

List of Subjects in 40 CFR Part 60

Environmental protection, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: April 30, 1996.

Carol M. Browner,
Administrator.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as set forth below.

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

1. The authority citation for part 60 continues to read as follows:

Authority: 42 U.S.C. 7401, 7411, 7414, 7416, 7429, and 7601.

2. Section 60.40c is amended by revising paragraph (a) and adding paragraphs (c) and (d) to read as follows:

§ 60.40c Applicability and delegation of authority.

* * * * *

(a) Except as provided in paragraph (d) of this section, the affected facility to which this subpart applies is each steam generating unit for which construction, modification, or reconstruction is commenced after June 9, 1989 and that has a maximum design heat input capacity of 29 megawatts (MW) (100 million Btu per hour (Btu/hr)) or less, but greater than or equal to 2.9 MW (10 million Btu/hr).

* * * * *

(c) Steam generating units which meet the applicability requirements in paragraph (a) of this section are not subject to the sulfur dioxide (SO₂) or particulate matter (PM) emission limits, performance testing requirements, or monitoring requirements under this subpart (§§ 60.42c, 60.43c, 60.44c, 60.45c, 60.46c, or 60.47c) during periods of combustion research, as defined in § 60.41c.

(d) Any temporary change to an existing steam generating unit for the purpose of conducting combustion research is not considered a modification under § 60.14.

3. Section 60.41c is amended by adding a new definition for "Combustion research" in alphabetical order to read as follows:

§ 60.41c Definitions.

* * * * *

Combustion research means the experimental firing of any fuel or combination of fuels in a steam generating unit for the purpose of conducting research and development

of more efficient combustion or more effective prevention or control of air pollutant emissions from combustion, provided that, during these periods of research and development, the heat generated is not used for any purpose other than preheating combustion air for use by that steam generating unit (i.e., the heat generated is released to the atmosphere without being used for space heating, process heating, driving pumps, preheating combustion air for other units, generating electricity, or any other purpose).

* * * * *

[FR Doc. 96-11329 Filed 5-7-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 80

[FRL-5501-3]

Adjustment of Reid Vapor Pressure Lower Limit for Reformulated Gasoline Sold in the State of California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is amending the lower limit of the valid range for Reid Vapor Pressure (RVP) for reformulated gasoline certified under the simple model and sold in the State of California. The lower limit is being changed from 6.6 pounds per square inch (psi) to 6.4 psi. EPA is taking this action because the Agency believes that it will result in no negative environmental impact and, for reasons discussed below, the Agency believes it is proper in the limited case of California gasoline.

In the proposed rules section of today's Federal Register, EPA is proposing the same action covered by this direct final rule (i.e., to amend the lower limit of the valid range for RVP for reformulated gasoline certified under the simple model and sold in the State of California from 6.6 to 6.4 psi). If adverse comment or a request for a public hearing is received on this direct final rule, EPA will withdraw the direct final rule and address the comments received in a subsequent final rule on the related proposed rule. No additional opportunity for public comment on this change to the lower limit of the simple model's valid range for RVP will be provided.

DATES: This action will become effective on July 8, 1996, unless notice is received by June 7, 1996 from someone who wishes to submit adverse comment or requests an opportunity for a public hearing. If such notice is received, EPA will withdraw this direct final rule, and

a timely notice will be published in the Federal Register to indicate the withdrawal.

ADDRESSES: All documents relevant to this direct final rulemaking have been placed in public docket number A-96-14. The public docket may be inspected at U.S. Environmental Protection Agency, Air Docket Section, 401 M Street, SW, Room M-1500, Washington, D.C. 20460. Documents may be inspected between the hours of 8:00 a.m. and 5:30 p.m., Monday through Friday. A reasonable fee may be charged for copying docket materials.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

I. Regulated Entities

Regulated categories and entities potentially affected by this action include:

Category	Examples of regulated entities
Industry	Refiners of California 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 section 80.42 (c)(1), note (1), of today's regulatory action. You should also carefully examine the existing provisions at 40 CFR section 80.81, dealing specifically with California gasoline.

II. Introduction

A. Reformulated Gasoline Standards and California Covered Areas

Section 211(k) of the Clean Air Act (the Act) requires EPA to establish standards for reformulated gasoline to be used in specified ozone nonattainment areas (covered areas), as well as standards for non-reformulated, or conventional, gasoline used in the rest of the country, beginning in January, 1995. The reformulated gasoline covered areas in California are Los Angeles and San Diego, and, beginning June 1, 1996, Sacramento, as a result of its redesignation as a Severe ozone nonattainment area. The Act requires that reformulated gasoline reduce VOC and toxics emissions from motor vehicles, not increase NO_x

emissions, and meet certain content standards for oxygen, benzene and heavy metals. The Administrator signed the final reformulated gasoline regulations on December 15, 1993 and they were published in the Federal Register on February 14, 1994.¹

B. Specific Exemptions Related to California Gasoline

During the federal reformulated gasoline rulemaking, and in response to comments by California refiners, EPA concluded (1) that VOC and toxics emission reductions resulting from the California Phase 2 standards would be equal to or more stringent than the federal reformulated gasoline standards, (2) that the content standards for oxygen and benzene under California Phase 2 would in practice be equivalent to the federal content standards, and (3) that the California Air Resources Board's (CARB's) compliance and enforcement program is designed to be sufficiently rigorous. As a result, 40 CFR § 80.81 of the reformulated gasoline regulations exempts certain refiners of California Phase 2 gasoline from a number of federal reformulated gasoline provisions intended to demonstrate compliance with the federal standards. While the federal reformulated gasoline and conventional gasoline standards continue to apply in California, refiners of gasoline sold in California are exempt in most cases from various enforcement-related provisions. California refiners are *not* exempt from these federal enforcement requirements with regard to gasoline that is delivered for use outside California, because the California Phase 2 standards and the CARB enforcement program do not cover gasoline exported from California.

C. Reid Vapor Pressure Simple Model Lower Limit

The federal reformulated gasoline program includes limitations on Reid vapor pressure (RVP) of reformulated gasoline certified using the simple model. The maximum RVP simple model standards are given in 40 CFR section 80.41 (a) and (b), relating to per-gallon and averaged standards, respectively. Maximum RVP is controlled because of the increased VOC emissions that result from gasoline with higher RVP levels.

The minimum RVP of reformulated gasoline certified under the simple model is set by the lower end of the valid range as specified in 40 CFR § 80.42(c)(1). The nationwide lower limit for RVP for reformulated gasoline certified under the simple model is 6.6

psi, although under 40 CFR § 80.45(f)(1) this minimum RVP limit changes to 6.4 psi, under the complex model, beginning in 1998.

There are several reasons why the simple and complex models have different lower limits for the RVP range (for the simple model, 6.6 psi, and for the complex model, 6.4 psi). The simple model and complex model are two completely different models, developed at different times from different data sets and relying upon different modeling assumptions and approaches. The complex model, which was developed after the simple model, incorporates many more data points.

The low end of the valid ranges for RVP in the simple model and the complex model (i.e. 6.6 psi and 6.4 psi, respectively) were based upon the distribution of data used in the model's development. Both the simple model and the complex model are linear with respect to RVP for all pollutants.² Thus, any relationship of RVP to pollutants can be extended linearly from 6.6 psi to 6.4 psi with confidence. (As is explained elsewhere in this notice, the Agency is proposing to lower the minimum RVP for simple model reformulated gasoline in California from 6.6 to 6.4 psi.)

After promulgation of the final reformulated gasoline and anti-dumping rule, some refiners suggested that EPA reduce the RVP lower limit for the simple model to 6.4 psi nationwide. The reasons for their request were (1) to provide flexibility for refiners, (2) consistency with the complex model, which has a 6.4 psi lower limit for RVP, and (3) to facilitate the certification and use of California Phase 2 gasoline. EPA agreed with these reasons and issued a direct final rule which included this change.³ EPA later withdrew the change and published notice of the withdrawal in the Federal Register⁴ because adverse comment was received from the American Automobile Manufacturers Association (AAMA). AAMA, representing automakers, cited concerns about driveability from lower RVP gasoline if RVP was reduced nationwide.

III. Revision to the RVP Range Under the Simple Model

The Western States Petroleum Association (WSPA) has requested, on behalf of gasoline refiners in California, that EPA modify the minimum Reid Vapor Pressure (RVP) allowable under the simple model for reformulated

gasoline sold in California. In an August 3, 1995 letter to Ms. Mary Nichols, Assistant Administrator for Air and Radiation, WSPA asserted that it believes that there are certain constraints on refiners that exist as a result of the need to comply with both the federal reformulated gasoline program and the California Phase 2 reformulated gasoline program scheduled to begin on March 1, 1996.⁵

Specifically, the California Phase 2 program sets a maximum summertime volatility standard of 7.0 psi. During the summer, California refiners currently must meet an RVP lower limit of 6.6 psi minimum for areas subject to the federal reformulated gasoline standards (i.e., the lower limit of the federal simple model range) and 7.0 psi maximum (i.e., the California RVP maximum standard). This is a "tighter" operational range than producers of reformulated gasoline outside of California are required to operate within.⁶ WSPA has requested that EPA change the lower limit RVP value for reformulated gasoline to 6.4 psi in California to allow necessary operating flexibility and the American Automobile Manufacturers Association (AAMA) has indicated in a letter to EPA⁷ that they agree to this change in the case of California gasoline. As discussed above, AAMA had objected to a nationwide change to 6.4 psi lower limit in 1994. More recently, these automakers revised their view with regard to gasoline used in California, and now do not object to changing the RVP minimum value to 6.4 psi in the limited case of California Phase 2 gasoline, as expressed in a letter to EPA dated December 7, 1995.⁸ Specifically, automakers do not expect driveability index concerns with California Phase 2 gasoline with RVP values as low as 6.4 psi, as a result of other controls on certain distillation parameters under the California program. These additional distillation parameters are T50 and T90, the temperature at which 50 percent and 90 percent, respectively, of a liquid are

⁵ All correspondence related to this rulemaking may be examined at the public docket at the location listed in the "ADDRESSES" section of this notice.

⁶ For federal reformulated gasoline program compliance on a per-gallon basis, the simple model maximum standards for RVP are ≤ 7.2 psi in VOC Control Region I and ≤ 8.1 psi for VOC Control Region II. For average compliance under the federal reformulated gasoline program, the simple model per gallon maximum RVP for VOC controlled federal gasoline, by comparison, is ≤ 7.4 psi for VOC Control Region I and ≤ 8.3 psi for VOC Control Region II and, on average, ≤ 7.1 psi and ≤ 8.0 psi, for VOC Control Regions I and II, respectively. See 40 CFR section 80.41 (a) and (b) and the discussion under II(c) of this notice, above.

⁷ See note 5, above.

⁸ See note 5, above.

¹ 59 FR 7812 (February 16, 1994).

² See 59 FR 36944 (July 20, 1994).

³ See note 2.

⁴ 60 FR 6030 (February 1, 1995).

evaporated. EPA believes that changing the federal summertime minimum RVP standard to 6.4 psi in California will permit necessary flexibility for producers, is supportable as a reasonable extension of the model based on consistency with the complex model, will result in no environmental harm, and will not adversely affect automotive driveability.

IV. Environmental Impact

This rule is expected to have no negative environmental impact. Applicable controls on maximum volatility during the VOC control period are not affected by this rule. If anything, this revision will make it more feasible to produce lower limit RVP gasoline, which produces fewer motor vehicle VOC emissions.

V. Economic Impact

The Regulatory Flexibility Act, 5 U.S.C. 601–612, requires that Federal Agencies examine the impacts of their regulations on small entities. The act requires an Agency to prepare a regulatory flexibility analysis in conjunction with notice and comment rulemaking, unless the Agency head certifies that the rule will not have a significant impact on a substantial number of small entities. 5 U.S.C. 605(b). The Administrator certifies that this rule will not have a significant impact on a substantial number of small entities. This rule is not expected to result in any additional compliance cost to regulated parties and may be expected to reduce compliance cost.

VI. Effective Date

This action will become effective July 8, 1996. If notice of adverse comment is received, EPA will withdraw this final rule, and a timely notice will be published in the Federal Register. See “DATES” section, above.

VII. Executive Order 12866

Under Executive Order 12866,⁹ the Agency must determine whether a regulation is “significant” and therefore subject to OMB review and the requirements of 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.¹⁰

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 OMB review.

VIII. 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, 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 final rule promulgated 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, Air pollution control, Gasoline, Reformulated gasoline, Motor vehicle pollution.

Dated: May 1, 1996.

Carol M. Browner,

Administrator.

40 CFR part 80 is amended as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

1. 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)).

2. Section 80.42 is amended by revising the table in paragraph (c)(1) to read as follows:

§ 80.42 Simple emissions model.

* * * * *

(c) * * *

(1) * * *

Fuel parameter	Range
Benzene content	0.0–4.9 vol %.
RVP	6.6–9.0 psi. ¹
Oxygenate content	0–4.0 wt %.
Aromatics content	0–55 vol %.

¹ For gasoline sold in California, the applicable RVP range shall be 6.4–9.0 psi.

* * * * *

[FR Doc. 96–11331 Filed 5–7–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Parts 89 and 90

[FRL–5502–5]

Reduced Certification Reporting Requirements for New Nonroad Engines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This direct final rule revises certification requirements for new nonroad spark-ignition engines at or below 19 kilowatts, and new nonroad compression-ignition engines at or above 37 kilowatts, by reducing the reporting burden associated with the application for certification.

DATES: This final action will become effective on July 8, 1996 unless notice is received by June 7, 1996 that any person wishes to submit adverse comments. Should EPA receive such notice, EPA will publish a subsequent action in the Federal Register withdrawing all or part of this final action.

ADDRESSES: Written comments should be submitted (in duplicate, if possible) to: EPA Air and Radiation Docket, Attention Docket No. A–95–57, room M–1500 (mail code 6102), 401 M St., S.W., Washington, D.C. 20460. Materials relevant to this rulemaking are contained in docket No. A–95–57, and may be viewed from 8:30 a.m. until 5:30 p.m. weekdays. The docket may also be

⁹ 58 FR 51736 (October 4, 1993).

¹⁰ *Id.* at section 3(f) (1)–(4).