§ 80.127 Sample size guidelines.

In performing the attest engagement, the auditor shall sample relevant populations to which agreed-upon procedures will be applied using the methods specified in this section, which shall constitute a representative sample.

(a) Sample items shall be selected in such a way as to comprise a simple random sample of each relevant population; and

(b) Sample size shall be determined using one of the following options:

(1) **Option 1.** Determine the sample size using the following table:

<table>
<thead>
<tr>
<th>No. in population (N)</th>
<th>Sample size</th>
</tr>
</thead>
<tbody>
<tr>
<td>66 and larger</td>
<td>29</td>
</tr>
<tr>
<td>41–65</td>
<td>25</td>
</tr>
<tr>
<td>26–40</td>
<td>20</td>
</tr>
<tr>
<td>0–25</td>
<td>N or 19, whichever is smaller.</td>
</tr>
</tbody>
</table>

(2) **Option 2.** Determine the sample size in such a manner that the sample size is equal to that which would result by using the following parameters and standard statistical methodologies:

- Confidence Level—95%
- Expected Error Rate—0%
- Maximum Tolerable Error Rate—10%

(3) **Option 3.** The auditor may use some other form of sample selection and/or some other method to determine the sample size, provided that the resulting sample affords equal or better strength of inference and freedom from bias (as compared with paragraphs (b)(1) and (2) of this section), and that the auditor summarizes the substitute methods and clearly demonstrates their equivalence in the final report on the audit.

§ 80.128 Alternative agreed upon procedures for refiners and importers.

Prior to the attest report for the 2006 reporting period, the following minimum attest procedures may be carried out for a refinery or importer, in lieu of the attest procedures specified in §80.133.

(a) Read the refiner’s or importer’s reports filed with EPA for the previous year as required by §§80.75, 80.83(g), and 80.105.

(b) Obtain a gasoline inventory reconciliation analysis for the current year from the refiner or importer which includes reformulated gasoline, RBOB, conventional gasoline, and non-finished-gasoline petroleum products.

(1) Test the mathematical accuracy of the calculations contained in the analysis.

(2) Agree the beginning and ending inventories to the refiner’s or importer’s perpetual inventory records.

(c) Obtain separate listings of all tenders during the current year of reformulated gasoline, RBOB, conventional gasoline, and non-finished-gasoline petroleum products.

(1) Test the mathematical accuracy of the calculations contained in the listings.

(2) Agree the listings of tenders’ volumes to the gasoline inventory reconciliation in paragraph (b) of this section.

(3) Agree the listings of tenders’ volumes, where applicable, to the EPA reports.

(d) Select a representative sample from the listing of reformulated gasoline tenders, and for this sample:

(1) Agree the volumes to the product transfer documents;

(2) Compare the product transfer documents designation for consistency