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MEMORANDUM

TO: Michael McNamer
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FROM: W. Thomas Jennings
Senior Staff Counsel

DATE: August 16, 2001

SUBJECT: PHASE 3 CaRFG FOLLOW-UP AMENDMENTS
REGULATORY ACTION NO. 01-0709-02S

In response to our telephone conversation on August 16, 2001, I enclose the following material:

A. Seven substitute sets of the Final Regulation Order, reflecting the following changes to the Final Regulation Order originally submitted:

Pages 2, 6 and 7: The title of "California Procedures for Evaluating Alternative Specifications for Gasoline Using Vehicle Emissions Testing" is corrected; on page 21, underlining is added for the word "Evaluating" in the name of the document.

Page 2: In the first line of (6.5), the close quotes is corrected.

Page 10: Language is added after the title of section 2262.9(a)(1)(B) stating that the test methods and standards are incorporated by reference.

Page 11: In Note 1, dates are added for the two referenced ASTM test methods.

Page 12: In Note 2, the reference to BATF formulas 3A and 30 has been modified to refer to those formulas as set forth in 27 CFR sections 21.35 and 21.57 as in effect April 1, 2001. "BATF" is changed to "the U.S. Bureau of Alcohol, Tobacco, and Firearms (BATF) of the U.S. Treasury Department," reflecting the text in ASTM D 4806-99 section 7.9.1. Dates of the referenced test methods have also been added.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

Michael McNamer
August 16, 2001
Page 2

Page 13: In section 2262.9(b)(1), “which is incorporated herein by reference” is added at the end.

Pages 20, 22, 24 28, 49: The character “A” at the opening of quoted material is changed to opening quotation marks, to correct errors due to word processing software glitches (p. 28 also corrects a “close quote” in (5)(C)).

Page 28: In section 2266.5(a)(6), the word “gasoline” in the title is made lower case, and in section 2266.5(a)(6)(A) and the following language has been deleted from the end of the text: “based on the designated volume of ethanol to be added”.

Page 29: In section 2266.5(a)(6)(B), the reference at the very end to “section (a)(C)2.a.” is changed to “section (a)(2)(D)2.” to correct a clerical error.

Page 39: In section 2272(a), degree signs are reinserted where they omitted due to a software glitch, and an errant period is removed in the seventh line.

Pages 41, 48: Errant characters are changed to a section sign (“§”) to correct errors due to word processing software glitches.

Page 42: Section 2272(e)(2) has been removed as it was repealed in an earlier rulemaking.

Page 49: In the Note to section 2296, a slash is used to show that the dash after 39000 is being removed.

Pages 51, 52: Errant characters “X” have been replaced with long dashes to correct errors due to word processing software glitches.

Page 52: The first word in (2.0) is capitalized.

B. Two corrected copies of the “California Procedures for Evaluating Alternative Specifications for Gasoline Using Vehicle Emissions Testing,” as amended April 25, 2001, reflecting the corrections described below; one copy is to be attached to the Final Regulation Order being filed with the Secretary of State, and the other copy is to be included in the record.

1. Throughout the document, the italicized commentaries have been deleted, as they were intended to be included only in the version of the document made available with the supplemental 15-day notice.

2. On page 4, in the table of Phase 3 CaRFG Reference Fuel Specifications, [i] all test methods except ARB MLD 116 are labeled as ASTM methods, and a footnote indicates that ASTM stands for American Society of Testing and Materials; [ii] "D2699" is changed to "D2699-99"; [iii] "D3237" is changed to "D3237-79(1984)^{ε1}"; [iv] "D2622-87" is changed to "D2622-87^{ε1}"; [v] "1319-89" is changed to "D1319-89"; [vi] "ARB MLD 116" is changed to "ARB MLD 116 (Nov. 1991)"; "4815-89" is changed to "D4815-89"; and [vii] "3606-87" is changed to "D3606-87".

- C. A copy of the following test methods which are incorporated by reference in the regulations but were not supplied in our original submittal:

Test Methods incorporated by reference in section 2262.9(a)(1)(B):

ASTM D 5501-94(1998)^{ε1}
ASTM D 381-00
ASTM E 203-96
ASTM E 1064-00
ASTM D 512-89(1999)
ASTM D 1688-95
ASTM D 1613-96(1999)
ASTM D 6423-99
ASTM D 1193

Test Method incorporated by reference in section 2262.9(b)(1)(A)

ASTM 5453-93

Test Method incorporated by reference in section 2263(b)(1) and amended in this rulemaking

ASTM 4815-99

Test Methods newly incorporated by reference in "California Procedures for Evaluating Alternative Specifications for Gasoline Using Vehicle Emissions Testing," which is incorporated by reference in section 2266(a), title 13 CCR:

ASTM D 2699-99
ASTM D 3237-79(1984)^{ε1}
ASTM D 86-90
ASTM D 2622-87^{ε1}
ASTM D 323-58

Michael McNamer
August 16, 2001
Page 4

ASTM D 1319-89
ARB MLD 116 (Nov. 1991)
ASTM D 4815-89
ASTM D 3606-87

- D. Tables 8 through 18 as identified in Attachment VI (Additional Supporting Documents and Information”) to the Notice of Public Availability of Modified Text and Supporting Documents and Information, public availability date April 16, 2001. These are to be included in the record after the new Tab 16 I am enclosing.
- E. A revised Table of Contents, showing the new Tab 16.
- F. A new certification of the rulemaking record, reflecting addition of the new references described above.

Thank you for your assistance in this matter. If you have further questions, please call me at 323-9609.

Enclosures