

**ENVIRONMENTAL PROTECTION
AGENCY**

40 CFR Part 80

[EPA-HQ-OAR-2014-0905; FRL 9929-91-OAR]

RIN 2060-AS58

Approval of Alabama's Request To Relax the Federal Reid Vapor Pressure Gasoline Volatility Standard for Birmingham, Alabama

AGENCY: Environmental Protection Agency.

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to the receipt of two adverse comments, the Environmental Protection Agency (EPA) is withdrawing the May 7, 2015 direct final rule to approve the request from Alabama to relax the Reid Vapor Pressure (RVP) standard applicable to gasoline introduced into commerce from June 1 to September 15 of each year in Jefferson and Shelby counties, Alabama ("the Birmingham area"). The EPA is considering these comments and will address the comments in a separate action. The EPA will not institute a second comment period on this action.

DATES: The direct final rule published at 80 FR 26191 on May 7, 2015 is withdrawn, effective July 2, 2015.

FOR FURTHER INFORMATION CONTACT: Patty Klavon, Office of Transportation and Air Quality, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, Michigan 48105; telephone number: (734) 214-4476; fax number: (734) 214-4052; email address: klavon.patty@epa.gov.

SUPPLEMENTARY INFORMATION: On May 7, 2015 (80 FR 26191), the EPA published a direct final rule to approve a request from the state of Alabama to change the summertime gasoline RVP standard for Jefferson and Shelby counties ("the Birmingham area") from 7.8 pounds per square inch (psi) to 9.0 psi by amending the EPA's regulations at 40 CFR 80.27(a)(2). In an April 17, 2015 final rule, the EPA approved a state implementation plan (SIP) revision from the state of Alabama which provided a technical demonstration that relaxing the federal RVP requirement from 7.8 psi to 9.0 psi for gasoline sold from June 1 to September 15 of each year in the Birmingham area would not interfere with maintenance of the national ambient air quality standards (NAAQS) in the Birmingham area. For more information on Alabama's SIP revision, please refer to the April 17, 2015 rulemaking (80 FR 21170).

In the May 7, 2015 direct final rule, the EPA stated that if adverse comments were received by June 8, 2015, the rule would be withdrawn and not take effect. The EPA received two comments. The EPA is treating these comments as adverse. Therefore, the EPA is withdrawing the direct final rule. The EPA will address these comments in a separate final action based on the May 7, 2015 proposed rulemaking (80 FR 26212). The EPA will not institute a second comment period on this action.

List of Subjects in 40 CFR Part 80

Environmental protection, Administrative practice and procedures, Air pollution control, Fuel additives, Gasoline, Motor vehicle and motor vehicle engines, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

Dated: June 25, 2015.

Gina McCarthy,
Administrator.

Accordingly, the amendment to 40 CFR 80.27 which published in the **Federal Register** on May 7, 2015 at 80 FR 26191 is withdrawn as of July 2, 2015.

[FR Doc. 2015-16390 Filed 7-1-15; 8:45 am]

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**ENVIRONMENTAL PROTECTION
AGENCY**

40 CFR Part 80

[EPA-HQ-OAR-2014-0905; FRL 9929-90-OAR]

RIN 2060-AS58

Approval of Alabama's Request To Relax the Federal Reid Vapor Pressure Gasoline Volatility Standard for Birmingham, Alabama

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a request from the state of Alabama for the EPA to relax the Reid Vapor Pressure (RVP) standard applicable to gasoline introduced into commerce from June 1 to September 15 of each year for Jefferson and Shelby counties ("the Birmingham area"). Specifically, the EPA is approving amendments to the regulations to change the RVP standard for the Birmingham area from 7.8 pounds per square inch (psi) to 9.0 psi for gasoline. The EPA has determined that this change to the federal RVP regulation is consistent with the applicable

provisions of the Clean Air Act (CAA). Additionally, the EPA is responding to adverse comments received for this action.

DATES: This final rule is effective on July 2, 2015.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2014-0905. All documents in the docket are listed on the www.regulations.gov Web site. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Patty Klavon, Office of Transportation and Air Quality, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, Michigan 48105; telephone number: (734) 214-4476; fax number: (734) 214-4052; email address: klavon.patty@epa.gov.

SUPPLEMENTARY INFORMATION: The contents of this preamble are listed in the following outline:

- I. General Information
- II. Action Being Taken
- III. History of the Gasoline Volatility Requirement
- IV. The EPA's Policy Regarding Relaxation of Volatility Standards in Ozone Nonattainment Areas That Are Redesignated as Attainment Areas
- V. Alabama's Request To Relax the Federal RVP Requirement for the Birmingham Area
- VI. Response to Comments
- VII. Final Action
- VIII. Statutory and Executive Order Reviews
- IX. Legal Authority and Statutory Provisions

Effective date. Section 553(d) of the Administrative Procedure Act (APA), 5 U.S.C. Chapter 5, generally provides that rules may not take effect earlier than 30 days after they are published in the **Federal Register**. The EPA is issuing this final rule under CAA section 307(d)(1). CAA section 307(d)(1) states: "The provisions of section 553 through 557 . . . of Title 5 shall not, except as expressly provided in this subsection, apply to actions to which this subsection applies." Thus, section 553(d) of the APA does not apply to this rule. The EPA is nevertheless acting consistently with the policies underlying APA section 553(d) in making this rule effective on July 2, 2015. APA section 553(d) allows an effective date less than 30 days after