

report, EPA will promptly (i.e. within five [5] business days) and properly submit a functional acknowledgement in return. The functional acknowledgement will constitute conclusive evidence that a report has been properly received by EPA. If a functional acknowledgement is not received in return for a document, then the reporting party initially transmitting the document shall be responsible for re-sending the document.

EPA and the reporting party are responsible for keeping archives of documents sent and received, including a complete record of the data interchanged, representing the messages between the parties and their dates and times (i.e., the data or transaction log). Such data or transaction log shall be maintained for a period of not less than five (5) years. The reporting party agrees to retransmit any document within five (5) days of receiving a re-transmission request by EPA. Likewise, EPA will resend any transmission originated by EPA at the reporting party's request.

EPA considers that electronic reports which are filed consistent with the procedures outlined in this notice, the Terms and Conditions Memorandum, and the technical guidance document fulfill the requirements of §§ 80.75(n) and 80.105, pertaining to form and signature requirements for reports. Specifically, § 80.75(n)(1), pertaining to RFG reporting, and § 80.105(d)(1), pertaining to anti-dumping reporting, require that reports be submitted on forms and following procedures specified by EPA. Reports must be signed and certified as correct by the owner or a responsible corporate officer of the reporting party. See § 80.75(n)(2) [pertaining to RFG reporting] and § 80.105(d)(3) [pertaining to anti-dumping reporting]. EPA will consider a properly filed RFG or anti-dumping report (i.e., a report filed in a manner consistent with the requirement of this notice, the Terms and Conditions Memorandum, and the technical guidance document) to meet the requirements of §§ 80.75(n) and 80.105(d). A report will be considered to be signed and certified as correct by the owner or responsible corporate officer of the reporting party if and only if both the corporate and individual PINs are included in the report itself. Both PINs must be included in each and every report and use of the PINs constitutes certification of correctness within the meaning of §§ 80.75(n)(2) and 80.105(d)(3) for that report. Based on current technology, EPA believes that a dual-PIN certification system is the best available electronic means to meet the reporting requirements of §§ 80.75(n)

and (2) and 80.105 (d) (1) and (3). It is the responsibility of the reporting party to institute and maintain security measures to protect PINs from unauthorized use and to notify EPA in the event issuance of a new PIN becomes necessary. As discussed above, EPA may also initiate a change in PINs.

Circumstances, both foreseeable and unforeseeable, may prevent a reporting party from conducting EDI. Nevertheless, no reporting party will be excused from the requirement to file RFG and Anti-Dumping reports with the Agency by the appropriate regulatory deadline. If a party is unable to electronically file a required report by such deadline, it must submit a paper report on forms provided by EPA.

II. Text of Terms and Conditions Memorandum

Terms and Conditions Memorandum for Submission of Reformulated Gasoline (RFG) and Anti-Dumping Reports via Electronic Data Interchange (EDI)

I. Introduction

A. EDI, Defined

Electronic Data Interchange (EDI) is the transmission, in a standard syntax, of unambiguous information between computers of independent organizations.

B. Acceptance of Electronically Submitted Reports in Lieu of Paper Documents, Generally

Under the reporting provisions for the reformulated gasoline (RFG) and anti-dumping program at 40 CFR 80.75(n) and 80.105(d), reports shall be "submitted on forms and following procedures specified by the Administrator" by a specified date and shall be signed and certified as correct by either the owner or a responsible corporate officer¹ of the reporting entity.

EPA has announced its intent to permit RFG and anti-dumping reporting via EDI (as substitution for paper reports) in the **Federal Register** notice and will accept such electronically filed reports provided the reporting party signs and abides by the provisions of the "Terms and Conditions Memorandum for Submission of Reformulated Gasoline (RFG) and Anti-Dumping Reports via Electronic Data Interchange (EDI)" (hereafter referred to as the "Terms and Conditions Memorandum" or simply as "this memorandum"). The **Federal Register** notice is part and parcel to this Memorandum and is incorporated herein by reference.

The technical requirements are contained in "Reformulated Gasoline and Anti-Dumping Program Electronic Data Interchange Technical Guideline," (hereafter

referred to as the "technical guidance document") which is part and parcel to this memorandum and is incorporated herein by reference. (This memorandum, the **Federal Register** notice, and the technical guidance are sometimes collectively referred to as "the agreement.")

From time to time and due to technological change or technical necessity, EPA may update the technical guidance document. EPA will provide reasonable notice of any such changes to the reporting party.

C. Standards for Documents

The reporting party who has signed the Terms and Conditions Memorandum may electronically transmit to EPA any of the transaction sets for RFG and the anti-dumping program. These transaction sets are identified in the technical guidance document. The reporting party must use only those transaction sets approved for general use by the American National Standards Institute (ANSI) Accredited Standards Committee (ASC) X.12.

D. System Requirements

Reporting parties who wish to submit reports via EDI are responsible for maintaining the equipment, software, services, and testing necessary to effectively and reliably transmit and receive documents. The reporting party may use the EPA VAN or a VAN interconnected with the EPA VAN. The current EPA VAN is identified in the technical guidance.

E. Security Procedures

EPA and the reporting party must protect electronic data and Personal Identification Numbers (PINs) from unauthorized access, alteration, loss, destruction and/or disclosure to ensure, at a minimum, the same level of protection required for paper documents. This protection must extend beyond the transactions themselves to any files or data bases that contain information conveyed via EDI.

In order to reasonably protect electronically submitted reports, EPA will maintain security procedures to protect data and messages against the risk of unauthorized access, alteration, loss or destruction. All information claimed by the reporting party as "confidential business information" party will be subject to additional safeguards and procedures consistent with 40 CFR Part 2 and with established Agency procedures for protection of such information. It is the responsibility of a responsible corporate officer of the reporting party to provide, in writing and on company letterhead, a list of those authorized representatives to receive individual PINs and to identify a responsible corporate officer to receive the company PIN. EPA will only issue PINs to the responsible corporate officer and such properly designated authorized representatives. It is the responsibility of a responsible corporate officer of the reporting party to notify EPA in writing and on company letterhead of any changes which necessitate changes, deletions, or issuance of [a] new individual or company PIN[s]. The reporting party agrees to use all reasonable efforts to maintain the confidentiality of PINs.

¹ The term "responsible corporate officer" as used here, means an officer of the corporation as defined by the incorporation laws of the state in which the corporation is incorporated or a representative of the corporation who has been delegated the authority in writing to certify RFG and Anti-dumping reports by such a responsible corporate officer.