

April 12, 2000

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 Emissions of Hazardous Pollutants from Motor Vehicles and Motor Vehicle Fuels ("Toxics"); Small Entity Representative Recommendations

Dear Mr. Kelly:

I received your letter on March 24, 2000 regarding entitled **Control of Emissions of Hazardous Pollutants from Motor Vehicles and Motor Vehicle Fuels ("Toxics")**, 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 most recent list of small business representatives, we have asked EPA to provide a specific explanation of why several small refiners who were previously identified as small businesses in a previous rulemaking have been excluded from the most recent list. We understand that one of the refiners, Pride, has discontinued the refinery operation. When we have EPA's explanations, we will provide our recommendations on those refiners. We do not know of any additional small refiners to add to the list of small entity representatives.

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. In this case, my office has already drafted a detailed data request for the agency, and look forward to receiving that information before the Panel is convened. The agency is already one week behind its promised schedule for providing this information. It is important 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