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Dated: October 3, 1996.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 96-26516 Filed 10-15-96; 8:45 am]

BILLING CODE 4160-01-F

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 9**

[FRL-5634-9]

OMB Approval Numbers Under the Paperwork Reduction Act**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this technical amendment amends the table that lists the Office of Management and Budget (OMB) control numbers issued under the PRA for "National Primary Drinking Water Regulations: Monitoring Requirements for Public Drinking Water Supplies: Cryptosporidium, Giardia, Viruses, Disinfection Byproducts, Water Treatment Plant Data and Other Information Requirements".

EFFECTIVE DATE: This final rule is effective November 15, 1996.

FOR FURTHER INFORMATION CONTACT: Thomas R. Grubbs, (202) 260-7270.

SUPPLEMENTARY INFORMATION: EPA is today amending the table of currently approved information collection request (ICR) control numbers issued by OMB for various regulations. Today's amendment updates the table to list those information requirements promulgated under the "National Primary Drinking Water Regulations: Monitoring Requirements for Public Drinking Water Supplies: Cryptosporidium, Giardia, Viruses, Disinfection Byproducts, Water Treatment Plant Data and Other Information Requirements" which appeared in the Federal Register on May 14, 1996 (61 FR 24354). The affected regulations are codified at 40 Code of Federal Regulations (CFR) part 141. EPA will continue to present OMB control numbers in a consolidated table format to be codified in 40 CFR part 9 of the Agency's regulations, and in each CFR volume containing EPA regulations. The table lists the section numbers with reporting and recordkeeping requirements, and the current OMB control numbers. This listing of the OMB control numbers and their subsequent codification in the CFR

satisfy the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR part 1320.

This ICR was previously subject to public notice and comment prior to OMB approval. As a result, EPA finds that there is "good cause" under section 553(b)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(B)) to amend this table without prior notice and comment. Due to the technical nature of the table, further notice and comment would be unnecessary.

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental justice related issues as required by Executive order 12898 (59 FR 7629, February 16, 1994).

Because EPA is not taking comment on this correction, it is therefore not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

List of Subjects in 40 CFR Part 9

Reporting and recordkeeping requirements.

Dated: September 26, 1996.

Robert Perciasepe,
Assistant Administrator, Office of Water.

For the reasons set out in the preamble, 40 CFR part 9 is amended as follows:

1. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.*, 136-136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601-2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971-1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g-1, 300g-2, 300g-3, 300g-4, 300g-5, 300g-6, 300j-1, 300j-2, 300j-3, 300j-4, 300j-9, 1857 *et seq.*, 6901-6992k, 7401-7671q, 7542, 9601-9657, 11023, 11048.

2. Section 9.1 is amended by adding the new entries under the indicated heading to the table under the indicated heading to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
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National Primary Drinking Water Regulations	
* * *	* *
141.140-141.144	2040-0183
* * *	* *

[FR Doc. 96-26452 Filed 10-15-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR PART 80

[FRL-5636-2]

Petition by Guam for Exemption From Anti-Dumping and Detergent Additization Requirements for Conventional Gasoline**AGENCY:** Environmental Protection Agency.**ACTION:** Notice of direct final decision.

SUMMARY: The Environmental Protection Agency ("EPA" or "the Agency") is granting a petition by the Territory of Guam for exemption from the anti-dumping requirements for gasoline sold in the United States after January 1, 1995. This action is being taken because of Guam's unique geographic location and economic factors. EPA is not granting Guam's petition for exemption from the fuel detergent additization requirements that all gasoline sold in the United States after January 1, 1995 contain fuel detergents. If the gasoline anti-dumping exemption were not granted, Guam would be required to import gasoline from a supplier meeting the anti-dumping requirements adding a considerable expense to gasoline purchased by the Guam consumer. Guam is in full attainment with the national ambient air quality standard for ozone. This action is not expected to cause harmful environmental effects to the citizens of Guam.

Today's action is being taken as a direct final decision because EPA believes that this final decision is noncontroversial. The effects of this decision are limited to the Territory of Guam.

DATES: This action will be effective on December 16, 1996 document, unless EPA receives adverse or critical comments by November 15, 1996. If the Agency receives adverse or critical comments, EPA will withdraw this action by publishing a timely notice in the Federal Register. In a separate action published today, EPA is concurrently proposing approval of the

gasoline anti-dumping exemption portion of Guam's petition for reasons discussed in this document. All correspondence should be directed to the addresses shown below.

ADDRESSES: Any persons wishing to submit comments should submit them (in duplicate, if possible) to the two dockets listed below, with a copy forwarded to Marilyn Winstead McCall, U. S. Environmental Protection Agency, Fuels and Energy Division, 401 M Street, SW., (Mail Code: 6406J), Washington, DC. 20460.

Materials relevant to this petition are available for inspection in public docket

A-95-19 at the Air Docket Office of the EPA, room M-1500, 401 M Street, SW., Washington, DC 20460, (202) 260-7548, between the hours of 8:00 a.m. to 5:30 p.m. Monday through Friday. A duplicate public docket, A-GU-95, has been established at U. S. EPA Region IX, 75 Hawthorne Street, (Mail code: A-2-1), 17th Floor, San Francisco, Ca 94105, (415) 744-1225, and is available between the hours of 8:30 a.m. to noon, and 1 p.m. to 5 p.m., Monday through Friday. As provided in 40 CFR part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Marilyn Winstead McCall of the Fuels and Energy Division at (202) 233-9029.

SUPPLEMENTARY INFORMATION:

I. Background

A. Regulated Entities

Entities potentially affected by this action are those involved with the production, distribution, and sale of conventional gasoline and gasoline detergent additives for gasoline used in Guam. Regulated categories and entities include:

Category	Examples of regulated entities
Industry	Detergent manufacturers, detergent transporters, gasoline refiners and importers, gasoline terminals, detergent blenders, gasoline truckers, and gasoline retailers and wholesale purchaser-consumers.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. This table lists the types of entities that EPA is now aware could potentially be affected by this decision. Other types of entities not listed could also be affected. To determine whether your organization is affected by this decision, you should carefully examine the applicability requirements in § 80.90, § 80.125, and § 80.161, Subparts E, F, and G respectively of title 40, of the Code of Federal Regulations (CFR). If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

The Governor of Guam petitioned the Agency on December 30, 1994 seeking exemption from certain federal regulations promulgated under the Clean Air Act ("CAA" of "Act"). On December 15, 1993, EPA promulgated regulations on the production and sale of gasoline that is not required to be reformulated, or "conventional" gasoline. For conventional gasoline, the gasoline produced by a refiner or importer is required to cause no more motor vehicle emissions than gasoline produced by that refiner or importer in 1990. This is commonly called the "anti-dumping" program. On October 14, 1994, and July 5, 1996, EPA promulgated regulations requiring that all gasoline contain a fuel detergent to control deposits. The fuel detergent additization regulations require that all gasoline sold or dispensed in the United States contain additives to prevent accumulation of deposits in vehicle engines or fuel supply systems, and that

volumetric additive reconciliation records and product transfer documents be maintained by certain persons who add the required detergent to the gasoline and transfer the product to other persons. Since Guam is in attainment for ozone, it is not required to offer reformulated gasoline. However, providers of gasoline such as those listed in the table above in Guam are required to provide conventional gasoline that meets the anti-dumping provisions and the detergent additization requirements.

B. Statutory Provisions

Section 211(k) of the Clean Air Act ("CAA" or "the Act") requires that gasoline be reformulated to reduce motor vehicle emissions of toxic and tropospheric ozone-forming compounds, and that this reformulated gasoline be sold in the nine largest metropolitan areas with the most severe summertime ozone levels and other ozone nonattainment areas that opt into the program. Section 211(k)(8) prohibits conventional gasoline (gasoline that has not been "reformulated") sold in the rest of the country from becoming any more polluting than it was in 1990. This requirement ensures that refiners do not "dump" fuel components that are restricted in reformulated gasoline and that cause environmentally harmful emissions from use of conventional gasoline. This requirement is referred to as the "anti-dumping" standards for conventional gasoline.¹

Section 211(l) states that "no person may sell or dispense to an ultimate consumer in the United States, and no refiner or marketer may directly or indirectly sell or dispense to persons

who sell or dispense to ultimate consumers in the United States any gasoline which does not contain additives to prevent the accumulation of deposits in engines or fuel supply systems." The regulations implementing this requirement are commonly referred to as the "gasoline deposit control" or "detergent additization" regulation. The Territory of Guam is defined as a state in these regulations.²

Section 325 of the Act provides that, upon petition by the Governor of Guam, American Samoa, the Virgin Islands, or the Commonwealth of the Northern Mariana Islands, the Administrator may exempt any person or source in such territory from various requirements of the Act. It states that "such exemption may be granted if the Administrator finds that compliance with such requirements is not feasible or is unreasonable due to unique geographical, meteorological, or economic factors of such territory, or such other local factors as the Administrator deems significant."

EPA previously granted Guam an exemption from the sulfur content requirements for motor vehicle diesel fuels as specified in sections 211(i) and (g) of the Act on May 7, 1993. That exemption was effective November 21, 1993. A more in-depth description of Guam's geographical, meteorological and economic characteristics are discussed in the notice of direct final decision granting that petition for exemption (see 58 FR 48968, September 21, 1993).

II. Summary of Guam's Petition

On December 30, 1994, the Honorable Joseph F. Ada, Governor of the Territory

¹ 40 CFR Part 80, Subparts E and F.

² 40 CFR Part 80, Subparts A and G.

of Guam, petitioned the Agency for an exemption from the requirements of regulations promulgated at 40 CFR 80 that require conventional gasoline meet certain anti-dumping specifications and that this gasoline be subject to the detergent additization requirements of those regulations. Specifically, the petition requests exemption from Subparts E, F, and G of 40 CFR Part 80. Subparts E and F apply to requirements for refiners and importers to prevent conventional gasoline sold in the United States from becoming any more polluting than it was in 1990. Subpart G requires the use of deposit control (detergent) additives in all gasoline used in the United States beginning January 1, 1995.

A. Guam's Geographical Characteristics

Guam is the westernmost U.S. territory. Guam is the southernmost island in the Mariana Archipelago. It is approximately 28 miles long and its width varies from 4 to 8.5 miles for a total land area of approximately 1209 square miles. Agana, the capital city, is approximately 3700 miles west-southwest of Honolulu, 6000 miles southwest of San Francisco, 1500 miles east of Manila, 1550 miles south of Tokyo and 3100 miles north-northeast of Sydney.

The island of Guam is composed of two distinct geologic areas of about equal size. The northern region is a high coralline limestone plateau rising to 850 feet above sea level. The southern region is of volcanic origin and mountainous, with elevations ranging from 700 to 1300 feet. The northern and southern regions are separated by a narrow low lying area.

B. Guam's Meteorological Characteristics

Guam has a tropical climate. According to data compiled by the National Oceanic and Atmospheric Administration, (NOAA) the average rainfall is 98 inches. Daytime temperatures are typically around 85 degrees F and nighttime temperatures range from 65 to 75 degrees F. Relative humidity is typically from 75 to 90%. The island is subject to consistent strong winds. Most of the time, the island is swept by trade winds blowing from the east. Normal wind speeds are highest during the dry season, with sustained wind speeds of 15 to 25 miles per hour. Data collected by NOAA show a mean wind speed of 7.4 miles per hour.

The dominance of the easterly trade winds is interrupted during the rainy season when storm systems from the east bring heavy showers and torrential rain. Typhoons with winds of more than

70 miles an hour pass within 60 miles of Guam once a year on average. "Super" typhoons with winds in excess of 150 miles per hour occur roughly every 10 to 12 years.

C. Economic Factors in Guam

Guam has no known oil resources and no operating refinery. All motor vehicle gasoline supplied to the island of Guam is imported. Transportation costs dictate that the markets supplying gasoline to Guam be limited to the Far East. Refineries in Singapore and Australia have historically supplied Guam's gasoline.

Guam is less affluent than any of the 50 states. Its per capita income in 1990 was \$9,928 compared to the national average of \$14,420.³ Due to relatively high transportation costs, retail gasoline prices are already significantly higher in Guam than in the continental United States, averaging in 1994 at approximately \$1.50 per gallon as opposed to an estimated national average of approximately \$1.17⁴ per gallon. Information received after the petition was submitted to the Agency indicates that Guam's economic outlook is not improving, as the Navy Repair Facility and the Navy Fleet and Industrial Supply Center are slated to be closed (and the three other Navy facilities will be realigned), which will mean the loss of thousands of jobs.⁵

It is estimated that the total fleet of gasoline-powered cars is between 100,000 to 140,000. Generally, car ownership is estimated at greater than one vehicle per person on Guam. Cars do not wear well in the island's harsh corrosive environment, so the average age of the fleet is lower than in the mainland United States.

III. Clarification of Anti-Dumping and Detergent Additization Requirements

Subpart E—Anti-Dumping Requirements—Section 211(k)(8) requires that average per gallon emissions of VOC, CO, NO_x, and toxics due to conventional gasoline produced by a refiner or importer not increase over 1990 levels, for each refiner or importer. Each of the four pollutants is to be considered separately, except that potential increases in NO_x emissions due to oxygenate use may be offset by equivalent or greater reductions in the other pollutants. Since VOC and CO emission increases are expected to be controlled through other regulatory programs, the anti-dumping provisions

are limited to regulating emissions of toxics and NO_x emissions.

Pursuant to Section 211(k)(8) of the Act, EPA adopted the regulations in Subpart E to address motor vehicle emissions of exhaust benzene, total exhaust toxics and NO_x emissions from conventional gasoline use. Under a simple emissions model, applicable from January 1, 1995 to January 1, 1998, a limit is set for sulfur, olefins and T90 as well as exhaust benzene. A more complex emissions model is required beginning January 1, 1998, with limits set on exhaust toxics and NO_x. All the limits are set as annual averages.

Compliance is measured by comparing emissions of a refiner's or importer's conventional gasoline against those of a baseline gasoline—either a baseline based on the quality of a refiner's 1990 gasoline or on a statutory baseline specified by the Clean Air Act. Subparts E and F require a refiner or importer that establishes a baseline to use an independent auditor to verify its baseline parameters. EPA requires each refiner or importer to maintain records and to report to EPA certain information pertaining to production of conventional gasoline by February 1996, and every subsequent year. Guam's petition states that there is insufficient data available to importers of Guam's gasoline regarding the quality of gasoline produced in 1990 to establish an individual baseline for these importers. Therefore, if this exemption were not granted, importers of gasoline to Guam would be required to measure compliance against the statutory baseline for the regulated conventional gasoline qualities.

Subpart G—Detergent Gasoline—Section 211(1) requires that, beginning January 1, 1995, no person may sell or dispense to an ultimate consumer in the United States, and no refiner or marketer may sell or dispense to persons who sell or dispense to ultimate consumers in the United States any gasoline which does not contain additives to prevent the accumulation of deposits in engines or fuel supply systems. EPA promulgated a rule on October 14, 1994, under which all gasoline (reformulated and conventional) sold or transferred to gasoline retail outlets or wholesale purchaser consumer facilities and all gasoline sold or transferred to ultimate consumers must be additized with a fuel detergent additive registered with the EPA, starting January 1, 1995. On July 5, 1996, EPA published a supplemental rule requiring testing and certification of the fuel detergents (61 FR 35310).

Fuel deposits in motor vehicle engines and fuel supply systems and

³ Guam Department of Commerce.

⁴ "The Oil Daily," May 9, 1995.

⁵ Letter dated July 21, 1995, from Eric Murdock, Hunton & Williams, Washington, D.C., supporting Guam's petition.

their impacts on vehicle performance have been studied for many years. Fuel injector and intake valve deposits have been shown to have significant adverse effects on drivability, exhaust emissions and, in some cases, on fuel economy. Deposits in fuel injectors may undercut the effectiveness of engines' oxygen sensors in ensuring the best fuel/air ratio to control emissions. Carburetor deposits can cause improper enrichment of the fuel/air mixture, which can result in rough idling, stalling, poor acceleration, reduced fuel economy and higher emissions of hydrocarbons, carbon monoxide, and in some cases nitrogen oxides. The mechanisms by which intake valve deposits increase emissions are less clear. Adsorption and desorption of fuel on the intake valves can lead to improper fuel/air ratios across the cylinders, thereby interfering with the ability of the oxygen sensor to regulate proper mixture composition. Intake valve deposits might also increase emissions by interfering with the proper preparation and delivery of the fuel air mixture resulting in combustion inefficiency.

Under the current additization program, the detergent additive must be registered under 40 CFR Part 79, and must be added in concentration equal to or exceeding the level specified by the additive manufacturer as being effective in preventing deposits. Each facility where detergent additization is performed is required to create and maintain volumetric additive reconciliation (VAR) records to demonstrate that the gasoline has been additized to the proper concentration. Product transfer documentation (PTD) is required whenever title or custody to any gasoline or detergent is transferred, other than when additized gasoline is sold or dispensed at a retail outlet or wholesale purchaser-consumer facility to the consumer. Each gasoline refiner, importer, carrier, distributor, oxygenate blender or detergent blender who owns, leases, operates, controls or supervises the facility (including a truck or individual storage tank) is subject to these requirements.

IV. Rationale for Exemption

A. Rationale for Exemption from Anti-Dumping Requirements

Singapore refineries differ from the configurations of typical mainland U.S. refineries in that they do not have catalytic cracking capacity (that is, the Singapore refineries do not employ fluid catalytic cracking or "FCC" units). As a result of these differences in plant configuration, the properties of the gasoline produced by the Singapore

refineries would be expected to be quite different in some respects from the properties of gasoline produced by the typical mainland U.S. refinery (i.e., "baseline" conventional gasoline). Specifically, gasoline produced at the Singapore refineries would typically have lower concentrations of sulfur and olefins and relatively higher concentrations of benzene and aromatics.

As a result of these differences, the gasoline produced at the Singapore refineries cannot consistently satisfy the anti-dumping requirements when compared to statutory baseline gasoline, particularly for the winter season. This is not the result of any "dumping" of components restricted in reformulated gasoline; it is a reflection of differences in the quality of the gasoline produced in Singapore compared to that typically produced in the mainland U.S.

None of the importers has been able to identify any refineries in the Pacific Rim that are producing, or are readily able to produce, gasoline that can consistently satisfy the anti-dumping requirements. As a result, it is likely that the companies would be forced to import gasoline from mainland refineries at substantial cost if this exemption were not granted.

The granting of Guam's petition for exemption could raise the possibility that a given importer's gasoline might, in a given compliance period, produce more motor vehicle emissions than produced by 1990 statutory baseline gasoline.

Guam is in full attainment with both the primary and secondary national ambient air quality standards (NAAQS) for ozone.

Because of Guam's unique geographic remoteness, there is no risk that conventional gasoline imported through Guam would be sold in any area in which anti-dumping restrictions apply.

The three major importers of gasoline to Guam have indicated that the gasoline normally imported from the Singapore refineries (where virtually all gasoline supplied to Guam is produced⁶) is likely to contain benzene and aromatic concentrations that exceed the statutory baseline levels. As previously stated, the anti-dumping requirements could force the importers of gasoline to Guam to obtain product from distant refineries, adding substantially to the transportation costs, and resulting in great increases in the retail price of gasoline in Guam. Information submitted subsequent to the

petition states that these costs could run approximately \$4,500,000 per year.⁷ According to estimations by current importers of gasoline to the island, transporting gasoline from western refineries (those from the mainland or Hawaii, most likely) would add at least 10 cents per gallon to the retail price of gasoline on the island, in addition to other costs associated with the requirements of the anti-dumping and detergent additization regulations.

Approximately 40,000,000 gallons of gasoline are imported annually into Guam. If Guam is not granted an exemption from the anti-dumping requirements, EPA calculates that gasoline, meeting the statutory baseline, could result in VOC control during a compliance period of approximately 14 tons of total toxic emissions in Guam as compared to the fuel quality in Guam in 1994. A simple cost effectiveness analysis indicates that the cost (based on an annual cost, as stated in Guam's petition, of approximately \$4,500,000) of reducing the total toxic emissions would be over \$300,000 per ton. In EPA's Regulatory Impact Analysis for Reformulated Gasoline,⁸ the Agency estimated that reducing total toxic emissions from combustion and use of gasoline under the reformulated gasoline program would cost approximately \$55,000 per ton. Therefore, the cost effectiveness of using another gasoline supplier to reduce air toxics emissions in Guam is several times higher than EPA's estimate for nationwide control of toxics in the federal reformulated gasoline program.

Guam also does not have the proper facilities to perform the necessary analyses on conventional gasoline which are required under the anti-dumping rules. If this exemption were not granted, any samples would have to be shipped to laboratories in Japan or Hawaii. This process would entail a significant cost and could precipitate price increases which would eventually be passed on to the Guam consumer.

Guam's petition states that overall compliance with Subparts E, F, and G would require capital expenditures of more than \$250,000 of which amount, approximately \$22,000 would be required for software modifications for the VAR and PTD requirements. Annual operating expenditures would amount to more than \$500,000 which includes approximately \$46,000 for VAR and

⁷ Letter dated September 28, 1995 from Eric Murdock, Hunton & Williams, Washington, D.C., supporting Guam's petition.

⁸ See Regulatory Impact Analysis for Reformulated Gasoline, EPA Air Dockets A-92-01 and A-92-12, 401 M Street, S.W., Washington, D.C. 20460.

⁶ Letter dated September 28, 1995, from Eric Murdock, Hunton & Williams, Washington, D.C., supporting Guam's petition.

PTD expenses. These additional costs would result in increases in the retail price of gasoline, estimated by the companies to be at least 0.6 to 1.4 cents more per gallon.

Gasoline price increases of the magnitude expected to result from compliance with Subparts E and F would be especially burdensome for the great many citizens of Guam whose incomes are modest. The average income on Guam is at least \$4,000 less than on the mainland. If this exemption were not granted, and gasoline would have to be transported from the mainland, the average price of a gallon of gasoline at the retail level could rise approximately 10 to 12 cents or more over the present price of a gallon of gasoline in Guam. This price increase is far more than EPA's estimated additional cost of reformulated gasoline of 3–5 cents.⁹

B. Rationale for Denying Exemption from Fuel Detergent Requirements

Information provided to the Agency subsequent to the petition¹⁰ states that all of the importers that supply Guam's gasoline use detergent additives in all grades of gasoline that they sell in Guam. One importer, the largest marketer of gasoline on the island, began using additives last year for marketing reasons. Another importer has been using detergent additives in its gasoline for several years. An additive called RT2276 (also referred to as MTT242), is used in concentrations equal to or greater than the level specified by the additive manufacturer. Therefore, compliance with Subpart G's additization requirements is clearly feasible in Guam.

Guam's petition states that costs of compliance with the requirements of Subpart G would be over \$400,000. These costs were computed for four importers and their marketers. Since the petition was filed, EPA has learned that there are now only three importers in Guam.¹¹ Therefore, these costs could conceivably be lower.

The petition estimates that the total cost of compliance will add between .6 to 1.4 cents to the cost of a gallon of gasoline. EPA estimated that the average incremental cost to consumers of compliance with the detergent requirements for the mainland United States would be 0.1 cent a gallon,¹² with

this cost being partially compensated for by the increased fuel economy and decreased maintenance requirements which improved deposit control is expected to provide. Over 90 percent of the total estimated cost of the program is associated with the price of the additional additive amounts needed to bring all gasoline up to the effective detergency levels which most of U.S. gasoline already contains. EPA disagrees with the cost estimate in the petition. The estimated cost of 0.6 to 1.4 cents per gallon to comply with the gasoline detergent program in Guam might be a reasonable estimate if detergent was not already widely used in Guam gasoline.¹³ However, given the common use of gasoline detergents in Guam, EPA believes that the cost to Guam consumers will likely closely parallel that projected for consumers in the mainland U.S.

Transportation costs associated with shipping detergent additive which complies with Federal detergency requirements to Guam are likely to be somewhat higher than that in the mainland U.S. However, EPA believes this differential in cost will have minimal impact due to the small volume of detergent additive estimated to be needed to achieve proper additization (approximately 0.4 to 0.6 gallons of detergent to 1,000 gallons of gasoline). In addition, EPA's estimate of the cost to the consumer of the detergent program assumed the average motorist drives 10,000 to 15,000 miles per year and consumes 400 to 600 gallons of gasoline. Given Guam's small size, the average motorist on Guam would tend to drive less than the average motorist on the mainland which would tend to reduce the cost to a Guam consumer relative to EPA's estimate. All things considered, the cost to the consumer of up to six dollars a year estimated for the U.S. as a whole, holds for Guam as well. EPA believes that this would not be an unreasonable economic burden for the Guam consumer. This is generally consistent with EPA's estimate of the cost of compliance with the detergent requirements for the mainland United States. In addition, suppliers of gasoline to Guam have indicated that the fuel importers intend to continue adding detergent additives to all gasoline sold

in Guam. Thus compliance costs associated with the recordkeeping (VAR and PTD) requirements of the detergent rule are the primary additional costs directly attributable to the detergent program's requirements. EPA estimates that compliance with the recordkeeping requirements of Subpart G would add only a small portion—less than 1 cent—to the cost of a gallon of gasoline. EPA believes that this would not be an unreasonable economic burden for the Guam consumer.

Guam's petition states that only in the last few months of 1995 have all the gasoline importers and marketers begun using fuel detergents in all of Guam's gasoline. Therefore start-up costs could be higher in Guam than in other markets on the mainland where detergent additization has been an ongoing process for several years. EPA does not believe that start-up of this program will be significantly more difficult or expensive in Guam compared to the rest of the U.S. Further, once compliance programs are established, the annual cost of compliance will be comparable to that in other areas. In summary, the small added cost to Guam consumers, and the fact that detergents are already added to 100% of the gasoline supplied in Guam, lead EPA to conclude that an exemption from the requirements of Subpart G is not warranted.

VI. Final Action

A. Anti-Dumping Provisions for Conventional Gasoline

EPA has decided to exempt the Territory of Guam from compliance with the anti-dumping standards for conventional gasoline under section 211(k)(8). The Agency believes that compliance with the gasoline anti-dumping requirements is unreasonable given the significantly increased costs to consumers in Guam in achieving compliance. These increased costs are directly attributable to Guam's location and resulting inability of importers to comply with the anti-dumping requirements without significantly greater costs than those expected for importers in the U. S. mainland. Gasoline price increases of the magnitude expected to result from compliance with Subparts E and F could be especially burdensome for the great many citizens of Guam whose incomes are modest and whose economic situation is not expected to change significantly in the near future.

In addition, despite its geographic remoteness from the mainland,

⁹ 59 Fed. Reg. 7810, February 16, 1994.

¹⁰ Letters dated September 28, 1995, and October 26, 1995, from Eric Murdock, Hunton & Williams, Washington, D.C. supporting Guam's petition.

¹¹ Letter dated October 26, 1995, from Eric J. Murdock, Hunton & Williams, Washington, D.C., supporting Guam's petition.

¹² Final Rule on the Certification Standards for Deposit Control Gasoline Additives, July 5, 1996, 61 FR 35309, page 35353.

¹³ EPA estimated that the total cost of the amount of additive needed to comply with Federal gasoline detergency requirements would be 0.5 to 1.0 cents per gallon, with much of U. S. gasoline already containing significant amounts of detergent additives. See the Regulatory Impact Analysis and Regulatory Flexibility Analysis for the Interim Detergent Registration Program and Expected Detergent Certification Program, Docket Item V-B-01, EPA Air Docket A-91-77, Washington, D.C.

compliance with the anti-dumping provisions might require that Guam import conventional gasoline from the U. S. mainland, greatly increasing the cost of conventional gasoline. EPA finds that these economic factors are also unique to the Territory of Guam.

This exemption will apply to all persons in Guam subject to the anti-dumping requirements in section 211(k)(8) of the Act, and subparts E and F of 40 CFR Part 80. This exemption is retroactive to January 1, 1995, and applies only to gasoline imported to Guam for use in Guam. EPA reserves the right to review and reopen this exemption in the future if conditions in Guam change to warrant such an action.

B. Fuel Detergent Additization

EPA is denying the petition from the Territory of Guam for an exemption from the fuel detergent additization requirement that, after January 1, 1995, all conventional gasoline contain registered fuel additives that control fuel deposits as established in 40 CFR Part 80, Subpart G. Guam has not demonstrated that unique local factors exist such that compliance with the detergent additization and recordkeeping requirements would be either infeasible or unreasonable.

VII. Public Participation and Effective Date

The Agency is publishing this action as a direct final decision because it views it as noncontroversial and limited to the Territory of Guam. EPA anticipates no adverse or critical comments. Representatives of automobile and petroleum industry associations have indicated that their constituents will not be adversely affected by this direct final decision and therefore the Agency expects no adverse comments from the members of those associations. Similarly, the Agency does not expect adverse comments from the environmental community or state and local governments, since the environmental impact is very minimal.

This action will become effective December 16, 1996. If the Agency receives adverse comments by November 15, 1996, EPA will publish a subsequent Federal Register document withdrawing this decision. In the event that adverse or critical comments are received, EPA is also publishing a Notice of Proposed Decision in a separate action today, which proposes the same action contained in this direct final decision. Any adverse comments received by the date listed above will be addressed in a subsequent final decision. That final decision will be based on the relevant portion of the

proposed final decision that is published in the Proposed Rule Section of this Federal Register and that is identical to this direct final decision. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective December 16, 1996.

This procedure allows the opportunity for public comment and opportunity for oral presentation of data as required under section 307(d) of the Act. This procedure also provides an expedited procedure for final action where a decision is not expected to be controversial and no adverse comment is expected.

VIII. Statutory Authority

Authority for the action described in this notice is in section 325(a)(1) (42 U.S.C. 7625-1(a)(1) of the Clean Air Act as amended.

IX. Administrative Designation and Regulatory Analysis

Under Executive Order (E.O.) 12866, the Agency must judge whether a regulation is "major" and thus subject to the requirement to prepare a regulatory impact analysis. The decision announced today alleviates any potential adverse economic impacts in Guam and is not a regulation or rule as defined in E.O. 12866. Therefore, no regulatory impact analysis has been prepared.

X. Impact on Small Entities

This action either eases or leaves unchanged requirements otherwise applicable to affected entities. Thus, EPA has determined that it will not result in a significant adverse impact on a substantial number of small entities.

XI. Paperwork Reduction Act

The Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, and implementing regulations, 5 CFR part 1320, do not apply to this action as it does not involve the collection of information as defined therein.

XII. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a federal mandate that may result in estimated costs to state, local, or tribal governments in the aggregate, or to the private sector, of \$100 million or more. Under Section 205, EPA must select the most cost

effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the exemption in this notice does not include a federal mandate that may result in estimated costs of \$100 million or more to those entities mentioned above. This federal action approves a request for exemption by petitioners in Guam to reduce the cost of implementing the Clean Air Act. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector result from this action.

XIII. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this decision and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the decision in today's Federal Register. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

XIV. Electronic Copy of Final Decision

A copy of this action is available on the OAQPS Technology Transfer Network Bulletin Board System (TTNBBS). The TTNBBS can be accessed with a dial-in phone line and a high-speed modem (PH# 919-541-5742). The parity of your modem should be set to none, the data bits to 8, and the stop bits to 1. Either a 1200, 2400, or 9600 baud modem should be used. When first signing on, the user will be required to answer some basic informational questions for registration purposes. After completing the registration process, proceed through the following series of menus:

(M) OMS
(K) Rulemaking and Reporting
(3) Fuels
(9) Reformulated Gasoline

A list of ZIP files will be shown, all of which are related to the reformulated gasoline rulemaking process. Today's action will be in the form of a ZIP file and can be identified by the following title: GUAM.ZIP. To download this file, type the instructions below and transfer according to the appropriate software on your computer:

<D>ownload, <P>rotocol, <E>xamine,
<N>ew, <L>ist, or <H>elp

Selection or <CR> to exit: D
filename.zip.

You will be given a list of transfer protocols from which you must choose one that matches with the terminal software on your own computer. The software should then be opened and directed to receive the file using the same protocol. Programs and instructions for de-archiving compressed files can be found via <S>systems Utilities from the top menu, under <A>rchivers/de-archivers. Please note that due to differences between the software used to develop the document and the software into which the document may be downloaded, changes in format, page length, etc., may occur.

Dated: October 8, 1996.

Carol M. Browner,

Administrator.

[FR Doc. 96-26449 Filed 10-15-96; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 5470

[WO-330-1030-02-24 1A]

RIN 1004-AC69

Federal Timber Contract Payment Modification

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: This final rule removes the regulations on Federal timber contract payment modification. This action is necessary because this subpart is obsolete since timber sales affected by the Federal Timber Contract Payment Modification Act of October 16, 1984 have all been terminated.

EFFECTIVE DATE: This rule will take effect November 15, 1996.

FOR FURTHER INFORMATION CONTACT: Frank Bruno, Regulatory Management Team, Bureau of Land Management, (202) 452-0352.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

II. Background and Discussion of Final Rule

III. Procedural Matters

I. Public Comment Procedures

The existing regulation which this rule removes, 43 CFR part 5470, subpart 5475, is obsolete and without purpose. The BLM has determined for good cause that notice and public procedure on this rule are unnecessary and contrary to the

public interest, as the regulation that this rule removes contains no current regulatory substance or guidance.

II. Background and Discussion of Final Rule

43 CFR part 5470, subpart 5475 contains about five pages of regulations which do not have any effect. The Federal Timber Contract Payment Modification Act, 16 U.S.C. 618, which these regulations were written to implement, was requested by some in the timber industry to reduce their losses on the purchase of high-priced Federal timber incurred after the market took a significant downturn. The Act authorized purchasers to terminate contracts upon paying or arranging to pay a buy-out charge; whereas prior to this Act purchasers could not cancel a contract due to market conditions. The contracts covered by this Act were bid prior to January 1, 1982, and held as of June 1, 1984. The Act no longer applies to any existing contracts. Accordingly, 43 CFR part 5470, subpart 5475 is obsolete and without any further applicability.

III. Procedural Matters

National Environmental Policy Act

BLM has determined that this final rule makes only technical changes to the Code of Federal Regulations by eliminating provisions that have no impact on the public and no continued legal relevance. Therefore, it is categorically excluded from environmental review under section 102(2)(C) of the National Environmental Policy Act, pursuant to 516 Departmental Manual (DM), Chapter 2, Appendix I, Item 1.10. In addition, the final rule does not meet any of the 10 criteria for exceptions to categorical exclusion listed in 516 DM, Chapter 2, Appendix 2. Pursuant to Council on Environmental Quality regulations (40 CFR 1508.4) and the environmental policies and procedures of the Department of the Interior, the term "categorical exclusions" means a category of actions which do not individually or cumulatively have a significant effect on the human environment and that have been found to have no such effect in procedures adopted by a Federal agency and for which neither an environmental assessment nor an environmental impact statement is required.

Paperwork Reduction Act

The rule does not contain information collection requirements which the Office of Management and Budget must

approve under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Regulatory Flexibility Act

Congress enacted the Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601 *et seq.*, to ensure that government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. The BLM has determined under the RFA that this final rule would not have a significant economic impact on a substantial number of small entities.

Executive Order 12866

According to the criteria listed in section 3(f) of Executive Order 12866, BLM has determined that the final rule is not a significant regulatory action. As such, the rule is not subject to Office of Management and Budget review under section 6(a)(3) of the order.

Unfunded Mandates Reform Act

Pursuant to the requirements of section 205 of the Unfunded Mandates Reform Act of 1995 (UMRA), BLM has selected the most cost-effective and least burdensome alternative that achieves the objectives of the rule. Removal of 43 CFR part 5470, subpart 5475 will not result in any unfunded mandate to state, local or tribal governments in the aggregate, or to the private sector, of \$100,000,000 or more in any one year.

Executive Order 12612

The final rule would not have sufficient federalism implications to warrant BLM preparation of a Federalism Assessment (FA).

Executive Order 12630

The final rule does not represent a government action capable of interfering with constitutionally protected property rights. Section 2(a)(1) of Executive Order 12630 specifically exempts actions abolishing regulations or modifying regulations in a way that lessens interference with private property use from the definition of "policies that have takings implications." Since the primary function of the final rule is to abolish unnecessary regulations, there will be no private property rights impaired as a result. Therefore, BLM has determined that the rule would not cause a taking of private property, or require further discussion of takings implications under this Executive Order.