

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-5993-2]

**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:** Engelhard Corporation (Engelhard) has submitted to EPA a notification of intent to certify urban bus retrofit/rebuild equipment pursuant to 40 CFR part 85, subpart O. EPA is making the notification (application) available for public review and comment for a 45-day period.

Engelhard intends that this equipment be certified to the 0.10 grams per brake-horsepower-hour (g/bhp-hr) particulate matter standard for 1988-1993 model year Detroit Diesel Corporation (DDC) 6V92TA engines equipped with Detroit Diesel Electronic Control (DDEC). Also, Engelhard submits life cycle cost information and guarantees that this equipment will be made available to all affected bus operators for less than the applicable life cycle cost ceiling. If the candidate equipment is the first to be certified as to meet this standard for less than the applicable life cycle cost, then it would "trigger" the 0.10 g/bhp-hr standard for the applicable engines.

The application describes equipment that is based upon a 6V92TA DDEC II engine that is rebuilt to a standard 1991 to 1993 DDC specification of 277 horsepower (hp). However, when the engine is rebuilt it will utilize ETX specific coated cylinder heads, coated valves, cylinder kits incorporating coated piston domes, an improved turbocharger, and a CMX-5 catalytic muffler.

As described in the application, Engelhard would provide the coated cylinder heads, coated cylinder kits, improved turbocharger, catalytic muffler, and ECM upgrade (only for 1988 through 1990 model year engines). To complete the kit, an operator would have to acquire on its own, the other required engine rebuild parts: fuel injectors, blower, and camshafts.

Pursuant to section 85.1407(a)(7), today's **Federal Register** document summarizes the application, announces that it is available for public review and comment, and initiates a 45-day period during which comments can be submitted. EPA will review this

notification of intent to certify, as well as any comments it receives, to determine whether the equipment described in the notification of intent to certify should be certified. If certified, the equipment can be used by urban bus operators to reduce the particulate matter of urban bus engines.

The notification of intent to certify, as well as other materials specifically relevant to it, are contained in Category XXII of Public Docket A-93-42, entitled "Certification of Urban Bus Retrofit/Rebuild Equipment". This docket is located at the address listed below.

Today's notice initiates a 45-day period during which EPA will accept written comments relevant to whether or not the equipment included in this notification of intent to certify should be certified. Comments should be provided in writing to the addresses below.

**DATES:** Comments must be submitted on or before May 26, 1998.**ADDRESSES:** Submit separate copies of comments to each of the two following addresses:

1. U.S. Environmental Protection Agency, Public Docket A-93-42 (Category XXII-A), Room M-1500, 401 M Street S.W., Washington, DC 20460
2. William Rutledge, Engine Compliance Programs Group, Engine Programs and Compliance Division (6403J), U.S. Environmental Protection Agency, 401 "M" Street S.W., Washington, DC 20460

The Engelhard notification of intent to certify, as well as other materials specifically relevant to it, are contained in the public docket indicated above. 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 EPA for copying docket materials.

**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. Program Background**

On April 21, 1993, EPA 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 options: Option 1 sets particulate matter emissions requirements for each urban bus engine in an operator's fleet which is rebuilt or replaced; Option 2 is a fleet averaging program that sets out a specific annual target level for average PM emissions from urban buses in an operator's fleet.

A key aspect of the program is the certification of retrofit/rebuild equipment. To meet either of the two compliance options, operators of the affected buses must use equipment which has been certified by EPA. Emissions requirements under either of the two options depend on the availability of retrofit/rebuild equipment certified for each engine model. To be used for Option 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 Option 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.

Under Option 1, additional information regarding cost must be submitted in the application for certification, in order for certification of that equipment to initiate (or trigger) program requirements for a particular engine model. In order for the equipment to serve as a trigger, the certifier must guarantee that the equipment will be offered to affected operators for \$7,940 or less at the 0.10 g/bhp-hr PM level, or for \$2,000 or less for the 25 percent or greater reduction in PM. Both of the above amounts are based on 1992 dollars and include life cycle costs incremental to the cost of a standard rebuild.

**II. Application For Certification**

Engelhard Corporation has applied for certification of equipment, referred to as the ETX rebuild kit, that is applicable to 1988 through 1993 model year Detroit Diesel Corporation 6V92TA diesel engines equipped with Detroit Diesel Electronic Control (DDEC). The application states that the candidate equipment achieves a particulate matter (PM) level of 0.10 g/bhp-hr. Life cycle costs, incremental to the cost of a standard rebuild, are stated to be less than \$7,940 (in 1992 dollars) for all affected operators. The use of the equipment by transit operators to meet program requirements is discussed further below.

The GPX® and CMX™ technology in the candidate kit are identical to the technology of the kit that EPA certified

earlier (62 FR 12166; March 14, 1997) to the 0.10 g/bhp-hr standard for Detroit Diesel Corporation (DDC) 6V92TA model engines that use mechanical unit injectors.

The application states that the candidate ETX rebuild kit is designed to update all electronically controlled DDC 6V92TA DDEC II engines to one standard 277 Hp ETX configuration. The kit incorporates engine components (cylinder head fire deck, valve faces and piston crowns) that are coated with Engelhard's proprietary GPX technology, a CMX catalytic muffler, and an improved turbocharger.

The basis for the kit is a 6V92TA DDEC II engine that is rebuilt to a standard 1991 to 1993 DDC specification of 277 horsepower (hp). However, when the engine is rebuilt it will utilize ETX-specific coated cylinder heads, coated valves, cylinder kits incorporating coated piston domes, an improved turbocharger, and a CMX-5 catalytic muffler. The 1988 to 1990 model year engines receive an upgraded control program for the electronic control module.

Engelhard indicates that the coated engine components utilize unique properties to improve the combustion efficiency of the engine to reduce the engine-out emissions of particulate matter (PM). The improved turbocharger operates like a typical turbocharger but

with improved efficiency and airflow. The improved airflow improves combustion efficiency which reduces engine-out PM. The CMX-5 catalytic muffler incorporates Engelhard's oxidation catalyst technology to reduce PM emissions in the exhaust.

The specific catalytic converter part to be used depends on the type of coach as well as the type of engine.

Engelhard's notification provides a table listing the various catalytic converter kits available for different engine/coach combinations. The catalytic converter used in this equipment package is not the same as the Engelhard catalytic converter previously certified by EPA to reduce PM by 25 percent (60 FR 28402, May 31, 1995). Therefore, transit operators cannot use the previously certified converter in place of the new converter in the candidate kit.

Engelhard presents emissions data from testing two baseline engines, one rebuilt to a 1988 configuration, and the other rebuilt to a 1991 to 1993 model year DDC DDEC II standard configuration (using a DDC DDEC II upgrade kit). A certification test was performed on the engine after being rebuilt with the ETX Rebuild Kit. Lists of parts used in the rebuilds are provided in a letter dated February 9, 1998, from Engelhard. This letter can be found in the public docket at the address listed above. Transient testing

was performed in accordance with the federal test procedure of 40 CFR part 86, subparts N and I.

The certification testing document a PM emissions level of 0.09 g/bhp-hr, and also show that emissions of hydrocarbon (HC), carbon monoxide (CO), oxides of nitrogen (NOx), and smoke are within the applicable standards.

The emissions data of the application are summarized below in Table 1. Based on this testing demonstration, EPA believes that all ETX-equipped engines would meet the 0.10 g/bhp-hr PM standard because installation of the kit results in the replacement of all emissions related parts with a specific set of parts, the combination of which results in a documented PM level of 0.09 g/bhp-hr. The PM emissions level of an original engine, prior to installation of the Engelhard kit, may be irrelevant since all emissions-related parts are required to be replaced upon installation of the kit. EPA requests comments on whether or not all engines for which certification is intended will meet the 0.10 g/bhp-hr PM standard.

The baseline test engines also produced fuel consumption values which are important to evaluate any fuel consumption impact of the candidate equipment. This is discussed further below, as it relates to the life cycle cost analysis.

TABLE 1.— SUMMARY OF ENGELHARD TESTING

|                                      | g/bhp-hr       |                        |      |  |   |                                   |  |
|--------------------------------------|----------------|------------------------|------|--|---|-----------------------------------|--|
|                                      | HDDE standards |                        |      | 1988<br>6V92TA<br>DDEC II<br>Baseline <sup>1</sup> | 1991-1993<br>6V92TA<br>DDEC II<br>Baseline <sup>2</sup> | 6V92TA<br>DDEC II<br>with ETX kit |  |
|                                      | 1988           | 1990                   | 1991 |  |   |                                   |  |
| <b>Gaseous and Particulate Test:</b> |                |                        |      |  |   |                                   |  |
| HC .....                             | 1.3            | 1.3                    | 1.3  | 0.8  | 0.5   | 0.2                               |  |
| CQ .....                             | 15.5           | 15.5                   | 15.5 | 1.4  | 1.9   | 0.6                               |  |
| NO <sub>x</sub> .....                | 10.7           | 6.0                    | 5.0  | 5.5  | 4.7   | 5.0                               |  |
| PM .....                             | 0.60           | 0.60                   | 0.25 | 0.43   | 0.28  | 0.094                             |  |
| BSFC <sup>3</sup> .....              |                |                        |      | 0.481  | 0.498   | 0.503                             |  |
| HP (R/O) <sup>4</sup> .....          |                |                        |      | 277/273  | 277/281   | 277/266                           |  |
| <b>Smoke Test:</b>                   |                |                        |      |  |   |                                   |  |
|                                      |                | Standards<br>(percent) |      |  |   |                                   |  |
| ACCEL .....                          |                | 20                     |      |  |   | 3.6                               |  |
| LUG .....                            |                | 15                     |      |  |   | 0.6                               |  |
| PEAK .....                           |                | 50                     |      |  |   | 8.1                               |  |

<sup>1</sup> All 6V92TA testing was performed on engine identification number 6VF-118287.

<sup>2</sup> The DDC upgrade kit (25% reduction) configures an engine to the 1991 model year.

<sup>3</sup> Brake Specific Fuel Consumption (BSFC) is measured in units of lb/bhp-hr.

<sup>4</sup> Horsepower (Rated/Observed during testing).

Engelhard's application includes life cycle cost information which is required pursuant to 40 CFR 85.1407 in order to

trigger the program standard of 0.10 g/bhp-hr for applicable engines. The following table summarizes the life

cycle cost information presented by Engelhard, with some EPA clarifications and notations.

TABLE 2.—Life Cycle Costs in 1992 Dollars  
[For 1988 to 1990 model year DDEC engines<sup>1</sup>

| Item  | Maximum cost to bus operator  |               |              |
|---|-------------------------------|---------------|--------------|
|   | Standard rebuild <sup>1</sup> | ETX Kit       | Difference   |
| Standard Rebuild Non-ETX Parts <sup>1</sup> ..... | \$3,045                       | \$3,045       |              |
| Standard Rebuild, ETX Parts <sup>1</sup> .....    | 3,921                         | .....         |              |
| CMX Installation (6 hours @ \$35.00/hour) .....   | .....                         | 210           |              |
| ETX Purchase Price .....                          | .....                         | 10,280        |              |
| Fuel Penalty .....                                | .....                         | 1,315         |              |
| <b>Total</b> .....                                | <b>6,966<sup>1</sup></b>      | <b>14,850</b> | <b>7,884</b> |

  

| For 1991 to 1993 Model Year DDEC Engines          |                          |               |              |
|---|--------------------------|---------------|--------------|
| Standard Rebuild Non ETX Parts <sup>1</sup> ..... | 3,045                    | 3,045         |              |
| Standard Rebuild, ETX Parts <sup>1</sup> .....    | 3,921                    | .....         |              |
| CMX Installation (6 hours @ \$35.00/hour) .....   | .....                    | 210           |              |
| ETX Kit Purchase Price .....                      | .....                    | 11,595        |              |
| Fuel Penalty <sup>2</sup> .....                   | .....                    | 0             |              |
| <b>Total</b> .....                                | <b>6,966<sup>1</sup></b> | <b>14,850</b> | <b>7,884</b> |

<sup>1</sup> DDC itemized the prices of individual parts of a "standard" rebuild in its notification of intent to certify (with an issue date of December 22, 1995) its 25-percent reduction upgrade kit.

<sup>2</sup> The \$1,315 penalty (1992 dollars) is due to the 4.7 percent fuel penalty related to the DDC upgrade kit. This penalty (4.7 percent) is from DDC's notification of intent to certify with issue date of December 22, 1995.

The Engelhard application indicates that total life cycle cost of the candidate kit is \$14,850 (in 1992 dollars) for all applicable model year engines. For 1988 through 1990 model year engines, this includes \$10,280 to purchase the candidate kit, \$210 for installation of the catalytic converter muffler, a fuel economy penalty of \$1,315, and \$3,045 to purchase the required emission-related engine rebuild parts that are not provided with the kit. For 1991 through 1993 model year engines, this includes \$11,595 to purchase the candidate kit, \$210 for installation of the catalytic converter muffler, no fuel economy penalty, and \$3,045 to purchase the required emission-related engine rebuild parts that are not provided with the kit. Engelhard states that the labor to rebuild an engine will be the same for a "standard" rebuild and the candidate kit, with the exception of the additional labor required for installation of the catalytic converter muffler. Engelhard uses \$6,966 as the cost a "standard" rebuild because this is the sum of the purchase prices of the individual parts of a "standard" rebuild that DDC provided in its notification of intent to certify (with an issue date of December 22, 1995) its 25-percent reduction upgrade kit. The fuel consumption data for the candidate kit indicates roughly 4.6 percent fuel economy penalty when the candidate equipment is used with 1988/1989 model year engines. This percent penalty appears consistent with the 4.78 percent penalty determined by DDC in its notification of intent to certify its 25-percent reduction upgrade

kit. This fuel economy impact increases life cycle costs about \$1,315 (in 1992 dollars) only for 1988 and 1989 model year engines. Engelhard indicates that the total life cycle cost (\$14,850) is less than \$7,940 incremental to the cost of a "standard" rebuild (listed as \$6,966) and therefore meets the life cycle cost requirements to trigger the 0.10 g/bhp-hr standard for the applicable engines.

In accordance with program requirements, Engelhard's application includes emissions defect and emissions performance warranties.

The candidate kit requires particular engine rebuild parts that are specified by Engelhard in order to upgrade applicable engines to a 277 hp 1991 to 1993 model year configuration. As proposed in the application, Engelhard would provide certain engine components (the coated cylinder heads, coated valves, and cylinder kits incorporating coated piston domes), the catalytic converter muffler, and the turbocharger. The remaining required parts (fuel injectors, camshafts, and blower) would be purchased elsewhere or supplied separately by the transit operator, as long as such parts were the Engelhard-specified OEM components. Engelhard contends that the "engine specified parts" that an operator would acquire elsewhere are all "standard" engine parts that are not modified or influenced by the ETX components. Engelhard proposes that the candidate kit include a specified parts list, but not provide these "standard" parts. Additionally, EPA understands that Engelhard does not intend that the

warranties provided by them would cover these parts, because these parts are normally replaced during a standard rebuild.

EPA expects to evaluate this supply method and its impact on life cycle costs and whether it is appropriate pursuant to program requirements [such as 40 CFR 85.1403(a)(1)]. Also, EPA will evaluate whether this supply method would compromise the ability of the Engelhard kit to achieve 0.10 g/bhp-hr PM standard in the field. EPA requests comment on this supply method.

At this point, EPA has not determined the accuracy of the life cycle cost information, including whether a fuel economy penalty exists, or the cost of a standard rebuild. EPA requests comment on the life cycle cost analysis. EPA will use information gathered through public comment and from the certifier to address any issues.

If Engelhard cannot show that its equipment will be offered to all operators for less than \$7,940 (in 1992 dollars) incremental to the cost of a standard rebuild, then certification may proceed but it would not trigger the 0.10 g/bhp-hr PM standard.

If EPA certifies the candidate application, then urban bus operators who choose to comply with compliance Option 1 of this program will be required to use this equipment or other equipment certified to the 0.10 g/bhp-hr standard beginning six months after certification approval, when applicable engines are rebuilt or replaced.

If EPA approves Engelhard's certification request, then bus operators

who chose to comply under compliance Option 2 of this program may also use the Engelhard equipment.

In a final rule dated March 26, 1998 (63 FR 14626), the urban bus program regulations were amended to provide for EPA review of equipment certified by July 1, 1998, and revision of the post-rebuild levels used with Option 2 target level calculations, as necessary. This amendment was done to assure that the two compliance options of the urban bus program remain equivalent, and also because EPA expects equipment to be certified in early 1998 at a level of 0.10 g/bhp-hr for the 6V92TA DDEC engine models. If certification of the candidate kit is approved prior to July 1, 1998, then EPA expects to use the emission level of the Engelhard rebuild kit to revise the Option 2 post-rebuild levels for the applicable engines. While we believe that only a small number of operators use Option 2, we estimate that the engines affected by the candidate equipment are 40 percent of the urban bus fleet covered by the regulation.

The date of today's notice initiates a 45-day period during which EPA will accept written comments relevant to whether or not the equipment described in the Engelhard application should be certified. Interested parties are encouraged to review this application, and provide comments related to whether or not the equipment described in it should be certified pursuant to the urban bus retrofit/rebuild program. Comments should be provided in writing to the address listed under the Addresses section of this document.

EPA will review this notification of intent to certify, along with comments received from the interested parties, and attempt to resolve or clarify issues as necessary. During the review process, EPA 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.

Dated: April 3, 1998.

**Richard D. Wilson,**

*Acting Assistant Administrator for Office of Air and Radiation.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5992-9]

### Extension of the Policy on Enforcement of RCRA Section 3004(j) Storage Prohibition at Facilities Generating Mixed Radioactive/Hazardous Waste

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

**ACTION:** Notice; policy statement.

**SUMMARY:** EPA is announcing an interim extension of its policy (61 FR 18588, April 26, 1996) on the civil enforcement of the storage prohibition in section 3004(j) of the Resource Conservation and Recovery Act (RCRA) at facilities that generate "mixed waste." RCRA defines "mixed waste" as waste that contains both hazardous waste and source, special nuclear, or by-product material subject to the Atomic Energy Act (AEA). RCRA section 1004(41), 42 U.S.C. 6903. Thus, "mixed waste" is regulated under both the RCRA subtitle C hazardous waste program and the AEA. This action extends the April 1996 policy until October 31, 1998. The policy affects only mixed wastes that are prohibited from land disposal under the RCRA land disposal restrictions and for which there are no available options for treatment or disposal. EPA has been recently gathering information to determine whether long-term extension of the policy remains appropriate. Specifically, EPA sent information request letters pursuant to RCRA section 3007 to a selected sample of mixed waste generators and has conducted a series of site visits to facilities storing mixed waste. Following a thorough review of this information, EPA expects to determine whether a longer term extension of the policy is appropriate by October 31, 1998.

**EFFECTIVE DATE:** April 21, 1998.

**FOR FURTHER INFORMATION CONTACT:** Leslie Bell, Federal, State and Tribal Programs Branch, Office of Solid Waste; telephone (703) 308-8888; or EPA's Mixed Waste Home Page at "http://www.epa.gov/radiation/mixed-waste."

Dated: April 3, 1998.

**Timothy Fields, Jr.,**

*Acting Assistant Administrator, Office of Solid Waste and Emergency Response.*

**Steven A. Herman,**

*Assistant Administrator, Office of Enforcement and Compliance Assurance.*

[FR Doc. 98-9385 Filed 4-8-98; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[OPP-00534; FRL-5784-6]

### FIFRA Scientific Advisory Panel and Science Advisory Board; Open Meeting

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

**ACTION:** Notice of open meeting.

**SUMMARY:** There will be a joint two-day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and Food Quality Protection Act (FQPA) Scientific Advisory Panel (SAP) and the Agency Science Advisory Board (SAB) to review a set of scientific issues being considered by the Agency concerning the development of the Agency's endocrine disruptor screening and testing program as required by the 1996 Food Quality Protection Act and the Safe Drinking Water Act. This meeting will focus on scientific issues identified by the Endocrine Disruptors Screening and Testing Advisory Committee (EDSTAC) in their draft report. Agenda items include the conceptual framework for the operation of the EDSTAC, the endocrine disruptors priority setting process, the proposed endocrine disruptors screening battery and testing scheme, and a discussion of the near-term endocrine disruptors program implementation activities. Information from the draft EDSTAC report and from this meeting as well as public comments will be used by the Agency to develop the endocrine disruptors program. A second meeting of this peer review panel will be convened later this year to review scientific issues concerning the Agency's proposed approach to implementing the Safe Drinking Water Act and Food Quality Protection Act endocrine disruptor program.

**DATES:** The meeting will be held on Tuesday and Wednesday May 5 and 6, 1998 from 8:30 a.m. to 5:00 p.m.

**ADDRESSES:** The meeting will be held at: Holiday Inn (Arlington at Ballston), I-66 and Glebe Road, 4610 North Fairfax Drive, Arlington VA 22203. The telephone number for the hotel is: (703) 243-9800.

By mail: Submit written comments (one original and 25 copies) to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person or by delivery service, bring comments to: Rm. 119, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. The