

**ENVIRONMENTAL PROTECTION
AGENCY**
40 CFR Part 80

[EPA-HQ-OAR-2014-0905; FRL 9929-91-OAR]

RIN 2060-AS58

**Approval of Alabama's Request To
Relax the Federal Reid Vapor Pressure
Gasoline Volatility Standard for
Birmingham, Alabama**

AGENCY: Environmental Protection Agency.

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to the receipt of two adverse comments, the Environmental Protection Agency (EPA) is withdrawing the May 7, 2015 direct final rule to approve the request from Alabama to relax the Reid Vapor Pressure (RVP) standard applicable to gasoline introduced into commerce from June 1 to September 15 of each year in Jefferson and Shelby counties, Alabama ("the Birmingham area"). The EPA is considering these comments and will address the comments in a separate action. The EPA will not institute a second comment period on this action.

DATES: The direct final rule published at 80 FR 26191 on May 7, 2015 is withdrawn, effective July 2, 2015.

FOR FURTHER INFORMATION CONTACT: Patty Klavon, Office of Transportation and Air Quality, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, Michigan 48105; telephone number: (734) 214-4476; fax number: (734) 214-4052; email address: klavon.patty@epa.gov.

SUPPLEMENTARY INFORMATION: On May 7, 2015 (80 FR 26191), the EPA published a direct final rule to approve a request from the state of Alabama to change the summertime gasoline RVP standard for Jefferson and Shelby counties ("the Birmingham area") from 7.8 pounds per square inch (psi) to 9.0 psi by amending the EPA's regulations at 40 CFR 80.27(a)(2). In an April 17, 2015 final rule, the EPA approved a state implementation plan (SIP) revision from the state of Alabama which provided a technical demonstration that relaxing the federal RVP requirement from 7.8 psi to 9.0 psi for gasoline sold from June 1 to September 15 of each year in the Birmingham area would not interfere with maintenance of the national ambient air quality standards (NAAQS) in the Birmingham area. For more information on Alabama's SIP revision, please refer to the April 17, 2015 rulemaking (80 FR 21170).

In the May 7, 2015 direct final rule, the EPA stated that if adverse comments were received by June 8, 2015, the rule would be withdrawn and not take effect. The EPA received two comments. The EPA is treating these comments as adverse. Therefore, the EPA is withdrawing the direct final rule. The EPA will address these comments in a separate final action based on the May 7, 2015 proposed rulemaking (80 FR 26212). The EPA will not institute a second comment period on this action.

List of Subjects in 40 CFR Part 80

Environmental protection, Administrative practice and procedures, Air pollution control, Fuel additives, Gasoline, Motor vehicle and motor vehicle engines, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

Dated: June 25, 2015.

Gina McCarthy,
Administrator.

Accordingly, the amendment to 40 CFR 80.27 which published in the **Federal Register** on May 7, 2015 at 80 FR 26191 is withdrawn as of July 2, 2015.

[FR Doc. 2015-16390 Filed 7-1-15; 8:45 am]

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**ENVIRONMENTAL PROTECTION
AGENCY**
40 CFR Part 80

[EPA-HQ-OAR-2014-0905; FRL 9929-90-OAR]

RIN 2060-AS58

**Approval of Alabama's Request To
Relax the Federal Reid Vapor Pressure
Gasoline Volatility Standard for
Birmingham, Alabama**

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a request from the state of Alabama for the EPA to relax the Reid Vapor Pressure (RVP) standard applicable to gasoline introduced into commerce from June 1 to September 15 of each year for Jefferson and Shelby counties ("the Birmingham area"). Specifically, the EPA is approving amendments to the regulations to change the RVP standard for the Birmingham area from 7.8 pounds per square inch (psi) to 9.0 psi for gasoline. The EPA has determined that this change to the federal RVP regulation is consistent with the applicable

provisions of the Clean Air Act (CAA). Additionally, the EPA is responding to adverse comments received for this action.

DATES: This final rule is effective on July 2, 2015.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2014-0905. All documents in the docket are listed on the www.regulations.gov Web site. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Patty Klavon, Office of Transportation and Air Quality, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, Michigan 48105; telephone number: (734) 214-4476; fax number: (734) 214-4052; email address: klavon.patty@epa.gov.

SUPPLEMENTARY INFORMATION: The contents of this preamble are listed in the following outline:

- I. General Information
- II. Action Being Taken
- III. History of the Gasoline Volatility Requirement
- IV. The EPA's Policy Regarding Relaxation of Volatility Standards in Ozone Nonattainment Areas That Are Redesignated as Attainment Areas
- V. Alabama's Request To Relax the Federal RVP Requirement for the Birmingham Area
- VI. Response to Comments
- VII. Final Action
- VIII. Statutory and Executive Order Reviews
- IX. Legal Authority and Statutory Provisions

Effective date. Section 553(d) of the Administrative Procedure Act (APA), 5 U.S.C. Chapter 5, generally provides that rules may not take effect earlier than 30 days after they are published in the **Federal Register**. The EPA is issuing this final rule under CAA section 307(d)(1). CAA section 307(d)(1) states: "The provisions of section 553 through 557 . . . of Title 5 shall not, except as expressly provided in this subsection, apply to actions to which this subsection applies." Thus, section 553(d) of the APA does not apply to this rule. The EPA is nevertheless acting consistently with the policies underlying APA section 553(d) in making this rule effective on July 2, 2015. APA section 553(d) allows an effective date less than 30 days after

publication for a rule “that grants or recognizes an exemption or relieves a restriction.” 5 U.S.C. 553(d)(1). This rule fits within that exception because it lifts a restriction on the introduction into commerce of gasoline with a RVP of greater than 7.8 psi sold in Jefferson and Shelby counties, Alabama (“the Birmingham area”) between June 1 and September 15 of each year. Because this action can be considered to relieve a restriction that would otherwise prevent the introduction into commerce of gasoline with an RVP of greater than 7.8 psi, the EPA is making this action effective on July 2, 2015.

I. General Information

A. Does this action apply to me?

Entities potentially affected by this rule are fuel producers and distributors who do business in Alabama.

Examples of potentially regulated entities	NAICS ¹ Codes
Petroleum refineries	324110
Gasoline Marketers and Distributors	424710 424720 447110
Gasoline Retail Stations	484220
Gasoline Transporters	484230

¹North American Industry Classification System

The above table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. The table lists the types of entities of which the EPA is aware that potentially could be affected by this rule. Other types of entities not listed on the table could also be affected by this rule. To determine whether your organization could be affected by this rule, you should carefully examine the regulations in 40 CFR 80.27. If you have questions regarding the applicability of this action to a particular entity, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

B. What is the EPA's authority for taking this action?

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

II. Action Being Taken

This final rule approves a request from the state of Alabama to change the summertime RVP standard for the Birmingham area from 7.8 psi to 9.0 psi by amending the EPA's regulations at 40 CFR 80.27(a)(2). In a previous rulemaking, the EPA approved a state

implementation plan (SIP) revision from the state of Alabama which provided a technical demonstration that relaxing the federal RVP requirement from 7.8 psi to 9.0 psi for gasoline sold from June 1 to September 15 of each year in the Birmingham area would not interfere with maintenance of the national ambient air quality standards (NAAQS) in the Birmingham area. For more information on Alabama's SIP revision, please refer to the April 17, 2015 rulemaking (80 FR 21170).

The preamble for this rulemaking is organized as follows: Section III. provides the history of the federal gasoline volatility regulation. Section IV. describes the policy regarding relaxation of volatility standards in ozone nonattainment areas that are redesignated as attainment areas. Section V. provides information specific to Alabama's request for the Birmingham area. Section VI. provides the EPA's response to the adverse comments received on the May 7, 2015 notice of proposed rulemaking (80 FR 26212). Finally, Section VII. presents the final action in response to Alabama's request.

III. History of the Gasoline Volatility Requirement

On August 19, 1987 (52 FR 31274), the EPA determined that gasoline nationwide was becoming increasingly volatile, causing an increase in evaporative emissions from gasoline-powered vehicles and equipment. Evaporative emissions from gasoline, referred to as volatile organic compounds (VOC), are precursors to the formation of tropospheric ozone and contribute to the nation's ground-level ozone problem. Exposure to ground-level ozone can reduce lung function, thereby aggravating asthma and other respiratory conditions, increase susceptibility to respiratory infection, and may contribute to premature death in people with heart and lung disease.

The most common measure of fuel volatility that is useful in evaluating gasoline evaporative emissions is RVP. Under CAA section 211(c), the EPA promulgated regulations on March 22, 1989 (54 FR 11868) that set maximum limits for the RVP of gasoline sold during the regulatory control periods that were established on a state-by-state basis in the final rule. The regulatory control periods addressed the portion of the year when peak ozone concentrations were expected. These regulations constituted Phase I of a two-phase nationwide program, which was designed to reduce the volatility of gasoline during the high ozone season. On June 11, 1990 (55 FR 23658), the

EPA promulgated more stringent volatility controls as Phase II of the volatility control program. These requirements established maximum RVP standards of 9.0 psi or 7.8 psi (depending on the state, the month, and the area's initial ozone attainment designation with respect to the 1-hour ozone NAAQS.)

The 1990 CAA Amendments established a new section 211(h) to address fuel volatility. CAA section 211(h) requires the EPA to promulgate regulations making it unlawful to sell, offer for sale, dispense, supply, offer for supply, transport, or introduce into commerce gasoline with an RVP level in excess of 9.0 psi during the high ozone season. CAA section 211(h) also prohibits the EPA from establishing a volatility standard more stringent than 9.0 psi in an attainment area, except that the EPA may impose a lower (more stringent) standard in any former ozone nonattainment area redesignated to attainment.

On December 12, 1991 (56 FR 64704), the EPA modified the Phase II volatility regulations to be consistent with CAA section 211(h). The modified regulations prohibited the sale of gasoline with an RVP above 9.0 psi in all areas designated attainment for ozone, effective January 13, 1992. For areas designated as nonattainment, the regulations retained the original Phase II standards published on June 11, 1990 (55 FR 23658), which included the 7.8 psi ozone season limitation for certain areas. As stated in the preamble to the Phase II volatility controls and reiterated in the proposed change to the volatility standards published in 1991, the EPA will rely on states to initiate changes to their respective volatility programs. The EPA's policy for approving such changes is described below in Section IV. of this action.

The state of Alabama initiated this change by requesting that the EPA relax the 7.8 psi RVP standard to 9.0 psi for the Birmingham area, which is subject to the 7.8 psi RVP requirement during the summertime ozone season. Accordingly, the state of Alabama provided a technical demonstration showing that relaxing the federal RVP requirement in the Birmingham area from 7.8 psi to 9.0 psi would not interfere with maintenance of the NAAQS or any other applicable requirement of the CAA. See Section V. of this action for information specific to Alabama's request for the Birmingham area.

IV. The EPA's Policy Regarding Relaxation of Volatility Standards in Ozone Nonattainment Areas That Are Redesignated as Attainment Areas

As stated in the preamble for the EPA's amended Phase II volatility standards (56 FR 64706), any change in the volatility standard for a nonattainment area that was subsequently redesignated as an attainment area must be accomplished through a separate rulemaking that revises the applicable standard for that area. Thus, for former 1-hour ozone nonattainment areas where the EPA mandated a Phase II volatility standard of 7.8 psi RVP in the December 12, 1991 rulemaking, the federal 7.8 psi RVP requirement remains in effect, even after such an area is redesignated to attainment, until a separate rulemaking is completed that relaxes the federal RVP standard in that area from 7.8 psi to 9.0 psi.

As explained in the December 12, 1991 rulemaking, the EPA believes that relaxation of an applicable RVP standard is best accomplished in conjunction with the redesignation process. In order for an ozone nonattainment area to be redesignated as an attainment area, CAA section 107(d)(3) requires the state to make a showing, pursuant to CAA section 175A, that the area is capable of maintaining attainment for the ozone NAAQS for ten years. Depending on the area's circumstances, this maintenance plan will either demonstrate that the area is capable of maintaining attainment for ten years without the more stringent volatility standard or that the more stringent volatility standard may be necessary for the area to maintain its attainment with the ozone NAAQS. Therefore, in the context of a request for redesignation, the EPA will not relax the volatility standard unless the state requests a relaxation and the maintenance plan demonstrates to the satisfaction of the EPA that the area will maintain attainment for ten years without the need for the more stringent volatility standard.

Alabama did not request relaxation of the federal RVP standard from 7.8 psi to 9.0 psi when the Birmingham area was redesignated to attainment for either the 1-hour ozone NAAQS or the 1997 ozone NAAQS. However, Alabama took a conservative approach in developing maintenance plans associated with those redesignation requests by estimating emissions using a federal RVP requirement of 9.0 psi.

V. Alabama's Request To Relax the Federal RVP Requirement for the Birmingham Area

In a May 12, 2006 final rule, the EPA approved the Birmingham area's redesignation request and maintenance plan for the 1997 ozone NAAQS. See 71 FR 27631 (May 12, 2006).² As required, the CAA section 175A maintenance plan provides for continued attainment and maintenance of the 1997 ozone NAAQS for at least ten years from the effective date of the Birmingham area's redesignation to attainment for the 1997 ozone NAAQS. This maintenance plan also includes components demonstrating how the Birmingham area will continue to attain the 1997 ozone NAAQS, and provides contingency measures should the Birmingham area violate that NAAQS. The state of Alabama's ozone redesignation request and maintenance plan for the Birmingham area did not remove the state-level 7.0 psi RVP requirement that was in place for the Birmingham area.³

On March 2, 2012, the state of Alabama, through the Alabama Department of Environmental Management (ADEM), submitted a proposed revision to Alabama's SIP removing the state-level RVP requirement to use 7.0 psi RVP gasoline in the Birmingham area during the summertime ozone season. The EPA approved the revision in an April 20, 2012 final rule. See 77 FR 23619. The revision to the Alabama SIP resulted in the federal RVP requirement of 7.8 psi applying to the Birmingham area.

On November 14, 2014, the state of Alabama submitted a proposed revision to its SIP demonstrating that removal of the federal RVP requirement of 7.8 psi for gasoline during the summer ozone season in the Birmingham area would not interfere with maintenance of any NAAQS. Specifically, the state provided a technical demonstration showing that relaxing the federal RVP requirements in the Birmingham area from 7.8 psi to 9.0 psi would not interfere with maintenance of the NAAQS or with any other applicable requirement of the CAA.

The EPA evaluated and approved Alabama's November 14, 2014 SIP

² The Birmingham area (*i.e.*, Jefferson and Shelby counties) was designated as unclassifiable/attainment for the 2008 ozone NAAQS effective July 20, 2012. See 77 FR 30088 (May 21, 2012).

³ In 2001, the EPA approved a state fuel program that imposed a more stringent 7.0 psi requirement for the Birmingham area, per CAA section 211(c)(4)(C). The low-RVP fuel program required that all gasoline sold during the summertime ozone season (June 1–September 15 of each year) in the Birmingham area contain a maximum RVP of 7.0 psi. See 66 FR 56218 (November 7, 2001).

revision in a previous rulemaking that was subject to public notice-and-comment. The EPA received two comments on that rulemaking, and those comments were addressed in the final rule for that rulemaking. See 80 FR 21170 (April 17, 2015). The comments received can be found in the docket for that rulemaking (EPA–R04–OAR–2014–0867).

In this final action, the EPA is taking the second and final step in the process to approve Alabama's request to relax the summertime ozone season RVP standard for the Birmingham area from 7.8 psi to 9.0 psi. This final action to approve Alabama's request to relax the summertime ozone season RVP standard for the Birmingham area from 7.8 psi to 9.0 psi is based on the EPA's April 18, 2015 approval of Alabama's November 14, 2014 SIP revision, and the fact that the Birmingham area is currently in attainment for all ozone NAAQS.

VI. Response to Comments

On May 7, 2015, the EPA published a direct final rule to approve a request from Alabama for the EPA to relax the RVP standard for the Birmingham Area. See 80 FR 26191. The EPA published a parallel proposal (See 80 FR 26212) in the event that adverse comments were received such that the direct final rule would need to be withdrawn. In the direct final rule, the EPA stated that the direct final rule would be withdrawn and would not take effect if adverse comments were received by June 8, 2015. The EPA further stated that the corresponding proposed rule would remain in effect and that the EPA would respond to any adverse comments received in a subsequent final rule provided the EPA was able to address such comments.⁴ The EPA has received comments on the rulemaking. Although, for the reasons discussed below, these comments are outside of the scope of this action, the EPA is treating these comments as adverse. Therefore, the EPA has withdrawn the direct final rule in a separate **Federal Register** notice and is providing a summary of comments received and the EPA's responses to the comments in this action.

Comment: One commenter contends that fleet turnover cannot be used to offset the emissions increases from RVP relaxation because "fleet turnover was already considered in the maintenance plan" and its use as an offset measure would therefore "double count" the associated emissions decreases. The

⁴ The EPA also noted that an additional public comment period would not be instituted for the action.

commenter also believes that Alabama used inaccurate information in calculating fleet turnover unless it used fleet emission data from the actual fleet in 2015 in the area and that “using inaccurate information to make a decision to approve a SIP revision is arbitrary and capricious.” Additionally, the commenter states that the CAA section “110(l) analysis must include photochemical grid modeling to determine if the increased emissions from weakening the RVP standard adversely impacts 2008 ozone nonattainment areas including Metro-Atlanta, Metro-Memphis, Metro-Knoxville and other nearby areas.”

Response: These comments are beyond the scope of this action. CAA section 110(l) applies to revisions to a SIP submitted by a state. However, this rulemaking does not approve any SIP revisions. Rather, it revises the federal regulations at 40 CFR part 80 applicable to gasoline introduced into commerce in certain areas.

The EPA evaluated the impacts of RVP relaxation in the Birmingham area pursuant to CAA section 110(l) in a previous rulemaking. See 80 FR 21170 (April 17, 2015). The EPA’s evaluation, including its analysis of fleet turnover, was subject to public notice-and-comment. The EPA received two comments on its proposed approval of the state’s CAA section 110(l) noninterference demonstration and responded to those comments in the final rulemaking notice. The EPA’s approval of the noninterference demonstration into the SIP was effective on April 17, 2015. The opportunity for the commenter to express concerns regarding the EPA’s analyses of whether the change to the federal RVP requirements for the Birmingham area would interfere with attainment or maintenance of the NAAQS or any other applicable CAA requirement was during the earlier public notice-and-comment period. The EPA’s rulemaking to revise its regulations in 40 CFR part 80 did not reopen the EPA’s action on Alabama’s CAA section 110(l) demonstration.

Comment: The other commenter contends that the EPA should not relax the RVP requirement in Birmingham because public health will suffer and Alabama has acknowledged that air pollution will increase. The commenter opines that the EPA should not relax the RVP limit because the EPA has proposed to revise the ozone NAAQS. Finally, the commenter asserts that the EPA is taking this action in order to accommodate the ethanol industry and allow for increased ethanol use in the Birmingham area.

Response: These comments are beyond the scope of this action. The EPA is taking this action to revise the RVP limit applicable to the Birmingham area pursuant to a request from the state of Alabama. To support its request for the RVP relaxation, Alabama submitted a demonstration that the change would not interfere with the maintenance of any applicable NAAQS. The EPA approved that demonstration through notice-and comment rulemaking on April 17, 2015. See 80 FR 21170. The opportunity for the commenter to express concerns regarding the EPA’s analyses of whether the change to the federal RVP requirements for the Birmingham area would result in increased emissions and interfere with attainment or maintenance of any applicable NAAQS or any other applicable CAA requirement was during the earlier public notice-and-comment period. The EPA’s rulemaking to revise its regulations in 40 CFR part 80 did not reopen the EPA’s action on Alabama’s CAA section 110(l) demonstration.

With regard to EPA’s proposal to tighten the ozone NAAQS, the CAA does not require that a state address a potential future NAAQS when conducting a CAA section 110(l) analysis, and the EPA does not believe that it is appropriate to delay action in response to a state’s request until a final decision is made on the ozone NAAQS. If the EPA revises the ozone NAAQS and if the Birmingham area is eventually designated nonattainment, the state will have the opportunity to submit a SIP that contains control measures to bring the area into attainment as expeditiously as practicable. This action does not remove any tools available to the state for compliance with a future NAAQS.

Finally, the EPA is approving this change to 40 CFR part 80 based on a request from the state and because the EPA made a final determination that the state made an adequate demonstration to show that removal of this Federal requirement would not interfere with air quality in the Birmingham area. Further, this final action is consistent with CAA requirements. Based upon these factors alone, the EPA is approving Alabama’s request to relax the federal RVP gasoline requirements in the Birmingham area from 7.8 psi to 9.0 psi.

VII. Final Action

The EPA is taking final action to approve the request from Alabama for the EPA to relax the RVP applicable to gasoline introduced into commerce from June 1 to September 15 of each year in the Birmingham area. Specifically, this action amends the applicable RVP

standard from 7.8 psi to 9.0 psi provided at 40 CFR 80.27(a)(2) for the Birmingham area.

VIII. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a “significant regulatory action” under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563. (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act

This action does not impose any new information collection burden under the provisions of the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.*, and therefore is not subject to these requirements.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. The small entities subject to the requirements of this action are refiners, importers or blenders of gasoline that choose to produce or import low RVP gasoline for sale in the Birmingham area and gasoline distributors and retail stations in the Birmingham area. This action relaxes the federal RVP standard for gasoline sold in the Birmingham area during the summertime ozone season (June 1 to September 15 of each year) from 7.8 psi to 9.0 psi. This rule does not impose any requirements or create impacts on small entities beyond those, if any, already required by or resulting from the CAA section 211(h) Volatility Control program. We have therefore concluded that this action will have no net regulatory burden for all directly regulated small entities.

D. Unfunded Mandates Reform Act (UMRA)

This final rule does not contain an unfunded mandate of \$100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The

action implements mandates specifically and explicitly set forth in CAA section 211(h) without the exercise of any policy discretion by the EPA.

E. Executive Order 13132 (Federalism)

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This final rule affects only those refiners, importers or blenders of gasoline that choose to produce or import low RVP gasoline for sale in the Birmingham area and gasoline distributors and retail stations in the Birmingham area. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it approves a state program.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer Advancement Act (NTTAA)

This action does not involve technical standards, and therefore, is not subject to the NTTAA.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations because it does not affect the applicable ozone NAAQS which establish the level of protection provided to human health or the environment. This rule relaxes the applicable volatility standard of gasoline during the summer, possibly resulting in slightly higher mobile source emissions. However, the state of Alabama has demonstrated in the Birmingham area’s approved maintenance plan that this action will not interfere with attainment of the ozone NAAQS. Therefore, disproportionately high and adverse human health or environmental effects on minority or low-income populations are not an anticipated result. The results of this evaluation are contained in Section V. of this final rule. A copy of Alabama’s November 14, 2014 letter requesting that the EPA relax the RVP standard, including the technical analysis demonstrating that the less stringent RVP in the Birmingham area would not interfere with continued maintenance of the 1997 ozone NAAQS or any other applicable standard, has been placed in the public docket for this action.

K. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

L. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of

this action may be filed only in the United States Court of Appeals for the appropriate circuit by August 31, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See CAA section 307(b)(2).

IX. Legal Authority and Statutory Provisions

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

List of Subjects in 40 CFR Part 80

Environmental protection, Administrative practice and procedures, Air pollution control, Fuel additives, Gasoline, Motor vehicle and motor vehicle engines, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

Dated: June 25, 2015.

Gina McCarthy,
Administrator.

For the reasons set forth in the preamble, the EPA amends 40 CFR part 80 as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

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

Authority: 42 U.S.C. 7414, 7521, 7542, 7545, and 7601(a).

■ 2. In § 80.27(a)(2)(ii), the table is amended by:

- a. Revising the entry for Alabama; and
- b. Adding footnote 8.

The revisions and additions read as follows:

§ 80.27 Controls and prohibitions on gasoline volatility.

- (a) * * *
- (2) * * *
- (ii) * * *

APPLICABLE STANDARDS¹ 1992 AND SUBSEQUENT YEARS

State	May	June	July	August	September
Alabama ⁸	9.0	9.0	9.0	9.0	9.0
* * * * *					

¹ Standards are expressed in pounds per square inch (psi).

⁸ The standard for Jefferson and Shelby Counties from June 1 until September 15 in 1992 through July 2, 2015 was 7.8 psi.

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