

**Environmental Assessment**

The Coast Guard has considered the environmental impact of these regulations consistent with section 2.B.2.e.(34)(g) of Commandant Instruction M16475.1B and the establishment of a security zone has been determined to be categorically excluded from further environmental documentation.

**Regulatory Evaluation**

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of these regulations is expected to be so minimal that a full regulatory evaluation is unnecessary. Recreational use of the area will be affected. The security zone will extend 400 feet from the shoreline and the depth of water in this area is such that commercial traffic will not be affected.

Since the impact of these regulations is expected to be minimal, the Coast Guard certifies that it will not have a significant impact on a substantial number of small entities.

**List of Subjects in 33 CFR Part 165**

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

**Final Regulations**

In consideration of the foregoing, part 165 of Title 33, Code of Federal Regulations, is amended as follows:

**PART 165—[AMENDED]**

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6 and 160.5; 49 CFR 1.46.

**§ 165.710 [Removed]**

2. Section 165.710 is removed.  
3. Section 165.722 is added to read as follows:

**§ 165.722 Security Zone: St. Johns River, Jacksonville, Florida.**

(a) Location. The water located within the following area is established as a security zone: beginning at the shoreline of the St. Johns River at the northernmost property line of Naval Air Station Jacksonville next to Timuquana Country Club, at 30°14'39.5" N, 81°40'45" W; thence northeasterly to 30°14'42" N, 81°40'42" W; thence south remaining 400 feet from the shoreline at mean high water; thence past Piney

Point and Black Point to the northern edge of Mulberry Cover Manatee refuge, 400 feet from Naval Air Station Jacksonville boat ramp, at 30°13'00" N, 81°40'23.5" W; thence southwesterly in a straight line to position 30°12'14" N, 81°40'42" W; thence southerly, remaining 400' seaward of the mean high water shoreline to 30°11'40" N, 81°41'15.5" W; thence northwest to the point at the end of the property line of Naval Air Station Jacksonville just north of the Buckman Bridge at position 30°11'42.30" N, 81°41'23.66" W; thence northeasterly along the mean high water shoreline of the St. Johns River and Mulberry Cove to the point of beginning. Datum: NAD 83

(b) In accordance with the general regulations in § 165.33 of this part, no person or vessel may enter or remain in the zone without the permission of the Captain of the Port Jacksonville, Florida. All other portions of § 165.33 remain applicable.

(c) This regulation does not apply to Coast Guard vessels and authorized law enforcement vessels operating within the Security Zone.

Dated: December 8, 1995.

A. Regalbuto,

*Captain, U.S. Coast Guard, Captain of the Port, Jacksonville, Florida.*

[FR Doc. 95-30968 Filed 12-19-95; 8:45 am]

BILLING CODE 4910-14-M

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 80**

[AMS-FRL-5399-9]

**Regulation of Fuels and Fuel Additives: Modification of Reformulated and Conventional Gasoline Regulations—Treatment of Business Information Submitted Concerning Individual Baselines**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** Under the Clean Air Act, as amended in 1990 (CAA or the Act), the Environmental Protection Agency (EPA or the Agency) promulgated anti-dumping regulations for conventional gasoline (gasoline not certified as reformulated gasoline (RFG)). These regulations require that conventional gasoline not be more polluting than it was in 1990 and include provisions for the development of individual refinery baselines and other compliance provisions. Today's action modifies the regulations concerning the publication

and confidentiality of individual baselines and information submitted to obtain an individual baseline.

**DATES:** This final rule is effective December 12, 1995.

**ADDRESSES:** Materials relevant to this final rule can be found in Public Docket A-95-03; materials relevant to the reformulated gasoline final rule are contained in Public Dockets A-91-02 and A-92-12. These dockets are located at Room M-1500, Waterside Mall (ground floor), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. The docket may be inspected from 8 a.m. until 5 p.m. Monday through Friday. A reasonable fee may be charged by EPA for copying docket materials.

**FOR FURTHER INFORMATION CONTACT:** Christine M. Brunner, U.S. EPA, Fuels and Energy Division, 2565 Plymouth Road, Ann Arbor, MI 48105. Telephone: (313) 668-4287. To Request Copies of This Document Contact: Delores Frank, U.S. EPA, Fuels and Energy Division, 2565 Plymouth Road, Ann Arbor, MI 48105. Telephone: (313) 668-4295.

**SUPPLEMENTARY INFORMATION:**

I. Electronic Copies of Rulemaking Documents Through the Technology Transfer Network Bulletin Board System (TTNBBS)

A copy of this final rule is available electronically on the EPA's Office of Air Quality Planning and Standards (OAQPS) Technology Transfer Network Bulletin Board System (TTNBBS). The service is free of charge, except for the cost of the phone call. The TTNBBS can be accessed with a dial-in phone line and a high-speed modem per the following information:

TTN BBS: 919-541-5742  
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Voice Help-line: 919-541-5384  
Accessible via Internet: TELNET  
ttnbbs.rtpnc.epa.gov

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A user who has not called TTN previously will first be required to answer some basic informational questions for registration purposes. After completing the registration process, proceed through the following menu choices from the Top Menu to access information on this rulemaking.

<T> GATEWAY TO TTN TECHNICAL AREAS (Bulletin Boards)

<M> OMS—Mobile Sources Information

<K> Rulemaking and Reporting

<3> Fuels

<9> File Area #9 \* \* \* Reformulated gasoline

At this point, the system will list all available files in the chosen category in reverse chronological order with brief descriptions. These files are compressed (i.e., ZIPed). Today's notice can be identified by the following title: CBI-FRM.ZIP. To download this file, type the instructions below and transfer according to the appropriate software on your computer:

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## II. Confidentiality of Information Submitted for Individual Baselines

### A. Introduction

Compliance with certain aspects of the reformulated and conventional gasoline regulations depends on the individual baseline of the refiner or importer.<sup>1</sup> The final regulations issued by EPA in December 1993 establish requirements for developing an individual baseline which is the set of fuel parameter values, emissions and volumes which represent the quality and quantity of the refiner's 1990 gasoline. See 40 CFR 80.91. The final rule also states that certain information contained in a refiner's baseline submittal would not be considered confidential, and that EPA would publish the individual standards for each refinery, blender or importer upon approval of an individual baseline. See 40 CFR 80.93(b)(6).

Persons affected by this provision sought judicial review, objecting to the release or publication of this information on grounds of business confidentiality. *American Petroleum Institute v. U.S. Environmental Protection Agency*, No. 94-1138 (D.C.

Cir.), and consolidated case *Texaco, Inc. and Star Enterprises v. U.S. Environmental Protection Agency*, No. 94-1143 (D.C. Cir.). Based on discussions with these parties, EPA reconsidered this provision and proposed to revise it.<sup>2</sup> 60 FR 40009, August 4, 1995. Under the proposal, EPA would publish only a portion of the baseline information, representing a refinery's baseline emissions values. Instead of determining by regulation that the remaining baseline information submitted by a refiner is non-confidential, EPA would address claims of business confidentiality for this other baseline information under EPA's regulations on "Confidentiality of Business Information (CBI)," 40 CFR part 2 subpart B.

This preamble provides background information on individual baselines and their use, discusses the proposal, and summarizes and responds to the comments received on the proposal. The revisions contained in the August 4, 1995 proposal are finalized as proposed. Refiners may submit to EPA claims of confidentiality on baseline information originally deemed not confidential by the December 1993 rule but for which claims of confidentiality would now be considered under EPA's CBI regulations pursuant to this rulemaking. These claims may be sent to Deborah Adler, U.S. EPA, Fuels and Energy Division, 2565 Plymouth Road, Ann Arbor, MI 48105. Telephone: (313) 668-4223.

### B. Background

A refiner's individual baseline reflects the volume and average quality of its gasoline for the year 1990. Unlike the standards for reformulated gasoline (which for the most part are the same for all refiners), the standards for conventional gasoline (the anti-dumping standards) are generally expressed in terms of this individual baseline, so that compliance with the standards is measured by comparing current production of conventional gasoline against the individual baseline, on an annual basis. For example, for conventional gasoline under the simple model, a refiner's annual average value for exhaust benzene emissions may not exceed its compliance baseline value for exhaust benzene emissions, and its annual average values for sulfur, olefins and T90 may not exceed 125 percent of its compliance baseline values for these parameters. 40 CFR 80.101(b)(1). In

most cases, the compliance baseline is the same as the individual baseline. 40 CFR 80.101(f). For reformulated gasoline, certain standards applicable during 1995 through 1997 are also expressed in terms of a refiner's or importer's individual baseline. 40 CFR 80.41(h)(2).

EPA assigns an individual baseline after reviewing a refiner's baseline submittal. The submittal includes the refiner's estimate of its baseline values for the various required fuel parameters; exhaust emissions values calculated from such parameters; 1990 gasoline volumes; and the blendstock-to-gasoline ratios for 1990 through 1993. Per the December 1993 final rule, this information would not be considered confidential, and EPA would publish, for each refinery or importer, certain baseline exhaust emissions and the sulfur, olefins and T90 standards noted above. 40 CFR 80.93(b)(6).

### C. Proposal

In the preamble to the December 1993 regulations, EPA stated that it believed that each refiner's anti-dumping standard should be publicly known. The standards for reformulated gasoline are publicly known, but are generally the same for all refiners. EPA cited several benefits of publishing a refiner's anti-dumping standards (i.e., specific individual baseline information). These included citizen suit enforcement, more information to the public about EPA's standards, and better deterrence to noncompliance.

However, as stated above, objections raised by certain parties regarding publication of baseline information caused EPA to reconsider which information should be published and which information might more appropriately be handled under EPA's CBI regulations. Because EPA was particularly concerned that the emissions standards for refiners continue to be public,<sup>3</sup> it did not propose to change the regulations regarding publication of the individual baseline exhaust emissions values that comprise a refiner's anti-dumping standards. However, EPA did propose that the standards for sulfur, olefins and T90 applicable during 1995 through 1997 not be published and instead that the reporting requirements be revised such that a refiner would have to note whether and how much its annual average for these values exceeded their individual baseline value. This latter

<sup>1</sup> In general, the provisions regarding individual baselines apply to refiners or importers of conventional gasoline. For brevity in this discussion, the term "refiner" shall include both refiners and importers.

<sup>2</sup> For a discussion of industry concerns regarding this issue and EPA's rationale behind its proposal, see the support document "Regulation of Fuels and Fuel Additives: Standards for Reformulated and Conventional Gasoline—Detailed Discussion and Analysis", Air Docket A-95-03.

<sup>3</sup> The Act specifies that conventional gasoline emissions cannot be greater than they were in 1990. The simple model requirements for sulfur, olefins and T90 were a result of the Regulatory Negotiation process.

reporting information would be considered non-confidential. EPA stated that this would effectively provide the same benefits as publishing the baseline values for these three parameters as it would clearly show whether and how much a refiner violated the standards applicable for these fuel parameters while preserving valid claims of business confidentiality.

EPA's proposal to change the regulations regarding business confidentiality was based in large part on evidence, presented by interested parties in the oil refining industry, arguing that detailed information regarding the quality of a business' 1990 gasoline production would allow a competitor to calculate the business' current cost of producing reformulated gasoline much more accurately with this baseline information. This increased ability to predict current cost of production would lead to significant adverse competitive harm. According to the interested parties, information on individual baseline fuel parameters (i.e., sulfur, olefins and T90) would have much more adverse competitive impact than information on individual baseline exhaust emission values.

In the proposal, EPA also stated that requests for release of other baseline information would be governed by the regulations on the confidentiality of business information at 40 CFR part 2 subpart B. By deferring to 40 CFR part 2 subpart B, the factual and legal issues concerning disclosure of this information may be resolved on a case-by-case basis under EPA's CBI rules.

#### *D. Summary and Analysis of Comments*

EPA received less than ten comments on this issue; most generally supported the proposal. Commenters agreed with EPA that the proposal would properly inform the public of each refiner's standards yet would minimize competitive harm and would protect each refiner's competitive business interests. Commenters also mentioned that foregoing publication of some baseline information does not hinder EPA's ability to enforce the RFG (or anti-dumping) programs. One commenter stated that no negative environmental effects would occur due to the proposed change. EPA agrees with all of these comments.

Commenters also mentioned that indiscriminate publication of baseline data would be contrary to the Agency's stated rationale for establishing the procedures set forth in the CBI regulations. While EPA believes the December 1993 final rule provisions were consistent with the rationale of the Agency's CBI regulations, EPA believes

that the changes adopted today are a more appropriate mechanism to implement this rationale. The December 1993 rule was based on the view that all information submitted by a refiner regarding its individual baseline should be considered non-confidential emissions data, and therefore would not be protected from release notwithstanding its claimed confidential nature. See CAA section 114, 208. In the rule adopted today, EPA basically limits this determination to the information that will be published—individual baseline exhaust emission levels. The reporting information that is considered non-confidential does not meet the definition of confidential business information, without addressing whether it is emissions data. The confidentiality of the remaining baseline information will be addressed under EPA's CBI regulations. Instead of pre-determining whether this remaining information is confidential business information or whether it is emissions data, these issues will be resolved as needed on a case-by-case basis under EPA's CBI regulations. This will allow for a case specific inquiry, focusing on any unique aspects that might be specific to a refiner and thereby reducing the risk of improper disclosure. Having reconsidered these issues, especially the competitive harm that could occur if a refiner's entire baseline information were available for release, EPA believes that the alternative contained in the August 1995 proposal and finalized today will retain the benefits of publishing all of a refiner's individual baseline exhaust emission levels while minimizing competitive harm. One commenter stated that with the proposal the regulations now conformed to the CBI rules.

Another commenter stated that the Act exempts only emission data from CBI rules and that the baseline information is not emission data. EPA disagrees with this comment with respect to the individual baseline exhaust emissions levels. With respect to the remaining individual baseline information, the issue of whether it is or is not emissions data is not resolved by this rulemaking, but will be resolved as needed under EPA's CBI regulations.

Several commenters expressed concern about the ability to claim confidentiality now on baseline information not originally marked confidential. For example, under the December 1993 rule baseline values for sulfur, olefins and T90 were not considered confidential, and many baseline submitters may therefore not have claimed that information as confidential. If not allowed to claim

confidentiality now, someone could arguably request and receive that information from EPA. However, baseline submitters can, and in fact are encouraged to now submit claims of confidentiality on baseline information that the submitter considers confidential, even though not originally marked confidential. EPA's CBI regulations do not prohibit a company from notifying EPA that it now claims certain previously submitted information as business confidential. See 40 CFR 2.203, 2.204(c). This also addresses the suggestion by one commenter that EPA take precautions in releasing other baseline information. Once a company makes such a claim, EPA's regulations generally call for notifying the company and giving it an opportunity to justify the claim of confidentiality prior to any release of the information to the public.

One commenter was concerned about the public perception of any published information, citing potential pressure (presumably to be cleaner than one's standard) from competitors and non-informed public and the resulting impact on investor support. The commenter implied that this kind of pressure can be especially burdensome if performance margins are tight. This same commenter was particularly concerned about small refiners and stated that big refiners are protected by (the ability to) aggregate baselines. While multi-refinery refiners do have the option to aggregate baselines for compliance purposes, publication of baseline information is on a refinery basis, and multi-refinery refiners have no advantage over single-refinery refiners in that regard. This commenter also implicitly suggested that EPA consider relaxing the publication requirements for small refiners since EPA has determined that the contribution to emissions of small refiners is minimal to the point of relaxing some requirements. However, the issue of when and under what conditions to allow for baseline adjustments is a separate issue. Whether or not a refiner meets such criteria, EPA believes there is a continuing value in publishing the applicable standards, including standards based on baseline adjustments. This value, described above, occurs whether the business is small or large. There is also no indication that the business pressures noted by this commenter are greater for small businesses.

#### *E. Final Rule*

EPA today finalizes the provisions regarding the confidentiality of information submitted for individual

baselines and the publication of certain baseline information as proposed in the August 4, 1995 Federal Register (60 FR 40009). The applicable regulations have been modified slightly from the proposal. Specifically, in § 80.75, the proposed additional paragraphs (H), (I) and (J) have been re-ordered to paragraphs (D), (G) and (J) in today's rulemaking. By re-ordering these paragraphs, all paragraphs in § 80.75(b)(2)(ii) referring to a specific fuel parameter, e.g., sulfur, are grouped together, for benefit of the reader. Section 80.105 has also been modified from the proposal, and now requires that a refiner's or importer's simple model standards for conventional gasoline be reported (in addition to the requirements contained in the December 1993 final rule and those contained in the proposal being finalized today). This minor revision results in similar reporting requirements for both reformulated and conventional gasoline under the simple model.

### III. Environmental and Economic Impacts

No environmental impacts are expected as a result of today's action. Economic impacts should be generally beneficial to refiners as one purpose of this action is to reduce any adverse competitive harm that could occur without this change. The environmental and economic impacts of the reformulated gasoline program are described in the Regulatory Impact Analysis supporting the December 1993 rule, which is available in Public Docket A-92-12 located at Room M-1500, Waterside Mall (ground floor), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

### IV. Compliance With the Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980 requires federal agencies to examine the effects of their regulations and to identify any significant adverse impacts of those regulations on a substantial number of small entities. Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities. In fact, today's action is designed to minimize any adverse competitive impacts since only individual baseline exhaust emissions, and not individual baseline fuel parameters values, will be published. Additionally, by this action, less baseline information will automatically be deemed non-confidential.

### V. Administrative Designation

Pursuant to 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 entitlement, 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, it has been determined that this final rule is not a "significant regulatory action".

### VI. Paperwork Reduction Act

The Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, and implementing regulations, 5 CFR part 1320, do not apply to this action as it does not involve the collection of information as defined therein.

### VII. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in the aggregate; or by the private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the action promulgated today does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local or tribal governments in the aggregate, or to the private sector. This action has the net

effect of reducing burden of the reformulated gasoline program on regulated entities. Therefore, the requirements of the Unfunded Mandates Act do not apply to this action.

### VIII. Statutory Authority

The statutory authority for this action is granted to EPA by Sections 114, 211 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7414, 7545, and 7601(a)).

### List of Subjects in 40 CFR Part 80

Environmental protection, Air pollution control, Fuel additives, Gasoline, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: December 12, 1995.

Carol M. Browner,  
Administrator.

For the reasons set out in the preamble, part 80 of title 40 of the Code of Federal Regulations is amended as follows:

### PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

1. The authority citation for part 80 continues to read as follows:

Authority: Sec. 114, 211, and 301(a) of the Clean Air Act as amended (42 U.S.C. 7414, 7545 and 7601(a)).

2. Section 80.75 is amended by revising the heading for paragraph (b)(2), and by revising paragraphs (b)(2)(ii)(D) through (G), and adding paragraphs (b)(2)(ii)(H) through (J) to read as follows:

#### § 80.75 Reporting requirements.

\* \* \* \* \*

(b) \* \* \*

(2) *Sulfur, olefins and T90 averaging reports.*

(i) \* \* \*

(ii) \* \* \*

(D) The difference between the applicable sulfur content standard under § 80.41(h)(2)(i) in parts per million and the average sulfur content under paragraph (b)(2)(ii)(C) of this section in parts per million, indicating whether the average is greater or lesser than the applicable standard;

(E) The applicable olefin content standard under § 80.41(h)(2)(i) in volume percent;

(F) The average olefin content in volume percent;

(G) The difference between the applicable olefin content standard under § 80.41(h)(2)(i) in volume percent and the average olefin content under paragraph (b)(2)(ii)(F) of this section in volume percent, indicating whether the

average is greater or lesser than the applicable standard;

(H) The applicable T90 distillation point standard under § 80.41(h)(2)(i) in degrees Fahrenheit;

(I) The average T90 distillation point in degrees Fahrenheit; and

(J) The difference between the applicable T90 distillation point standard under § 80.41(h)(2)(i) in degrees Fahrenheit and the average T90 distillation point under paragraph (b)(2)(ii)(I) of this section in degrees Fahrenheit, indicating whether the average is greater or lesser than the applicable standard.

\* \* \* \* \*

3. Section 80.93 is amended by revising paragraph (b)(6) to read as follows:

**§ 80.93 Individual baseline submission and approval.**

\* \* \* \* \*

(b) \* \* \*

(6) Confidential business information.  
 (i) Upon approval of an individual baseline, EPA will publish the individual annualized baseline exhaust emissions, on an annual average basis, specified in paragraph (b)(5)(ii) of this section. Such individual baseline exhaust emissions shall not be considered confidential. In addition, the reporting information required under § 80.75(b)(2)(ii) (D), (G) and (J), and § 80.105(a)(4)(i) (E), (H) and (K) shall not be considered confidential.

(ii) Information in the baseline submission which the submitter desires to be considered confidential business information (per 40 CFR part 2, subpart B) must be clearly identified. If no claim of confidentiality accompanies a submission when it is received by EPA, the information may be made available to the public without further notice to the submitter pursuant to the provisions of 40 CFR part 2, subpart B.

\* \* \* \* \*

4. Section 80.105 is amended by revising paragraph (a)(4) to read as follows:

**§ 80.105 Reporting requirements.**

(a) \* \* \*

(4)(i) If using the simple model:

(A) The applicable exhaust benzene emissions standard under § 80.101(b)(1)(i);

(B) The average exhaust benzene emissions under § 80.101(g);

(C) The applicable sulfur content standard under § 80.101(b)(1)(ii) in parts per million;

(D) The average sulfur content under § 80.101(g) in parts per million;

(E) The difference between the applicable sulfur content standard

under § 80.101(b)(1)(ii) in parts per million and the average sulfur content under paragraph (a)(4)(i)(D) of this section in parts per million, indicating whether the average is greater or lesser than the applicable standard;

(F) The applicable olefin content standard under § 80.101(b)(1)(iii) in volume percent;

(G) The average olefin content under § 80.101(g) in volume percent;

(H) The difference between the applicable olefin content standard under § 80.101(b)(1)(iii) in volume percent and the average olefin content under paragraph (a)(4)(i)(G) of this section in volume percent, indicating whether the average is greater or lesser than the applicable standard;

(I) The applicable T90 distillation point standard under § 80.101(b)(1)(iv) in degrees Fahrenheit;

(J) The average T90 distillation point under § 80.101(g) in degrees Fahrenheit; and

(K) The difference between the applicable T90 distillation point standard under § 80.101(b)(1)(iv) in degrees Fahrenheit and the average T90 distillation point under paragraph (a)(4)(i)(J) of this section in degrees Fahrenheit, indicating whether the average is greater or lesser than the applicable standard.

(ii) If using the optional complex model, the applicable exhaust benzene emissions standard and the average exhaust benzene emissions, under § 80.101(b)(2) and (g).

(iii) If using the complex model:

(A) The applicable exhaust toxics emissions standard and the average exhaust toxics emissions, under § 80.101(b)(3) and (g); and

(B) The applicable NO<sub>x</sub> emissions standard and the average NO<sub>x</sub> emissions, under § 80.101(b)(3) and (g).

\* \* \* \* \*

[FR Doc. 95-30986 Filed 12-19-95; 8:45 am]

BILLING CODE 6560-50-P

**40 CFR Part 180**

[PP 6F3417 and 7F3516/R2192; FRL-4990-7]

RIN 2070-AB78

**Thiodicarb; Extension of Pesticide Tolerances**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This rule extends until August 15, 1997, the temporary tolerances for the insecticide thiodicarb and its metabolite in or on leafy

vegetables, broccoli, cabbage, and cauliflower. Rhone Poulenc Ag. Co. requested this regulation pursuant to the Federal Food, Drug and Cosmetic Act (FFDCA).

**EFFECTIVE DATE:** This regulation becomes effective December 20, 1995.

**ADDRESSES:** Written objections and hearing requests, identified by the document control number, [PP 6F3417 and 7F3516/R2192], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket number [PP 6F3417 and 7F3516/R2192]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

**FOR FURTHER INFORMATION CONTACT:** By mail: Dennis Edwards, Jr., Product Manager (PM 19), Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 213, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202; (703) 305-6386; e-mail: edwards.dennis@epamail.epa.gov.