

J. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) directs all Federal agencies to use voluntary consensus standards instead of government-unique standards in their regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., material specifications, test methods, sampling and analytical procedures, business practices, etc.) that are developed or adopted by one or more voluntary consensus standards bodies. Examples of organizations generally regarded as voluntary consensus standards bodies include the American Society for Testing and Materials, the National Fire Protection Association, and the Society of Automotive Engineers. The NTTAA requires Federal agencies like EPA to provide Congress, through OMB, with explanations when an agency decides not to use available and applicable voluntary consensus standards.

This action does not involve any new technical standards or the incorporation by reference of existing technical standards. Therefore, consideration of voluntary consensus standards is not relevant to this action.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Operating permits.

Dated: July 6, 1999.

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 63—[AMENDED]

1. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart T—[Amended]

2. Section 63.468 is amended by revising paragraph (j) to read as follows:

§ 63.468 Reporting requirements.

* * * * *

(j) The Administrator has determined, pursuant to the criteria under section 502(a) of the Act, that an owner or operator of any batch cold solvent cleaning machine that is not itself a major source and that is not located at a major source, as defined under 40 CFR 70.2 or 71.2, whichever is applicable, is exempt from title V permitting requirements for that source. An owner or operator of any other solvent cleaning machine subject to the provisions of this subpart is subject to title V permitting requirements. These sources, if not major or located at major sources as defined under 40 CFR 70.2 or 71.2, whichever is applicable, may be deferred by the applicable title V permitting authority from title V permitting requirements for 5 years after the effective date of the first part 70 program approved by EPA (i.e., until December 9, 1999). All sources receiving deferrals shall submit title V permit applications within 12 months of such date (by December 9, 2000). All sources receiving deferrals still must meet the compliance schedule as stated in § 63.460.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[FRL-6375-1]

RIN 2060-AG76

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correcting amendments.

SUMMARY: Through the 1990 amendments to the Clean Air Act (CAA), Congress required EPA to publish rules requiring that gasoline sold in certain areas be reformulated to

reduce vehicle emissions of toxic and ozone-forming compounds. EPA published rules for the certification and enforcement of reformulated gasoline (RFG) and provisions for non-reformulated or conventional gasoline on February 16, 1994.

In a final rule published on December 31, 1997, EPA took final action on several revisions to the RFG/conventional gasoline regulations. However, the December 31, 1997 final rule included two clerical errors. One of these errors involved an incorrect designation in the amendatory language published in the **Federal Register**, which resulted in the inadvertent deletion of certain regulatory text when the regulation was published in the Code of Federal Regulations (CFR) on July 1, 1998. The other was a typographical error in a revised chart for Phase II Complex Model Averaged Standards for RFG. The correct text for both appears in earlier editions of the CFR. This action corrects these errors in the current CFR. This action does not make any substantive changes to the RFG/conventional gasoline regulations.

DATES: This action will be effective on July 27, 1999.

ADDRESSES: Materials relevant to the final rule establishing standards for reformulated gasoline and anti-dumping standards for conventional gasoline are contained in Public Dockets A-92-01, A-92-12, and A-97-03 and are incorporated by reference. These materials are available for review at EPA's Air Docket Section, Waterside Mall (Room M-1500), 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Marilyn Bennett, Fuels and Energy Division, U.S. EPA, 401 M Street, S.W. (6406J), Washington, D.C. 20460. Telephone: (202) 564-8989.

SUPPLEMENTARY INFORMATION:

Regulated Entities

Regulated categories and entities affected by this action include:

Category	NAICS ¹	SIC Codes ²	Examples of regulated entities
Industry	324110	2911	Refiners, importers, and distributors of motor vehicle fuel; motor vehicle fuel retail outlets and wholesale purchaser-consumer facilities.

¹ North American Industry Classification System (NAICS).

² Standard Industrial Classification (SIC) System Code.

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 applicability criteria of part 80, subparts D, E and F, of title 40 of the Code of Federal Regulations. If you have questions regarding applicability of this action to a particular entity, consult the person listed in the preceding FOR

FURTHER INFORMATION CONTACT SECTION

Today's correcting amendments are available electronically on the day of publication from the Office of Federal Register Internet Web site listed below. Today's correcting amendments are also available from the EPA Office of Mobile Sources Web site listed below shortly after the rule is signed by the Administrator. This service is free of charge, except any cost that you already incur for Internet connectivity.

EPA Web Site:

<http://www.epa.gov/docs/fedrgstr/EPA-air/>
(either select desired date or use Search feature)

Office of Mobile Sources (OMS) Web Site:

<http://www.epa.gov/omswww/>
(look in "What's New" or under the specific rulemaking topic)

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.

I. Correction of Typographical Error in § 80.41(f)

On December 31, 1997, EPA published a final rule which made several revisions to the RFG/conventional gasoline regulations, including the deletion of the NOx per-gallon minimum standards for complex model averaged RFG. However, the December 31, 1997 **Federal Register** rule, which re-published the charts at §§ 80.41(d) and (f) (Phase I and Phase II Complex Model Averaged Standards) to delete the NOx per-gallon minimum standards, included a typographical error in the entry for the benzene per-gallon standard in the chart at § 80.41(f). The entry for the benzene per-gallon standard at § 80.41(f) in the December 31, 1997 notice reads "Per-Gallon Minimum" whereas the proper

designation is "Per-Gallon Maximum." As a result, this improper designation was published in the July 1, 1998 CFR. The proper designation appeared in the final RFG rule published in the **Federal Register** on February 16, 1994, and in all editions of the CFR published between the publication of the final rule in 1994 and the July 1, 1998 edition. Today's action will correct the CFR to again properly designate the per-gallon standard for benzene at § 80.41(f) as "Per-Gallon Maximum."

II. Correction of Inadvertent Deletion of Regulatory Text at § 80.101(f)(4)

The December 31, 1997 **Federal Register** rule, which finalized several revisions to the RFG rule, included a revision to the introductory text of paragraph of § 80.101(f)(4). However, the amendatory language in the **Federal Register** rule failed to designate that the revision to paragraph (f)(4) affected only the introductory text and that the remainder of paragraph (f)(4) was to remain unchanged. As a result, paragraphs (f)(4)(i) and (f)(4)(ii) were inadvertently deleted in the July 1, 1998 CFR. Today's action corrects this error.

In a rule published on June 9, 1999, (64 FR 30904), a new paragraph (f)(4)(iii) was added to § 80.101. The June 9, 1999 rule reserved paragraphs (f)(4)(i) and (f)(4)(ii), the original text of which is being reinstated by this action. The June 9, 1999 rule also inadvertently deleted the introductory text of § 80.101(f)(4), which is being reinstated by today's action. Because the June 9, 1999 rule is effective on July 26, 1999, the effective date of today's action is July 27, 1999, so that this action will supersede the June 9, 1999 rule regarding the § 80.101(f)(4) introductory text and the text of paragraphs (f)(4)(i) and (f)(4)(ii).

III. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). This rule also does not require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993) or Executive Order 13084 (63 FR 27655 (May 10, 1998), or involve special consideration of environmental justice related issues as required by Executive

Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule also is not subject to Executive Order 13045 (62 F.R. 19885, April 23, 1997) because EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5-501 of the Order has the potential to influence the regulation. This rule is not subject to E.O. 13045 because it does not establish an environmental standard intended to mitigate health or safety risks. This rule is not subject to the requirements of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, because it does not include any information collection requirements. This rule is not subject to the requirements of the National Technology Transfer and Advancement Act (NTTAA) because it does not include provisions for technical standards.

Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit 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 United States prior to publication of the rule in the **Federal Register**. A Major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This rule will be effective on July 27, 1999.

List of Subjects in 40 CFR Part 80

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

Dated: July 1, 1999.

Carol M. Browner,
Administrator.

For the reasons set out in the preamble, part 80 of title 40 of the Code of Federal Regulations is corrected by making the following correcting amendments:

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)).

2. Section 80.41 is amended by amending the paragraph (f) table "Phase II Complex Model Averaged Standards" by revising the entry for "Benzene (percent, by volume)" to read as follows:

§ 80.41 Standards and requirements for compliance.

* * * * *
(f) * * *

PHASE II COMPLEX MODEL AVERAGED STANDARDS

*	*	*	*	*
Benzene (percent, by volume):				
Standard				≤0.95
Per-Gallon Maximum				≤1.30

3. Effective July 27, 1999, § 80.101 is amended by adding paragraph (f)(4) introductory text, (f)(4)(i) and (f)(4)(ii) to read as follows:

§ 80.101 Standards applicable to refiners and importers.

* * * * *
(f) * * *
(4) Any compliance baseline under paragraph (f)(1) of this section shall be adjusted for each averaging period as follows:
(i) If the total volume of the conventional gasoline, RBOB,

reformulated gasoline, and California gasoline as defined in § 80.81(a)(2), produced or imported by any refiner or importer during the averaging period is equal to or less than that refiner's or importer's 1990 baseline volume as determined under § 80.91(f)(1), the compliance baseline for each parameter or emissions performance shall be that refiner's or importer's individual 1990 baseline; or

(ii) If the total volume of the conventional gasoline, RBOB, reformulated gasoline, and California gasoline as defined in § 80.81(a)(2), produced or imported by any refiner or importer during the averaging period is greater than that refiner's or importer's 1990 baseline volume as determined under § 80.91(f)(1), the compliance baseline for each parameter or emissions performance shall be calculated according to the following formula:

$$CB_i = \left(B_i * \left(\frac{V_{1990}}{V_a} \right) \right) + \left(DB_i * \left(1 - \frac{V_{1990}}{V_a} \right) \right)$$

Where:

- CB_i = The compliance baseline value for parameter or emissions performance i.
- B_i = The refiner's or importer's individual baseline value for parameter or emission performance i calculated according to the methodology in § 80.91.
- DB_i = The anti-dumping statutory baseline value for parameter or emissions performance i, as specified at § 80.91(c)(5)(iii) or (c)(5)(iv), respectively.
- V₁₉₉₀ = The 1990 baseline volume as determined under § 80.91(f)(1).
- V_a = The total volume of reformulated gasoline, conventional gasoline, RBOB, and California gasoline as defined in § 80.81(a)(2) produced or imported by a refiner or importer during the averaging period.

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 395

Global Positioning System (GPS) Technology; Extension of Application Date

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of extension of deadline for submission of applications to

participate in the GPS technology pilot demonstration project.

SUMMARY: The FHWA is extending the deadline for motor carriers to submit applications to participate in the agency's Global Positioning System (GPS) technology pilot demonstration project. This project allows qualified motor carriers that use GPS technology and related safety management computer systems to enter into an agreement with the FHWA to use such systems to record and monitor drivers' hours-of-service, in lieu of requiring them to prepare handwritten records of duty status. This project is intended to demonstrate that the motor carrier industry can use this technology to improve compliance with the hours-of-service requirements in a manner which promotes safety and operational efficiency while reducing paperwork.

DATES: Applications must be received on or before December 31, 1999.

ADDRESSES: Written applications should be mailed to the Office of Motor Carrier Research and Standards (HCS-10), Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Neill L. Thomas, Office of Motor Carrier Research and Standards (HMCS-10), (202) 366-4009, or Mr. Charles Medalen, Office of Chief Counsel (HCC-20), (202) 366-1354, Federal Highway

Administration, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays. Application requests and specific questions regarding this pilot demonstration project may also be directed to the contact person(s) named in this notice or the Division Offices of the FHWA in your State.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded by using a computer modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. Internet users may reach the Office of the Federal Register's home page at: <http://www.nara.gov/fedreg> and the Government Printing Office's database at: <http://www.access.gpo.gov/nara>.

Background

On September 30, 1988, the FHWA published a final rule (53 FR 38666) to allow motor carriers to use certain automatic on-board devices to record their drivers' duty status in lieu of the handwritten records required by 49 CFR 395.8. This provision is now codified at 49 CFR 395.15. Many motor carriers employing this technology found that their compliance with the hours-of-