

Environmental Protection Agency

§ 80.606

each compliance period report the following:

(i) The total volume of diesel fuel produced and designated as NRLM diesel fuel.

(ii) The total volume of diesel fuel produced and designated as NRLM diesel fuel having a sulfur content less than or equal to 15 ppm.

(iii) The percentages of NRLM diesel fuel produced and designated having a sulfur content less than or equal to 15 ppm under §80.554(d)(1)(i) and (ii).

(iv) The deficit, if any, and the number of credits purchased, if any, to cover any deficit as provided in §80.554(d)(3).

(v) A report of the small refiner's progress toward compliance with the gasoline standards under §§80.240 and 80.255.

(c) *Credit generation and use.* Information regarding the generation, use, transfer and retirement of credits, separately by refinery and import facility, including the following:

(1) The number of credits at the beginning of the compliance period.

(2) The number of credits generated.

(3) The number of credits used.

(4) If any credits were obtained from or transferred to other refineries or importers, for each other refinery or importer, the name, address, the EPA company identification number, and the number of credits obtained from or transferred to the other party.

(5) The number of credits retired.

(6) The credit balance at the beginning and end of the compliance period.

(d) *Batch reports.* For each batch of NRLM diesel fuel and heating oil (if applicable) produced or imported and delivered during the compliance periods under paragraph (b) of this section, include the following:

(1) The batch volume.

(2) The batch number assigned using the batch numbering conventions under §80.65(d)(3) and the appropriate designation under §80.598.

(3) The date of production or import.

(4) For each batch provide the information specified in paragraph (a)(1) of this section.

(5) [Reserved]

(6) Whether the batch was dyed with visible evidence of dye solvent red 164

before leaving the refinery or import facility or was undyed.

(7) Whether the batch was marked with marker solvent yellow 124 before leaving the refinery or import facility or was unmarked.

(e) *Additional reporting requirements for importers.* Importers of NRLM diesel fuel are subject to the following additional requirements:

(1) The reporting requirements under §80.620, if applicable.

(2) Importers must exclude certified DFR-Diesel from calculations under this section.

(f) *Report submission.* Any report required by this section must be—

(1) On forms and following procedures specified by the Administrator of EPA;

(2) Signed and certified as meeting all the applicable requirements of this subpart by the owner or a responsible corporate officer of the refiner or importer; and

(3) Except for small refiners subject to §80.554(d), submitted to EPA no later than August 31 each year for the prior annual compliance period. Small refiners subject to the provisions of §80.554(d), reports must be submitted August 31 for the previous reporting period.

(4) With the exception of reports required under paragraph (b)(3) of this section, no reports will be required under this section after August 31, 2014.

[69 FR 39200, June 29, 2004, as amended at 70 FR 40899, July 15, 2005]

EXEMPTIONS

§ 80.605 [Reserved]

§ 80.606 What national security exemption applies to distillate fuel?

(a) The motor vehicle diesel fuel standards of §80.520(a)(1), (a)(2), and (c) and the nonroad, locomotive or marine diesel fuel standards of §80.510(a), (b), and (c) do not apply to distillate fuel that is produced, imported, sold, offered for sale, supplied, offered for supply, stored, dispensed, or transported for use in—

(1) Tactical military motor vehicles or tactical military nonroad engines, vehicles or equipment, including locomotive and marine, having an EPA national security exemption from the

§ 80.607

40 CFR Ch. I (7-1-07 Edition)

motor vehicle emissions standards under 40 CFR 85.1708, or from the nonroad engine emission standards under 40 CFR part 89, 40 CFR part 92, 40 CFR part 94, or 40 CFR part 1068; and

(2) Tactical military motor vehicles or tactical military nonroad engines, vehicles or equipment, including locomotive and marine, that are not subject to a national security exemption from vehicle or engine emissions standards as described in paragraph (a)(1) of this section but, for national security purposes (for purposes of readiness for deployment overseas), need to be fueled on the same fuel as the vehicles, engines, or equipment for which EPA has granted such a national security exemption.

(b) The exempt fuel must meet the following conditions:

(1) It must be accompanied by product transfer documents as required under § 80.590;

(2) It must be segregated from non-exempt MVNRLM diesel fuel at all points in the distribution system;

(3) It must be dispensed from a fuel pump stand, fueling truck or tank that is labeled with the appropriate designation of the fuel, such as "JP-5" or "JP-8"; and

(4) It may not be used in any motor vehicles or nonroad engines, equipment or vehicles, including locomotive and marine, other than the vehicles, engines, and equipment referred to in paragraph (a) of this section.

[69 FR 39201, June 29, 2004]

§ 80.607 What are the requirements for obtaining an exemption for diesel fuel used for research, development or testing purposes?

(a) *Written request for a research and development exemption.* Any person may receive an exemption from the provisions of this subpart for diesel fuel used for research, development, or testing purposes by submitting the information listed in paragraph (c) of this section to:

Director, Transportation and Regional Programs Division (6406J), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460 (postal mail); or

Director, Transportation and Regional Programs Division, U.S. Environmental

Protection Agency, 1310 L Street, NW., 6th floor, Washington, DC 20005 (express mail/courier); and

Director, Air Enforcement Division (2242A), U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

(b) *Criteria for a research and development exemption.* For a research and development exemption to be granted, the person requesting an exemption must—

(1) Demonstrate a purpose that constitutes an appropriate basis for exemption;

(2) Demonstrate that an exemption is necessary;

(3) Design a research and development program to be reasonable in scope; and

(4) Exercise a degree of control consistent with the purpose of the program and EPA's monitoring requirements.

(c) *Information required to be submitted.* To demonstrate each of the elements in paragraphs (b)(1) through (4) of this section, the person requesting an exemption must include the following information in the written request required under paragraph (a) of this section:

(1) A concise statement of the purpose of the program demonstrating that the program has an appropriate research and development purpose.

(2) An explanation of why the stated purpose of the program cannot be achieved in a practicable manner without performing one or more of the prohibited acts under this subpart.

(3) To demonstrate the reasonableness of the scope of the program:

(i) An estimate of the program's duration in time and, if appropriate, mileage;

(ii) An estimate of the maximum number of vehicles or engines involved in the program;

(iii) The manner in which the information on vehicles and engines used in the program will be recorded and made available to the Administrator upon request; and

(iv) The quantity of diesel fuel which does not comply with the requirements of §§ 80.520 and 80.521 for motor vehicle diesel fuel or § 80.510 for NRLM diesel fuel.