

1319 as the designated test method for olefins".⁵

Recently, David Bradley, the ASTM Director of Committee D02 for Petroleum Products and Lubricants, said in a letter to EPA that ASTM has updated test method D1319 to a 2002 year version.⁶ Mr. Bradley also pointed out that this most recent version of ASTM D 1319 now includes the reference to ASTM D 5599 thus resolving the problem associated with omission of EPA's designated test method for oxygen and oxygen content. The American Petroleum Institute (API) also submitted comments to EPA in support of this test method update of ASTM D 1319 to the 2002 year version.⁷ Thus, both ASTM and API support revising our motor vehicle fuels

regulations to allow the use of D1319–02a for testing of olefins.

In addition to updating our regulations to allow for the use of ASTM D 1319–02a for determining olefins in gasoline (discussed above), we are also today taking action to allow use of the newest version of D1319 for determination of aromatics content in RFG and CG (as an alternative method) and in determining aromatics content in diesel motor fuel. Previous versions of ASTM D1319 were allowed for determining aromatic content under previous rulemakings.

Table 1 lists the designated analytical test methods and alternative analytical test methods which are being updated for parameters measured under RFG, CG, and diesel fuels program in today's

action. We have reviewed the 2002a version of ASTM test method D 1319 and we are in agreement with its revisions. We believe that the revisions in ASTM D 1319–02a are not significant changes that would cause a user of an older version of the same method to incur significant costs. All of the revisions were deemed necessary by ASTM so that improvements in the test method's procedures would ensure better operation for the user of the test method. By updating ASTM D 1319 to the 2002a version for all three of these applications, the required analytical methodologies will be more consistent, making it easier for manufacturers of gasoline and diesel fuel to utilize the ASTM technique for all fuels and properties being tested.

TABLE 1.—DESIGNATED & ALTERNATIVE ANALYTICAL TEST METHODS UNDER RFG, CG & DIESEL FUEL PROGRAMS

Fuel parameter	Analytical test method
Olefins	ASTM D 1319–02a, entitled, "Standard Test Method for Hydrocarbon Types in Liquid Petroleum Products by Fluorescent Indicator Absorption."
Aromatics (gasoline and diesel)	ASTM D 1319–02a, entitled, "Standard Test Method for Hydrocarbon Types in Liquid Petroleum Products by Fluorescent Indicator Absorption", for diesel fuel, this method is the designated test method, for gasoline, this method is an alternative test method and if used as an alternative method, its results must be correlated to ASTM D 5769–98.

In the "Proposed Rules" section of today's **Federal Register**, we are publishing a proposed rule that matches the substance of this direct final rule. If the Agency receives adverse comment or a request for public hearing by November 3, 2003, we will withdraw the direct final rule by publishing a timely withdrawal notice in the **Federal Register**. If the Agency receives no adverse comment or a request for public hearing by November 3, 2003, these test method changes will be effective sixty (60) days after publication of this direct final rule in the **Federal Register**. We are confident that sixty(60) days is sufficient lead time for industry to become familiar and implement this most recent ASTM test method for the applications mentioned above.

III. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866, (58 FR 51735 (October 4, 1993)) the Agency must determine whether the regulatory action is "significant" and therefore subject to OMB review and the

requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, we have determined that this direct final rule is not a significant regulatory action.

B. Paperwork Reduction Act

This action does not add any new requirements involving the collection of

information as defined by the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* The Office of Management and Budget (OMB) has approved the information collection requirements contained in the final RFG/anti-dumping rulemaking (See 59 FR 7716, February 16, 1994) and has assigned OMB control number 2060–0277 (EPA ICR No. 1591.14). The OMB has approved the information collection requirements contained in the final Tax Exempt (Dyed) Highway Diesel Fuel rulemaking (See 66 FR 64817, December 14, 2001) and has assigned OMB control number 2060–0308 (EPA ICR No. 1718.03).

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any

⁵ See Air Docket # A–2001–21, Document # V–C–01.

⁶ See Air Docket # A–2002–15, Document # II–D–01.

⁷ See Air Docket # A–2002–15, Document # II–D–02.