

## UPDATED INFORMATIVE DIGEST

There has been no change in the laws relating to the proposed regulation, or to the effect of the proposed regulations, from that stated in the Notice of Proposed Regulatory Action. The following changes were made to the original proposal during multiple comment periods

Changes to the original proposal include the following as a result of the first 45 day comment period (March 19, 2010 – May 13, 2010):

- Section 4140(d): The definition of biomass-based diesel fuel was changed to coincide with the 40 CFR Part 79, as amended by Pub. L. 91-604, definition of biomass-based diesel fuel.
- Section 4203: The proposed requirement to require a cautionary statement of fuel dispenser delivering biomass-based diesel fuel was removed because it is not a requirement under 16 CFR Part 306, “automotive Fuel Ratings, Certification and Posting” Rule, as published in the Federal Register Volume 75, Number 50, dated March 16, 2010.

Changes to the modified proposal include the following as a result of the first 15 day additional comment period (July 5, 2010 – July 20, 2010):

- Section 4140(a): The definition of biodiesel fuel was changed to include the product meeting ASTM specifications for biodiesel blending stock
- Section 4140(b): The definition of diesel fuel was changed to include the product meeting ASTM specifications for diesel fuel.
- Section 4140(d): The definition of biomass-based diesel was changed to identify it as non-ester renewable diesel.
- Section 4140(e): The definition of biomass-based diesel blend was changed to identify it as non-ester renewable diesel blend.
- Section 4140(f): The definition of biomass-based diesel was changed to include both biodiesel and non-ester renewable diesel.
- Sections 4142, 4143, 4144, 4146, and 4147: References to a specific volume of ASTM Annual Book of Standards, Section 5 were removed.
- Section 4148(c): The specification for biodiesel blends greater than 20. volume percent were redefined to permit the Division of Measurement Standards to adopt interim standards until such time as ASTM or SAE adopt consensus standards.
- Section 4149: This section was added to specify standards for non-ester renewable diesel blends.
- Section 4203: The proposed requirement to require a cautionary statement of fuel dispenser delivering biomass-based diesel fuel was reinstated.

Changes to the modified second proposal include the following as a result of the second 45 day additional comment period (August 18, 2010 – October 4, 2010):

- Section 4203(c): The proposed requirement to require a cautionary statement of fuel dispensers delivering biomass-based diesel fuel greater than 5. volume percent was again eliminated.

No changes were made as a result of the second 15 day additional comment period (November 1, 2010 – November 15, 2010).