of these filings are on file with the Commission and are available for public inspection.

David P. Boergers,

Secretary.

[FR Doc. 98–32153 Filed 12–2–98; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6196–5]

Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses; Certification of Equipment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Agency certification of equipment.

SUMMARY: EPA received an application dated March 6, 1998 from Johnson Matthey, Incorporated (JM), for certification of urban bus retrofit/rebuild equipment pursuant to 40 CFR 85.1401—85.1415. The kit is identified as the Cam Converter Technology (CCT™) Upgrade Kit and applies to Detroit Diesel Corporation's (DDC) 6V92TA model engines of model years 1985 through 1993 with power ratings of 253 and 277 horsepower and having electronically-controlled fuel injection (DDEC). Applicable engines include those certified to meet federal and California emissions standards.

On May 14, 1998, EPA published a notice in the **Federal Register** (63 FR 26795) that the notification had been received and made the notification available for public review and comment for a period of 45 days. EPA has completed its review and the Director of the Vehicle Programs and Compliance Division has determined that it meets the requirements for certification, conditioned on the terms discussed below in section IV. The effective date of certification is discussed below under **DATES**.

The certified equipment complies with the particulate matter (PM) standard of 0.10 gram per brake horsepower-hour (g/bhp-hr).

In addition, two methods of marketing the CCT kit, discussed below as supply options, are approved by EPA.

Certification of the CCT kit, as it applies to all applicable engines of model years 1985 through 1990 and all applicable engines of model years 1991 through 1993 that are not equipped with ECM programs #259 through #264 for kit operation on diesel fuel #1, is conditioned upon JM complying with the terms discussed below in section IV. Certification is unconditional for 1991 through 1993 model year engines that are equipped with ECM programs #259, #260, #261, #262, #263, or #264 and operate on diesel fuel #1 after kit installation.

The certification of this equipment does not trigger any new requirements for transit operators. However, EPA certification makes the CCT kit available as an option to those operators that are required to use equipment certified to the 0.10 g/bhp-hr standard.

ADDRESSES: The JM application, as well as other materials specifically relevant to it, are contained in Public Docket A–93–42, Category XXI–A, entitled ''Certification of Urban Bus Retrofit/Rebuild Equipment''. 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: Today's **Federal Register** notice announces the Agency's decision to certify the CCT equipment, as described below.

The effective date of certification was established in a letter dated October 21, 1998, from the Director of the Vehicle Programs and Compliance Division to Johnson Matthey. (A copy of the letter is in the public docket, which is located at the address noted above.)

This certified equipment may be used immediately by urban bus operators, subject to the condition in Section IV.

FOR FURTHER INFORMATION CONTACT: William Rutledge, Engine Programs and Compliance Division (6403J), U.S. Environmental Protection Agency, 401 M St. SW, Washington, D.C. 20460. Telephone: (202) 564–9297.

SUPPLEMENTARY INFORMATION:

I. Background and Equipment Identification

In a notification of intent to certify signed March 6, 1998, Johnson Matthey, with principal place of business at 434 Devon Park Drive, Wayne, Pennsylvania 19087–1889, applied for certification of equipment under the urban bus program. The notification and equipment are further clarified in letters provided subsequently from JM to EPA, and are available from the public docket at the address above.

JM states that the equipment, referred to as the Cam Converter Technology (CCT™) upgrade kit, consists of patented engine cam shafts, a CEM II™ catalytic exhaust muffler, specified engine rebuild parts, and a set of instructions. The instructions specify fuel injector height, 0.015 offset key size, and electronic control module (ECM) software program. The kit composition and supply options are described below in this section.

JM provides emissions data from testing two baseline engines, one certification engine, and one test engine in an uncertified configuration. The results of the engine testing are summarized below in Table 1. The emissions data were developed using engine dynamometer testing conducted in accordance with the Federal Test Procedure (FTP) for heavy-duty diesel engines (40 CFR Part 86), and conducted using test engines rated at 277 horsepower.

One of the baseline engines was rebuilt to a 1988 model year configuration and the other rebuilt to a 1991 configuration. Certification testing, using both diesel fuel #1 and #2, was performed on an engine rebuilt with the appropriate CCT Upgrade Kits. The parts used to rebuild the engines are provided in the March 6, 1998 notification and letters dated September 28 and October 7, 1998. Documents can be found in the public docket at the address listed above.

The data of Table 1 indicate that, when an engine is rebuilt with the CCT™ kit having the 0.015 offset key, PM emissions are less than 0.10 g/bhp-hr, and emissions of hydrocarbon (HC), carbon monoxide (CO), oxides of nitrogen (NO_X), and smoke opacity are less than or equal to the federal and California standards applicable to the 1993 model year. The certification test data were provided to EPA in the March 6, 1998 notification and in a letter from JM dated September 28, 1998. One certification test was conducted using diesel fuel #1, and all of the other tests were conducted using diesel fuel #2.

The ''uncertified kit'' of Table 1, using an 0.010 offset key, does not comply with the 5.0 g/bhp-hr NO_X standard and is not the certified configuration of today's **Federal Register** notice. That ''uncertified kit'' consisted of all of the parts of the CCT kit except for use of an 0.010 offset key. The data is provided as support data demonstrating compliance with the 0.10 g/bhp-hr PM standard.

EPA believes that CCT-equipped engines using the 0.015 offset key will meet the 0.10 g/bhp-hr PM standard because installation of the kit upon engine rebuild results in the replacement of all emissions-related parts with a specific set of parts. JM has provided testing which demonstrates compliance of this set of parts with the 0.10 g/bhp-hr PM standard. The fuel consumption impact of the CCT kit is discussed in section II below.

TABLE 1.—SUMMARY OF JOHNSON MATTHEY TESTING

Gaseous and particulate test:	1991 HDDE standards	Transient emission engine test (g/bhp-hr) of 6V92TA DDEC II				
		1988 baseline [1]	1991 baseline [2]	CCT kit [3]	CCT kit [4]	Uncertified kit [5]
HC	1.3	0.4	0.46	0.2	0.3	0.2
CO	15.5	1.2	1.2	0.6	0.77	0.8
NO_X	5.0	8.4	4.9	5.0	4.19	5.8
PM	0.25	0.15	0.19	0.091	0.090	0.097
BSFC [5]	.....	0.459	0.483	0.489	0.497	0.483
Smoke test:	Standards percent	Percent opacity				
ACCEL	20	2.9	2.7	2.3	4.0	2.3
LUG	15	0.8	1.2	1.2	2.1	0.3
PEAK	50	4.3	3.7	3.7	5.6	4.7

[1] Engine id number 6VF160626 using 2D fuel.
[2] Engine id number 6VF186640 using 2D fuel.
[3] Engine id number 6VF186640 using 2D fuel and 0.015 offset key.
[4] Engine id number 6VF186640 using 1D fuel and 0.015 offset key.
[5] Engine id number 6VF160626 using 2D fuel and 0.010 offset key (not certified).
[6] Brake Specific Fuel Consumption (BSFC) is measured in units of lb/bhp-hr.

The CCT kit is applicable to all Detroit Diesel Corporation (DDC) 6V92TA DDEC two-stroke/cycle urban bus engines from model years 1985 through 1993 with power ratings of 253 and 277 horsepower (hp), including those certified to federal and California standards.

The CCT kit is intended to be installed at the time of a standard engine rebuild using standard DDC rebuild practices, except where amended by JM. The contents of the CCT kit, shown in Table 2, will vary depending upon the supply option and the particular engine to be rebuilt. If the first supply option is selected by the installer, then Johnson Matthey will provide all of the following parts: CEM II catalytic muffler, patented engine camshafts, CCT cylinder kits, 0.015 offset key, fuel injectors, 40T blower gear, turbo charger, blower assembly, blower bypass valve, and if necessary, ECM program. In addition, the kit for 1985 through 1987 DDEC 1 engines, regardless of supply option, will include the DDEC I to DDEC II conversion parts listed in the letter dated September 28, 1998 from JM to EPA. If the second supply option is selected by the installer, then JM will provide only the ''unique'' parts (including, if necessary, the ECM program) for the particular engine to be rebuilt. The balance of the CCT kit parts, that is, the ''non-unique'' parts, must be acquired by the installer through other channels. The non-unique parts are parts that would be replaced during the standard rebuild of particular engines, and must be the particular DDC components specified in the CCT kit.

TABLE 2.—CCT KIT PARTS [1] PROVIDED UNDER SUPPLY OPTION 2

Part provided in kit?	1985–87 DDEC 1	1988–90 DDEC II	1991–93 DDEC II	
	Diesel 1 & 2	Diesel 1 & 2	Diesel 1	Diesel 2
CEM II	Yes	Yes	Yes	Yes
Patented Cams	Yes	Yes	Yes	Yes
CCT Cylinder kits	Yes	Yes	Yes	Yes
0.015 Offset Key	Yes	Yes	Yes	Yes
Fuel Injectors	Yes	Yes	No	No
ECM Program	Yes	Yes	[3] No	Yes
40T Blower Gear	Yes	No	No	No
Turbo Charger	Yes	No	No	No
Blower Assembly	Yes	No	No	No
Blower Bypass Valve	Yes	No	No	No
DDEC 1 to DDEC 2	[2] Yes	not applicable		

[1] The balance of the CCT kit parts must be acquired by the installer and must be the DDC components specified in the CCT kit.
[2] The kit for 1985 through 1987 DDEC I engines, regardless of supply option, will include the DDEC I to DDEC II conversion parts.
[3] 1991–93 engines having ECM program 259 through 264 for CCT kit operation on diesel fuel #1 do not require a new ECM program.

The CEM II is a direct, bolt-on replacement for the original equipment muffler, and is designed to fit the specific bus/engine combination. The 0.015 offset key replaces the standard Woodruff key between the pulse wheel and camshaft, and functions to offset the electronic pulse wheel to retard fuel injection timing. The list of specific engine parts is provided in the notification of intent to certify dated March 6, 1998.

All CCT kits will include a CEM II catalytic muffler, patented engine camshafts, CCT cylinder kits, and 0.015 offset key, regardless of supply option. For 1985 through 1987 model year engines, all of the parts of Table 2 are unique parts and therefore, required to be provided in the certified CCT kit. For 1988 to 1990 model year engines, the CCT kit includes fuel injectors and an upgrade of the ECM program. For the 1991–1993 model year engines, the fuel injectors, turbocharger, blower assembly, blower bypass valve, and 40 teeth blower drive gear are non-unique,

standard rebuild components and therefore, not required to be in the certified CCT kit. To complete a rebuild using supply option 2, an operator must acquire on its own, the other required (specified) standard engine rebuild parts. The parts not provided with the kit are required to be the DDC-supplied parts specified with the kit instructions, because DDC components were used for JM's certification testing. JM is required to provide a 100,000 mile defect warranty and 150,000 mile emissions performance warranty for the components supplied to the transit operator in each kit.

All 1985 through 1990 model year engines will require a change of ECM program. A change of ECM program is required for any 1991–1993 model year engine that is not equipped with ECM program 259 through 264 for kit operation on diesel fuel #1. When a change in ECM program is necessary, it will be included in the purchase price of the kit. In summary, if a transit operator has an engine that does not have the CCT-identified ECM program for its particular parameters (hp, rotation, fuel type, peak torque), then it must change the existing ECM program to the appropriate CCT-identified program. The ECM programs, often referred to by DDC as certification word codes (CWC), are listed in letters from JM dated August 19 and September 28, 1998, from Johnson Matthey to EPA.

The CCT kit is certified to a PM emission level of 0.10 g/bhp-hr for all 1985 through 1993 DDC 6V92TA DDEC I and II urban bus engines using either diesel fuel #1 or #2 (including engines originally certified, or rebuilt, to meet California emissions standards). Table 3 lists the applicable engine models and certification levels associated with the certification announced in today's **Federal Register**.

TABLE 3.—CERTIFICATION LEVELS

Applicable models [1]	Engine code	Certified PM Level
1985–1993 Detroit Diesel 6V92TA DDEC I and II rated at 253 or 277 hp.	ALL (including those certified or rebuilt to meet California or 50-state emissions standards).	0.10 g/bhp-hr

[1] Conditional certification applies to most engines. See discussion in sections I and IV.

II. Summary and Analysis of Comments

Comments were received from three parties in response to the **Federal Register** notice of May 14, 1998 (63 FR 26795): Detroit Diesel Corporation (DDC), Engelhard Corporation (Engelhard), and Chicago Transit Authority (CTA). DDC is the original manufacturer of the engines to which the CCT kit applies, and also supplies equipment certified to meet the 0.10 g/bhp-hr PM standard under the urban bus program for these engines. Engelhard has certified several kits under the Urban Bus Rebuild Program, including the ETX–2002™ Emissions Rebuild Kit applicable to 1988 through 1998 model year 6V92TA DDEC II engines. Certification of the ETX kit triggers the requirement on affected operators to use equipment certified to the 0.10 g/bhp-hr standard when 1988–1993 DDC DDEC II engines are rebuilt or replaced after March 22, 1999. (This is discussed further below in section V.) CTA is a transit operator of an urban bus fleet in an area to which the Urban Bus Rebuild Requirements apply.

DDC states that it is concerned with the equipment which is proposed to be certified because it not only involves the addition of an after-treatment device, but it modifies many of the critical internal engine components and creates combinations of internal components for which DDC has no experience. Engelhard states that it has significant concerns with the ability of the CCT to meet the 0.10 g/bhp-hr standard, and that the kit should not be certified until JM has provided sufficient data and valid responses to all questions and concerns. As discussed below in this section relative to prominent comments, EPA believes that JM has satisfied the requirements necessary for certification of the CCT kit for applicable DDEC engines.

Comments and issues generally fell into the following categories: (a) Equipment identification and specification; (b) engine rating; (c) emissions and testing; (d) durability and in-service concerns; (e) installation and maintenance instructions; (f) catalyst checking procedure; (g) components of the kit; and, (h) life cycle cost. These are discussed below. Copies of the complete comments and other documentation are available in the public docket, which is located at the address stated above.

a. Equipment Identification and Specification

DDC comments that it is their understanding that the purpose of the offset key is to advance fuel injection timing at all operating conditions compared to the standard DDC timing. However, based on the description in the JM installation guide, DDC believes that the timing offset will be in the retard direction. In response, JM states that the procedure as written will accomplish the intent to retard the injection timing.

DDC also notes several other clarifications relating to the JM. DDC notes that JM application erroneously states that the original coach engine cylinder liner had a 0.95 inch inlet port. Actually, the 0.95 inch liner was used only for the 1985 through 1989 model years. DDC also notes that DDC does not supply the special engine camshafts or 0.015 offset key as stated in the application.

In response, JM revises its statements to clarify these points consistent with DDC statements. Additionally, JM states that the positioning of the offset key is to retard, not advance, the fuel injection timing.

Engelhard comments that the JM certification engine was installed with DDC's ECM program number 483, which is a program that DDC developed for certain engines originally equipped with exhaust traps and subsequently converted to catalytic converter/mufflers under an agreement with EPA in 1994. Engelhard notes that some of the programs specified by JM for the CCT kit are not the same type of program as the one used for certification. All of the programs in the CCT kit parts list for use with diesel fuel #2 are ''trap replacement'' programs, but the programs for diesel fuel #1 are ''standard'' ECM programs. (EPA notes that the ''standard'' programs to which Engelhard refers are DDC programs with which the 1991 through 1993 model year 6V92TA urban bus engine families were certified under EPA's new engine certification program.) Engelhard states that additional information and data are need to justify the request for certification using ECM programs for diesel fuel #1. Engelhard states that the CCT kit, without additional information, should not be certified for diesel fuel #1. Also, since the certification engines used an ECM program for trap replacement, all versions of the CCT kit

must use that type of program to meet 0.10 g/bhp-hr.

In its letter dated September 28, JM presents emissions data from testing the CCT kit using diesel fuel #1 with an ECM program that DDC developed for use with 1991 through 1993 6V92TA DDEC II coach engines operating on diesel fuel #1. That data acceptably demonstrates compliance with the 0.10 g/bhp-hr PM standard. The data is listed in summary Table 1.

b. Engine Rating

DDC comments that the CCT kit appears to be incompletely specified, because JM did not specify ECM programs that are compatible with the original DDC 253 horsepower (hp) ''low-torque'' rating. DDC said that this could be a significant problem for some bus installations where the increase torque would exceed drive-line or cooling system capabilities.

In its letter to EPA dated August 19, 1998, JM noted that the original certification package was for the high-torque only, stated that its intent is to offer CCT kits for both high and low torque ratings, and provided an updated list of ECM programs for the kit which provides for both low and high torque versions of the 253 hp rating. EPA is certifying these because the certification test data provided by JM is determined, at least on torque rating, to be a worse-case test engine.

c. Emissions and Testing

DDC comments that the certification testing presented by JM does not represent worst case PM emissions because the test engine was not set to the worst-case idle speed. DDC states that the effects of turbocharger lag become more significant and FTP particulate emissions increase as idle speed is reduced, and that certification testing should be conducted with the minimum idle speed setting in order to demonstrate ''worst case'' PM emissions. The JM application shows that the certification testing was conducted with the engine idle speed set to 700 rpm, even though DDC originally certified and routinely supplied 6V92TA DDEC engines with a minimum idle speed of 600 rpm. DDC states that certification should be limited to engines with idle speed settings of 700 rpm and above unless JM provides FTP data demonstrating compliance with the 0.10 g/bhp-hr standard when tested with idle speed settings below 700 rpm.

In its letter dated September 2, 1998, responding to concerns about the idle speed, JM states that use of the 700 rpm idle setting for its certification testing was an oversight. When the ECM program was downloaded into the ECM module, the idle setting was not reset to 600 rpm, but rather it remained at 700 rpm. JM conducted additional testing, discussed further below, to determine whether the idle speed would affect the PM level.

The idle speed specified in DDC's application for new engine certification for the 1991 through 1993 model year 6V92TA DDEC II engines is listed as 600 rpm (minimum). Additionally, EPA notes that idle speed on DDEC engines can be programmed in the field with a DDEC basic code reader. No data has been provided to show how significant idle speed is with respect to particulate emissions, what fraction of new engines were supplied with the 600 rpm idle, or how prevalent the 600 rpm idle is in-service. It is not clear that there will not be a significant PM difference resulting from idle settings of 600 and 700 rpm, and EPA believes that the JM test condition with idle speed set to 700 rpm is reasonably close to 600 rpm. The idle speed of 700 rpm also complies with the DDC specification. In its September 2 letter, JM presents data from additional transient testing that it conducted to determine whether the PM level would be affected by the 600 versus 700 rpm idle setting. While there are concerns with details of this testing, it indicates minimal to no emissions impact resulting from a change from 600 to 700 idle rpm. For the above reasons, EPA is not limiting certification to idle settings of 700 rpm and above, and is not requiring JM to retest at a lower idle rpm.

Engelhard comments that the JM baseline engine, showing a PM level of 0.19 g/bhp-hr, is unrepresentative of the typical performance for a 1991 6V92TA DDEC engine, and provides emissions from one DDC test and several Engelhard tests with PM results between 0.22 and 0.28 g/bhp-hr. Engelhard questions whether the components utilized in the certification test engine provided superior emissions performance compared to typical parts. The low baseline emissions raises concerns about the CCT kit's ability to meet the 0.10 g/bhp-hr standard when used with typical engine parts. Engelhard states that JM needs to provide a complete explanation of the rebuild process, and submit test data on a baseline engine that has normal PM emissions.

In response, JM states that no exceptional steps were taken in rebuilding this baseline engine. No exceptional steps were taken in rebuilding the engine—it was rebuilt using standard DDC engine parts in accordance with recommended DDC rebuild procedures. Some of the parts used in the certification test engine were also used in the baseline test engine because the parts are common to both the CCT kit and typical 1992 DDEC engine. Further, JM notes that there can be tremendous variations in emissions from engine to engine. As JM states in its letter to EPA dated September 28, 1998, after the certification test the test engine had the cylinder kits, camshafts, ECM program and offset key changed to the baseline configuration for the baseline test. The baseline test engine shared fuel injectors, turbocharger, blower and bypass valve, and cylinder heads, with the certification test engine.

EPA has not determined that the JM baseline PM emission level is atypically low. Other data developed for use in certifying equipment under the urban bus program has shown PM emissions from DDEC II engines that compare with the JM baseline. The 6V92TA DDEC II engine tested at Southwest Research Institute (SwRI) for the National Biodiesel Board on August 24, 1994 (test BL–2D) showed baseline engine PM emissions of 0.20 g/bhp-hr. The 6V92TA DDEC II engine tested at SwRI for Engine Control Systems on October 25, 1995 (test E1025) showed baseline emissions of 0.18 g/bhp-hr. EPA also notes that the DDC data, cited by Engelhard having PM emissions of 0.218 g/bhp-hr (provided by DDC for certification of DDC's 25 percent DDEC II upgrade kit) was conducted using diesel #2 fuel having sulfur content between 0.08 and 0.12 weight percent. On the other hand, testing for the urban bus program is required pursuant to 85.1406 to use diesel fuel having a maximum of 0.05 weight percent sulfur. While we have not quantified the effect of sulfur reduction in diesel fuel on PM emissions from 6V92TA DDEC engines, in the final rule reducing the sulfur level of diesel fuel (55 FR 34121; August 21, 1990), EPA notes that reductions in fuel sulfur result in small reductions in engine-out particulate. Additionally, as shown in Table 1 above, the baseline 1988 model year 6V92TA DDEC II engine tested at SwRI for Johnson Matthey on March 5, 1997 showed PM emissions of 0.15 g/bhp-hr.

In addition, in its letter to EPA dated September 28, 1998 JM provides emission data in support of its demonstration that the CCT kit will comply with the 0.10 g/bhp-hr standard, albeit not the 5.0 g/bhp-hr NO_X standard. This data indicates compliance with the 0.10 g/bhp-hr PM standard on an engine equipped with offset key 0.010 inch (not the specification for the offset key of the

certified CCT kit of today's **Federal Register** notice) and emitting 5.8 g/bhp-hr NO_X.

The JM baseline data is lower than that produced by Engelhard. However, EPA does not conclude, from the available data, that the JM baseline is atypically low or unrepresentative. If it is atypically low, then it is not clear whether it is the result of test-to-test variability, and/or engine-to-engine variability. The available baseline test data are limited in number. If the JM baseline test is low, then the level might be attributable to the cylinder liners that were changed before the test conducted on the JM 1991 model year baseline engine. EPA is not denying certification because of the PM level of the JM baseline engine.

EPA notes that the JM baseline testing was conducted after the certification testing and, while the data is low compared with the Engelhard baseline tests, there is no regulatory requirement to provide baseline data to demonstrate compliance with the 0.10 g/bhp-hr standard when life cycle cost information is not provided. The availability of the baseline data conducted for JM and others, may benefit bus operators that are interested in the fuel consumption impact of the certified equipment. EPA appreciates that JM conducted and provided the baseline data, when it may not have been required in accordance with the regulations.

Engelhard notes that the CCT kit operates on the principle of camshaft induced EGR and injection timing advance, that EPA is currently investigating electronically controlled engines for increased ''off-cycle'' NO_X emissions, and asks whether the JM camshafts and injection timing advance will irritate this situation. In response, JM states that the CCT kit uses mechanical means to reduce NO_X and PM along with specific ECM programming, and the PM level is then further reduced by the CEM II catalytic muffler. JM points out that the offset key retards the injection timing for reducing NO_X emissions and, if there is an effect, it will be to reduce off-cycle NO_X emissions. EPA believes that, generally speaking, injection retard would tend to decrease NO_X emissions.

Engelhard comments that the converter muffler for the CCT kit had a reading of over 4 inches of mercury during a smoke test, and asks whether that level is typical for a JM converter muffler.

JM states that the CEM and CEM II catalytic exhaust mufflers are designed to function with the DDC specified back-pressure limits during normal transit operation. The exhaust back-pressure reading that Engelhard refers to during the smoke test is a function of the test itself, and has no relation to the back-pressure observed during normal transit bus operation.

EPA notes that the smoke test should be conducted in accordance with 40 CFR Part 86 Subpart I. Section 86.884–8(c) of that subpart states: ''The smoke exhaust system shall present an exhaust back-pressure within ± 0.2 inch Hg of the upper limit at maximum rated horsepower, as established by the engine manufacturer in his sales and service literature for vehicle application.'' EPA believes that the test data presented by JM for certification of the CCT kit was collected under a worst case test condition for smoke generation.

d. Durability and In-service Concerns

DDC comments that there is insufficient information in the JM notification to assess performance and durability impacts. DDC notes that the CCT kit includes proprietary camshafts that reduce engine airflow and cylinder scavenging, 15:1 compression ratio piston domes instead of the 17:1 domes used by DDC, and an offset key that modifies the injection timing compared with the DDC design. DDC has no experience with the kit's combination of components and that it represents a substantial departure from DDC's original design which could have significant effects on engine performance and durability. DDC refers to the possibility of reduced engine airflow and cylinder scavenging, raised cylinder temperatures, degraded cylinder component life, difficult cold starting, and increased cold smoke and noise emissions. DDC believes that EPA should consider performance and durability before certifying equipment.

Engelhard also comments that JM has specified a piston dome that provides 15:1 compression ratio, and asks whether JM has conducted testing to verify that a 2-point reduction in compression ratio will not cause starting and operational problems in cold weather.

In response, JM notes that it has had a CCT kit in trial on a 6V92 DDEC bus in New York state since June 1997 with no problems, including no cold weather starting problems. Also, JM points out that the same type of system (proprietary cams, specified engine parts, and CEM catalytic muffler) has already been certified by EPA for 6V92 MUI engines, and a significant number of the kits have been installed, are running well, and have operated during this past winter in cold weather with no cold start problems. Based on this record, JM states that performance and durability are not issues.

EPA notes that the urban bus retrofit/rebuild regulations do not require a durability demonstration as a condition of certification. Rather, equipment certifiers, including Engelhard, are required pursuant to 40 CFR Section 85.1409 to provide a 100,000 mile equipment defect warranty and a 150,000 mile emissions performance warranty. The available information does not indicate a performance or durability concern with the equipment certified in today's notice.

CTA comments that durability problems are a big concern to it, and states that this issue must be addressed prior to certification, because of ''excessive'' failures of certified catalytic converters on retrofit/rebuilt engines. This is especially important when internal engine components are replaced. CTA states that there are no requirements for durability, and notes EPA's authority to decertify equipment that fail to meet program requirements. However, CTA states that this does not address the concerns of transit operators that have spent substantial amounts of money on kits, and would not get reimbursed for the cost of ''decertified'' kits.

CTA also has a couple comments about warranties. First, the warranty does not cover the labor and consequential damage due to use of a kit. CTA believes that warranty repair is not part of normal maintenance and should not be the responsibility of the transit operator. Second, CTA has had ''negative'' experience with warranty on certified catalytic converters—failures are being replaced with brand new units that are warranted only for the balance of the warranty period for the original unit.

EPA notes that, while the program does not require a demonstration of durability, JM has provided information on its in-service experience with the CCT kit. As discussed in a previous paragraph, JM has had a DDEC CCT kit in trial on a bus in New York State and a significant number of MUI CCT kits have been installed. JM states that performance and durability are not issues.

Additionally, CTA is incorrect in presuming that the program has no durability requirements. The program regulations at 40 CFR 85.1409 require that certifiers provide both an emissions defect warranty for 100,000 miles, and an emissions performance warranty for 150,000 miles. Under the performance warranty, certifiers are responsible for the in-use performance of their

equipment for 150,000 miles. (Additional discussion on the emissions performance warranty can be found in the preamble to the final rule of April 21, 1993 at 58 FR 21359.) Under the defect warranty, certifiers are responsible for replacing defective parts of a certified kit, free of charge. CTA has not identified any problematic catalytic converters or any situations in which warranty claims were denied by an equipment certifier.

EPA appreciates that transit operators are concerned with the durability of retrofit/rebuild equipment. When internal engines components are supplied as part of a certified kit, those parts are covered by the defect warranty for 100,000 miles.

As noted previously, the urban bus rebuild regulations do not require an in-service durability demonstration as a condition of certification. Rather, the regulations require equipment certifiers, including Johnson Matthey, to warranty their equipment. EPA believes that equipment suppliers will evaluate the durability of their equipment in order to minimize their liability resulting from the emissions defect and performance warranties. The available information does not indicate a performance or durability concern with the equipment certified in today's notice, and therefore, does not provide sufficient basis to deny certification on these grounds. EPA will continue to monitor problems with this, and other certified equipment, and encourages transit operators to provide specific detailed information regarding excessive in-service problems with certified equipment.

CTA is correct that the defect warranty does not cover labor and consequential damage to use of a kit. As noted in the preamble to the final rule (April 21, 1993; 58 FR 21381), transit operators are responsible for proper installation and maintenance of certified equipment, and are responsible for the emissions performance of equipment operated beyond the 150,000 miles emissions warranty period. Additionally, as CTA has noted, the program warranty does not require coverage of ''secondary'' or ''consequential'' damage due to use of certified equipment.

With regard to CTA's concern with an extended warranty for equipment replaced under warranty, the program requires that coverage extend for the warranty period of the initially-purchased equipment. There is no program requirement that a warranty period be extended beyond the period of the initially-purchased kit, even when an original unit is replaced with a brand-new one under the warranty. In other words, only one warranty period accompanies each kit purchase, regardless of how many times parts may be replaced under that warranty.

JM responds that it takes its warranty obligations very seriously, and is their practice to work with any transit that has a warranty claim, to identify and correct any problems with Johnson Matthey-supplied equipment.

CTA notes that they have no way to determine whether a catalyst is continuing to function as designed and, in some cases involving warranty, CTA suspects the catalyst has lost ability to reduce emissions due to the physical deterioration of the catalyst.

EPA currently knows of no method that is readily available to transit operators for accurately testing PM performance of a catalyst in the field. However, to the extent a catalyst is mechanically clogging, use of the defect warranty may be an appropriate remedy.

e. Installation and Maintenance Instructions

Engelhard notes that JM requires that a DDEC data reader be used to determine the current ECM program, and asks several questions: (1) Do transits have the data reader; (2) how much will it cost; (3) is JM required to provide the ECM re-programming; (4) how will JM verify that the correct program is used; (5) is the cost of the re-programming included with the CCT kit price; and, (6) why does JM specify ''non-trap'' (that is, ''standard'') ECM programs for use with diesel fuel #1 when a ''trap-replacement'' program was used for certification?

JM responds that if a transit operator does not have a data reader, then JM authorized distributors have the capability to read the ECM program number. The proper ECM program will be downloaded by authorized DDC distributors. The proper ECM number will be confirmed by submittal of the warranty card for the CCT kit.

EPA notes that JM will include ECM reprogramming, if it is necessary, with the purchase price of the kit. As Engelhard notes, JM specifies the particular ECM programs to be used with diesel fuel #1. The specified programs are consistent with what JM tested to demonstrate compliance with the 0.10 g/bhp-hr standard when diesel fuel #1 is used.

Additionally, EPA has authority to conduct audits of transit operators to determine compliance with the Urban Bus Rebuild Requirements. During such audits, EPA has authority to review actual bus engines, documentation, and records to determine whether certified kits have been properly installed in bus engines. EPA may check ECMs to verify whether or not the correct ECM program is installed.

Engelhard comments that the JM application lists the kit as applicable to DDEC 1 engines. Engelhard understands that the DDEC I version differs significantly from the DDEC II and will require significant changes to the ECM and sensors for upgrading to a DDEC II configuration. JM must provide full explanation of the changes required to upgrade this engine, plus life cycle cost information.

EPA notes that life cycle cost information is required only when equipment is certified as a trigger of a particular emissions standard. Because JM does not intend to trigger the 0.10 g/bhp-hr standard, life cycle cost information is not required. A list of parts required for conversion of DDEC I engines to DDEC II is provided by JM in its letter to EPA dated September 28.

Engelhard provided multiple comments concerning JM's Installation Guidelines: First, Engelhard states several questions relating to identification marks that JM places on parts of the CCT kit. Engelhard asks where the marks on the parts are located, whether the marks will wear off, whether the warranty will be voided if the marks wear off, and, how JM will verify that parts have the mark.

In response, JM states that their identification mark is a non-intrusive, harmless mark that is placed on a non-critical surface. The intent of marking the parts is to ensure compliance with use of all the correct parts and to minimize warranty issues regarding use of the parts. Piston rings are marked with an indelible paint, while other parts are etched. The marks do not come off during normal operation. EPA notes that the program regulations are silent with regard to marking parts of a kit, but that the bus operator is responsible for the correct installation of certified kits.

Second, Engelhard comments that the JM Installation Guide states that piston gauge J–2539–A cannot be used with the CCT kit, and asks which gauge should be used.

In response, JM states that neither DDC nor Kent Moore supply a gauge to identify the 15:1 compression-ratio pistons of the CCT kit. The statement in the Installation Guide is intended as a caution to installers against use of piston gauge J–2539–A with the 15:1 pistons, because that gauge is limited to identifying 17:1 or 19:1 pistons. If for any reason the engine is being rebuilt, the 15:1 mark on the piston crown would be covered with soot, and use of the piston gauge J–2539–A would be misleading.

Finally, Engelhard questions why the Installation guide requires that an installer ''thoroughly inspect the camshaft for any contamination in the passage through the cam''. JM needs to provide guidance for this procedure and an estimation of how long it will take.

JM responds that, while it does not expect any contamination to be present, issues with handling or storage could result in contamination. The inspection will take a few minutes and, if cleaning is necessary, it can be done in a few minutes with standard cleaners.

f. Catalyst Checking Procedure

DDC opposes the procedure recommended by JM for determining whether the catalyst unit requires cleaning.

JM's instructions involve operating the engine at full load, wide open throttle or at full stall, and measuring the exhaust pressure at the pressure tap located on the manifold immediately after the engine. In the CEM II clean-out procedure it is noted that a pressure measurement gage should be installed ''in the pressure tap located on the inlet side of the CEM II''.

DDC, however, contends that back-pressure should be measured just downstream of the turbocharger outlet. DDC states that its back-pressure limits apply at all engine operating conditions and should be checked at the maximum exhaust flow condition (rated engine speed and full load). DDC states that neither of JM's alternative test conditions (full load, wide open throttle or, full stall) are adequate. ''Full load, wide open throttle'' is an ambiguous condition, and ''full stall'' is inadequate because it does not produce a maximum exhaust flow condition. An exhaust system which just meets DDC's specified back pressure limit at WOT, no load (which can be how the JM procedure is conducted) will likely exceed the DDC limit over a large portion of the engine speed/load operating map and thus would be in violation of DDC's guidelines. Excessive back pressure results in fuel economy and power losses, and raises cylinder temperatures and increases soot build-up in the lubricating oil. These effects can reduce engine life.

JM states that it stands by its CEM II back-pressure procedure, and notes that it is the same procedure that DDC recommends using in its own 0.10 DDEC kit.

EPA is not requiring JM to revise the screening procedure, for several reasons. First, and in general, the program regulations do not require any specific check procedures for any components of certified kits. Second, EPA notes that the maximum exhaust back pressure specification for several engine calibrations (codes) of the 6V92TA DDEC II engines is 4.0 inches of mercury (as specified in DDC's application for certification of 1991 and 1992 6V92TA DDEC engines under EPA's new engine certification program), and that the back pressure specification for the JM procedure is 3.0 inches of mercury. Third, the JM procedure is intended as a ''screen'' to determine whether a catalyst muffler needs cleaning, not to measure exhaust back pressure for comparison with DDC's maximum specifications. For additional discussion of the issue, refer to page 12177 of the **Federal Register** notice describing certification of Engelhard's ETX kit for 6V92TA MUI engines (62 FR 12166; March 14, 1997.

Any future information provided by interested parties regarding the impacts of certified equipment on exhaust back pressure would be taken under consideration. EPA appreciates that there may room for improvement in maintenance procedures of equipment certified under this program. Such concerns, in general, can also occur with procedures relating to new engines. EPA encourages all equipment certifiers to issue revised check procedures when appropriate. If JM determines that another check is appropriate, or if EPA becomes aware that back pressure is exceeding manufacturer limits on in-use buses, then JM should revise such procedures. Pursuant to 40 CFR Section 85.1413, EPA has authority to decertify equipment that does not comply with the requirements of the regulations.

g. Components of the Kit

CTA notes that the CCT kit replaces all ''emissions-related'' parts, many of which are standard DDC parts, and asks whether these parts are required to be purchased through JM, or whether the standard parts can be purchased elsewhere.

As described above, JM requested to supply the CCT kit to installers under different supply options. EPA approves two options of supply, in order to provide as much flexibility to transit operators as possible while assuring emissions reductions. At JM's option, either option can be made available, because this certification does not trigger program requirements. For the first supply option, transit operators purchase the entire CCT kit from JM or its distributors. For the second option, transit operators purchase all of the unique parts of the kit from JM, and acquire the non-unique DDC engine parts specified by JM through sources of its own choosing. Both supply options must provide all parts which are unique to a standard rebuild for the particular engine to be rebuilt. Parts which would typically be acquired by an installer for a standard rebuild of a particular model year engine are not required to be part of the CCT kit under supply option 2. The specified parts must be acquired by the transit operator.

Aftermarket parts are not permitted for the specified parts of the CCT kit under the certification described today. Because the certification testing was conducted on an engine equipped with DDC components, EPA has no assurance that an engine equipped with other parts can achieve the 0.10 g/bhp-hr PM standard. JM is required to provide the applicable 100,000 mile emissions defect warranty and the 150,000 mile emissions performance warranty for all parts of the kit which it supplies to the transit operator.

The CCT kit includes a list of the specific engine rebuild parts that are required to be used upon engine rebuild with the CCT kit. EPA notes that in accordance with 85.1404, operators are required to maintain records of all parts used in rebuilds. Using incorrect components with the CCT kit at the time of kit installation can be considered as failure to install a certified kit under the urban bus rebuild requirements, and subject the operator to the significant penalties provided by the regulation.

h. Life Cycle Cost

Engelhard comments that JM has not provided a life cycle cost analysis to justify their certification. EPA notes that life cycle cost information is not required for certification of equipment which would not trigger a standard.

Chicago Transit Authority (CTA) understands that certification of the CCT kit will not trigger program requirements, but comments that life cycle costs are very important. CTA asks what the kit will cost.

JM responds that it currently is not able to provide a list price for the DDEC CCT kit, but will provide CTA with a list price as soon as possible.

CTA asks whether data is available on the emissions, fuel economy, and exhaust back-pressure for the 253 Hp rating. Back-pressure, fuel economy, and oil life appear to be affected by some catalytic converter installations which can affect engine life and operating costs.

In response, JM states that its certification, based on testing the highest power rating (277 Hp) on diesel fuel #2, covers 253 Hp engines and both diesel fuels #1 and #2. EPA notes that JM provided data from testing using

diesel fuel #1, but has not provided any data on the 253 Hp rating.

Engelhard comments that JM does not include information on the fuel economy impact of installing the CCT kit, and that this type of information is essential for a transit operator to make a complete evaluation of the kit. In analysis that Engelhard performs, it notes that the CCT kit uses 0.489 pounds of fuel per brake-horsepower-hour (lb/bhp-hr), compared to 0.483 lb/bhp-hr for a 1991 model year baseline engine tested by JM. This is a 1.2 percent fuel economy penalty for 1991–1993 DDEC engines. Furthermore, JM's baseline data for a 1988 federal engine shows a fuel consumption of 0.459 lb/bhp-hr, which translates into a 6.5 percent fuel penalty if the CCT kit is installed on a 1988 to 1990 engine. Engelhard also asks about the fuel consumption impact of the CCT kit on DDEC 1 engines.

In response, JM states that it has not applied as a trigger technology for the 0.10 g/bhp-hr standard. JM notes that it has placed in the public docket, baseline data for 1991–1993 and 1988–1990 model year engines.

In general, EPA agrees that the impact of a kit on fuel consumption would be of interest to transit operators. However, fuel consumption data is not required for equipment which would not trigger a standard. The availability of the baseline data conducted for JM and others, as discussed in a section above, may benefit bus operators that are interested in the fuel consumption impact of the certified equipment. EPA appreciates that JM conducted and provided the baseline data.

III. California Engines

The NO_X emission standard for new engine certification applicable to 1988 through 1990 model year engines sold in the State of California is 6.0 g/bhp-hr. For 1991 through 1993, the standard is 5.0 g/bhp-hr. The emissions testing presented by Johnson Matthey demonstrate a NO_X emissions level that complies with the 5.0 g/bhp-hr standard. Therefore, today's description of the CCT kit for DDEC II engines applies to engines certified to meet California emissions standards, subject to the conditions discussed below.

The equipment certified today may require additional review by the California Air Resources Board (CARB) before use in the State of California. EPA recognizes that special situations may exist in California that are reflected in the unique emissions standards, engine calibrations, and fuel specifications of the State. While requirements of the federal urban bus program apply to several metropolitan areas in California, EPA understands the view of CARB that equipment certified under the urban bus program, to be used in California, must be provided with an executive order exempting it from the anti-tampering prohibitions of that State. Parties interested in additional information should contact the Aftermarket Part Section of CARB, at (626) 575–6848.

IV. Certification and Conditional Certification

EPA has reviewed this notification, along with comments received from interested parties, and finds the equipment described in this notification of intent to certify:

(1) Complies with a particulate matter emissions standard of 0.10 g/bhp-hr, without causing the applicable engine families to exceed other applicable emission requirements, subject to the conditions discussed below;

(2) Will not cause an unreasonable risk to the public health, welfare or safety;

(3) Will not result in any additional range of parameter adjustability; and

(4) Meets other requirements necessary for certification under the Urban Bus Rebuild Requirements (40 CFR Sections 85.1401 through 85.1415).

With the following conditions, EPA hereby certifies this equipment for use in the Urban Bus Retrofit/Rebuild Program. As noted above, the equipment being certified today includes for some engines, an upgraded control program for the electronic control module. EPA has recently become concerned that many electronically controlled engines may have been equipped by the original manufacturers with strategies designed to decrease fuel consumption during certain driving modes not substantially included in the federal test procedure, with the effect of substantially increasing NO_X during these modes. Such electronic control strategies have the potential to be ''defeat devices'' as defined at 40 CFR 86.094–22, and thus may violate 40 CFR 85.1406 and 85.1408 if included in an urban bus retrofit application. Most of the upgraded control programs used for the CCT kit must therefore be reviewed for such violations. As a result, certification of the CCT kit, as it applies to the following engines is conditioned upon Johnson Matthey demonstrating by January 1, 1999 that any replacement engine control module (ECM) or ECM program used in conjunction with the certified kit will not adversely impact the emissions of NO_X in comparison to the ECM or ECM program that is being replaced under conditions which may reasonably be expected to be encountered in normal vehicle operation and use unless such conditions are substantially included in the Federal emission test procedure. Certification is conditional as it applies to all applicable engines of model years 1985 through 1990, and all applicable engines of model years 1991 through 1993 that are not equipped with ECM programs #259 through #264 for kit operation on diesel fuel #1.

The equipment, the CCT™ Upgrade Kit, may be used immediately by transit operators in compliance with requirements of this program, subject to the above condition. Unconditional certification is provided for the CCT kit as it is applied to 1991 through 1993 model year engines that are equipped with ECM programs #259, 260, 261, 262, 263, or 264, for operation on diesel fuel #1 after kit installation.

V. Transit Operator Responsibilities

In a **Federal Register** notice dated September 21, 1998 (63 FR 50225), EPA announced certification of a retrofit/rebuild kit supplied by the Engelhard Corporation (the ETX™ kit for DDEC engines). That certification triggers the 0.10 g/bhp-hr PM standard for 1988 through 1993 model year DDC 6V92TA DDEC model engines, which means that urban bus operators using compliance program 1 must use equipment certified to the 0.10 g/bhp-hr standard when rebuilding or replacing these engines after March 21, 1999.

Today's **Federal Register** notice announces certification of the Johnson Matthey CCT Upgrade kit, when properly applied, as meeting the 0.10 g/bhp-hr particulate matter standard of the Urban Bus Rebuild Program. Affected urban bus operators who choose to comply with compliance program 1 are required to use this, or other equipment that is certified to meet the 0.10 g/bhp-hr particulate matter standard for 1988 through 1993 model year DDC 6V92TA DDEC model engines which are rebuilt or replaced on or after March 22, 1999, subject to the condition of Section IV.

Urban bus operators who choose to comply with compliance program 2 may use the CCT equipment, and those that use this equipment may claim the certification level from Table 3 when calculating their Fleet Level Attained (FLA), subject to the condition of Section IV. Under program 2, an operator must use sufficient certified equipment so that its actual fleet emission level complies with the target level for its fleet.

Urban bus operators must be aware of their responsibility for maintenance of

records pursuant to 40 CFR Sections 85.1403 through 85.1404. The CCT kit may not include, depending upon the supply option selected and the particular applicable engine, certain emissions-related parts that are required to complete the CCT kit. As stated in the program regulations (40 CFR 85.1401 through 85.1415), operators should maintain records for each engine in their fleet to demonstrate that they are in compliance with the Urban Bus Rebuild Requirements beginning on January 1, 1995. These records include purchase records, receipts, and part numbers for the parts and components used in the rebuilding of urban bus engines. Urban bus operators must be able to demonstrate that all parts used in the rebuilding of engines are in compliance with program requirements. In other words, urban bus operators must be able to demonstrate that all required components of the kit described in today's **Federal Register** notice are installed on applicable engines.

Dated: November 24, 1998.

Robert Perciasepe,

Assistant Administrator for Air and Radiation.

[FR Doc. 98–32071 Filed 12–2–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6197–2]

Common Sense Initiative Council, (CSIC)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of Public Advisory CSI Council Meeting: open meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Pub. L. 92–463, notice is hereby given that the CSI Council will meet on the date and time described below. The meeting is open to the public. Seating at the meeting will be on a first-come basis and limited time will be provided for public comment. For further information concerning this meeting, please contact the individual listed with the announcement below.

Common Sense Initiative Council Meeting—December 17, 1998

The final meeting of the CSI Council will be held on December 17, 1998, at the Sheraton Crystal City, 1800 Jefferson Davis Highway, Arlington, VA 22202. The telephone numbers are 1–800–862–7666, or 703–486–1111.

The meeting will be held from 8:30 a.m. to approximately 5:30 p.m. EST. The agenda will include updates on the Sector-based Approach to Environmental Protection Action Plan, Stakeholder Involvement Action Plan, Data Quality Action Plan, and Data Gaps Strategy. The Council will also consider three recommendations from the Computers and Electronics Sector Subcommittee regarding Support for Constructive Engagement; Worker Health; and Zero Discharge. An independent contractor will present a preliminary review of CSI lessons learned.

For further information concerning this Common Sense Initiative Council meeting, contact Kathleen Bailey, Designated Federal Officer, on (202) 260–7417, or E-mail: bailey.kathleen@epa.gov.

Inspection of Subcommittee Documents

Documents relating to the above topics will be publicly available at the meeting. Thereafter, these documents and the minutes of the meeting will be available for public inspection in room 3802M of EPA Headquarters, 401 M Street, SW, Washington, DC 20460, telephone number 202–260–7417. Common Sense Initiative information can be accessed electronically on our web site at http.//www.epa.gov/commonsense.

Dated: November 24, 1998.

Kathleen Bailey,

Designated Federal Officer.

[FR Doc. 98–32203 Filed 12–2–98; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[FCC 98–295]

Preemption of State or Local Statutes; Suggested Guidelines for Petitions for Ruling Under Section 253 of the Communications Act

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Commission has released a Public Notice which suggests various procedural guidelines for filing petitions for Commission action pursuant to section 253 of the Communications Act. Section 253 requires the Commission, subject to enumerated exceptions, to preempt the enforcement of any state or local statute, regulation, or legal requirement that prohibits or has the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service. These suggested guidelines are designed to assist petitioners and commenters in preparing their submissions to the agency.

FOR FURTHER INFORMATION CONTACT: Jordan Goldstein, Common Carrier Bureau, (202) 418–1500.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

OMB Control Number: 3060–0859.

Expiration Date: 5/31/99.

Title: Suggested Guidelines for Petitions for Ruling under Section 253 of the Communications Act.

Respondents: Business or other for-profit; federal government; and state, local or tribal government.

Public reporting burden for the collection of information is estimated as follows:

Information collection	No. of respondents (approx.)	Annual hour burden per response	Total annual burden
Filing of petitions for preemption	20	125	2,500
Submission of written comments on petitions	60	63	3,780

Total Annual Burden: 6,280.

Frequency of Response: On occasion.

Estimated Costs per Respondent: $0.

Needs and Uses: The Commission released a Public Notice (FCC 98–295) which suggests various procedural guidelines relating to the Commission's processing of petitions for preemption pursuant to section 253 of the Communications Act of 1934, as amended. The Commission will use the information to discharge its statutory mandate relating to the preemption of state or local statutes or other state or local legal requirements.