ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[AMS-FRL-5267-5]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; administrative stay.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) is issuing a three-month administrative stay of certain portions of the anti-dumping regulations for conventional gasoline (gasoline not certified as reformulated gasoline) which were promulgated in December 1993. Specifically, today's action stays criteria of the existing requirements for obtaining an individual refinery baseline adjustment due to the production of JP-4 jet fuel in 1990 and criteria of the conventional gasoline provisions concerning refiners that are no longer able to obtain extremely sweet crude which was available in 1990 and was used to develop the 1990 individual baseline. In a related Notice of Proposed Rulemaking, which is published elsewhere in this issue of the Federal Register, EPA is proposing new baseline adjustment criteria for these two cases. In both of these cases, the stay only applies to those refiners that meet the new proposed criteria for a baseline adjustment.

EFFECTIVE DATE: This final rule is effective August 4, 1995.

ADDRESSES: Materials relevant to the reformulated gasoline Final Rule are contained in Public Dockets A–91–02 and A–92–12. Materials relevant to the Notice of Proposed Rule on baseline adjustments are contained in Public Docket A–95–03. These dockets are located at Room M–1500, Waterside Mall (ground floor), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. The docket may be inspected from 8:00 a.m. until 5:00 p.m. Monday through Friday. A reasonable fee may be charged by EPA for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Carol Menninga, U.S. EPA (RDSD–12), Regulation Development and Support Division, 2565 Plymouth Rd., Ann Arbor, MI 48105. Telephone (313) 668– 4480. To request copies of this document, contact Delores Frank, U.S. EPA (RDSD–12), Regulation Development and Support Division, 2565 Plymouth Rd., Ann Arbor, MI 48105. Telephone (313) 668–4295.

SUPPLEMENTARY INFORMATION:

I. Electronic Copies of Rulemaking Documents Through the Technology Transfer Network Bulletin Board System (TTNBBS)

A copy of this document is available electronically 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. 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 Ĥelp-line: 919–541–5384 Accessible via Internet: TELNET

ttnbbs.rtpnc.epa.gov Off-line: Mondays from 8:00 AM to 12:00 Noon ET

A user who has not called TTN previously will first be required to answer some basic informational questions for registration purposes. After completing the registration process, proceed through the following menu choices from the Top Menu to access information on this rulemaking. <T> GATEWAY TO TTN TECHNICAL

AREAS (Bulletin Boards) <M> OMS—Mobile Sources Information <K> Rulemaking and Reporting

<3> Fuels

<9> File Area #9 . . . Reformulated gasoline

At this point, the system will list all available files in the chosen category in reverse chronological order with brief descriptions. These files are compressed (i.e., ZIPed). Today's notice can be identified by the following title: JP4STAY.ZIP. To download this 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 TTNBBS 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.

II. Administrative Stay

The administrative stay of the provisions concerning JP-4 and certain changes in sweet crude oil are being undertaken pursuant to section 307(d)(7)(B) of the Clean Air Act, 42 U.S.C. 7607(d)(7)(B). That provision authorizes the Administrator to stav the effectiveness of a rule for three months if the grounds for an objection arose after the period for public comment and if the objection is of central relevance to the outcome of the rule. In a separate Notice of Proposed Rulemaking, which is published elsewhere in this issue of the Federal Register, EPA is proposing to extend the stay for the duration of a rulemaking proposing these changes to the criteria for a baseline adjustment.

The grounds for an objection to the criteria for an individual baseline adjustment based on production of JP-4 jet fuel arose after the end of the public comment period for the Final Rule, "Regulation of Fuels and Fuel Additives: Standards for Reformulated and Conventional Gasoline," (59 FR 7716, February 16, 1994) and before the time allowed for seeking judicial review. New information has since been submitted to EPA concerning the number of parties potentially affected by the criteria adopted, and the ability of parties with more than one refinery to aggregate baselines and thereby avoid the adverse impacts of a failure to obtain an individual baseline adjustment. This information became available to EPA after the final criteria were adopted by EPA, and are directly relevant to the basic rationale for those criteria. Because this information concerns the impact of the final criteria adopted by EPA, it was not available at the proposal stage.

Similarly, the grounds for an objection to a lack of a baseline adjustment based on changes in the sulfur level of available crude oil arose after expiration of the period for public comment. It appears that the sulfur levels of crude have changed significantly since 1990 for certain areas of the country. Until EPA issued its final rules in December 1993, and more information was obtained on the sulfur levels of crude that would be available for use in 1995 and later, refiners that have historically relied on the availability of low sulfur crude could not identify for EPA the full impact of the final conventional gasoline