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Federal Trade Commission
Office of the Secretary
Room H-113 (Annex N)
600 Pennsylvania Avenue NW
Washington, DC 205800

Submitted via: www.ftcpublic.commentworks.com and www.regulations.gov

RE: Fuel Rating Rule Review, 16 CFR Part 306
Project No. R811005
MPC Comments on 2014 Fuel Rating Rule

To Whom It May Concern:

Marathon Petroleum Corporation (MPC) appreciates this opportunity to provide comments on the FTC Fuel Rating Rule. MPC is the fourth largest U.S. refiner with seven refineries that have the capacity to process approximately 1.7 million barrels of crude oil per day. MPC markets products in 18 Midwest and Southeast states through approximately 5,200 Marathon brand locations. Our Speedway LLC subsidiary owns and operates approximately 1,480 retail gasoline convenience stores. MPC owns and operates 64 light product terminals and through our pipeline subsidiaries owns, leases, or has ownership interest in approximately 8,300 miles of petroleum pipelines in numerous states. The FTC Fuel Rating rule will have a significant impact upon MPC since we are a producer and marketer of transportation fuels.

MPC supports the comments that have been entered into the docket by the American Fuel and Petrochemical Manufacturers (AFPM) and American Petroleum Institute (API). We are taking this opportunity to add our voice to that of the two trade associations that represent the vast majority of gasoline refiners in the country. We would like to add emphasis to a number of points that are covered in the AFPM and API comments.

Applicable range of the rule

We believe it is imperative that the applicable range of ethanol content be clearly delineated between the FTC and the United States Environmental Protection Agency (EPA). The FTC should only have jurisdiction over fuels containing between E16 and E83 where the designation indicates the percent of ethanol on a volume basis contained in the fuel. The EPA should have jurisdiction over E0 to E15, pursuant to the Clean Air Act section 211 and its implementing

regulations. The current proposal by the FTC leaves open the potential for an individual or entity to market an E15 fuel that does not comply with the EPA requirements for E15. This potential confusion is addressed by clearly stating that the FTC rules only apply to blends that contain 16% ethanol and greater.

Ethanol Increments on the Label

We strongly disagree with proposed single label requirement for all possible ethanol contents between E16 and E83. Instead, the FTC should promulgate two separate standards based upon the ethanol content of the fuel. The first standard would apply to blends between E16 and E50 while the second would apply to all blends above E51. The National Conference on Weights and Measures (NCWM) is currently considering this type of approach and language that MPC finds acceptable for ethanol increment labeling.

E51 to E83 (also known as Flex Fuel)

ASTM D5798 (Standard Specification for Ethanol Fuel Blends for Flexible-Fuel Automotive Spark-Ignition Engines) defines ethanol flex fuel as a transportation fuel that contains between 51 and 83% ethanol for use in flex fuel light duty vehicles. The standard was developed to ensure that ethanol flex fuel (formally known as E85) met customer and safety requirements year round. It requires that the ethanol content of fuel be varied seasonally to provide fuel with the correct vapor pressure to ensure good vehicle performance and safety.

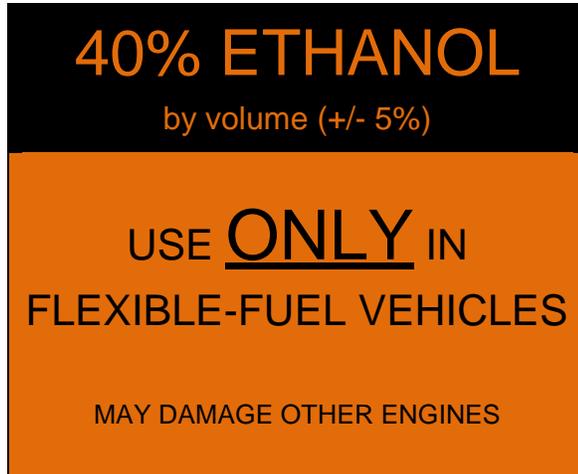
The FTC rule as currently proposed would require service stations to change the label multiple times per year as the fuel blend is modified to meet the standard. During transition seasons, station owners would be required to sample and test their tankage after every receipt to make sure that they have the correct label posted on the pump. This unnecessary burden would provide little useful information to customers. We recommend the FTC consider “minimum 51% ethanol” as the ethanol increment label for E51 to E83 fuel blends.

E16 to E50 ethanol flex fuel blends

ASTM D7794 (Standard Practice for Blending Mid-Level Ethanol Fuel blends for Flexible Fuel Automotive Engines) defines the ethanol flex fuels as those having more ethanol than allowed in conventional-fueled vehicles but less ethanol than the minimum designated in D5798. We agree with the FTC’s proposal to require labels that designate the ethanol content for these fuels every 10% with a variance of plus or minus 5%. This label would cover the E20 and E30 blends marketed by some service stations. These fuels do not vary significantly in ethanol content over time and the label is appropriate for them. We agree that these fuels are only appropriate for use in Flex Fuel vehicles.

Warning on Label

With regards to the warning label, we offer the following examples for consideration. These examples are very similar to the ones found in the API comments except we have replaced “HARM” with “DAMAGE” in both labels. Harm does not provide a strong enough warning to customers on the impact of putting these fuels in engines not designed for it such as small engines, motor cycles, marine, lawnmowers, ATV, snowmobiles and non-Flex Fuel automobiles.



Label Harmonization

As discussed above, the NCWM is also evaluating changes to their model regulations on labeling for ethanol flex fuels. MPC supports the NCWM two phase approach to labeling for ethanol

increments but prefers stronger language as outlined in this letter for the warning label. We request that the FTC work with the NCWM to develop a single standard for labeling to preclude the situation where we would be required to put two labels on a pump to comply with both Federal and State requirements. Two labels would provide no benefit to the consumer in fact it would result in confusion.

NIR for Octane Measurement

We support the commission's proposal to include Near Infrared (NIR) for octane measurement. However, we also recommend that the engine methods to measure octane (D2699 and D2700) be designated as the referee method to ensure that the NIR technique be correlated to the engines using the techniques found in ASTM D6122 (Standard Practice for Validation of the Performance of Multivariate Online, At-Line, and Laboratory Infrared Spectrophotometer Based Analyzer Systems). Without a referee method there is no way to settle disputes between parties when they measure different values. In addition, the FTC should include a reference to ASTM D2885 (Standard Test Method for Determination of Octane Number of Spark-Ignition Engine Fuels by On-Line Direct Comparison Technique) which is an industry accepted methodology and used by many fuel producers for octane certification.

If you have any questions or concerns, please contact Fred Walas, Fuels Technology Manager, at 419-421-3434.

Sincerely,

Frederick A. Walas, PE