

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 80**

[FRL-7491-9]

Extension of Alternative Compliance Periods Under the Anti-Dumping Program**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of proposed rulemaking.

SUMMARY: Today's proposal would amend the provisions that EPA promulgated on September 8, 2000, when we published a direct final rule allowing start-up refineries to apply for a conventional gasoline anti-dumping compliance period of longer than one year. Alternative compliance periods are available only to start-up refineries that are facing significant hardship in complying with the anti-dumping statutory baseline oxides of nitrogen (NO_x) standard. Today's proposal would amend the alternative anti-dumping compliance period provisions to permit an alternative compliance period of up to seven years for start-up refineries owned by small refiners (but in no case extending beyond calendar year 2007), while requiring refineries to provide additional environmental benefits for any cumulative NO_x deficits remaining at the end of the fifth or sixth calendar years of any alternative compliance period.

A refinery with an alternative compliance period is allowed to produce gasoline that does not comply with the statutory anti-dumping NO_x standard on an annual average basis, thereby generating a NO_x emissions deficit in the early part of the alternative compliance period. However, the refinery must produce NO_x emissions benefits before the end of the alternative compliance period that make up for these early deficits and that provide an additional environmental NO_x benefit at least equivalent to the overall cumulative NO_x deficit generated during the course of the alternative compliance period. To track its NO_x compliance, the refinery must calculate its NO_x emissions benefit or deficit on a quarterly basis using specified equations. This proposed rule would modify the method for determining a refiner's quarterly NO_x emissions deficit

or benefit for a refinery with an approved alternative compliance period, to account for ordinary seasonal variation in gasoline quality and use of different seasonal versions of the Complex Model. The net determination of NO_x deficit or benefit would be unaffected. This proposal would also allow a refinery to meet all or some of the over-compliance requirement by purchasing and retiring NO_x emissions credits instead of requiring the refinery to over-comply based on the actual performance of the gasoline it produces over the course of the alternative compliance period.

Additionally, this proposed rule would allow a start-up refinery to petition to receive the less stringent anti-dumping statutory baseline exhaust toxics value as its conventional gasoline mobile source air toxics (MSAT) standard for all or part of its alternative anti-dumping compliance period. Thereafter, the refinery's conventional gasoline MSAT standard would be the MSAT conventional gasoline default baseline value.

Finally, this proposed rule would make a correction to the quarterly reporting requirements for start-up refineries that have been granted an alternative anti-dumping compliance period. The existing regulation was accidentally promulgated without language requiring that quarterly reports be signed and certified by a responsible corporate officer. Today's proposal would correct that omission.

DATES: Comments or a request for a public hearing must be received by June 5, 2003.

ADDRESSES: To request a public hearing, please contact Anne Pastorkovich, Attorney/Advisor, Transportation & Regional Programs Division, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., (6406J), Washington, DC 20460 or by e-mail to pastorkovich.anne-marie@epa.gov. No confidential business information (CBI) should be submitted by e-mail.

EPA has established a public docket for this proposed rule under Docket ID No. OAR-2003-0007, which is available for public viewing at the Air and Radiation Docket and Information Center (EPA/DC) in the EPA Docket Center, EPA West, Room B102, 1301 Constitution Avenue, NW., Washington DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to

4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Air and Radiation Docket and Information Center is (202) 566-1742. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at <http://www.epa.gov/edocket>. Use EDOCKET to submit or view public comments, access the index listings of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified above.

Any comments related to the proposed rule should be submitted to EPA within 30 days of this notice, and according to the following detailed instructions: Submit your comments to EPA online using EDOCKET (our preferred method) or by mail to EPA Docket Center, Environmental Protection Agency (6102T), 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

EPA's policy is the public comments, whether submitted electronically or in paper format, will be made available for public viewing in EDOCKET as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is otherwise restricted by statute, is not included in the official public docket, and will not be available for public viewing in EDOCKET. For further information about the electronic docket, see EPA's **Federal Register** notice describing the electronic docket at 67 FR 38102 (May 31, 2002), or go to <http://www.epa.gov/edocket>.

FOR FURTHER INFORMATION CONTACT: If you would like further information about this rule or to request a hearing, contact Anne Pastorkovich, Attorney/Advisor, Transportation & Regional Programs Division, (202) 564-8987, or by e-mail to pastorkovich.anne-marie@epa.gov.

SUPPLEMENTARY INFORMATION:**I. Regulated Entities**

Entities potentially regulated by the action are parties that produce conventional gasoline. Regulated categories and entities include:

Category	NAICS Code *	SIC Code **	Example
Industry	324120	2911	Petroleum refiners.

* North American Industry Classification System.