

the terms of § 80.101(g)(9), the results of the tests to determine the properties and volume of the previously certified gasoline when received at the refinery and records that reflect the storage and movement of the previously certified gasoline to the point the previously certified gasoline is used to produce conventional gasoline.

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8. Section 80.105 is amended by adding paragraph (a)(5)(vi) to read as follows:

§ 80.105 Reporting requirements.

- (a) * * *
(5) * * *

(vi) In the case of any previously certified gasoline used in a refinery operation under the terms of § 80.101(g)(9), the following information relative to the previously certified gasoline when received at the refinery:

- (A) Identification of the previously certified gasoline as such;
(B) The batch number assigned by the receiving refinery;
(C) The date of receipt; and
(D) The volume, properties and designation of the batch.

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9. Section 80.131 is added to Subpart F read as follows:

§ 80.131 Agreed upon attest engagement procedures for previously certified gasoline.

The following are the agreed upon procedures which must be carried out pursuant to the attest engagement requirements of § 80.125 where a refiner uses previously certified gasoline under the provisions of § 80.65(i) and § 80.101(g)(9):

- (a) Obtain a listing of all previously certified gasoline batches reported to EPA by the refiner. Agree the total volume of previously certified gasoline from the listing of previously certified gasoline received to the volume of previously certified gasoline reported to EPA.
(b) Select a sample, in accordance with the guidelines in § 80.127, from the listing obtained in paragraph (a) of this section, and for each previously certified gasoline batch selected perform the following:
(1) Trace the previously certified gasoline batch to the tank activity records. Confirm that the previously certified gasoline was included in a batch of reformulated or conventional gasoline produced at the refinery.

- (2) Obtain the refiner's laboratory analysis and volume measurement for the previously certified gasoline when received and agree the properties and

volume listed in the corresponding batch report submitted to the EPA to the laboratory analysis and volume measurements.

(3) Obtain the product transfer documents for the previously certified gasoline when received and agree the designations from the product transfer documents to designations in the corresponding batch report submitted to EPA (reformulated gasoline, RBOB or conventional gasoline, and designations regarding VOC control).

10. Section 80.340 is amended by adding paragraph (c) to read as follows:

§ 80.340 What standards and requirements apply to refiners producing gasoline by blending blendstocks into previously certified gasoline (PCG)?

* * * * *

(c) The procedures in §§ 80.65(i) and 80.101(g)(9) may be applied for purposes of demonstrating compliance with the sulfur standards under this subpart.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 257 and 258

[FRL-7122-2]

RIN 2050-AE86

Criteria for Classification of Solid Waste Disposal Facilities and Practices and Criteria for Municipal Solid Waste Landfills: Disposal of Residential Lead-Based Paint Waste

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Because EPA received an adverse comment, we are withdrawing the direct final rule for Criteria for Classification of Solid Waste Disposal Facilities and Practices and Criteria for Municipal Solid Waste Landfills: Disposal of Residential Lead-Based Paint Waste. We published the direct final rule on October 23, 2001 (66 FR 53535) to expressly allow residential lead-based paint waste to be disposed of in construction and demolition landfills in addition to municipal solid waste landfill units. We stated in the direct final rule that if we received any adverse comments by November 23, 2001, we would publish a timely notice of withdrawal in the Federal Register. We subsequently received an adverse comment on the direct final rule. We will address those comments in a

subsequent final action based on the parallel proposal also published on October 23, 2001 (66 FR 53566).

DATES: As of December 28, 2001, EPA withdraws the direct final rule published at 66 FR 53535 on October 23, 2001.

FOR FURTHER INFORMATION CONTACT: For general information, call the RCRA Call Center at 1-800-424-9346 or TDD 1-800-553-7672 (hearing impaired). Callers within the Washington Metropolitan Area must dial 703-412-9810 or TDD 703-412-3323 (hearing impaired). The RCRA Call Center is open Monday-Friday, 9 am to 4 pm, Eastern Standard Time. For more information on specific aspects of this withdrawal, contact Paul Cassidy, Office of Solid Waste (mail code 5306W), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; (703) 308-7281, cassidy.paul@epa.gov.

SUPPLEMENTARY INFORMATION: More information about this action can be found at http://www.epa.gov/epaoswer/non-hw/muncpl/landfill/pb-paint.htm. On October 23, 2001, EPA published in the Federal Register at 66 FR 53535 a direct final rule for Criteria for Classification of Solid Waste Disposal Facilities and Practices and Criteria for Municipal Solid Waste Landfills: Disposal of Residential Lead-Based Paint Waste. This direct final rule was to expressly allow residential lead-based paint waste to be disposed of in construction and demolition landfills in addition to municipal solid waste landfill units. On the same date, EPA published a separate document at 66 FR 53566 to serve as the proposal to Criteria for Municipal Solid Waste Landfills: Disposal of Residential Lead-Based Paint Waste if adverse comments were filed. The rule was scheduled to become effective on January 22, 2002 unless EPA received adverse comments by November 23, 2001. We subsequently received an adverse comment on the direct final rule. Consequently, we are withdrawing the direct final rule and it will not become effective on January 22, 2002.

Dated: December 18, 2001.

Christine Todd Whitman, Administrator.

Accordingly, the amendments and additions to Part 257 and Part 258 are withdrawn as of December 28, 2001.

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