

administered questionnaires via mail and various electronic media. In addition to assessing customer needs and access preferences, these activities will help CEIS to test product or service concepts (alpha testing); test actual products and services (beta-testing); or determine customer satisfaction with finished products and services. CEIS and its consultants will store survey data and analysis on their computers and in hard copy. Personal or demographic information will be collected and aggregated to maintain confidentiality of responses and to protect the identity of individual respondents.

The activities proposed for this three-year program will involve an estimated 47,040 members of the public and cost an estimated \$4.2 million dollars. The estimated total respondent burden hours for the entire three-year set of activities is approximately 18,395 hours.

A national telephone survey of the public's environmental information needs, proposed to start in January, 1999, is described in Part B of this Information Collection Request. EPA's CEIS will submit cost and burden data to OMB for each major survey activity called for in this ICR, once individual survey budgets, survey designs, and/or interview protocols are developed.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on April 3, 1998; no comments were received.

**Burden Statement:** The annual public reporting and recordkeeping burden for this collection of information is estimated to average 3 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: The U.S. public.

Estimated Number of Respondents in all proposed survey activities: 47,040.

Frequency of Response: occasional.

Estimated Total Annual Respondent Burden: 6,130 hours

Estimated Total Cost: \$0

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques, to the following addresses. Please refer to EPA ICR No. 1853.01 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OP 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: November 20, 1998.

**Richard T. Westlund,**

*Acting Director, Regulatory Information Division.*

[FR Doc. 98-31803 Filed 11-27-98; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6194-9]

### 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). 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 requested approval for all Cummins L-10 engines manufactured prior to and including 1993. However, EPA noted in the March **Federal Register** document that, based on the test engine, certification could only apply to 1992-1993 L-10 EC (electronically controlled) models. EPA stated that should Engelhard provide additional information requesting to extend this certification to additional models, EPA would provide the opportunity for public comment. EPA has since received such information from Engelhard, and Engelhard is requesting that certification be extended to include all pre-1994 Cummins L-10 engines and all other 4-stroke urban bus engines.

In addition to providing a summary of the notification in this document, EPA is identifying the engines that are included in the, "all other 4-stroke urban bus engine" classification under the urban bus retrofit/rebuild program. After receipt and review of the comments, EPA will publish in the **Federal Register** a listing of the engines to be included in the "all other 4-stroke engine" classification. It is intended that this listing would define the classification "all other 4-stroke engines," as it applies to the candidate equipment of today's document, as well as other previously certified urban bus retrofit/rebuild equipment.

Pursuant to part 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 the additional models identified in the amendment to the notification of intent to certify should be included in the certification. If certified, the equipment can be used by urban bus operators to reduce the particulate matter of urban bus engines.

The Engelhard amendment information, 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 document initiates a 45-day period during which the Agency will accept written comments relevant to whether or not the additional models should be included in this notification of intent to certify and whether the models listed for the "all other 4-stroke

engines" are appropriate. 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 January 14, 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 SW, Washington, DC 20460.

2. Anthony Erb, Engine Compliance and Programs Group, Engine Programs & Compliance Division (6403J), 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.

**FOR FURTHER INFORMATION CONTACT:**

Anthony Erb, Engine Programs & Compliance Division (6403J), U.S. Environmental Protection Agency, 401 M Street SW, Washington, DC 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 emission testing data is provided in Table A. Applicable engines are discussed further below.

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 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 are required to use this retrofit/rebuild equipment, or other equipment certified to provide a PM reduction on any applicable engine that is rebuilt on or after September 21, 1998.

In a letter to EPA dated April 20, 1998, Engelhard requested that the certification be amended to include all pre-1994 Cummins L-10 models and all other 4-stroke urban bus engines. Table B of this notice provides a listing of the additional 4-stroke urban bus engines to which the candidate equipment is

believed to be applicable (refer to footnote 3). EPA requests comment on the appropriateness of the engines currently listed in Table B and information on any additional engines for which this certification may be applicable.

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 seeks to clarify this matter by identifying the applicable engines. EPA is requesting additional information on the appropriateness of the engines identified in Table B of this notice for this classification. 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.

Engelhard is requesting that the amendment be certified as providing a 25% particulate matter emission reduction. Engelhard is requesting that the certification apply to both options 1 and 2. Engelhard has not provided life-cycle cost data in the amendment request relative to the additional engines that are covered in the amendment. Therefore, this amendment request, if approved, will not trigger new requirements for any of the models covered by the amendment.

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 presents 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.

Engelhard states that the test engine selected (CPL# 0777) can be considered worst case. The urban bus regulation states that EPA will allow results to be extrapolated to engine types and model years known to have engine-out PM levels equal to or less than that of the test engine. In the case at hand, the test engine has a pre-rebuild PM emission level of 0.61 g/bhp-hr. The PM levels listed in the table at part 85.1403(c)(1)(iii)(A) for all Cummins models are lower than the stated level for the test engine. Under 40 CFR 85.1406(a), a test engine must represent the "worst case" with respect to particulate emissions of all those engine configurations for which the equipment is being certified. The worst case configuration is the engine configuration having the highest engine-out PM level, prior to installation of the retrofit/rebuild equipment. EPA requests comments and information concerning identification of the engines to which the candidate equipment is applicable.

In its amendment request Engelhard also presents additional test data and information on the 1987 Cummins L-10 mechanical injection engine, engine serial number 48407900. This engine was first rebuilt to CPL# 0774 by Cummins Recon in South Carolina and tested for emissions. Subsequently, this

engine was rebuilt to CPL# 0777 (rated at 240 horsepower) by Engine Test Services (ETS) in South Carolina and tested for emissions. Both CPLs were tested for baseline emissions and emissions with a CMX installed. All testing was conducted at the ETS laboratory in South Carolina in accordance with the Federal Test Procedure. For CPL# 0774 the test data show a PM level of 0.476 g/bhp-hr for the base engine without the CMX. On CPL# 0774, Engelhard conducted tests on two different catalyst formulations. With the candidate equipment installed, the results show a PM level of 0.326 g/bhp-hr with formulation 1 and a PM level of 0.287 g/bhp-hr with formulation 2. This represents a PM reduction of 31.5% and 39.7% respectively with candidate equipment installed. The test data also show that hydrocarbon (HC), carbon monoxide (CO), and oxides of nitrogen (NO<sub>x</sub>) are less than applicable standards. Fuel consumption for the baseline engine was 0.399 lb/bhp-hr during the test. Fuel consumption for the tests conducted with the candidate equipment installed was 0.394 lb/bhp-hr for each formulation.

For CPL# 0777 the test data show a baseline PM level of 0.473 g/bhp-hr without the CMX. The results show a PM level of 0.335 g/bhp-hr with the CMX installed (only one formulation

was tested). This represents a PM reduction of 29%. The test data also show that hydrocarbon (HC), carbon monoxide (CO), and oxides of nitrogen (NO<sub>x</sub>) are less than applicable standards. Fuel consumption for the baseline test was 0.413 lb/bhp-hr. Fuel consumption for the tests conducted with the CMX installed was 0.400 lb/bhp-hr. Engelhard presents smoke emission measurements demonstrating compliance with applicable standards.

Engelhard provided supporting information and testing data regarding this candidate certification in submissions to EPA dated September 29, 1997, January 30, 1998, March 30, 1998 and April 20, 1998. In the September, January and March submissions, Engelhard provides testing data demonstrating a 25% on a Cummins L-10 engine built to CPL# 0774 as discussed above. Additionally, the March 30, 1998 submission includes information on the ability of the Engelhard equipment to reduce both soluble and insoluble particulate in the exhaust stream. In the submission of April 20, 1998, Engelhard provides information and testing data demonstrating a 25% reduction on the Cummins L-10 engine built to CPL# 0777.

TABLE A.—EXHAUST EMISSIONS SUMMARY G/BHP-HR

Gaseous and particulate test	1987 L-10 Base-line CPL# 0774	1987 L-10 Base-line CPL# 0777	1987 L-10 w/ CMX CPL# 0774 Formula 1/formula 2	1987 L-10 w/ CMX CPL# 0777
HC .....	2.29	2.29	1.07/0.68	1.07
CO .....	2.19	2.65	1.52/1.01	1.31
NO <sub>x</sub> .....	5.50	5.89	5.23/5.09	5.41
PM .....	0.476	0.473	0.326/0.287	0.335
BSFC <sup>1</sup> .....	0.399	0.413	0.394/0.394	0.400
Smoke Test:				
ACCEL .....	8.2%	11.7%	9.3%/11.0%	10.9%
LUG .....	1.5%	1.7%	1.8%/1.4%	2.0%
PEAK .....	14.8%	29.2%	15.7%/20.3%	24.8%

<sup>1</sup> Brake Specific Fuel Consumption (BSFC) is measured in units of lb/bhp-hr.

Engelhard has not provided life-cycle cost data relative to this notification amendment. Therefore, this equipment will not be considered for certification in compliance with the life-cycle cost requirements of the standard for the additional engines covered by the amendment.

If the Agency certifies the candidate Engelhard equipment 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 footnote 3 of

Table B following the effective date of certification. With regard to the Cummins L-10 models included in this amended notification of intent to certify by Engelhard, triggering equipment has already been certified by EPA. On December 13, 1995 EPA published a document in the **Federal Register** (60 FR 64046) approving certification of equipment for the applicable L-10 models for the Cummins Engine Company.

The requirement to use certified equipment demonstrating at least a 25% reduction in PM will continue for the

applicable engines 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 B.

TABLE B—ENGELHARD RETROFIT/REBUILD CERTIFICATION LEVELS FOR 4-STROKE ENGINES<sup>2</sup>

Cummins/ other engine family	Control parts list (CPL)	Manufacture Dates	New Engine PM level	Retrofit PM level with CM	Retrofit PM level with CM & 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>3</sup> 4-stroke engines	N/A	Pre-1988 .....	0.50	0.38	N/A
Other 4-stroke engines ..	.....	1988 To 1993 .....	( <sup>4</sup> )	25 % reduction from certification PM levels	N/A

<sup>2</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>3</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>4</sup> Certification level.

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

Dated: November 20, 1998.

**Robert Perciasepe,**

*Assistant Administrator for Air and Radiation.*

[FR Doc. 98-31805 Filed 11-27-98; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

[AD-FRL-6195-1]

**Notice of Deficiency For Clean Air Act Operating Permits Program in Oregon**

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

**ACTION:** Notice of deficiency.

**SUMMARY:** Pursuant to its authority at 40 CFR 70.10(b)(1), EPA is publishing this Notice of Deficiency for the State of Oregon's Clean Air Act Title V Operating Permits Program. The Notice of Deficiency is based upon EPA's finding that the State's requirements for judicial standing to challenge State-issued Title V permits does not meet minimum federal requirements for program approval. Publication of this Notice is a prerequisite for withdrawal of the State's Title V program approval, but does not effect such a withdrawal. Withdrawal of program approval, if

necessary, will be accomplished through subsequent rulemaking.

**FOR FURTHER INFORMATION CONTACT:** Adan Schwartz, U.S. Environmental Protection Agency, 1200 Sixth Avenue, ORC-158, Seattle, Washington 98101, (206) 553-0015.

**I. Description of Action**

EPA is publishing a Notice of Deficiency for the Clean Air Act (CAA or Act) Title V program for the state of Oregon. This document is being published to satisfy 40 CFR 70.10(b)(1), which provides that EPA shall publish in the **Federal Register** a notice of any determination that a Title V permitting authority is not adequately administering or enforcing a part 70 program. The deficiency being noticed relates to Oregon's requirements for obtaining judicial review of Title V operating permit actions. A recent decision by the Oregon Supreme Court held that organizations do not have standing to represent their members in challenging State-issued environmental permits. Because of this restriction on access to judicial review, the State's program no longer meets the program approval requirements of Title V and 40 CFR part 70.

Title V of the Act provides for the approval of state programs for the issuance of operating permits that incorporate the applicable requirements of the Act. State permitting authorities must submit programs to EPA that meet certain minimum criteria, and EPA must disapprove a program that fails to meet