

method is not approved, then the test method shall be deemed approved.

(3) If the Administrator finds that an individual test facility has provided false or inaccurate information under this section, upon notice from the Administrator the approval shall be void *ab initio*.

(4) The approval of any test method under paragraph (b) of this section shall be valid for five (5) years from the date of approval by the Administrator and shall not be extended. If the method is later approved by a voluntary consensus-based standards body, the approval shall remain valid as long as the conditions of paragraph (a) of this section are met.

(d) *Quality assurance procedures for sulfur measurement instrumentation.* A test shall not be considered a test using an approved test method unless the following quality control procedures are performed separately for each instrument used to make measurements:

(1) Follow all mandatory provisions of ASTM D 6299-02, "Standard Practice for Applying Statistical Quality Assurance Techniques to Evaluate Analytical Measurement System Performance," and construct control charts from the mandatory quality control testing prescribed in paragraph 7.1 of the practice, following guidelines under A 1.5.1 for individual observation charts and A 1.5.2 for moving range charts.

(2) Follow paragraph 7.3.1 of ASTM D 6299-02 (check standards) using a standard reference material at least monthly or following any major change to the laboratory equipment or test procedure. Any deviation from the accepted reference value of a check standard greater than 1.44 ppm (for diesel fuel subject to the 15 ppm sulfur standard) or 19.36 ppm (for diesel fuel subject to the 500 ppm sulfur standard) must be investigated.

(3) Retain samples of tested batches of diesel fuel for a period at least as long as the period between quality control material or check standard testing occasions.

(4) Upon discovery of any quality control testing violation of paragraph A 1.5.1.3 or A 1.5.2.1 of ASTM D 6299-02, or any check standard deviation greater than 1.44 ppm (for diesel fuel subject to the 15 ppm sulfur standard) or 19.36 ppm (for diesel fuel subject to the 500 ppm sulfur standard), conduct an investigation into the cause of such violation or deviation and, after restoring method performance to statistical control, retest retained samples from batches originally tested since the last satisfactory quality control

material or check standard testing occasion.

43. A new § 80.586 is added to read as follows:

§ 80.586 What are record retention requirements for test methods approved under this subpart?

Each individual test facility must retain records related to the establishment of accuracy and precision values, all test method documentation, and any quality control testing and analysis under §§ 80.584–80.585, for five (5) years.

44. Section 80.590 is revised to read as follows:

§ 80.590 What are the product transfer document requirements for motor vehicle diesel fuel; nonroad, locomotive and marine diesel fuel; and heating oil?

(a) On each occasion that any person transfers custody or title to diesel fuel or heating oil, including distillates used or intended to be used as diesel fuel or heating oil, except when such fuel is dispensed into motor vehicles, nonroad equipment, or locomotives at a retail outlet or wholesale purchaser-consumer facility, the transferor must provide to the transferee documents which include the following information:

- (1) The name and address of the transferor and transferee;
- (2) The volume of diesel fuel which is being transferred;
- (3) The location of the diesel fuel at the time of the transfer;
- (4) The date of the transfer;
- (5) An accurate statement of the applicable fuel designation and uses, as follows:

(i) *Undyed 15 ppm diesel fuel.* (A) For the period of June 1, 2006 and later, "15 ppm (maximum) Undyed Ultra-Low Sulfur Diesel Fuel. For use in all diesel vehicles and engines."

(B) [Reserved]

(ii) *Dyed 15 ppm diesel fuel.* (A) For the period of June 1, 2006 and later, "15 ppm (maximum) Dyed Ultra-Low Sulfur Diesel Fuel. For use in all nonroad, locomotive and marine diesel engines. Not for use in highway vehicles or engines except for tax-exempt use in accordance with sec. 4082 of the Internal Revenue Code."

(B) [Reserved]

(iii) *Undyed 500 ppm diesel fuel.* (A) For the period of June 1, 2006 through November 30, 2010, "500 ppm (maximum) Undyed Low Sulfur Diesel Fuel. For use in Model Year 2006 and older diesel highway vehicles and engines. Also for use in nonroad, locomotive or marine diesel engines. Not for use in 2007 and newer highway vehicles or engines."

(B) [Reserved]

(iv) *Dyed 500 ppm diesel fuel.* (A) For the period of June 1, 2006 through August 31, 2010, "500 ppm (maximum) Dyed Low Sulfur Nonroad, Locomotive and Marine Diesel Fuel. Not for use in highway vehicles or engines except for use in Model Year 2006 and older highway diesel vehicles or engines for tax-exempt use in accordance with Sec. 4082 of the Internal Revenue Code."

(B) For the period of September 1, 2010 through August 31, 2014, "500 ppm (maximum) Dyed Low Sulfur Nonroad Diesel Fuel. For use in 2010 and older nonroad diesel engines. May be used in locomotive and marine diesel engines. Not for use in highway vehicles and engines or model year 2011 or later nonroad engines."

(C) For dyed and marked locomotive and marine fuel, during the period June 1, 2010 through August 31, 2014, "500 ppm (maximum) Dyed and Marked Low Sulfur Locomotive and Marine diesel fuel. Not for use in highway or nonroad vehicles and engines."

(D) For dyed locomotive and marine fuel after August 31, 2014, "500 ppm (maximum) Dyed Low Sulfur Locomotive and Marine diesel fuel. Not for use in highway or nonroad vehicles and engines."

(v) *Dyed High Sulfur NLRM Fuel* under section 80.510(d)(1), including any mixture of low sulfur and/or ultra-low sulfur diesel fuel with high sulfur NLRM Diesel Fuel.

(A) For the period June 1, 2006 through August 31, 2010, "High Sulfur Dyed Nonroad, Locomotive, and Marine Engine Diesel fuel—sulfur content may exceed 500 ppm. Not for use in highway vehicles or engines. Not for use in any nonroad engines."

(vi) *Heating oil.* (A) For heating oil produced or imported at any time beginning June 1, 2006, or beginning June 1, 2006 under section 80.534, "Heating Oil. Not for use in highway vehicles or engines, nonroad engines, or locomotive or marine engines."

(B) [Reserved]

(b) The following may be substituted for the descriptions in paragraph (a) of this section, as appropriate:

(1) "This is high sulfur diesel fuel for use only in Guam, American Samoa, or the Northern Mariana Islands.";

(2) "This diesel fuel is for export use only.";

(3) "This diesel fuel is for research, development, or testing purposes only.";

(4) "This diesel fuel is for use in diesel highway vehicles or nonroad, locomotive, or marine engine equipment having an EPA-approved national security exemption only."