

dated November 15, 1993 and May 11, 1994, submitting a revision to the Massachusetts State Implementation Plan which substitutes the California Low Emission Vehicle program for the Clean Fuel Fleet program.

(B) A regulation dated and effective January 31, 1992, entitled "U Low

Emission Vehicle Program", 310 CMR 7.40.

(C) Additional definitions to 310 CMR 7.00 "Definitions" (dated and effective 1/31/92) to carry out the requirements set forth in 310 CMR 7.40.

(ii) Additional materials.

(A) Additional nonregulatory portions of the submittal.

3. Table 52.1167 of § 52.1167 is amended by adding new entries to existing state citation for 310 CMR 7.00, "Definitions"; and by adding new state citation for 310 CMR 7.40, "U Low Emission Vehicles", to read as follows:

§ 52.1167 EPA-approved Massachusetts State regulations.

* * * * *

TABLE 52.1167.—EPA-APPROVED RULES AND REGULATIONS

State citation	Title/subject	Date submitted by State	Date approved by EPA	Federal Register citation	52.1120 (c)	Comments/unapproved sections
* 310 CMR 7.00	* Definitions	* 11/15/93 05/11/94	* February 1, 1995	* [Insert FR citation from published date].	* 103	* Approving additional definitions for.
* 310 CMR 7.40	* Low emission vehicle.	* 11/15/93 05/11/94	* February 1, 1995	* [Insert FR citation from published date].	* 103	* Substitute for CFFP.
*	*	*	*	*	*	*

[FR Doc. 95-2491 Filed 1-31-95; 8:45 am]
BILLING CODE 6560-50-P

40 CFR Part 80

[AMS-FRL-5148-4]

Regulation of Fuels and Fuel Additives: Standards for Reformulated and Conventional Gasoline

AGENCY: Environmental Protection Agency.

ACTION: Partial withdrawal of final rule.

SUMMARY: On July 20, 1994, EPA published a direct final rule (DFRM) which made minor corrections, clarifications, and revisions to various provisions in the final reformulated gasoline rule which was published on February 16, 1994. EPA is withdrawing certain portions of the DFRM, because adverse or critical comments were received by the Agency, or an opportunity to submit such comments at a public hearing was requested for those specific portions. EPA is only withdrawing from the DFRM those items which have been specifically addressed in those adverse comments. The portions of the DFRM withdrawn by EPA concern individual baseline adjustments based on production of JP-4 jet fuel and changes to the valid range limits for RVP under the Simple Model. All other changes noted in the July 20, 1994 DFRM will go into effect on September 19, 1994.

EFFECTIVE DATE: This action is effective January 26, 1995.

ADDRESSES: Materials directly relevant to the direct final rule are contained in Public Docket A-94-30, located at Room M-1500, Waterside Mall (ground floor), U.S. Environmental Protection Agency, 401 M Street SW, Washington, D.C. 20460. Other materials relevant to the reformulated gasoline final rule are contained in Public Dockets A-91-02 and A-92-12. The docket may be inspected from 8:00 a.m. until 4:00 p.m. Monday through Friday. As provided in 40 CFR part 2, a reasonable fee may be charged by EPA for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Joann Jackson Stephens, USEPA (RDSD-12), Regulation Development and Support Division, 2565 Plymouth Road, Ann Arbor, MI 48105, Telephone: (313) 668-4276. To request copies of this document contact: Delores Frank, U.S. EPA (RDSD-12), Regulation Development and Support Division, 2565 Plymouth Road, Ann Arbor, MI 48105, Telephone: (313) 668-4295.

SUPPLEMENTARY INFORMATION: The DFRM published by EPA on July 20, 1994 made a number of changes to EPA's regulations for reformulated and conventional gasoline. EPA issued a direct final rule because the changes it contained were generally minor in nature and were expected to be non-controversial. The DFRM allowed the Agency to finalize such changes in an expeditious and timely manner. For instance, many of the changes clarified issues relevant to the development and auditing of individual baselines which were to be submitted no later September

1, 1994. Likewise, since the reformulated gasoline program will commence on December 1, 1994, the clarifications and changes contained in the direct final rule promote successful implementation of the reformulated gasoline and anti-dumping programs.

Since a number of the changes to the final rule were not insubstantial, EPA provided a 30-day comment period in which comments on specific items could be submitted or a public hearing requested. EPA also announced that it would withdraw from the direct final rule those items that were adversely commented on. This would have the effect of re-activating the regulatory provisions for those items in the final rule for reformulated gasoline promulgated on December 15, 1993 and published in the **Federal Register** on February 16, 1994 (59 FR 7715).

The Agency has received adverse comments on just a few of the changes in the direct final rule. The comments themselves can be found in Public Docket A-94-30. Each of the specific items addressed in the comments is being withdrawn from the DFRM by today's action, which is effective immediately. All items that were not adversely commented on will go into effect on September 19, 1994.

A copy of this action is available on the EPA's Office of Air Quality Planning and Standards (OAQPS) Technology Transfer Network Bulletin Board System (TTNBBS). The service is free of charge, except for the cost of the phone call. Users are able to access and download TTN files on their first call. The TTNBBS can be accessed with a dial-in

phone line and a high-speed modem per the following information.

TTN BBS: 919-541-5742 (1200-14400

bps, no parity, 8 data bits, 1 stop bit)

Voice Helpline: 919-541-5384

Also accessible via Internet: TELNET

ttnbbs.rtpnc.epa.gov

Off-line: Mondays from 8:00 AM to

12:00 Noon ET

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:

<T> GATEWAY TO TTN TECHNICAL AREAS (Bulletin Boards)

<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. To download any 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>ystems Utilities from the top menu, under <A>rchivers/de-archivers. After getting the files you want onto your computer, you can quit the TTN BBS with the <G>oodbye command. 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.

The remainder of this preamble is organized into the following sections:

- I. Withdrawal of Change to JP-4 to Gasoline Production Ratio
- II. Withdrawal of JP-4 Adjustment Multi-Refinery Requirement
- III. Withdrawal of Change to the Valid Range Limits for RVP under the Simple Model

I. Withdrawal of Change to JP-4 to Gasoline Production Ratio

EPA received comments from Shell Oil Company, Phillips 66 Company, and Chevron USA Products Company objecting to the change of the 1990 JP-4 to gasoline production ratio from 0.5 to 0.2. A discussion of EPA's perspective on this regulatory provision

was presented in Section IV, Part B.2 of the DFRM preamble. See 59 FR 36944 (July 20, 1994). For the most part, commenters expressed the belief that the selection of the 0.2 JP-4 to gasoline production ratio was arbitrary. In addition, EPA was faulted with disregarding the significant economic and competitive impact of redefining the ratio on those refiners with ratios falling below 0.2. In fact, most commenters supported allowing baseline adjustments for all refiners that produced JP-4 in 1990, thereby eliminating the need for a JP-4 to gasoline ratio altogether.

Since commenters objected to the change in specifying this ratio, as announced in the DFRM, EPA is withdrawing the action in the July DFRM which lowered the 1990 JP-4 to gasoline production ratio to 0.2. The 0.2 ratio will not go into effect on September 19th. The criteria for an adjustment to an individual baseline based on production of JP-4 will include a 1990 JP-4 to gasoline production ratio of 0.5, as was promulgated in the December 1993 final regulations for reformulated gasoline.

II. Withdrawal of JP-4 Adjustment Multi-Refinery Requirement

A. Withdrawal of Relaxation of the Requirement That All Refineries in an Aggregate Produced JP-4 in 1990

In August, EPA received comments from Chevron USA Products Company regarding the revised JP-4 adjustment appearing in the July DFRM. In addition to the JP-4 to gasoline production ratio, Chevron objected to the change in the multiple refinery requirement discussed in Preamble Section VI.B.1. See 59 FR 36944 (July 20, 1994). Chevron argued in their comments that the combined provisions for the JP-4 adjustment (ratio and multi-refiner requirement) were designed to benefit a certain class of refiners and thereby providing that class of refiners with competitive advantages not offered to all refiners.

The DFRM would have altered the regulations to allow utilization of the JP-4 adjustment for those refiners with multiple refineries (multi-refinery refiner) regardless of whether or not each of their refineries produced JP-4 in 1990. The DFRM revised provision was intended to treat refiners who produced JP-4 equally regardless of whether or they owned more than one refinery. Since the Agency received a critical comment on the revised multiple refinery provision in the DFRM, EPA is now withdrawing that provision. The requirement for multi-refinery refiner reverts to the original provision

contained in the December 1993 final reformulated gasoline rule. Therefore, baseline adjustments are only allowed for multi-refinery refiners where each of a refiner's refineries produced JP-4 in 1990.

B. Withdrawal of the Requirement for an Aggregate JP-4 Production Ratio Calculation

The July DFRM also contained a provision which would have required refiners of multiple refineries to average their 1990 JP-4 production to 1990 gasoline production ratio across all of their refineries. See 59 FR 36944 (July 20, 1994). The Agency received adverse comments on this provision from Chevron and Pennzoil. While Chevron did not specifically mention objections to this element of the multi-refinery requirement promulgated in the DFRM, the Agency understands Chevron's critical comments as applying equally to each component of the DFRM multi-refinery requirement. Pennzoil objected to the DFRM's requirement to average the JP-4 to gasoline production ratio over all a refiner's refineries (in essence an aggregate ratio) if the ratio reverts back to 0.5 as promulgated in the December 1993 RFG final regulations. Pennzoil claimed that the combination of the higher, more stringent ratio threshold (0.5) and the more restrictive requirement to calculate across all of a multi-refiner's refineries would eliminate the meaningful relief to JP-4 producers.

Since EPA received adverse comments on those provisions, it is withdrawing those regulatory provisions receiving negative comments. Today's action withdraws the July DFRM JP-4 adjustment multiple refinery provisions. The multiple refinery provisions in § 80.91(e)(7) remain as promulgated in the December 1993 reformulated gasoline final rule.

III. Withdrawal of Change to the Valid Range Limits for RVP Under the Simple Model

In August, the American Automobile Manufacturers Association (AAMA) submitted comments to the Agency which objected to the change in the low end valid range for RVP under the Simple Model. Their concern is that low RVP fuels might have high driveability indices (DIs). According to AAMA, high DI fuels produce higher vehicle emissions and poor customer satisfaction. As explained in their comments, unlike the Complex Model, the Simple Model does not limit distillation temperatures and the promulgated extension of the RVP valid

range could allow production of fuels with low volatility and a high DI.

EPA's July DFRM provision would have revised the low end of the valid range for RVP under the Simple Model to 6.4 psi, from 6.6 psi. The Agency made this alteration to the regulations to make the low end of the valid range for RVP consistent throughout Phase I of the federal reformulated gasoline program, and provide additional flexibility for refiners to complement the already established blending and enforcement tolerances. However, since AAMA submitted comments which are critical of the Agency's Simple Model valid range revision before the August 19th deadline, EPA is withdrawing the revised provision. The low end valid range RVP limit under the Simple Model remains 6.6 psi, as was promulgated in the December 1993 reformulated gasoline regulations.

Therefore the amendments to § 80.91(e)(7) (the altered JP-4 multi-refinery requirement and the lower 1990 JP-4 to gasoline production ratio) and to § 80.42 table in paragraph (c)(1) (altering the lower limit RVP valid range in the simple model) appearing at 59 FR 36944 (July 20, 1994), which were to become effective September 19, 1994 are hereby withdrawn.

It is important to note that EPA's withdrawal of these regulatory changes is not based on EPA's agreement or disagreement with the adverse comments received. The withdrawal is based solely on EPA's determination, announced in the DFRM, that these changes would go into effect as a direct final rule only if no persons submitted adverse comments or requested an opportunity to comment. EPA is reviewing comments and is currently developing a notice of proposed rulemaking that will address the regulatory changes withdrawn by this notice.

EPA is withdrawing these provisions to the reformulated and conventional gasoline regulations without providing prior notice and an opportunity to comment because it finds there is good cause within the meaning of 5 U.S.C. 553(b) to do so. Notice and comment would be impracticable, as EPA needs to withdraw these changes quickly as they go into effect on September 19, 1994. In addition further notice is not necessary as EPA has already informed the public it would follow this procedure if adverse or critical comments were received within 30 days of the publication of the DFRM. For the same reasons, EPA finds it has good cause under 5 U.S.C. 553(b) to make this withdrawal immediately effective.

IV. Statutory Authority

The statutory authority for this action is granted to EPA by Sections 114, 211(c) and (k) and 301 of the Clean Air Act, as amended; 42 U.S.C. 7414, 7545(c) and (k), and 7601.

List of Subjects in 40 CFR Part 80

Environmental protection, Air pollution control, Fuel additives, Gasoline, Motor vehicle pollution.

Dated: January 26, 1995.

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. In § 80.42, the table in paragraph (c)(1) is revised to read as follows:

§ 80.42 Simple emissions model.

* * * * *
(c) * * *
(1) * * *

Fuel parameter	Range
Benzene content	0-4.9 vol %
RVP	6.6-9.0 psi
Oxygen content	0-4.0 wt %
Aromatics content	0-55 vol %

* * * * *

3. In § 80.91, paragraph (e)(7)(i)(D) is removed and paragraphs (e)(7)(i)(A) and (e)(7)(i)(C) are revised to read as follows:

§ 80.91 Individual baseline determination.

* * * * *
(e) * * *
(7) * * *
(i) * * *

(A) The refinery is the only refinery of a refiner such that it cannot form an aggregate baseline with another refinery (per paragraph (f) of this section) or all of the refineries of a refiner produced JP-4 in 1990 and each of the refineries also meets the requirements specified in paragraphs (e)(7)(i) (B) and (C) of this section.

* * * * *

(C) The ratio of the refinery's 1990 JP-4 production to its 1990 gasoline production equals or exceeds 0.5.

* * * * *

[FR Doc. 95-2435 Filed 1-31-95; 8:45 am]
BILLING CODE 6560-50-P

40 CFR Part 180

[OPP-300365A; FRL-4932-1]

RIN 2070-AB78

FD & C Yellow No. 6 Aluminum Lake, 2-[(2'-Hydroxy-5'-Methylphenyl)Benzotriazole and Octadecyl 3,5-Di-Tert-Butyl-4-Hydroxyhydrocinnamate; Tolerance Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes exemptions from the requirement of a tolerance for residues of FD & C Yellow No. 6 Aluminum Lake (CAS Reg. No. 15790-07-5), 2-(2'-hydroxy-5'-methylphenyl)-benzotriazole (CAS Reg. No. 2440-22-4), and octadecyl 3,5-di-tert-butyl-4-hydroxyhydrocinnamate (CAS Reg. No. 2082-79-3) when used as inert ingredients (components of ear tags and similar slow-release devices) in pesticide formulations applied to animals. Y-Text Corp. requested this regulation.

EFFECTIVE DATE: This regulation becomes effective February 1, 1995.

ADDRESSES: Written objections, identified by the document control number, [OPP-300365A], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing request to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

FOR FURTHER INFORMATION CONTACT: By mail: Kerry B. Leifer, Registration Support Branch, Registration Division (7508W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Westfield Building North, 6th Fl., 2800 Crystal Drive, Arlington, VA 22202, (703)-308-8323.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 10, 1994