

dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee); difluoromethane (HFC-32); ethylfluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropentane (HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea); 1,1,1,3,4-pentafluoropentane (HFC-245eb); 1,1,1,3,3-pentafluoropentane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc); chlorofluoromethane (HCFC-31); 1 chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C₄F₉OCH₃); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂CFCF₂OCH₃); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C₄F₉OC₂H₅); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂CFCF₂OC₂H₅); and perfluorocarbon compounds which fall into these classes:

- (i) cyclic, branched, or linear, completely fluorinated alkanes;
- (ii) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
- (iii) cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
- (iv) sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

* * * * *

[FR Doc. 97-6653 Filed 3-14-97; 8:45 am]

BILLING CODE: 6560-50-P

40 CFR Part 52

[AZ 059-0005b; FRL-5697-4]

Approval and Promulgation of State Implementation Plans; Arizona State Implementation Plan Revision, Maricopa County Environmental Services Department

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a revision to the Arizona State Implementation Plan (SIP) which concerns the control of volatile organic compound (VOC) emissions from Commercial Bread Bakeries.

The intended effect of proposing approval of this rule is to regulate emissions of VOCs in accordance with

the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In the Final Rules Section of this Federal Register, the EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for this approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing by April 16, 1997.

ADDRESSES: Written comments on this action should be addressed to: Andrew Steckel, Rulemaking Office (Air-4), Air Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Copies of the rule and EPA's evaluation report of the rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule are also available for inspection at the following locations:

Arizona Department of Environmental Quality, 3033 North Central Avenue, Phoenix, AZ 85012

Maricopa County Department of Environmental Services, 2406 South 24th Street, Suite E-204, Phoenix, AZ 85034-6822.

FOR FURTHER INFORMATION CONTACT: Christine Vineyard, Rulemaking Officer (Air-4), Air Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105-3901, Telephone: (415) 744-1197.

SUPPLEMENTARY INFORMATION: This document concerns Maricopa County Environmental Services Department Rule 343, Commercial Bread Bakeries, submitted to EPA on August 31, 1995 by the Arizona Department of Environmental Quality. For further information, please see the information provided in the Direct Final action which is located in the Rules Section of this Federal Register.

Authority: 42 U.S.C. 7401-7671q.

Dated: February 19, 1997.

Nora L. McGee,

Acting Regional Administrator.

[FR Doc. 97-5973 Filed 3-14-97; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 80

[FRL-5710-6]

Fuels and Fuel Additives; Elimination of Oxygenated Gasoline Program Reformulated Gasoline (OPRG) Category From the Reformulated Gasoline Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: In this action, EPA is proposing to amend the reformulated gasoline (RFG) regulations to eliminate the separate treatment for a category of gasoline used in oxygen averaging. This category, oxygenated gasoline program reformulated gasoline (OPRG), includes gasoline intended for use in a state oxygenated gasoline program control area during the winter time. Under the current RFG regulations, a refiner must meet the oxygen content standards for the entire pool of gasoline they produce, and for the pool of gasoline they produce that is non-OPRG. EPA is proposing this action because it no longer believes a distinction between OPRG and non-OPRG is necessary and because removal of the OPRG category would add flexibility and reduce compliance costs for regulated parties, without producing a negative environmental impact.

DATES: Comments on this proposed rule must be received by April 16, 1997. EPA does not plan to hold a public hearing on this proposed rule, unless one is requested. If a request is received by April 1, 1997, a public hearing will be held. If such a hearing is held, comments must be received within 30 days of the date of such hearing.

ADDRESSES: Written comments on this proposed action should be addressed to Public Docket # A-97-01, Air Docket Section (Room M-1500, Waterside Mall), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Documents related to this proposed rule have been placed in the public docket and may be inspected between the hours of 8:00 a.m. to 5:30 p.m., Monday through Friday. A reasonable fee may be charged for copying docket material. Those wishing to notify EPA of their intent to request an opportunity for a public hearing on this action should contact Anne-Marie

Pastorkovich, U.S. Environmental Protection Agency, Office of Air and Radiation, (202) 233-9013.

FOR FURTHER INFORMATION CONTACT: Anne-Marie Pastorkovich, U.S. Environmental Protection Agency, Office of Air and Radiation, (202) 233-9013.

SUPPLEMENTARY INFORMATION:

I. Regulatory Entities

Regulatory categories and entities potentially affected by this action include:

Category	Examples of regulated entities
Industry	Refiners, importers, oxygenate blenders of reformulated gasoline.

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 is regulated by this action, you should carefully examine the existing provisions at 40 CFR sections 80.2, 80.65, 80.67, 80.69, 80.75, 80.77, 80.78, and 80.128, dealing specifically with OPRG. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

II. Background

A. The Oxygen Standard Under the RFG Program

The federal RFG program is designed for the control of harmful ground level ozone and toxic air pollutants through reformulation of gasoline in ways that reduce emissions of air pollutants from motor vehicles. Federal RFG is required by section 211(k) of the Clean Air Act ("the Act") in the nine largest cities with the worst ozone problems beginning in January, 1995. In addition, other ozone nonattainment areas are permitted to join the program (i.e., to "opt in") at the request of the Governor of the state wherein the nonattainment area(s) are located. EPA published final regulations for the RFG program in the Federal Register on February 16, 1994.¹ The covered areas for the RFG regulations are specified at 40 CFR section 80.70.

Section 211(k) of the Act requires that RFG must contain at least 2.0 weight

percent oxygen and further requires that the RFG regulations issued by EPA allow for oxygen credit trading. These oxygen credit provisions must ensure that each RFG area does not receive RFG with less oxygen than it would without such averaging.² Consistent with the requirements of the Act, the final RFG regulations issued by EPA allow refiners the option of electing to meet the oxygen standard on average, and allow the generation, sale, purchase, and use of oxygen credits.

Compliance with the RFG standards, including the oxygen standard, is met on a refinery basis. A refiner who elects to meet the oxygen standard on an averaging basis must meet an average oxygen content of ≥ 2.1 weight percent across all of the RFG he produces in an averaging period,³ and the minimum oxygen content for an individual gallon of gasoline is ≥ 1.5 weight percent oxygen, for each of its refineries. In short, the average is met on a refinery-by-refinery basis rather than on an RFG covered area-by-area basis. This type of averaging permits maximum operational flexibility for refiners. However, this type of averaging by a number of refiners also means that a substantial amount of RFG may be produced with an oxygen content that is higher than the standard, and a substantial amount that is lower than the standard. Although the fungible distribution system for gasoline means that the higher and lower oxygen content gasoline should generally produce the same average oxygen content throughout the covered areas where RFG is required, a general risk exists that one or more areas might end up receiving RFG that has a lower oxygen content on average than would occur if no averaging were allowed. To address this concern, the requirements for averaging also require that refiners who average must conduct gasoline quality surveys in each area where their gasoline is distributed. If a survey is failed (i.e., the average oxygen content in the area is less than 2.0 weight percent), the minimum oxygen standard is made more stringent. The combination of a survey requirement and tightening of the minimum standard upon a survey failure provides an incentive for refiners to avoid conduct that could lead to a survey failure, and

reduces the likelihood of a problem continuing once a survey is failed.⁴

The gasoline quality survey provisions require refiners who elect to meet RFG standards on average, including the oxygen standard, to either conduct surveys themselves or to participate in a consortium with other refiners. The consortium sponsors a series of gasoline quality surveys in each RFG area each year. If a survey shows that the average oxygen content for an area is < 2.0 weight percent, an additional 0.1 weight percent minimum would be applied to the per-gallon minimum applicable to the averaging refiner. Therefore, although the oxygen average standard would still be 2.1 weight percent, the minimum oxygen standard for all refiners serving that failed area would be increased from 1.5 weight percent oxygen to 1.6 weight percent oxygen. Future survey failures would result in additional increases of the minimum standard to the 2.0 weight percent standard.⁵ Based upon preliminary survey data received for 1996, EPA is aware that several RFG cities are reasonably expected to experience survey failures for oxygen and, therefore, would experience a required "ratcheting" of the minimum oxygen standard for averaging from 1.5 weight% to 1.6 weight%.

The Agency acknowledges that, if the separate averaging category for OPRG is dropped, there is some marginal increase in the risk that an area might receive RFG with too low oxygen content. This is because oxygen credits generated in an oxygenated gasoline program area could now be transferred to a non-oxygenated gasoline program area, resulting in a lower "actual" oxygen content for the RFG used in that non-oxygenated gasoline program area. However, the Agency believes that the oxygen surveys are adequately designed to address this type of concern and "ratcheting" of the minimum oxygen standard will be implemented in failing areas as appropriate. The ratcheting of the minimum oxygen standard should provide a strong incentive, over time, against conduct leading to survey failures. Given this incentive, the marginal increase in risk noted above does not warrant the regulatory burden from retraining OPRG as a separate RFG category.

⁴ See 40 CFR 80.68 for gasoline quality survey requirements.

⁵ The regulations provide that the standard would be changed to be more stringent, based on minimum oxygen survey failures. The standard would subsequently be made less stringent, based on a pattern of successful surveys.

² See section 211(k)(2)(B) of the Act (2.0 percent oxygen by weight standard) and section 211(k)(7) of the Act (provisions dealing with averaging/credits).

³ The averaging period for oxygen credits corresponds with the calendar year of January 1–December 31. See 40 CFR section 80.67(f)(1).

¹ 59 FR 7812 (February 16, 1994).

B. State Oxygenated Gasoline Programs and the Purpose of the OPRG Category for RFG

Section 211(m) of the Act required that certain states implement oxygenated gasoline programs by not later than November 1, 1992. The control period for these oxygenated gasoline programs are based upon the time period during which each area is prone to high ambient concentrations of carbon monoxide (CO) and must be at least four months in length. The oxygen content for gasoline in these areas is 2.7 weight percent minimum, higher than the levels required for RFG. Because CO tends to be a cold weather problem, the control periods tended to fall during the winter months. Control periods are adopted by each individual state as part of its oxygenated gasoline regulations. Four of the original East coast oxygenated gasoline program Consolidated Metropolitan Statistical Areas (CMSAs)/Metropolitan Statistical Areas (MSAs) were also RFG covered areas. The Baltimore, Maryland MSA (including areas within Maryland), the Washington DC-MD-VA CMSA (including areas within the District of Columbia, Maryland, and Virginia), and the Philadelphia, Pennsylvania, DE-MD-NJ-PA CMSA (including areas within Pennsylvania, Maryland, and Southern New Jersey⁶) have redesignated to attainment for CO and are no longer required to implement oxygenated gasoline programs. The New York/New Jersey/ Connecticut CMSA (which includes the several New York City and State counties, Northern New Jersey, and Southern Connecticut areas) is the only oxygenated gasoline/RFG overlap area that still exists.⁷

Although the survey requirements, discussed above, were designed to reduce a risk that some areas might receive relatively low oxygen RFG, EPA believed, at the time it issued the final RFG regulation, that the overlap of these several winter oxygenated gasoline programs and the RFG program presented an additional risk that allowing averaging for oxygen might lead to certain RFG areas receiving, on average, RFG with lower oxygen content than they would if averaging were not allowed. Specifically, in developing the RFG regulations, EPA was concerned that the requirement that refiners supply RFG with 2.7 weight percent oxygen to

oxygenated gasoline/RFG areas would lead, through the use of transferable credits and averaging, to the use of RFG in non-oxygenated gasoline/RFG areas with oxygen content significantly lower than would occur without such averaging. To prevent this, the final RFG regulations require refiners to designate all RFG as either OPRG (intended for use in an oxygenated gasoline/RFG area during an oxygenated gasoline control period), or as non-OPRG (gasoline other than OPRG, e.g., non-oxygenated gasoline program reformulated gasoline). Refiners are required to meet the oxygen standard separately for non-OPRG, as well as for all RFG.⁸ In addition, OPRG and non-OPRG oxygen credits must be identified and kept separate. OPRG and non-OPRG also have physical segregation requirements and must be used consistently with their designations.⁹

C. Why the OPRG Category May Be Eliminated Now

Between 1993, when the final RFG rule was issued, and 1995, when the RFG program was implemented, the number of overlapping oxygenated gasoline program and RFG areas significantly decreased. Several areas were redesignated to attainment with the National Ambient Air Quality Standards (NAAQS) for CO and were no longer required to comply with the winter oxygenated gasoline program requirements. There is now only one area outside of California (see note 7), the New York/New Jersey/Connecticut CMSA, that is still an oxygenated gasoline program/RFG overlapping program area.

Although EPA is concerned that the statutory mandate for 2.0 weight percent oxygen for RFG is met, the Agency feels that the specific risk of uneven RFG quality due to overlapping oxygenated gasoline/RFG program areas is significantly less than was expected when the RFG regulations were promulgated. There is still some risk that an area might receive relatively low oxygen RFG because of averaging, but the risk is no longer as likely to be specifically caused by program overlap.

There is only one oxygenated gasoline overlap area left outside of California and the volume of gasoline expected to fall under the OPRG category has been greatly reduced. Based upon EPA estimates made prior to the beginning of the first year of the RFG program, approximately one-third (33%) of all

gasoline nationwide was predicted to be RFG. Oxygenated gasoline program overlap areas outside of California accounted for approximately one-third (33%) of the total RFG pool, with approximately 19% going to the New York CMSA.¹⁰ EPA believes that any risk that an area might receive low oxygen RFG is significantly less than it appeared in 1993 or 1994. In 1994, roughly one-third of RFG was expected to be destined for several oxygenated gasoline overlap cities outside of California. In 1996, there is only one of these oxygenated gasoline overlap areas left (i.e. the New York City CMSA). Clearly, the New York CMSA consumes a large volume of RFG—based on 1994 estimates, 19% of the total RFG was expected to be destined for New York—but this is still a significantly lower volume of gasoline than the 33% that was originally estimated to be destined for all non-California oxygenated gasoline overlap areas. Under these circumstances, EPA believes that the risk that an area might receive low oxygen RFG can be adequately addressed through another existing compliance mechanism—the RFG surveys, discussed above, and the additional restrictions based on the OPRG category do not provide enough additional protection to warrant the burden they place on the regulated community.

III. Description of Today's Proposed Rule

EPA is proposing today to amend the Federal RFG regulations to remove the use of a separate OPRG category and to eliminate the distinction between OPRG and non-OPRG. The following sections would be affected by today's proposal. In most cases, the changes are minor and would remove references to, and distinctions between, the eliminated OPRG category and RFG which is non-OPRG.

¹⁰ It should be noted that, since these estimates were made in 1994, some areas have opted out of the RFG program and Sacramento, California joined the program as a required covered area, and comparative volume totals will have changed somewhat as a result. These estimates are not based upon the comparative volume of OPRG to RFG. Rather, they are "straight" estimates of program area's share of the total RFG "pool" and are not broken down into compliance categories. The reader should be aware that OPRG gasoline likely represents a smaller, subset of the total volume represented for each area. The document from which the volume estimates were taken has been placed in the public docket at the location indicated in the ADDRESSES section of this notice.

⁶ Delaware did not contain any CO nonattainment areas and was not required to implement an oxygenated gasoline program.

⁷ The OPRG distinction does not apply in California areas required to implement both the federal RFG and state oxygenated gasoline programs.

⁸ Under the simple model, the oxygen average must be met separately for VOC-controlled RFG.

⁹ See 59 FR 7772, footnote 56.

40 CFR part 80, section	Description of change
Section 80.2—Definitions. 80.2(nn)	Definition of “Oxygenated gasoline program reformulated gasoline,” or OPRG” is proposed to be deleted.
Section 80.65—General requirements for refiners, importers, and oxygenate blenders. 80.65(d)(2)(iii) (A) and (B).	Requirements for designation of gasoline as OPRG or non-OPRG are proposed to be deleted.
Section 80.67—Compliance on average. 80.67(f)(2)(ii), 80.67(h)(v) (A) and (B).	Propose to delete requirements to meet oxygen average separately and to segregate credits for non-OPRG, since the OPRG versus non-OPRG distinction would be eliminated.
Section 80.69—Requirements for downstream oxygen blending. 80.69(f) (1) and (2).	Propose to delete these sub-sections, as there would no longer be a category known as “OPRG.”
Section 80.75—Reporting requirements. 80.75(f)(2)(ii)(A) (1) through (4) and (B) (1) and (2); 80.75 (f)(2)(iii)(B); 80.75(h)(2) (i) and (ii).	For 80.75 (f)(2)(ii)(A) (1) through (4), propose to eliminate the OPRG and non-OPRG distinction. Thus, the only categories remaining would be VOC-controlled (divided into subcategories 1 and 2) and non-VOC-controlled RFG. Propose to delete 80.75 (f)(2)(ii)(B) (1) and (2) and to eliminate to OPRG and non-OPRG distinction. Propose to delete 80.75(f)(2)(iii)(B), which refers to gasoline designated as non-OPRG.
Section 80.77—Product transfer documentation. 80.77 (g)(1)(ii)	Propose to delete requirement to identify gasoline as OPRG or non-OPRG.
Section 80.78—Controls and prohibitions on reformulated gasoline. 80.78(a)(6).	The existing section prohibits addition of oxygen to finished RFG, unless such RFG is designated as OPRG used in an oxygenated gasoline control area during the oxygenated gasoline control period. Propose to amend this OPRG “exception” to allow for elimination of the OPRG/non-OPRG categories. Specifically, the proposed amended section would allow for addition of oxygenate to RFG intended for and used in an oxygenate gasoline program area.
Sections 80.128 and 80.129— Agreed upon procedures for refiners and importers and Agreed upon procedures for oxygenate blenders. 80.128(d)(2) and 80.129 (d)(3)(iv).	Propose to remove requirement to compare PTD designation consistency for OPRG versus non-OPRG. Propose to remove similar requirement for downstream oxygenate blenders.

IV. Statutory Authority

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

V. Environmental Impact

This rule is expected to have no environmental impact. The original reason for the OPRG category was concern that RFG quality might suffer in areas that were not both oxygenated gasoline program and RFG areas. There were several such areas when the RFG rules were promulgated. However, there is only one area, the New York/New Jersey/Connecticut CMSA, which has overlapping programs during the winter months.

VI. Economic Impact

Today's proposed regulation would have a positive economic impact on parties covered by the RFG regulation. The elimination of the OPRG/non-OPRG distinction would result in increased flexibility for regulated parties. Specifically, elimination of this distinction from the RFG regulations would alleviate the burden and cost associated with maintenance of separate recordkeeping, reporting, and product transfer documentation category for OPRG and non-OPRG gasoline. Elimination of the OPRG/non-OPRG distinction may also be expected to result in a general reduction of compliance costs associated with the need to meet the oxygen average separately for two classes of RFG.

VII. Regulatory Flexibility

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 economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This proposed rule would not have a significant economic impact on a substantial number of small entities because it is not expected to result in any additional compliance costs to regulated parties. It should instead reduce costs and increase flexibility allowed under the regulations by removing one category of gasoline for oxygen averaging, the OPRG category, and eliminating in large part the distinction between OPRG and non-OPRG gasoline. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities.

VIII. Executive Order 12866

Under Executive Order 12866,¹¹ the Agency must determine whether a regulation is “significant” and therefore subject to interagency review under the Executive Order. The Order defines

“significant regulatory action” 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 of 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 entitlements, 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 this Executive Order.¹²

It has been determined that this rule is not a “significant regulatory action” under the terms of Executive Order 12866 and is therefore not subject to interagency review under the Order.

IX. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (“UMRA”), P.L. 104–4, EPA must prepare a budgetary impact statement to accompany any general notice of proposed rulemaking or final rule that includes a Federal mandate which may result in estimated costs to State, local, or tribal governments in the aggregate,

¹¹ 58 FR 51735 (October 4, 1993).

¹² *Id.* at section 3(f) (1)–(4).

or to the private sector, of \$100 million or more. Under Section 205, for any rule subject to Section 202 EPA generally must select the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Under Section 203, before establishing any regulatory requirements that may significantly or uniquely affect small governments, EPA must take steps to inform and advise small governments of the requirements and enable them to provide input.

EPA has determined that the rule proposed today does not include a federal mandate as defined in UMRA. The rule does not include a Federal mandate that may result in estimated annual costs to State, local or tribal governments in the aggregate, or to the private sector, of \$100 million or more, and it does not establish regulatory requirements that may significantly or uniquely affect small governments.

List of Subjects in 40 CFR Part 80

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

Dated: March 10, 1997.

Carol M. Browner, Administrator.

For the reasons set out in the preamble, 40 CFR part 80 is proposed to be amended as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

1. The authority citation for part 80 continues to read as follows:

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

§ 80.2 [Amended]

2. Section 80.2 is proposed to be amended by removing and reserving paragraph (nn).

§ 80.65 [Amended]

3. Section 80.65 is proposed to be amended by removing and reserving paragraph (d)(2)(iii).

4. Section 80.67 is proposed to be amended by removing and reserving paragraph (f)(2)(ii) and by revising paragraphs (h)(1)(v)(A)(1) and (h)(1)(v)(A)(2) and by removing and reserving paragraph (h)(1)(v)(B) to read as follows:

§ 80.67 Compliance on average.

- (f) * * *
(2) * * *
(ii) [Reserved]
(h) * * *
(1) * * *
(v) * * *
(A) * * *
(1) VOC controlled; and
(2) Non-VOC controlled.
(B) [Reserved]

§ 80.69 [Amended]

5. Section 80.69 is proposed to be amended by removing paragraph (f).

6. Section 80.75 is proposed to be amended by revising paragraphs (f)(2)(ii)(A)(1), (f)(2)(ii)(A)(2), (h)(2)(i)(A) and (h)(2)(i)(B) and by removing paragraphs (f)(2)(ii)(A)(3), (f)(2)(ii)(A)(4), (h)(2)(i)(C), (h)(2)(i)(D), and removing and reserving (h)(2)(ii) to read as follows:

§ 80.75 Reporting requirements.

- (f) * * *
(2) * * *
(ii) * * *
(A) * * *
(1) Gasoline designated as VOC-controlled; and
(2) Gasoline designated as non-VOC-controlled.
(h) * * *
(2) * * *
(i) * * *
(A) VOC-controlled; and
(B) Non-VOC-controlled.

§ 80.77 [Amended]

7. Section 80.77 is proposed to be amended by removing and reserving paragraph (g)(1)(ii).

8. Section 80.78 is proposed to be amended by revising paragraph (a)(6) to read as follows:

§ 80.78 Controls and prohibitions on reformulated gasoline.

- (a) * * *
(6) No person may add any oxygenate to reformulated gasoline, except that such oxygenate may be added to reformulated gasoline provided that such gasoline is used in an oxygenated fuels program control area during an oxygenated fuels control period.

9. Section 80.128 is proposed to be amended by revising paragraph (d)(2) to read as follows:

§ 80.128 Agreed upon procedures for refiners and importers.

- (d) * * *
(2) Compare the product transfer documents designation for consistency with the time and place, and compliance model designations for the tender (VOC-controlled or non-VOC-controlled, VOC region for VOC-controlled, summer or winter gasoline, and simple or complex model certified); and

10. Section 80.129 is proposed to be amended by revising paragraph (d)(3)(iv) to read as follows:

§ 80.129 Agreed upon procedures for downstream oxygenate blenders.

- (d) * * *
(3) * * *
(iv) Review the time and place designations in the product transfer documents prepared for the batch by the blender, for consistency with the time and place designations in the product transfer documents for the RBOB (e.g. VOC-controlled or non-VOC-controlled, VOC region for VOC-controlled, and simple or complex model).