

the sulfur content of butane.

Additionally, ASTM test method D 3246-96 will continue to be allowed as an alternative test method, provided its test results are correlated to ASTM D 6667-01, the designated test method for sulfur in butane.

In the future, EPA intends to establish a performance-based test method approach (PBTM) rule which would provide criteria for the qualification of alternative test methods. Once a PBTM rule has been established by the Agency, ASTM D 3246-96 may qualify under the PBTM rule's criteria as an alternative test method.

#### *D. Additional Alternative Test Method for Sulfur in Gasoline*

Refiners, importers and oxygenate blenders producing gasoline and diesel motor vehicle fuel are required to test RFG, CG and diesel fuel for various fuel parameters including sulfur. Test methods for determining sulfur content are specified in the regulation.

Recently, X-Ray Optical Systems, Incorporated (XOS<sup>®</sup>) requested in a letter to EPA that ASTM D 7039-04 be designated by EPA as an alternative test method in the regulations for sulfur in gasoline.<sup>15</sup> EPA has evaluated XOS<sup>®</sup>'s request on this test method issue and agrees. Thus, EPA is taking action to allow ASTM D 7039-04 as an alternative test method in the regulations for sulfur in gasoline, provided that its results are correlated to ASTM D 2622. The allowance of this additional alternative test method for sulfur in gasoline will provide the regulated community additional flexibility in meeting their testing requirements.

As stated above, EPA plans to establish a PBTM rule for the qualification of alternative test methods. Once this PBTM rule is effective, ASTM D 7039 may qualify as an alternative test method under the PBTM rule's criteria.

#### *E. Removal of Sunset Provision for Alternative Test Methods*

As explained previously, ASTM D 1319 is an alternative test method for measuring total aromatics in gasoline, and ASTM D 4815 is an alternative test method for measuring oxygenates in gasoline. Both of these alternative methods have sunset provisions under which their use as an alternative test method expired on September 1, 2004. On June 16, 2004, EPA issued an enforcement discretion letter allowing the use of these two alternative test methods until December 31, 2005, or

until such time that a rulemaking was promulgated by the Agency to continue to allow the use of these two alternative test methods, whichever is earlier.<sup>16</sup>

Recently, API requested in a letter that the sunset provisions for these two alternative test methods be removed until a PBTM approach for qualifying analytical test methods is promulgated by EPA.<sup>17</sup> Since EPA believes the use of these two alternative test methods has been effective, we are continuing to allow their use until the PBTM rule mentioned previously is promulgated by the Agency. Once a PBTM rule has been established, these two alternative test methods may qualify under the PBTM rule's criteria. The rule change that is the subject of this notice would remove the current sunset provision of September 1, 2004, for both ASTM D 1319 and ASTM D 4815 and allow their use as alternative test methods until a PBTM rule is established by the Agency.

#### *F. Using Rounding When Determining Conformance With a Fuels Standard*

Refiners, importers and oxygenate blenders producing gasoline and diesel motor vehicle fuel are required to test RFG, CG and diesel fuel for various fuel parameters to determine compliance with EPA's motor vehicle fuels standards. These fuels standards are listed in the regulations at 40 CFR part 80.

Each of EPA's motor vehicle fuel standards indicates the number of significant digits which should be present in an observed measurement number to be compared to the standard for the purpose of demonstrating compliance. The appropriate number of significant digits to determine compliance with a fuel standard regulation or to report on a reporting form should be determined from the method outlined in section 3.1 of the ASTM standard practice E 29-02<sup>18</sup>, entitled, "Standard Practice for Using Significant Digits in Test Data to Determine Conformance with Specifications". Regulated parties measuring a fuel parameter to determine compliance with a fuel standard must report their test result out to the number of significant digits specified in the applicable fuel standard. However, a test method used to measure a certain fuel parameter may provide more significant digits in its output than specified in the standard. When this situation occurs, the regulated party should round their test result to

determine if they are in compliance with the standard. The American Society for Testing and Materials (ASTM) has developed the standard practice, ASTM E 29-02<sup>18</sup>, for this situation. The rounding method<sup>18</sup> in this standard practice provides a procedure for rounding a test result to the number of significant digits specified in some standard. After using the rounding method specified in ASTM E 29-02<sup>18</sup>, the regulated party may compare the resulting number to the standard to determine whether they are in compliance.

The Agency has reviewed the rounding method referenced in the standard practice ASTM E 29-02<sup>18</sup>, and we are in agreement with its use for this purpose. The Agency believes referencing the "rounding" method (as contrasted with the "absolute" method) in this ASTM standard practice in EPA's regulations will help to avoid confusion in the fuels distribution system. Therefore, EPA is adding a new section to the motor vehicle fuels regulations at 40 CFR 80.9. This new section would reference the rounding method in ASTM E 29-02<sup>18</sup>. The rounding method is the procedure to follow for rounding a test result when determining compliance with EPA's motor vehicle fuels standards listed at 40 CFR part 80.

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 May 3, 2006, 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 May 3, 2006, 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 these ASTM test methods changes for the applications mentioned above.

<sup>18</sup>The Rounding Method in ASTM E 29-02<sup>18</sup> applies where it is the intent that a limited number of digits in an observed value or calculated value are to be considered significant for purposes of determining conformance to the number of figures listed in a fuels standard. The rounded value should be compared to the specified limit in the fuels standard, and conformance or non-conformance with the specification in the fuels standard be based on this comparison.

<sup>16</sup> See Air Docket #EPA-HQ-OAR-2005-0048-0004.

<sup>17</sup> See Air Docket #EPA-HQ-OAR-2005-0048-0005.

<sup>15</sup> See Air Docket #EPA-HQ-OAR-2005-0048-0003.