allowance allocations will be determined as described in paragraph (b)(1) of this section.

(ii) The NO\textsubscript{X} emission rate (in lb/mmBtu) used for calculating CAIR NO\textsubscript{X} Ozone Season allowance allocations will be the lesser of:

(A) The CAIR NO\textsubscript{X} Ozone Season opt-in unit’s baseline NO\textsubscript{X} emissions rate (in lb/mmBtu) determined under §97.384(d); or

(B) The most stringent State or Federal NO\textsubscript{X} emissions limitation applicable to the CAIR NO\textsubscript{X} Ozone Season opt-in unit at any time during the control period in which the CAIR NO\textsubscript{X} Ozone Season opt-in unit enters the CAIR NO\textsubscript{X} Ozone Season Trading Program under §97.384(g).

(iii) The permitting authority will allocate CAIR NO\textsubscript{X} Ozone Season allowances to the CAIR NO\textsubscript{X} Ozone Season opt-in unit in an amount equaling the heat input under paragraph (c)(2)(i) of this section, multiplied by the NO\textsubscript{X} emission rate under paragraph (c)(2)(ii) of this section, divided by 2,000 lb/ton, and rounded to the nearest whole allowance as appropriate.

(2) For each control period in 2015 and thereafter for which the CAIR NO\textsubscript{X} Ozone Season opt-in unit is to be allocated CAIR NO\textsubscript{X} Ozone Season allowances,

(i) The heat input (in mmBtu) used for calculating the CAIR NO\textsubscript{X} Ozone Season allowance allocations will be determined as described in paragraph (b)(1) of this section.

(ii) The NO\textsubscript{X} emission rate (in lb/mmBtu) used for calculating the CAIR NO\textsubscript{X} Ozone Season allowance allocation will be the lesser of:

(A) 0.15 lb/mmBtu;

(B) The CAIR NO\textsubscript{X} Ozone Season opt-in unit’s baseline NO\textsubscript{X} emissions rate (in lb/mmBtu) determined under §97.384(d); or

(C) The most stringent State or Federal NO\textsubscript{X} emissions limitation applicable to the CAIR NO\textsubscript{X} Ozone Season opt-in unit at any time during the control period for which CAIR NO\textsubscript{X} Ozone Season allowances are to be allocated.

(iii) The permitting authority will allocate CAIR NO\textsubscript{X} Ozone Season allowances to the CAIR NO\textsubscript{X} Ozone Season opt-in unit in an amount equaling the heat input under paragraph (c)(2)(i) of this section, multiplied by the NO\textsubscript{X} emission rate under paragraph (c)(2)(ii) of this section, divided by 2,000 lb/ton, and rounded to the nearest whole allowance as appropriate.

(d) Recordation. If provided in a State implementation plan revision submitted in accordance with §51.123(ee)(3)(i), (ii), or (iii) of this chapter and approved by the Administrator:

(1) The Administrator will record, in the compliance account of the source that includes the CAIR NO\textsubscript{X} Ozone Season opt-in unit, the CAIR NO\textsubscript{X} Ozone Season allowances allocated by the permitting authority to the CAIR NO\textsubscript{X} Ozone Season opt-in unit under paragraph (a)(1) of this section.

(2) By September 1 of the control period in which a CAIR NO\textsubscript{X} Ozone Season opt-in unit enters the CAIR NO\textsubscript{X} Ozone Season Trading Program under §97.384(g) and September 1 of each year thereafter, the Administrator will record, in the compliance account of the source that includes the CAIR NO\textsubscript{X} Ozone Season opt-in unit, the CAIR NO\textsubscript{X} Ozone Season allowances allocated by the permitting authority to the CAIR NO\textsubscript{X} Ozone Season opt-in unit under paragraph (a)(2) of this section.

APPENDIX A TO SUBPART IIII OF PART 97—STATES WITH APPROVED STATE IMPLEMENTATION PLAN REVISIONS CONCERNING CAIR NO\textsubscript{X} OZONE SEASON OPT-IN UNITS

1. The following States have State Implementation Plan revisions under §51.123(ee)(3) of this chapter approved by the Administrator and establishing procedures providing for CAIR NO\textsubscript{X} Ozone Season opt-in units under subpart IIII of this part and allocation of CAIR NO\textsubscript{X} Ozone Season allowances to such units under §97.388(b):

   Indiana
   Michigan
   North Carolina
   Ohio
   South Carolina
   Tennessee

2. The following States have State Implementation Plan revisions under §51.123(ee)(3) of this chapter approved by the Administrator and establishing procedures providing for CAIR NO\textsubscript{X} Ozone Season opt-in units under subpart IIII of this part and allocation of CAIR NO\textsubscript{X} Ozone Season allowances to such units under §97.388(c):

   Indiana
Environmental Protection Agency

\$97.402

Michigan
North Carolina
Ohio
South Carolina
Tennessee


Subpart AAAAA—TR NO\textsubscript{X} Annual Trading Program

SOURCE: 76 FR 48379, Aug. 8, 2011, unless otherwise noted.

\$97.401 Purpose.

This subpart sets forth the general, designated representative, allowance, and monitoring provisions for the Transport Rule (TR) NO\textsubscript{X} Annual Trading Program, under section 110 of the Clean Air Act and §52.38 of this chapter, as a means of mitigating interstate transport of fine particulates and nitrogen oxides.

\$97.402 Definitions.

The terms used in this subpart shall have the meanings set forth in this section as follows:

- **Acid Rain Program** means a multi-state SO\textsubscript{2} and NO\textsubscript{X} air pollution control and emission reduction program established by the Administrator under title IV of the Clean Air Act and parts 72 through 78 of this chapter.

- **Administrator** means the Administrator of the United States Environmental Protection Agency or the Director of the Clean Air Markets Division (or its successor determined by the Administrator) of the United States Environmental Protection Agency, the Administrator’s duly authorized representative under this subpart.

- **Allocate** or **allocation** means, with regard to TR NO\textsubscript{X} Annual allowances, the determination by the Administrator, State, or permitting authority, in accordance with this subpart and any SIP revision submitted by the State and approved by the Administrator under §52.38(a)(3), (4), or (5) of this chapter, of the amount of such TR NO\textsubscript{X} Annual allowances to be initially credited, at no cost to the recipient, to:
  (1) A TR NO\textsubscript{X} Annual unit;
  (2) A new unit set-aside;
  (3) An Indian country new unit set-aside; or
  (4) An entity not listed in paragraphs (1) through (3) of this definition;

- **Allowable NO\textsubscript{X} emission rate** means, for a unit, the most stringent State or federal NO\textsubscript{X} emission rate limit (in lb/MWhr or, if in lb/mmBtu, converted to lb/MWhr by multiplying it by the unit’s heat rate in mmBtu/MWhr) that is applicable to the unit and covers the longest averaging period not exceeding one year.

- **Allowance Management System** means the system by which the Administrator records allocations, deductions, and transfers of TR NO\textsubscript{X} Annual allowances under the TR NO\textsubscript{X} Annual Trading Program. Such allowances are allocated, recorded, held, deducted, or transferred only as whole allowances.

- **Allowance Management System account** means an account in the Allowance Management System established by the Administrator for purposes of recording the allocation, holding, transfer, or deduction of TR NO\textsubscript{X} Annual allowances.

- **Allowance transfer deadline** means, for a control period in a given year, midnight of March 1 (if it is a business day), or midnight of the first business day thereafter (if March 1 is not a business day), immediately after such control period and is the deadline by which a TR NO\textsubscript{X} Annual allowance transfer must be submitted for recordation in a TR NO\textsubscript{X} Annual source’s compliance account in order to be available for use in complying with the source’s TR NO\textsubscript{X} Annual emissions limitation for such control period in accordance with §§97.406 and 97.424.

- **Alternate designated representative** means, for a TR NO\textsubscript{X} Annual source and each TR NO\textsubscript{X} Annual unit at the source, the natural person who is authorized by the owners and operators of