

September 20, 1999

Thomas E. Kelly (MC-2131)  
Small Business Advocacy Chair  
U.S. Environmental Protection Agency  
401 M Street, S.W.  
Washington, D.C. 20460

**Subject: Control of Air Pollution From New Motor Vehicle Engines: Proposed Heavy Duty Standards and Diesel Engine Standard: Small Business Advocacy Panel**

Dear Mr. Kelly:

I received your letter on September 7, 1999 regarding Control of Air Pollution From New Motor Vehicle Engines: Proposed Heavy Duty Standards and Diesel Engine Standard, notifying us of the possibility of convening a Small Business Advocacy Review Panel under §609(b) of the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996.

Having examined the list of suggested small business representatives, we have added several additional parties to the list at this time. We agree to the EPA list (including the list of trade associations to act as SERs) and have added several individual diesel refiners, and several individual owners of diesel highway retail facilities, including members from the Petroleum Marketers Association of America and the National Association of Truck Stop Operators, as EPA suggested.

**Next Steps**

We understand that the agency plans to re-evaluate whether the proposal would have a significant impact on a substantial number of small entities. If the agency finds no such impact, a Panel would not be required under SBREFA. If a Panel were convened, a final Panel report would be prepared.

If a panel is warranted, we ask that EPA provide, in advance of the convening of the Panel, supporting materials and possibly a draft regulatory analysis and/or draft rule (see RFA §609(b)(4)), in order to allow sufficient review time by Panel members. We strongly recommend that the agency hold several prepanel meetings in accordance with the most current EPA SBREFA guidance to assure that adequate and timely information and data is provided to the small entity representatives and the panel representatives.

Sincerely,

Jere W. Glover

Chief Counsel for Advocacy

cc: Art Fraas, OMB

**I. Additional Diesel Refiners**

Al Gonzales  
President, CEO and Owner  
Age Refining Inc.  
4455 Alpha Road, Building #2  
Dallas, TX 75244-4548

Steve Lewis  
CEO  
Petrostar Inc.  
200 Artic Slope, Suite 200  
Anchorage, AK 99518-3030

**II. Additional Diesel Marketers**

Bryan McClain, Director  
Choctaw Nation Travel Plaza (Truck stop distribution center)  
P.O. Drawer 1210  
Durant, OK 74702-1210

W. L. (Bill) Ferren, President (Distributor/Retailer)  
B-B-F Oil Co., Inc.  
P.O. Box 8041  
Pine Bluff, AR 71611-8041

Gerry Ramm (PMMA chairman of motor fuels committee)  
Inland Oil Company  
P.O. Box 1170  
Ephrata, Washington 98823

Donald Schnacke  
Kansas Independent Oil and Gas Assoc.  
Topeka, KS

Duke Palmer (Distributor)  
President  
Lucky Lady Oil Inc.  
Ft. Worth TX

David Froelich (Distributor)

Froelich Oil Co.  
222 E. Front Ave.  
Bismarck, ND 58504

Chester Cadieux (Service Station owner)  
President  
KWIK Trip Inc.  
PO Box 3475  
Tulsa, OK 74101

Dale Lindsey (Distributor)  
President  
Harbor Enterprises  
PO Box 389  
Seward, AK 99664