

(c) If undyed and/or unmarked diesel fuel is dyed and/or marked subsequent to the issuance of a product transfer document, at the time the diesel fuel is dyed and/or marked, a new product transfer document must be prepared with the language under paragraph (a)(5) of this section applicable to the changed fuel and provided to subsequent transferees.

(d) Except for transfers to truck carriers, retailers or wholesale purchaser-consumers, product codes may be used to convey the information required under this section if such codes are clearly understood by each transferee. Codes used to convey the statement in paragraphs (a)(5)(i) and (a)(5)(ii) of this section must contain the number "15", and codes used to convey the statement in paragraphs (a)(5)(iii) and (a)(5)(iv) of this section must contain the number "500". Codes used to convey the statement in paragraph (a)(5)(v) must contain the statement "greater than 500" or ">500".

(e) Beginning June 1, 2001 and ending May 31, 2005, any transfer subject to this section, which is also subject to the early credit provisions of § 80.531(b), must comply with all applicable requirements of this section.

(f) Beginning June 1, 2005 and ending May 31, 2006, any transfer subject to this section, which is also subject to the early credit requirements of § 80.531(c), must comply with all applicable requirements of this section.

45. Section 80.591 is revised to read as follows:

§ 80.591 What are the product transfer document requirements for additives to be used in diesel fuel?

(a) Except as provided in paragraphs (b) and (d) of this section, on each occasion that any person transfers custody or title to a diesel fuel additive to a party in the additive distribution system or in the diesel fuel distribution system for use downstream of the diesel fuel refiner, the transferor must provide to the transferee documents which identify the additive, and:

(1) Identify the name and address of the transferor and transferee; the date of transfer; the location at which the transfer took place; the volume of additive transferred; and

(2) Indicates compliance with the 15 ppm sulfur standard by inclusion of the following statement: "The sulfur content of this diesel fuel additive does not exceed 15 ppm."

(b) On each occasion that any person transfers custody or title to a diesel fuel additive subject to the requirements of § 80.521(b), to a party in the additive distribution system or in the diesel fuel

distribution system for use in diesel fuel downstream of the diesel fuel refiner, the transferor must provide to the transferee documents which identify the additive, and:

(1) Identify the name and address of the transferor and transferee; the date of transfer; the location at which the transfer took place; the volume of additive transferred; and

(2) Indicate the high sulfur potential of the additive by inclusion of the following statement:

"This diesel fuel additive may exceed the federal 15 ppm sulfur standard. Improper use of this additive may result in non-complying diesel fuel.";

(3) Includes the following information:

(i) The additive's maximum sulfur concentration;

(ii) The maximum recommended concentration in volume percent for use of the additive in diesel fuel; and

(iii) The contribution to the sulfur level of the fuel, in ppm, that would result if the additive is used at the maximum recommended concentration.

(c) Except for transfers of diesel fuel additives to truck carriers, retailers or wholesale purchaser-consumers, product codes may be used to convey the information required under paragraphs (a) and (b) of this section, if such codes are clearly understood by each transferee. Codes used to convey the statement in paragraph (a)(2) of this section must contain the number "15" and codes used to convey the statement in paragraph (b)(2) of this section may not contain such number.

(d) For those diesel fuel additives which are sold in containers for use by the ultimate consumer of diesel fuel, each transferor must have displayed on the additive container, in a legible and conspicuous manner, either of the following statements, as applicable:

(1) "This diesel fuel additive complies with the federal low sulfur content requirements for use in diesel motor vehicles and nonroad, locomotive, and marine diesel equipment engines.";

(2) For those additives sold in containers for use by the ultimate consumer, with a sulfur content in excess of 15 ppm the following statement: "This diesel fuel additive does not comply with federal ultra-low sulfur content requirements for use in model year 2007 and newer diesel motor vehicles or model year 2011 and newer diesel nonroad equipment engines."

46. Section 80.592 is amended by revising paragraphs (a), (b)(4), and (b)(7) introductory text, redesignating paragraphs (c) through (e) as paragraphs

(e) through (g), and adding new paragraphs (c) and (d) to read as follows:

§ 80.592 What records must be kept?

(a) *Records that must be kept by parties in the motor vehicle diesel fuel and diesel fuel additive distribution systems.* Beginning June 1, 2006, or for a refiner the first compliance period in which the refiner is generating early credits under § 80.531(b) or (c), whichever is earlier, any person who produces, imports, sells, offers for sale, dispenses, distributes, supplies, offers for supply, stores, or transports motor vehicle diesel fuel subject to the provisions of this subpart, must keep the following records:

(1) The applicable product transfer documents required under §§ 80.590 and 80.591;

(2) For any sampling and testing for sulfur content under §§ 80.580 and 80.581 for a batch of motor vehicle diesel fuel produced or imported and subject to the 15 ppm sulfur standard or any sampling and testing for sulfur content or as part of a quality assurance testing program, and any sampling and testing for the cetane index or aromatics content of motor vehicle diesel fuel or motor vehicle diesel fuel additives:

(i) The location, date, time and storage tank or truck identification for each sample collected;

(ii) The name and title of the person who collected the sample and the person who performed the testing; and

(iii) The results of the tests for sulfur content (including where applicable the test results with and without application of the adjustment factor under § 80.580(a)(6) or other standard content, and the volume of product in the storage tank or container from which the sample was taken; and

(3) The actions the party has taken, if any, to stop the sale or distribution of any motor vehicle diesel fuel found not to be in compliance with the sulfur standards specified in this subpart, and the actions the party has taken, if any, to identify the cause of any noncompliance and prevent future instances of noncompliance.

(b) * * *

(4) A record designating the batch as motor vehicle diesel fuel meeting the 500 ppm sulfur standard or as motor vehicle diesel fuel meeting the 15 ppm sulfur standard.

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(7) Information regarding credits, kept separately for each calendar year compliance period, kept separately for each refinery and in the case of importers, kept separately for imports into each CTA, and designated as motor vehicle diesel fuel credits and kept