(d) * * *

(1) * * * *Total annual sales* means the average of the manufacturer's total sales revenue, excluding any revenue which represents the collection of federal, state, or local excise taxes or sales taxes, in each of the three years prior to such manufacturer's submittal to EPA of the basic registration information pursuant to § 79.59(b)(2) through (b)(5).

* * * * *

(6) In the case of an additive for which the manufacturer is not required to meet the requirements of Tier 2 pursuant to paragraph (d)(3) of this section:

(i) A fuel manufacturer which blends such an additive into fuel shall not be required to meet the requirements of Tier 2 with respect to such additive/fuel mixture.

(ii) An additive manufacturer which blends such an additive with one or more other registered additive products and/or with substances containing only carbon and/or hydrogen shall not be required to meet the requirements of Tier 2 with respect to such additive or additive blend.

* * * * *

§ 79.59 [Amended]

6. Section 79.59 is amended by removing paragraph (c)(4)(iii) and by removing and reserving paragraph (c)(7)(iii).

[FR Doc. 97–6023 Filed 3–14–97; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Parts 79 and 80

[FRL–5701–8]

Registration of Fuels and Fuel Additives: Extension of Specified Deadlines for Atypical Additives and Biodiesel Fuels; and, Reformulated Gasoline Complex Model: Modification of Survey Precision Requirements

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: In a document published July 11, 1996, EPA proposed to modify specific provisions of the fuels and fuel additives (F/FA) registration and testing program which, if finalized, would change the applicability of certain requirements to specified F/FAs. In the case of that document, EPA proposed changes affecting testing requirements for ''atypical'' and biodiesel F/FAs. The effect of that proposal has been to make the current testing requirements uncertain for potentially affected F/FAs, and to make the current compliance schedules unreasonable for such F/FAs. Therefore, related deadline adjustments are appropriate. Accordingly, this direct final rule extends Tier 1 deadlines for biodiesel fuels and Tier 2 deadlines for atypical F/FAs. These short delays are not expected to have a substantial impact on the benefits of the F/FA testing program, and may prevent certain manufacturers from making unnecessary expenditures.

In this direct final rule, EPA is also modifying the survey precision requirements under the reformulated gasoline (RFG) complex model. This action will permit survey managers to submit a proposed sample size based upon the precision with which means of emission parameters can be estimated, subject to EPA approval. This approach is expected to provide significant cost savings to respondents, without adverse environmental impact.

DATES: This action will be effective on May 16, 1997, unless EPA receives adverse comment or a request for a public hearing by April 16, 1997. If the Agency receives adverse comment or a request for a public hearing, EPA will withdraw this action by publishing timely notice in the Federal Register.

ADDRESSES: Any persons wishing to submit comments should send them (in duplicate, if possible) to the docket address listed below and to Jim Caldwell, U.S. Environmental Protection Agency, Fuels and Energy Division, 401 M Street, S.W. (6406–J), Washington, D.C. 20460. Materials relevant to this direct final rule have been placed in Public Docket A–90–07 located at U.S. Environmental Protection Agency, Air Docket Section, Room M–1500, 401 M Street, S.W., Washington, D.C. 20460. The docket is open for public inspection from 8:00 a.m. until 5:30 p.m., Monday through Friday, except on Federal holidays. A reasonable fee may be charged for photocopying services.

FOR FURTHER INFORMATION CONTACT: For further information, or to notify EPA of an intent to submit an adverse comment or public hearing request, contact Jim Caldwell, (202) 233–9303, or Joseph Fernandes, (202) 233–9016.

SUPPLEMENTARY INFORMATION: Electronic copies of this direct final rule, the regulatory text of this direct final rule, and earlier rulemaking documents related to the F/FA registration program are available free of charge on EPA's Technology Transfer Network Bulletin Board System (TTNBBS, phone access 919–541–5742) and on the Internet (http://www.epa.gov/omswww). Parties requiring assistance may call Mr. Fernandes at (202) 233–9016.

I. Regulated Entities

Regulated categories and entities potentially affected by this action include:

Category	Examples of regulated entities
Industry	Manufacturers of atypical fuels/fuel additives. Manufacturers of biodiesel fuels/fuel additives. Reformulated gasoline survey participants.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could be potentially regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your entity would be regulated by this action, you should carefully examine this preamble and the proposed changes to the regulatory text. You should also carefully examine all provisions of the F/FAs registration program at 40 CFR part 79 and the RFG program requirements at 40 CFR part 80.

II. Extension of Tier 2 Deadline for Atypical F/FAs

On July 11, 1996, EPA published a Federal Register notice proposing several changes to the F/FA registration and testing regulations.[1] One proposal was a *de minimis* provision which, if finalized, would delete standard Tier 2 requirements for certain atypical F/FAs.[2] This proposal was based on certain conservative judgments and considering available data which indicated that some F/FAs may be reasonably anticipated to have no adverse effects on public health or the environment when they are present at very low concentrations in fuel. F/FAs qualifying for this special provision were proposed to be those containing no atypical elements other than aluminum, boron, calcium, sodium, zinc, magnesium, phosphorus, potassium, and/or iron, where the total of these elements would not exceed 25 parts per million when the additive is mixed in

[1] The F/FA testing requirements are located in 40 CFR Part 79-Subpart F. A detailed discussion of the program, including Tiers 1, 2, and 3 test requirements, may be found in the preamble to the final rule that promulgated these testing requirements (59 FR 33042, June 27, 1994).

[2] Under the grouping provisions of the F/FA health effects testing program, atypical F/FAs are those which contain chemical elements other than carbon, hydrogen, oxygen, nitrogen, and sulfur.

fuel at the maximum recommended concentration.[3]

Significant public comment was submitted about all aspects of this proposal, and EPA has not yet completed its analysis and consideration of the suggestions therein. Nevertheless, EPA is aware that further delay in resolving the *de minimis* issue might leave some manufacturers of atypical additives in an awkward position with respect to upcoming regulatory deadlines. In particular, by May 27, 1997, all F/FA manufacturers (except some small businesses and others qualifying for specific exemptions or alternative deadlines), are required to either complete Tier 2 testing or to demonstrate the existence of suitable contractual arrangements with a laboratory for completion of Tier 2 by May 27, 2000.[4] However, depending on the final construct of the *de minimis* provision, some atypical manufacturers may eventually be excused from these Tier 2 responsibilities altogether.

EPA promulgated the Tier 1 and Tier 2 testing requirements under the authority provided by sections 211(b) and 211(e) of the CAA. Section 211(b) gives EPA broad authority ''for the purpose of registration of fuels and fuel additives'' to require manufacturers ''to conduct tests to determine potential public health effects of such fuel or fuel additive.'' Section 211(b) does not specify deadlines for submission of the results of such testing, leaving the timing requirements to EPA's discretion. However, the timing for submission of test results is affected by section 211(e). This subsection directs EPA to issue regulations to implement section 211(b)(2), and states that such regulations shall require that ''the requisite information'' be provided to EPA within 3 years from the date of promulgation of the regulations. The term ''requisite information'' is not defined in the Act; EPA has interpreted the term to mean either data required by Tiers 1 and 2, or data required by Tier 1 and a contract to complete Tier 2 testing. This interpretation was based, in part, on EPA's conclusion that, as a practical matter, Tier 2 tests for all F/FAs could not be completed by May 27, 1997 (i.e., within 3 years of the date of promulgation of the regulations). See 59 FR at 33047, June 27, 1994, for a more detailed analysis of EPA's interpretation of ''requisite information.''

Since the time EPA adopted this interpretation of ''requisite information'' for all fuels and fuel additives, EPA proposed to exempt some atypical additives from Tier 2 testing. As stated above, EPA is not at this time able to take final action on that proposal. EPA's proposal has resulted in significant uncertainty for manufacturers of atypical additives, who do not know whether EPA will finalize the proposed exemption, or what the scope of the final exemption will be. This uncertainty makes it extremely impractical for such manufacturers to conduct Tier 2 testing, because the costs of conducting such testing would not have to be incurred if EPA finalizes an exemption that encompasses their additive. Moreover, the uncertainty caused by EPA's proposal also makes it impractical for such manufacturers to enter into contracts with laboratories to conduct Tier 2 testing; if EPA finalizes an exemption that covers their additive, the manufacturer would either have to break the contract (adversely affecting the laboratory) or incur the cost of conducting testing that it is not required by regulation to undertake. For these reasons, EPA is exercising its discretion under § 211(b) and § 211(e) to interpret the ''requisite information'' which manufacturers of atypical additives must submit to EPA by May 27, 1997 to include Tier 1 testing only.

As stated above, EPA adopted the Tier 1 and Tier 2 testing requirements under the authority of sections 211(b) and 211(e). While the submission deadlines for tests required under § 211(e) are governed by the language described above, EPA has discretion under § 211(b) to set timing requirements for tests required under § 211(b). Pursuant to this discretion, EPA is establishing a deadline of November 27, 1998, for manufacturers of atypical additives to submit Tier 2 requirements (i.e., either data required by Tier 2, or a contract to complete Tier 2 testing by November 27, 2001. Specifically, for all F/FAs containing ''atypical elements'' (as defined in § 79.50), the Tier 2 compliance deadlines in §§ 79.51(c)(1)(ii) (A) and (B) are respectively extended from May 27, 1997 to November 27, 1998 and from May 27, 2000 to November 27, 2001.[5] These extensions will permit EPA to consider all issues raised in response to the proposal, without any unnecessary adverse impact on the affected manufacturers. EPA estimates that the 18-month extension will be adequate for the Agency to complete its analysis and publish a final rule (or other action as appropriate), while still leaving sufficient time for manufacturers of atypical F/FAs to comply with the requirement (if applicable) to secure contractual arrangements for timely completion of Tier 2 testing. Deadlines for requirements not proposed to be affected by the *de minimis* provision (i.e., Tier 1 and potential Alternative Tier 2 and/or Tier 3 requirements) are not affected by these extensions.

This action is expected to prevent some manufacturers from making unnecessary expenditures while EPA completes its determination of the most appropriate disposition of the *de minimis* proposal. The limited extension in the Tier 2 compliance deadlines for this relatively small category of F/FAs amounts to a very short and reasonable delay that is not expected to have a substantial adverse impact on the public health or environmental benefits of the testing program.

III. Extension of Tier 1 Deadlines for Biodiesel Manufacturers

As described above, section 211(b) does not specify deadlines for the submission of test results required under this provision; however, section 211(e) directs EPA to issue regulations to implement section 211(b)(2), and states that such regulations shall require that ''the requisite information'' be provided to EPA within 3 years of promulgation of the regulations. EPA has interpreted the term ''requisite information'' to mean either data required by Tiers 1 and 2, or data required by Tier 1 and a contract to complete Tier 2 testing.

In July 1996, EPA proposed to revise the existing regulations applying to biodiesel F/FAs, including changes to the grouping regulations and to the requirements for selecting the group representative for biodiesel F/FA testing.[6] These proposals raised significant uncertainties for manufacturers of biodiesel F/FAs. For example, EPA solicited public comment

[3] For further information on the *de minimis* proposal, see ''Registration of Fuels and Fuel Additives: Changes in Requirements, and Applicability to Blenders of Deposit Control Additives,'' Notice of Proposed Rulemaking, 61 FR 36535, July 11, 1996.

[4] Compliance with Tier 1 requirements is also required by May 27, 1997.

[5] Generally, F/FA manufacturers must either comply with all Tier 2 requirements under 40 CFR 79.51(c)(ii)(A) or submit evidence to EPA of a contract with a qualified laboratory, or other suitable arrangement to complete Tier 2 testing, by May 27, 1997 under paragraph (c)(ii)(B). Manufacturers who proceed under paragraph (c)(ii)(B) are required to comply with all Tier 2 requirements by May 27, 2000.

[6] Biodiesel F/FAs are mixed alkyl esters of plant and/or animal origin. See discussion of biodiesel provisions in ''Registration of Fuels and Fuel Additives: Changes in Requirements and Applicability,'' which appears elsewhere in this issue of the Federal Register.

on whether the group representative selection criteria should be revised from a requirement that the group representative for testing purposes contain the highest actual or recommended maximum concentration-in-use of the biodiesel product to a requirement that it contain a specified amount (anywhere between 20 and 100 percent) of the biodiesel product. Because EPA proposed these revisions in July 1996, less than one year before the current deadline for submission of Tier 1 test results and, at a minimum, a contract for completion of Tier 2 testing, the manufacturers of biodiesel F/FAs did not know what group representative they should be testing in light of EPA's proposal. If they conducted testing of a fuel with the highest registered concentration of biodiesel product, and EPA promulgated a revision to the regulations that changed the criteria for an acceptable group representative, the manufacturers would have incurred the costs of testing the wrong product.

For these reasons, the date of promulgation of regulations requiring testing of biodiesel F/FAs is the effective date of today's regulations, rather than the effective date of the pre-existing testing regulations (May 27, 1994). The changes EPA proposed were such that the manufacturers of such F/FAs could not know the specific product that would be required to be tested once EPA took final action on the July 1996 proposal. While a minor revision or technical amendment to the pre-existing testing regulations would not be adequate to conclude that the ''date of promulgation'' under 211(e)(2) is affected, a change of the nature that EPA proposed for biodiesel F/FAs would have altered the basic testing requirement that manufacturers must meet, and is therefore an appropriate basis for adjusting the date of promulgation for purposes of determining when manufacturers must comply with the testing requirements.

Therefore, EPA is revising the F/FA regulations to allow the deadline for biodiesel manufacturers until March 17, 1998 to comply with Tier 1 and to submit information showing a contract with a qualified laboratory, or other suitable arrangement to conduct Tier 2 testing on biodiesel fuels. These deadlines will ensure that the requisite information under section 211(e) is submitted within three years of promulgation of today's rule. All other deadlines for compliance, including the deadline for compliance with Tier 2 testing, remain unaffected by this action. EPA believes that this limited extension, which is short in duration, will not have any substantial impact on the public health or environmental goals of the F/FAs testing program.

IV. Satisfaction of Survey Precision Requirements Under the Complex Model for Reformulated Gasoline (RFG)

The regulations for RFG surveys [in § 80.68(c)(13)(iii) (A) and (B)] prescribe the width of the largest allowable 95% confidence interval when estimating parameter means. Under the simple model, such widths are provided for oxygen, benzene, RVP, and aromatic hydrocarbons. With the complex model, widths are provided for the additional parameters that must be estimated in order to determine emission levels for VOC's, NO_X, and toxics, i.e., olefins, T–50, T–90, and sulfur. The reason for these prescribed precision limits for survey estimates was to ensure that organizations conducting surveys provided large enough samples to make erroneous pass/fail decisions on survey results very unlikely.

The specification of precision limits for individual chemical parameters was appropriate under the simple model, since pass/fail decisions mostly involved such individual parameters. With the complex model, though, the pass/fail decisions are made on emission parameters that are functions of several chemical parameters. EPA believes survey managers should be afforded the flexibility to determine sample sizes based upon the precision with which the means of emission parameters can be estimated, so long as the final result is at least as precise as would have resulted from the originally prescribed limits on individual chemical parameters.

Such an approach may be particularly appropriate where sulfur is concerned. The large variability of sulfur was not fully appreciated when the regulations were developed and has not been an issue under the simple model. The addition of sulfur to the parameters subject to survey precision limits under the complex model would result in a substantial increase in sample sizes, possibly increasing survey costs by a factor of three or more. EPA believes that determining survey precision from the complex model's emission level outputs will be welcomed by the industry as a cost saving measure and will not result in sacrificing the precision needed to make survey pass/fail decisions with confidence.

EPA is thus amending the complex model survey precision requirements set forth at § 80.68(c)(13)(iii)(B) to allow a survey manager to satisfy the requirements either by conforming to the original precision limits on each measured parameter or by providing a level of precision for the model-determined emission parameters that is equivalent. Use of the latter approach requires that a detailed explanation be included in or attached to the annual survey plan demonstrating that the proposed sample size provides precision in estimating the emissions parameters that is equivalent to that which would result from strict adherence to the originally prescribed limits for measured parameters. The explanation must be approved by EPA, along with the remainder of the survey plan, before survey operations can proceed.

V. Environmental and Economic Impacts

The relatively short extensions granted to manufacturers of atypical F/FAs and manufacturers of biodiesel F/FAs are not expected to have a substantial impact on the public health and environmental benefits of the F/FAs testing program. No adverse environmental impact is expected as a result of today's action related to RFG surveys as the emission reduction standards are unchanged.

Today's direct final action will have a positive economic impact. Manufacturers of atypical F/FAs may face special compliance burdens because they have limited opportunity to conduct joint testing or cost sharing with other manufacturers. Extending the deadline for this unique category of regulated parties to permit the Agency to consider all comments received on the July 11, 1996 Notice of Proposed Rulemaking and to issue appropriate final regulations may reasonably prevent unnecessary economic hardship and will provide certainty with regard to compliance dates. Until issuance of a separate final rule published elsewhere in this issue of the Federal Register, manufacturers of biodiesel F/FAs faced some uncertainties with regard to the grouping of their additives and representative concentrations for sampling. The relatively short deadline extension granted by this action will provide affected manufacturers with reasonable time to comply with Tier 1 testing requirements and to make arrangements for the timely completion of Tier 2 testing requirements. With regard to the change related to RFG survey satisfaction, EPA expects a substantial cost savings for regulated parties or consortia of regulated parties who elect to follow the emissions parameters-based approach to planning for complex model survey precision included in today's direct final rule.

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This rule will not have a significant impact on a substantial number of small entities because it will provide greater flexibility to affected industries, including small businesses.

VI. Executive Order 12866

Pursuant to Executive Order 12866(58 FR 51735 [October 4, 1993]), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines ''significant'' regulatory actions as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, it has been determined that this rulemaking is not a ''significant regulatory action''. Today's action is expected to reduce compliance costs associated with certain F/FA and RFG survey requirements and will not result in any additional regulatory burden for affected parties.

VII. Paperwork Reduction Act

Per the Paperwork Reduction Act 44 U.S.C. 3501 *et seq.*, and implementing regulations, 5 CFR Part 1320, the F/FA-related portion of this action, does not involve the collection of information as defined therein. An Information Collection Request (ICR No. 1591) was prepared for the reformulated gasoline program and addresses aspects of that program, including surveys. A copy may be obtained from Sandy Farmer, Regulatory Information Division; U.S. Environmental Protection Agency (2137); 401 M St., S.W. Washington, DC 20640 or by calling (202) 260–2740. Today's direct final rule related to survey design does not create any new information collection requirements.

VIII. Unfunded Mandates Act

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in the aggregate; or by 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 action promulgated today does not include a federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This final rule does not establish regulatory requirements that may significantly or uniquely affect small governments. In fact, this final rule has the net effect of reducing the burden of the fuel and fuel additive registration program and RFG survey program on regulated entities. Therefore, the requirements of the Unfunded Mandates Act do not apply to this action.

IX. 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 rule 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 rule in today's Federal Register. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects

40 CFR Part 79

Environmental protection, Fuel additives, Gasoline, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

40 CFR Part 80

Environmental protection, Fuel additives, Gasoline, Imports, Labeling, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

Dated: March 4, 1997.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, parts 79 and 80 of chapter I of title 40 of the Code of Federal Regulations are amended as follows:

PART 79—[AMENDED]

1. The authority citation for Part 79 continues to read as follows:

Authority: 42 U.S.C. 7414, 7524, 7545, and 7601.

2. Section 79.51 is amended by revising paragraph (c)(1)(ii) introductory text and by adding paragraphs (c)(1)(vi) and (c)(1)(vii), to read as follows:

§ 79.51 General requirements and provisions.

* * * * *

(c) * * *

(1) * * *

(ii) Except as provided in paragraphs (c)(1)(vi) and (vii) of this section, the manufacturer of such products must also satisfy the requirements and time schedules in either of the following paragraphs (c)(1)(ii) (A) or (B) of this section:

* * * * *

(vi) In regard to atypical fuels or additives in the gasoline and diesel fuel families (pursuant to the specifications in § 79.56(e)(4)(iii)(A) (*1*) and (*2*)):

(A) All applicable Tier 1 requirements, pursuant to §§ 79.52 and 79.59, must be submitted to EPA by May 27, 1997.

(B) Tier 2 requirements, pursuant to §§ 79.53 and 79.59, must be satisfied according to the deadlines in either of the following paragraphs (c)(1)(vi)(B) (*1*) or (*2*) of this section:

(*1*) All applicable Tier 2 requirements shall be submitted to EPA by November 27, 1998; or

(*2*) Evidence of a contract with a qualified laboratory (or other suitable arrangement) for completion of all applicable Tier 2 requirements shall be submitted to EPA by November 27, 1998. For this purpose, a qualified laboratory is one which can demonstrate the capabilities and credentials specified in § 79.53(c)(1). In addition, all applicable Tier 2 requirements must be submitted to EPA by November 27, 2001.

(vii) In regard to nonbaseline diesel products formulated with mixed alkyl esters of plant and/or animal origin (i.e., ''biodiesel'' fuels, pursuant to § 79.56(e)(4)(ii)(B)(*2*)):

(A) All applicable Tier 1 requirements, pursuant to §§ 79.52 and 79.59, must be submitted to EPA by March 17, 1998.

(B) Tier 2 requirements, pursuant to §§ 79.53 and 79.59, must be satisfied according to the deadlines in either of the following paragraphs (c)(1)(vii)(B)(*1*) or (*2*) of this section:

(*1*) All applicable Tier 2 requirements shall be submitted to EPA by March 17, 1998; or

(*2*) Evidence of a contract with a qualified laboratory (or other suitable arrangement) for completion of all applicable Tier 2 requirements shall be submitted to EPA by March 17, 1998. For this purpose, a qualified laboratory is one which can demonstrate the capabilities and credentials specified in § 79.53(c)(1). In addition, all applicable Tier 2 requirements must be submitted to EPA by May 27, 2000.

* * * * *

3. Section 79.59 is amended by revising the last sentence of paragraph (c) introductory text to read as follows:

§ 79.59 Reporting requirements.

* * * * *

(c) * * * In addition, manufacturers complying with Tier 2 requirements according to one of the time schedules specified in § 79.51(c)(1)(ii)(B), § 79.51(c)(1)(vi)(B)(*2*), or § 79.51(c)(1)(vii)(B)(*2*) must submit evidence of a suitable arrangement for completion of Tier 2 (e.g., a copy of a signed contract with a qualified laboratory for applicable Tier 2 services) by the date specified in the applicable time schedule.

* * * * *

PART 80—[AMENDED]

4. The authority citation for Part 80 continues to read as follows:

Authority: Sections 114, 211 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7414, 7545 and 7601(a)).

5. Section 80.68, paragraph (c)(13)(iii)(B) is revised to read as follows:

§ 80.68 Compliance surveys.

* * * * *

(c) * * *

(13) * * *

(iii) * * *

(B) In the case of complex model surveys, the average levels of oxygen, benzene, RVP, aromatic hydrocarbons, olefins, T–50, T–90 and sulfur are determined with a 95% confidence level, with error of less than 0.1 psi for RVP, 0.05% for benzene (by volume), 0.1% for oxygen (by weight), 0.5% for olefins (by volume), 5° F. for T–50 and T–90, and 10 ppm for sulfur; or an equivalent level of precision for the complex model-determined emissions parameters; and

* * * * *

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