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;

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

(C) Is not aggregated with one or more other refineries per paragraph (f) of this section. If a refinery which received an adjustment per this paragraph (e)(8) subsequently is included in an aggregate baseline, its compliance baseline shall revert to its unadjusted baseline values for that year and all subsequent years;

(D) 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;

(E) 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;

(F) 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:

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

Where:

- CSHI=highest annual average crude slate per paragraph (e)(8)(ii)(B) of this section
- CS90=1990 annual average crude slate sulfur per paragraph (e)(8)(ii)(A) of this section.
- CS%CHG=percent change in average sulfur content of crude slate;

(G) 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.

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

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

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

(C) 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 (e)(8)(ii)(B) of this section
- CS90=1990 annual average crude slate sulfur per paragraph (e)(8)(ii)(A) of this section

(iii) In no case can the adjusted baseline sulfur value determined per paragraph (e)(8)(ii) of this section exceed the sulfur value specified in paragraph (c)(5)(iii) of this section.

(iv) All adjustments made pursuant to this paragraph (e)(8) must be accompanied by:

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

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

(9) Baseline adjustment for low sulfur and olefins.

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

(A) The unadjusted annual average baseline sulfur value is less than 30 ppm;

(B) The unadjusted annual average baseline olefin value is less than 1.0 vol%;

(C) 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.

(ii) If a refinery is aggregated with one or more other refineries per paragraph (f) of this section, then no adjustment per this paragraph (e)(9) shall be allowed, and the unadjusted baseline shall be used in the aggregated baseline.

(iii) (A) The adjusted baseline shall have an annual average sulfur value of 30 ppm, and an annual average olefin value of 1.0 vol%.

(B) The adjusted baseline shall have a summer sulfur value of 30 ppm, and a summer olefin value of 1.0 vol%.

(C) The adjusted baseline shall have a winter sulfur value of 30 ppm, and a winter olefin value of 1.0 vol%.

4. Section 80.93 is amended by revising paragraph (b)(6) to read as follows:

\$80.93 $\,$ Individual baseline submission and approval.

* * * * *

(b) * * *

(6) Confidential business information.

(i) Upon approval of an individual baseline, EPA will publish the individual annualized baseline exhaust emissions, on an annual average basis, specified in paragraph (b)(5)(ii) of this section. Such individual baseline exhaust emissions shall not be considered confidential. In addition, the reporting information required under § 80.75(b)(2)(ii) (H), (I) and (J), and § 80.105(a)(4) (ii), (iii) and (iv) shall not be considered confidential.

(ii) Information in the baseline submission which the submitter desires to be considered confidential business information (per 40 CFR part 2, subpart B) must be clearly identified. If no claim of confidentiality accompanies a submission when it is received by EPA, the information may be made available to the public without further notice to the submitter pursuant to the provisions of 40 CFR part 2, subpart B.

* * * *

5. Section 80.105 is amended by redesignating paragraph (a)(4) as paragraph (a)(4)(i) and adding paragraphs (a)(4) (ii), (iii), and (iv) to read as follows:

§80.105 Reporting requirements.

(a) * * *

(4)(i) * * *

(ii) If using the simple model, the difference between the applicable sulfur content standard under \S 80.101(b)(1)(ii) in parts per million and the average sulfur content in parts per million, indicating whether the average is greater or lesser than the applicable standard;

(iii) If using the simple model, the difference between the applicable olefin content standard under § 80.101(b)(1)(iii) in volume percent and the average olefin content in volume percent, indicating whether the average is greater or lesser than the applicable standard; and

(iv) If using the simple model, the difference between the applicable T90 distillation point standard under \$ 80.101(b)(1)(iv) in degrees Fahrenheit and the average T90 distillation point in degrees Fahrenheit, indicating whether the average is greater or lesser than the applicable standard.

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