

range could allow production of fuels with low volatility and a high DI.

EPA's July DFRM provision would have revised the low end of the valid range for RVP under the Simple Model to 6.4 psi, from 6.6 psi. The Agency made this alteration to the regulations to make the low end of the valid range for RVP consistent throughout Phase I of the federal reformulated gasoline program, and provide additional flexibility for refiners to complement the already established blending and enforcement tolerances. However, since AAMA submitted comments which are critical of the Agency's Simple Model valid range revision before the August 19th deadline, EPA is withdrawing the revised provision. The low end valid range RVP limit under the Simple Model remains 6.6 psi, as was promulgated in the December 1993 reformulated gasoline regulations.

Therefore the amendments to § 80.91(e)(7) (the altered JP-4 multi-refinery requirement and the lower 1990 JP-4 to gasoline production ratio) and to § 80.42 table in paragraph (c)(1) (altering the lower limit RVP valid range in the simple model) appearing at 59 FR 36944 (July 20, 1994), which were to become effective September 19, 1994 are hereby withdrawn.

It is important to note that EPA's withdrawal of these regulatory changes is not based on EPA's agreement or disagreement with the adverse comments received. The withdrawal is based solely on EPA's determination, announced in the DFRM, that these changes would go into effect as a direct final rule only if no persons submitted adverse comments or requested an opportunity to comment. EPA is reviewing comments and is currently developing a notice of proposed rulemaking that will address the regulatory changes withdrawn by this notice.

EPA is withdrawing these provisions to the reformulated and conventional gasoline regulations without providing prior notice and an opportunity to comment because it finds there is good cause within the meaning of 5 U.S.C. 553(b) to do so. Notice and comment would be impracticable, as EPA needs to withdraw these changes quickly as they go into effect on September 19, 1994. In addition further notice is not necessary as EPA has already informed the public it would follow this procedure if adverse or critical comments were received within 30 days of the publication of the DFRM. For the same reasons, EPA finds it has good cause under 5 U.S.C. 553(b) to make this withdrawal immediately effective.

#### IV. Statutory Authority

The statutory authority for this action is granted to EPA by Sections 114, 211(c) and (k) and 301 of the Clean Air Act, as amended; 42 U.S.C. 7414, 7545(c) and (k), and 7601.

#### List of Subjects in 40 CFR Part 80

Environmental protection, Air pollution control, Fuel additives, Gasoline, Motor vehicle pollution.

Dated: January 26, 1995.

**Carol M. Browner,**  
Administrator.

40 CFR part 80 is amended as follows:

#### PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

1. The authority citation for part 80 continues to read as follows:

**Authority:** Sections 114, 211 and 301(a) of the Clean Air Act as amended, 42 U.S.C. 7414, 7545 and 7601(a).

2. In § 80.42, the table in paragraph (c)(1) is revised to read as follows:

#### § 80.42 Simple emissions model.

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

Fuel parameter	Range
Benzene content .....	0-4.9 vol %
RVP .....	6.6-9.0 psi
Oxygen content .....	0-4.0 wt %
Aromatics content .....	0-55 vol %

\* \* \* \* \*

3. In § 80.91, paragraph (e)(7)(i)(D) is removed and paragraphs (e)(7)(i)(A) and (e)(7)(i)(C) are revised to read as follows:

#### § 80.91 Individual baseline determination.

\* \* \* \* \*

(e) \* \* \*

(7) \* \* \*

(i) \* \* \*

(A) The refinery is the only refinery of a refiner such that it cannot form an aggregate baseline with another refinery (per paragraph (f) of this section) or all of the refineries of a refiner produced JP-4 in 1990 and each of the refineries also meets the requirements specified in paragraphs (e)(7)(i) (B) and (C) of this section.

\* \* \* \* \*

(C) The ratio of the refinery's 1990 JP-4 production to its 1990 gasoline production equals or exceeds 0.5.

\* \* \* \* \*

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#### 40 CFR Part 180

[OPP-300365A; FRL-4932-1]

RIN 2070-AB78

#### FD & C Yellow No. 6 Aluminum Lake, 2-[(2'-Hydroxy-5'-Methylphenyl)Benzotriazole and Octadecyl 3,5-Di-Tert-Butyl-4-Hydroxyhydrocinnamate; Tolerance Exemptions

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This document establishes exemptions from the requirement of a tolerance for residues of FD & C Yellow No. 6 Aluminum Lake (CAS Reg. No. 15790-07-5), 2-(2'-hydroxy-5'-methylphenyl)-benzotriazole (CAS Reg. No. 2440-22-4), and octadecyl 3,5-di-tert-butyl-4-hydroxyhydrocinnamate (CAS Reg. No. 2082-79-3) when used as inert ingredients (components of ear tags and similar slow-release devices) in pesticide formulations applied to animals. Y-TeX Corp. requested this regulation.

**EFFECTIVE DATE:** This regulation becomes effective February 1, 1995.

**ADDRESSES:** Written objections, identified by the document control number, [OPP-300365A], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing request to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

**FOR FURTHER INFORMATION CONTACT:** By mail: Kerry B. Leifer, Registration Support Branch, Registration Division (7508W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Westfield Building North, 6th Fl., 2800 Crystal Drive, Arlington, VA 22202, (703)-308-8323.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of November 10, 1994