to 12/31/87 .....	0.58	0.44 .....	0.26
343B .....	0781	11/20/85 to 12/31/87 .....	0.59	0.44 .....	0.26
343C .....	0774	11/20/85 to 12/31/89 .....	0.46	0.34 .....	0.26
343C .....	0777	11/20/85 to 12/31/89 .....	0.61	0.46 .....	0.26
343C .....	0996	12/04/87 to 08/19/88 .....	0.61	0.46 .....	0.26
343C .....	1226	07/26/88 to 12/31/90 .....	0.50	0.38 .....	0.26
343F .....	1226	07/12/90 to 08/26/92 .....	0.45	0.34 .....	0.26
343F .....	1441	12/18/90 to 12/31/92 .....	0.46	0.34 .....	0.26
343F .....	1622	04/24/92 to 12/31/92 .....	0.46	0.34 .....	0.26
343F .....	1624	04/24/92 to 12/31/92 .....	0.45	0.34 .....	0.26
Other <sup>2</sup> 4-stroke engines, Caterpillar, GM, INT. HARV., Navistar, MAN, Saab-Scania, Volvo.	( <sup>4</sup> )	Pre-1988 .....	0.50	0.38 .....	N/A
Other <sup>2</sup> 4-stroke engines, Caterpillar, GM, INT. HARV., Navistar, MAN, Saab-Scania, Volvo.	.....	1988 to 1993 .....	( <sup>3</sup> )	25% reduction from certification PM levels.	( <sup>4</sup> )

<sup>1</sup> The New Engine PM certification levels for Cummins engines are based on the certification level or the average test audit result for each engine family. It is noted that for engine family 343F, although the PM standard for 1991 and 1992 was 0.25 g/bhp-hr and the NOx standard was 5.0 g/bhp-hr, Cummins certified the 1226, 1441, 1622, and 1624 CPLs to a Federal Emission Limit (FEL) of 0.49 g/bhp-hr PM and 5.6 g/bhp-hr NOx under the averaging, banking and trading program.

<sup>2</sup> Applicable to the following 4-stroke engines: Caterpillar 8 cylinder engines, General Motors 6 cylinder and 8 cylinder engines, International Harvester/Navistar 8 cylinder engines, MAN 6 and 8 cylinder engines, Saab-Scania 6 cylinder engines, and Volvo 6 cylinder engines installed in applicable urban buses.

<sup>3</sup> Certification level.

<sup>4</sup> Not applicable

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 section 85.1406, including whether the testing accurately proves the claimed emission reduction or emission levels; and, (2) the requirements of section 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 Engelhard 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.

**Robert Perciasepe,**

*Assistant Administrator for Air and Radiation.*

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