

fuel regulations. This method is designated in EPA regulations for measuring chemical compositions in reformulated gasoline (RFG), conventional gasoline (CG), and diesel fuel, specifically aromatics and olefins in CG and RFG and aromatics in diesel fuel. These updates allow for more consistent use of the same methodology across EPA motor vehicle fuel regulations and incorporate improvements in the test method procedures that will ensure better operation.

DATES: This direct final rule is effective December 1, 2003, unless we receive adverse comments or a request for public hearing by November 3, 2003. If the Agency receives adverse comment or a request for public hearing, we will withdraw this direct final rule by publishing a timely withdrawal notice in the **Federal Register**.

The incorporation by reference of certain publications in this rule is approved by the Director of the Office of the Federal Register as of December 1, 2003.

ADDRESSES: If you wish to submit comments or request a public hearing, you should send any written materials to the docket address listed and to Joe Sopata, Chemist, Transportation & Regional Programs Division, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW. (6406]],

Washington, DC 20460 or by e-mail to sopata.joe@epa.gov. Materials relevant to this direct final rule have been placed in docket A-2002-15 and docket A-2001-21 located at the following address: EPA Docket Center (EPA/DC), Public Reading Room, Room B102, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC. Dockets may be inspected from 8:30 a.m. to 4:30 p.m., Monday through Friday, except on government holidays. You may reach the Air Docket by telephone at (202) 566-1742 and by facsimile at (202) 566-1741. You may be charged a reasonable fee for photocopying docket materials, as provided in 40 CFR Part 2. Comments and data may be submitted by email to: a-and-r-docket@epa.gov. All comments and data submitted in electronic form must note the docket number, A-2002-15. No confidential business information (CBI) should be submitted by e-mail.

FOR FURTHER INFORMATION CONTACT: If you would like further information about this rule or to request a hearing, contact Joe Sopata, Chemist, Transportation & Regional Programs Division, (202) 564-9034.

SUPPLEMENTARY INFORMATION: The contents of today's preamble are listed in the following outline.

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I. Regulated Entities

Entities potentially affected by this action include those involved with the production, importation, distribution, sale and storage of gasoline motor fuel and diesel motor fuel.

The table below gives some examples of entities that may have to comply with the regulations. However, since these are only examples, you should carefully examine these and other existing regulations in 40 CFR part 80. If you have any questions, please call the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

Category	NAICSs codes ^a	SIC codes ^b	Examples of potentially regulated parties
Industry	32411	2911	Petroleum refiners.
Industry	54138	8734	Testing Laboratories.

^a North American Industry Classification System (NAICS).

^b Standard Industrial Classification (SIC) system code.

II. Rule Changes

A. Updating ASTM D 1319 Test Method to 2002a Year Version

Refiners, importers and oxygenate blenders producing gasoline and diesel motor vehicle fuel are required to test Reformulated Gasoline (RFG), Conventional Gasoline (CG) and diesel fuel for various fuel parameters including olefins, and aromatics. ASTM test method D1319 is currently a designated test method for measuring olefins ¹ in gasoline and aromatics ² in diesel fuel and is also allowed as an alternative test method for measuring aromatics ³ in gasoline. Because rules were adopted at different points in time, the regulations currently cite three

different versions of D 1319 (published in three different years) for these applications.

On February 26, 2002, the Agency published a final rule entitled "Regulation of Fuel and Fuel Additives: Reformulated Gasoline Transition".⁴ Among other things, this final rule updated certain ASTM test methods for RFG and CG, designated in EPA regulations, to their most recent ASTM version. Several designated test methods were updated to their most recent version including methods covering oxygen content, distillation properties, RVP, and aromatics. The designated test method for olefins, ASTM D 1319, was updated by EPA only to its 1998 version and not to the most recent version. This was because the 1999 version of ASTM D 1319 (the most recent version at that

time) had mistakenly left out an important reference to use of another ASTM method. ASTM D 5599-00, the missing test method, measures oxygenate concentration when present in the gasoline sample. Measurement of oxygenate content when oxygenates are present is a required procedure when determining olefin content. Therefore, since ASTM D 5599-00 is EPA's designated method for oxygenate determination, omission of this procedure in the 1999 version of ASTM 1319 meant that it would not be appropriate for EPA to adopt that version of ASTM 1319. We explained in our response to comments that "unless a determination is made that ASTM D 5599-00 can be appropriately included as a method for measuring oxygen and oxygen content with ASTM D 1319-99, EPA will retain the 1998 version of D

¹ 40 CFR 80.46(b).

² 40 CFR 80.2(z).

³ 40 CFR 80.46(f)(3).

⁴ February 26, 2002, (67 FR 8729).