

conducted no later than 21 days after the sample was taken.

(d) *Assignment of batch numbers.* The importer must treat each compartment of each truck load of imported diesel fuel as a separate batch for purposes of assigning batch numbers and maintaining records under § 80.592(d), and reporting under § 80.599, except that where different compartments contain homogeneous product of identical designation (including dye or marker status, as well as the sulfur content designation), the total volume of those compartments may be treated as a single batch.

(e) *EPA inspections of terminals.* EPA inspectors or auditors must be given full and immediate access to the truck-loading terminal and any laboratory at which samples of diesel fuel collected at the terminal are analyzed, and must be allowed to conduct inspections, review records, collect diesel fuel samples and perform audits. These inspections or audits may be either announced or unannounced.

(f) *Certified Sulfur-FRDiesel and Certified Sulfur-FRNRDiesel.* This section does not apply to Certified Sulfur-FRDiesel or Certified Sulfur-FRNRDiesel as defined in § 80.620.

(g) *Effect of noncompliance.* If any of the requirements of this section are not met, all motor vehicle diesel fuel and nonroad diesel fuel imported by the truck importer during the time the requirements are not met is deemed in violation of the diesel fuel sulfur standards in § 80.510 or § 80.529(a), as applicable. Additionally, if any requirement is not met, EPA may notify the importer of the violation, and, if the requirement is not fulfilled within 10 days of notification, the truck importer may not in the future use the sampling and testing provisions in this section in lieu of the provisions in § 80.581.

41. A new § 80.584 is added to read as follows:

§ 80.584 What are the precision and accuracy criteria for approval of test methods for determining the sulfur content of diesel fuel?

(a) *Precision.* (1) For motor vehicle diesel fuel and diesel fuel additives subject to the 15 ppm sulfur standard of § 80.520(a)(1) and nonroad diesel fuel and diesel fuel additives subject to the 15 ppm standard of § 80.510(b), a standard deviation less than 0.72 ppm, computed from the results of a minimum of 20 repeat tests made over a minimum of four days on samples taken from a single homogeneous commercially available diesel fuel with a sulfur content in the range of 5–15 ppm. The 20 results must be a series of

tests with a sequential record of the analyses and no omissions.

(2) For motor vehicle diesel fuel and diesel fuel additives subject to the 500 ppm standard of § 80.520(c), and for nonroad, locomotive and marine diesel fuel subject to the 500 ppm standard of § 80.510(a), of a standard deviation less than 9.68 ppm, computed from the results of a minimum of 20 repeat tests made over a minimum of four days on samples taken from a single homogeneous commercially available diesel fuel with a sulfur content in the range of 200–500 ppm. The 20 results must be a series of tests with a sequential record of the analyses and no omissions.

(b) *Accuracy.* (1) For motor vehicle diesel fuel and diesel fuel additives subject to the 15 ppm sulfur standard of § 80.520(a)(1) and nonroad diesel fuel and diesel fuel additives subject to the 15 ppm sulfur standard of § 80.510(b):

(i) The arithmetic average of a continuous series of at least 10 tests performed on a commercially available gravimetric sulfur standard in the range of 1–10 ppm sulfur shall not differ from the accepted reference value (ARV) of that standard by more than 0.54 ppm sulfur; and

(ii) The arithmetic average of a continuous series of at least 10 tests performed on a commercially available gravimetric sulfur standard in the range of 10–20 ppm sulfur shall not differ from the ARV of that standard by more than 0.54 ppm sulfur.

(iii) In applying the tests of paragraphs (b)(1)(i) and (b)(1)(ii) of this section, individual test results shall be compensated for any known chemical interferences.

(2) For motor vehicle diesel fuel and diesel fuel additives subject to the 500 ppm sulfur standard of § 80.520(c), and for nonroad, locomotive and marine diesel fuel subject to the 500 ppm sulfur standard of § 80.510(a):

(i) The arithmetic average of a continuous series of at least 10 tests performed on a commercially available gravimetric sulfur standard in the range of 100–200 ppm sulfur shall not differ from the ARV of that standard by more than 7.26 ppm sulfur; and

(ii) The arithmetic average of a continuous series of at least 10 tests performed on a commercially available gravimetric sulfur standard in the range of 400–500 ppm sulfur shall not differ from the ARV of that standard by more than 7.26 ppm sulfur.

(iii) In applying the tests of paragraphs (b)(2)(i) and (b)(2)(ii) of this section, individual test results shall be compensated for any known chemical interferences.

42. A new § 80.585 is added to read as follows:

§ 80.585 What is the process for approval of a test method for determining the sulfur content of diesel?

(a) *Approval of test methods approved by voluntary consensus-based standards bodies.* For such a method to be approved, the following information must be submitted to the Administrator by each test facility for each test method that it wishes to have approved: Any test method approved by a voluntary consensus-based standards body, such as the American Society for Testing and Materials (ASTM) or International Standards Organization (ISO), shall be approved as a test method for determining the sulfur content of diesel fuel if it meets the applicable accuracy and precision criteria under § 80.584. The approval of a test method is limited to the single test facility that performed the testing for accuracy and precision. The individual facility must submit the accuracy and precision results for each method following procedures established by the Administrator.

(b) *Approval of test methods not approved by a voluntary consensus-based standards body.* For such a method to be approved, the following information must be submitted to the Administrator by each test facility for each test method that it wishes to have approved:

(1) Full test method documentation, including a description of the technology and/or instrumentation that makes the method functional.

(2) Information demonstrating that the test method meets the applicable accuracy and precision criteria of § 80.584.

(3) If requested by the Administrator, test results from use of the method to analyze samples of commercially available fuel provided by EPA.

(4) Any additional information requested by the Administrator and necessary to render a decision as to approval of the test method.

(c)(1) Within 90 days of receipt of all materials required to be submitted under paragraphs (a) or (b) of this section, the Administrator shall determine whether the test method is approved under this section.

(2) If the Administrator determines that the test method is not approvable, within 90 days of receipt of all materials required to be submitted under paragraph (a) or (b) of this section, the Administrator will notify the applicant of the reasons for not approving the method. If the Administrator does not notify the applicant within 90 days of receipt of the application, that the test