

baselines and the publication of certain baseline information as proposed in the August 4, 1995 Federal Register (60 FR 40009). The applicable regulations have been modified slightly from the proposal. Specifically, in § 80.75, the proposed additional paragraphs (H), (I) and (J) have been re-ordered to paragraphs (D), (G) and (J) in today's rulemaking. By re-ordering these paragraphs, all paragraphs in § 80.75(b)(2)(ii) referring to a specific fuel parameter, e.g., sulfur, are grouped together, for benefit of the reader. Section 80.105 has also been modified from the proposal, and now requires that a refiner's or importer's simple model standards for conventional gasoline be reported (in addition to the requirements contained in the December 1993 final rule and those contained in the proposal being finalized today). This minor revision results in similar reporting requirements for both reformulated and conventional gasoline under the simple model.

III. Environmental and Economic Impacts

No environmental impacts are expected as a result of today's action. Economic impacts should be generally beneficial to refiners as one purpose of this action is to reduce any adverse competitive harm that could occur without this change. The environmental and economic impacts of the reformulated gasoline program are described in the Regulatory Impact Analysis supporting the December 1993 rule, which is available in Public Docket A-92-12 located at Room M-1500, Waterside Mall (ground floor), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

IV. Compliance With the Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980 requires federal agencies to examine the effects of their regulations and to identify any significant adverse impacts of those regulations on a substantial number of small entities. Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities. In fact, today's action is designed to minimize any adverse competitive impacts since only individual baseline exhaust emissions, and not individual baseline fuel parameters values, will be published. Additionally, by this action, less baseline information will automatically be deemed non-confidential.

V. Administrative Designation

Pursuant to Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to OMB review and the requirements of the executive order. The Order defines "significant regulatory action as one that is likely to result in a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, it has been determined that this final rule is not a "significant regulatory action".

VI. Paperwork Reduction Act

The Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, and implementing regulations, 5 CFR part 1320, do not apply to this action as it does not involve the collection of information as defined therein.

VII. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in the aggregate; or by the private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the action promulgated today does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local or tribal governments in the aggregate, or to the private sector. This action has the net

effect of reducing burden of the reformulated gasoline program on regulated entities. Therefore, the requirements of the Unfunded Mandates Act do not apply to this action.

VIII. Statutory Authority

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

List of Subjects in 40 CFR Part 80

Environmental protection, Air pollution control, Fuel additives, Gasoline, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: December 12, 1995.

Carol M. Browner,
Administrator.

For the reasons set out in the preamble, part 80 of title 40 of the Code of Federal Regulations 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: Sec. 114, 211, and 301(a) of the Clean Air Act as amended (42 U.S.C. 7414, 7545 and 7601(a)).

2. Section 80.75 is amended by revising the heading for paragraph (b)(2), and by revising paragraphs (b)(2)(ii)(D) through (G), and adding paragraphs (b)(2)(ii) (H) through (J) to read as follows:

§ 80.75 Reporting requirements.

* * * * *

(b) * * *

(2) *Sulfur, olefins and T90 averaging reports.*

(i) * * *

(ii) * * *

(D) The difference between the applicable sulfur content standard under § 80.41(h)(2)(i) in parts per million and the average sulfur content under paragraph (b)(2)(ii)(C) of this section in parts per million, indicating whether the average is greater or lesser than the applicable standard;

(E) The applicable olefin content standard under § 80.41(h)(2)(i) in volume percent;

(F) The average olefin content in volume percent;

(G) The difference between the applicable olefin content standard under § 80.41(h)(2)(i) in volume percent and the average olefin content under paragraph (b)(2)(ii)(F) of this section in volume percent, indicating whether the