## §80.91 Individual baseline determination.

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- (e) \* \* \* (7) \* \* \*

(iv) The provisions of \$80.91(e)(7)(i)(A) through (C) are stayed until October 19, 1995, for all refiners which meet the following requirements:

(A) Baseline adjustments may be allowed, upon petition and approval (per § 80.93), if a refinery produced JP-4 jet fuel in 1990 and all of the following requirements are also met:

(1) The type of refinery must be described as one of the following:

(i) The refinery is the only refinery of a refiner such that it cannot form an aggregate baseline with another refinery (per paragraph (f) of this section); or

(ii) The refinery is one refinery of a multi-refinery refiner for which all of its refineries produced JP-4 in 1990 and each of the refineries also meets the requirements specified in paragraphs (e)(7)(iv)(A)(2) and (3); or

(iii) The refinery is one refinery of a multi-refinery refiner for which not all of the refiner's refineries produced JP-4 in 1990.

(2) No refinery of the refiner produces reformulated gasoline. If any refinery of the refiner produces reformulated gasoline at any time in a calendar year, the compliance baseline of all its refineries receiving a baseline adjustment per this paragraph (e)(7)(A)shall revert to each refinery's unadjusted baseline for that year and all subsequent years.

(3) 1990 JP–4 to gasoline ratio. (*i*) For a refiner per paragraph (e)(7)(iv)(A)(1)(i) of this section, the ratio of its refinery's 1990 JP-4 production to its 1990 gasoline production must equal or exceed 0.15.

(*ii*) For a refiner per paragraph (e)(7)(iv)(A)(1)(ii) of this section, the ratio of each of its refinery's 1990 JP-4 production to its 1990 gasoline production must equal or exceed 0.15.

(*iii*) For a refiner per paragraph (e)(7)(iv)(A)(1)(iii) of this section, the ratio of the refiner's 1990 JP-4 production to its 1990 gasoline production must equal or exceed 0.15, when determined across all of its refineries.

(B) [Reserved]

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3. Section 80.101 is amended by adding a new paragraph (b)(1)(v) to read as follows:

§80.101 Standards applicable to refiners and importers.

\* (b) \* \* \*

(1) \* \* \*

(v) The provisions of § 80.101 (b)(1)(ii) are stayed until October 19, 1995, for all refiners that meet the following requirements:

(A)(1) Baseline adjustments may be allowed, upon petition and approval (per § 80.93), if a refinery meets all of the following requirements:

(*i*) The refinery does not produce reformulated gasoline. If the refinery produces reformulated gasoline at any time in a calendar year, its compliance baseline shall revert to its unadjusted baseline values for that year and all subsequent years;

(ii) Has an unadjusted baseline sulfur value of not more than 50 ppm;

(iii) Is not aggregated with one or more other refineries per § 80.91(f). If a refinery which received an adjustment per this paragraph (b)(1)(v) subsequently is included in an aggregate baseline, its compliance baseline shall revert to its unadjusted baseline values for that year and all subsequent years;

(iv) Would require refinery improvements of at least \$10 million or 10 percent of the depreciated value of the refinery to comply with its unadjusted baseline;

(v) Can show that it could not reasonably or economically obtain crude oil from an alternative source that would permit it to produce conventional gasoline which would comply with its unadjusted baseline;

(vi) Has experienced at least a 25% increase in the average sulfur content of the crude oil used in the production of gasoline in the refinery since 1990, calculated as follows:

 $\frac{(\text{CSHI} - \text{CS90})}{\text{CHG}} \times 100 = \text{CS\%} \text{CHG}$ **CS90** 

Where:

CSHI=highest annual average crude slate per paragraph (b)(1)(v)(A)(2)(ii)of this section

CS90=1990 annual average crude slate sulfur per paragraph (b)(1)(v)(A)(2)(i) of this section

CS%CHG=percent change in average sulfur content of crude slate; and

(vii) Can show that gasoline sulfur changes are directly and solely attributable to the crude sulfur change, and not due to alterations in refinery operation nor choice of products.

(2) The adjusted baseline sulfur value shall be calculated as follows:

(i) Determine the average sulfur content (ppm) of the crude slate utilized in the production of gasoline in the refinery in 1990;

(ii) Determine the highest crude sulfur level (ppm) of the crude slate utilized in the production of gasoline in the refinery in 1994; and

(iii) Determine the adjusted baseline sulfur value as follows:

$$ASULF = \frac{CSHI}{CS90} \times BSULF$$

Where:

ASULF=adjusted baseline sulfur value, ppm

BSULF=actual baseline sulfur value, ppm

- CSHI=highest crude sulfur (ppm) per paragraph (b)(1)(v)(A)(2)(ii) of this section
- CS90=1990 annual average crude slate sulfur per paragraph (b)(1)(v)(A)(2)(i) of this section

(3) In no case can the adjusted baseline sulfur value determined per paragraph (b)(1)(v)(A)(2) of this section exceed the sulfur value specified in §80.91(c)(5)(iii).

(4) All adjustments made pursuant to this paragraph (b)(1)(v) must be accompanied by:

(i) Unadjusted and adjusted fuel parameters and emissions; and

(*ii*) A narrative describing the situation, the types of calculations, and the reasoning supporting the types of calculations done to determine the adjusted values.

(B) Annual average levels of sulfur shall not exceed 125% of the refiner's compliance baseline of sulfur, using the adjusted baseline determined under paragraph (b)(1)(v)(A) of this section. \* \*

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