Environmental Protection Agency

Pt. 57, App. A

57.805, the transcript of the hearing, and any additional material timely submitted under § 57.807(d).

(d) Record for preparation of recommended decision. The administrative record for preparation of the recommended decision required by § 57.811 shall consist of the record for acting on request for cross-examination, the transcript of any supplementary hearing held under § 57.808(c), any materials timely submitted in lieu of or in addition to cross-examination under § 57.808(d), and all briefs, proposed findings of fact and proposed recommendations timely submitted under § 57.810.

(e) Record for issuance of final decision.
(1) Where no hearing has been held, the administrative record for issuance of the Administrator’s final decision shall consist of the record for issuing the tentative determination, any comments timely submitted under § 57.803(e)(4), any briefs or reply briefs timely submitted under § 57.812 (a) through (c), and the transcript of any oral argument granted under § 57.810(d).

(2) Where a hearing has been held, the administrative record for issuance of the Administrator’s final decision shall consist of the record of preparation of the recommended decision, any briefs or reply briefs submitted under § 57.812 (a) through (c), and the transcript of any oral argument granted under § 57.810(d).

§ 57.815 State notification.
The Administrator shall give notice of the final decision in writing to the air pollution control agency of the State in which the smelter is located.

§ 57.816 Effect of negative recommendation.
No waiver of the interim requirement for the use of constant controls shall be granted by the Administrator or a State unless the Administrator or a State first takes into account the Administrator’s report, findings, and recommendations as to whether the use of constant controls would be so costly as to necessitate permanent or prolonged temporary cessations of operation of the smelter.

APPENDIX A TO PART 57—PRIMARY NON-FERROUS SMELTER ORDER (NSO) APPLICATION

INSTRUCTIONS

1. General Instructions
1.1 Purpose of the Application
1.2 NSO Financial Tests
1.3 Confidentiality
2. NSO Financial Reporting Overview
2.1 Revenue and Cost Assignment
2.2 Transfer Prices on Affiliated Party Transactions
2.3 Forecasting Requirements
2.4 EPA Furnished Forecast Data
2.5 Applicant Generated Forecasts
2.6 Weighted Average Cost of Capital for Nonferrous Metal Producers
2.7 Horizon Value
2.8 Data Entry
2.9 Use of Schedules
2.10 Use of Exhibits

DETAILED INSTRUCTIONS FOR EACH SCHEDULE

A.1 Historical Revenue Data
A.2 Historical Cost Data
A.3 Historical Profit and Loss Summary
A.4 Historical Capital Investment Summary
B.1 Pre-Control Revenue Forecast
B.2 Pre-Control Cost Forecast
B.3 Pre-Control Forecast Profit and Loss Summary
B.4 Constant Controls Revenue Forecast
B.5 Constant Controls Cost Forecast
B.6 Constant Controls Forecast Profit and Loss Summary for the Profit Protection Test
B.7 Profit Protection Test
C.1 Constant Controls Forecast Profit and Loss Summary for the Rate of Return Test
C.2 Constant Controls Sustaining Capital Investment Forecast
C.3 Historical Capital Investment in Constant Dollars
C.4 Rate of Return Test
C.5 Horizon Value of Cash Flows for the Rate of Return Test
D.1 Interim Controls Revenue Forecast
D.2 Interim Controls Cost Forecast
D.3 Interim Controls Forecast Profit and Loss Summary
D.4 Interim Controls Sustaining Capital Investment Forecast
D.5 Cash Proceeds from Liquidation
D.6 Permanent Waiver from Interim Controls Test
D.7 Horizon Value of Cash Flows for the Interim Controls Test

1. General Instructions
1.1 Purpose of the application. This application provides financial reporting schedules and the accompanying instructions for EPA’s determination of eligibility for a non-ferrous smelter order (NSO), and for a waiver-