

6L71TA. (The 1990 model year DDC 6L71TA has a pre-rebuild PM level of 0.59 g/bhp-hr.) While TRT requests certification coverage for the 1990 DDC 6L71TA and warrants comparable particulate emissions reduction percentages for it as is demonstrated by the 6V71N test engine, the requirement of the program regulations have not been met. Therefore, the Agency believes that the notification lacks sufficient basis for certification of the candidate equipment with the 1990 DDC 6L71TA.

Section 85.1406(d) of the regulations governing urban bus equipment certification states, in part, “* * * installation of any certified retrofit/rebuild equipment shall not cause or contribute to an unreasonable risk to the public health, welfare or safety * * *”. Information for considering whether B20 in this context would affect any potential human health risks associated with exposure to conventional diesel emissions has been provided by TRT with its notification of intent to certify. This information will be reviewed by the Agency. The Agency has made this information part of the public docket at the address listed above. Any findings based on this information, together with any other information that may be considered, will be made part of the public docket located at the address noted above, and considered by the Agency in its decision regarding certification of the candidate equipment. The Agency requests additional information, including information on combustion by-products, for considering whether and, if so how, the use of the subject biodiesel blend, that is, B20, in diesel engines would affect any potential health risks associated with exposure to conventional diesel emissions.

Section 211 of the Clean Air Act sets forth fuel and fuel additive prohibitions, and gives the Agency authority to waive certain of those prohibitions. The Agency, however, does not believe that TRT must obtain a fuel additive waiver under Section 211(f)(4) of the Clean Air Act before certifying its additive system for the following reasons.

The Act prohibits the introduction into commerce of any fuel or fuel additive that is not substantially similar to a fuel or fuel additive used in the certification of any model year 1975 or later vehicle or engine under Section 206. The Administrator may waive this prohibition, if she determines that certain criteria are met. The Agency believes that certification of an urban bus retrofit system constitutes the certification of an engine under Section 206 for the purposes of the urban bus

retrofit/rebuild program, and, since the additive is used in the certification of the system, a waiver is not required to market the additive in the limited context of use with the certified retrofit system. This determination does not affect whether the additive is “substantially similar to any fuel or fuel additive” outside the context of the urban bus retrofit/rebuild program. The Agency’s position on this matter is discussed in additional detail as it relates to use of another fuel additive (Lubrizol Corporation) at 60 FR 36139 on July 13, 1995.

If the Agency certifies the candidate TRT equipment, operators may use it immediately, as discussed below. TRT’s notification indicates that the candidate equipment is to be certified for compliance program 2; however, as discussed below, the Agency believes that configurations utilizing the catalytic muffler and reducing PM by at least 25 percent may also be used in compliance with current program 1 requirements.

In a Federal Register notice dated May 31, 1995 (60 FR 28402), the Agency certified an exhaust catalyst manufactured by the Engelhard Corporation, as a trigger of program requirements. For urban bus operators affected by this program and electing to comply with program 1 requirements, that certification means that rebuilds and replacements of all applicable urban bus engines, performed 6 months or more after that date of certification (that is, rebuilds or replacements after December 1, 1995), must be performed with equipment certified to reduce PM emissions by 25 percent or more. Under Program 1, operators could use the TRT equipment if certified to reduce PM by at least 25 percent, or other equipment certified to provide at least a 25 percent reduction, until equipment is certified which triggers the 0.10 g/bhp-hr PM standard. For Program 1, operators may also use the B20 blend with the Engelhard catalyst and injection retard only for the following engines: 6V92TA DDEC I and DDEC II, and 6L71TA DDEC.

Operators who choose to comply with Program 2 and install the TRT equipment, would use the PM emission level(s) established during the certification process, in their calculations for target or fleet level as specified in the program regulations.

In accordance with the program requirements of section 85.1404(a), operators using the candidate equipment would have to maintain purchase records of the B20 blend if the operator purchases the premixed blend from a fuel supplier, or, of biodiesel and

low-sulfur diesel fuel if the operator mixes the B20. Such records would be subject to review in the event of an audit of a urban bus operator by the Agency. To be in compliance with program requirements, operators must be able to demonstrate that B20 is being used in the proper proportions required by the candidate equipment.

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 § 85.1406, including whether the testing accurately substantiates the claimed emission reduction or emission levels; and, (2) the requirements of § 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 TRT 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: December 1, 1995.

Mary D. Nichols,

Assistant Administrator for Air and Radiation.

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Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).