ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 97

[FRL–6170–6]

RIN 2060–AH88

Findings of Significant Contribution and Rulemaking on Section 126 Petitions for Purposes of Reducing Interstate Ozone Transport

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking (NPR).

SUMMARY: In accordance with section 126 of the Clean Air Act (CAA), EPA is proposing action on petitions filed by eight Northeastern States seeking to mitigate what they describe as significant transport of one of the main precursors of ground-level ozone, nitrogen oxides (NO_X), across State boundaries. Each petition specifically requests that EPA make a finding that NO_X emissions from certain stationary sources emit in violation of the CAA's prohibition on emissions that significantly contribute to ozone nonattainment problems in the petitioning State. If EPA makes such a finding of significant contribution, EPA is authorized to establish Federal emissions limits for the sources. The eight Northeastern States that filed petitions are Connecticut, Maine, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont.

This notice proposes to find that portions of certain petitions are technically meritorious under the test applicable under section 126. The EPA is proposing that the technically meritorious portions of the petitions be deemed granted or denied at certain later dates pending certain actions by the States and EPA regarding State submittals in response to the final NO_X State implementation plan call (NO_X SIP call). This notice describes the schedule and conditions under which applicable final findings on the petitions would be automatically triggered. Further, this notice proposes the control requirements that would apply to sources in the source categories for which a final finding is ultimately granted. This notice also proposes to deny certain petitions, in whole or in part. The EPA published a shorter proposal on the section 126 petitions on September 30, 1998 that announced the availability of this longer proposal in the docket and on EPA's Website, announced the public hearing, and requested comment on the proposal.

The transport of ozone and its precursors is important because ozone, which is a primary harmful component of urban smog, has long been recognized, in both clinical and epidemiological research, to affect public health. There is a wide range of ozone-induced health effects, including decreased lung function (primarily in children active outdoors), increased respiratory symptoms (particularly in highly sensitive individuals), increased hospital admissions and emergency room visits for respiratory causes (among children and adults with pre-existing respiratory disease such as asthma), increased inflammation of the lung, and possible long-term damage to the lungs.

DATES: Comments may be submitted until November 30, 1998, as previously announced in a shorter notice of proposed rulemaking published in the **Federal Register** on September 30, 1998.

Comments must be postmarked by the last day of the comment period and sent directly to the Docket Office listed in **ADDRESSES** (in duplicate form if possible). The public hearings for the section 126 and FIP proposals will be held on October 28 and 29, 1998, as previously announced in a shorter notice of proposed rulemaking published in the **Federal Register** on September 30, 1998.

ADDRESSES: Comments may be submitted to the Air and Radiation Docket and Information Center (6102), Attention: Docket No. A–97–43, U.S. Environmental Protection Agency, 401 M Street SW, room M–1500, Washington, DC 20460, telephone (202) 260–7548. Comments and data may also be submitted electronically by following the instructions under **SUPPLEMENTARY INFORMATION** of this document. No confidential business information (CBI) should be submitted through e-mail. For comments that include color graphics, a courtesy copy of comments to Carla Oldham would be appreciated at Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division, MD–15, Research Triangle Park, NC 27711, telephone (919) 541–3347, fax (919) 541–0824, e-mail address oldham.carla@epa.gov. The address for sending overnight packages is U.S. EPA, Air Quality Strategies and Standards Division, 411 W Chapel Hill St., Durham, NC 27701.

The public hearing will be held at the EPA Auditorium, 401 St., SW., Washington, DC.

Documents relevant to this action are available for inspection at the Docket Office, at the above address, between 8 a.m. and 4 p.m., Monday though Friday, excluding legal holidays. A reasonable copying fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: General questions concerning today's action should be addressed to Carla Oldham, Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division, MD–15, Research Triangle Park, NC, 27711, telephone (919) 541–3347. Please refer to **SUPPLEMENTARY INFORMATION** below for a list of contacts for specific subjects described in today's action.

SUPPLEMENTARY INFORMATION:

Availability of Related Information

The official record for this rulemaking, as well as the public version, has been established under docket number A–97–43 (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official rulemaking record is located at the address in **ADDRESSES** at the beginning of this document. Electronic comments can be sent directly to EPA at: A-and-R-Docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number A–97–43. Electronic comments on this NPR rule may be filed online at many Federal Depository Libraries.

The EPA has issued a separate rule on NO_X transport entitled, ''Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone'' (see notices included in the docket for this rulemaking). The rulemaking docket for that rule, hereafter referred to as the NO_X State implementation plan (SIP) call (NO_X SIP call), contains information and analyses that are relied upon in today's proposal on the section 126 petitions. Therefore, EPA is incorporating by reference the entire NO_X SIP call record for purposes of the section 126 rulemaking. Documents related to the NO_X SIP call rulemaking are available for inspection in Docket No. A–96-56 at the address and times

given above. In addition, the proposed NO_X SIP call and associated documents are located at http://www.epa.gov/ttn/oarpg/otagsip.html. The EPA is finalizing action on the NO_X SIP call concurrently with today's proposal on the section 126 petitions.

Additional information relevant to this NPR concerning the Ozone Transport Assessment Group (OTAG) is available on the Agency's Office of Air Quality Planning and Standards' (OAQPS) Technology Transfer Network (TTN) via the web at http://www.epa.gov/ttn/. If assistance is needed in accessing the system, call the help desk at (919) 541–5384 in Research Triangle Park, NC. Documents related to OTAG can be downloaded directly from OTAG's webpage at http://www.epa.gov/ttn/otag. The OTAG's technical data are located at http://www.iceis.mcnc.org/OTAGDC.

For Additional Information

For additional information related to air quality analysis, please contact Carey Jang, Office of Air Quality Planning and Standards; Emissions, Monitoring, and Analysis Division, MD–14, Research Triangle Park, NC 27711, telephone (919) 541–5638. For legal questions, please contact Howard Hoffman, Office of General Counsel, 401 M Street SW, Mc-2344, Washington, DC, 20460, telephone (202) 260–5892. For questions regarding the NO_X cap-and-trade program, please contact Melanie Dean, Office of Atmospheric Programs, Acid Rain Division, MC–6204J, 401 M Street SW, Washington, DC 20460, telephone (202) 564–9189. For questions regarding regulatory cost analyses for electricity generating sources, please contact Ravi Srivastava, Office of Atmospheric Programs, Acid Rain Division, MC–6204J, 401 M Street SW, Washington, DC 20460, telephone (202) 564–9093. For questions regarding regulatory cost analyses for other stationary sources, please contact Scott Mathias, Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division, MD–15, Research Triangle Park, NC 27711, telephone (919) 541–5310.

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I. Background

A. Summary of Rulemaking

In today's action, EPA is proposing to make a technical determination that certain major stationary sources and source categories identified in the section 126 petitions are significantly contributing to nonattainment in, or interfering with maintenance by, one or more petitioning State with respect to one or more of the national ambient air quality standards for ozone (hereafter

referred to as a positive or affirmative technical determination). On the basis of that proposed affirmative technical determination, EPA is proposing that the petitions naming these sources and source categories be granted or denied at certain later dates pending certain actions by the States and EPA regarding State submittals in response to the final NO_X SIP call. The schedule and conditions under which the applicable final findings on the petitions would be triggered are discussed below in Section II.F. The EPA's analysis of significant contribution is discussed in Section II below.

Under the 1-hour ozone standard, EPA is proposing to make affirmative technical determinations as to a subset of sources and source categories named in the petitions from Connecticut, Maine, Massachusetts, New Hampshire, New York, Pennsylvania, and Rhode Island. The source categories for which EPA is proposing this affirmative technical determination of significant contribution are discussed in Section II. The existing sources that are affected by this technical determination are listed in appendix A to proposed part 97.

The EPA is also proposing to partially deny the petitions from Connecticut, Maine, Massachusetts, New Hampshire, New York, Pennsylvania, and Rhode Island because EPA believes some of the sources or source categories named in the petitions are not significantly contributing to nonattainment in the relevant petitioning State with respect to the 1-hour ozone standard. The EPA is proposing to deny the Vermont petition in full with respect to the 1-hour ozone standard because the 1-hour standard no longer applies in that State (See 63 FR 31014).

Three of the petitioners, Massachusetts, Pennsylvania, and Vermont, also directed their petitions at the new 8-hour ozone standard. Under the 8-hour ozone standard, EPA is proposing to make a positive technical determination as to a subset of sources named in the petitions from Massachusetts and Pennsylvania. The source categories for which EPA is proposing this affirmative technical determination of significant contribution are discussed in Section II. The existing sources that are affected by this technical determination are listed in appendix A to proposed part 97. The EPA is proposing to deny the Vermont petition in full with respect to the 8-hour ozone standard because Vermont has no current 8-hour ozone nonattainment problems and no future projected nonattainment problems based on available analyses.

In aggregate for all petitions and both ozone standards, the sources and source categories that EPA is proposing to find significantly contribute to nonattainment in, or interfere with maintenance by, (hereafter simply contribute significantly to) one or more of the petitioning States are located in the following States: Alabama, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, and West Virginia. The combined list of existing sources affected by a positive technical determination with respect to at least one petition, along with proposed emissions limitations in the form of tradable allowance allocations, is located in Appendix A to proposed part 97. The EPA intends to update the list of affected sources on a periodic basis to include new sources in the source categories that are significantly contributing.

Some of the sources that EPA is proposing do not significantly contribute to the petitioning States may be located in States that are affected by a separate rulemaking on NO_X transport, the NO_X SIP call. While emissions from sources in certain States may not be significantly contributing to nonattainment or maintenance problems in any of the eight petitioning States, the sources may be significantly contributing to nonattainment problems in other downwind States. In acting on these section 126 petitions, EPA can only consider the impacts on downwind nonattainment problems in the petitioning States, which are all located in the Northeast. In the NO_X SIP call, EPA considered impacts on nonattainment problems throughout the eastern half of the United States. Therefore, a determination that sources in certain States are not significantly contributing for purposes of this action on the section 126 petitions should not be assumed to reflect EPA's conclusions on significant contribution with regard to the NO_X SIP call or other transport-related rulemakings.

The section 126 petitions varied with regard to the control requirements they recommend for mitigating the interstate transport. While EPA considered the recommendations, section 126 does not limit EPA to the recommended controls in determining an appropriate remedy. In Section III, EPA proposes the emissions limitations that would be necessary to ensure that the affected sources do not or would not emit in violation of the applicable statutory prohibition on significant contribution by upwind States to downwind air quality problems. The control remedy is based on the uniform application of highly cost-effective controls (as determined based on cost per ton of NO_X reduced for each type of source). In selecting the control measures, EPA considered the recommendations made by OTAG on July 8, 1997 and the analyses for the NO_X SIP call. The EPA considered controls that would effectively minimize emissions while not exceeding a source-categorywide $2000 per ton for reductions of ozone season NO_X (in 1990 dollars), on average, for each source category. For electricity generating units larger than 25 MWe, EPA is proposing a control level corresponding to 0.15 lb/mmBtu. For industrial boilers and turbines greater that 250 mmBtu/hr, EPA is proposing a control level corresponding to a 60 percent reduction from an uncontrolled baseline. For small sources and process heaters, EPA is proposing no additional controls. For purposes of this rulemaking, EPA is defining small sources as: (1) Electricity generating boilers and turbines serving a generator 25 MWe or less, and (2) other indirect heat exchangers with a heat input of 250 mmBtu/hr or less. The control requirements are consistent with the assumptions used in developing the final budgets for the NO_X SIP call. Further discussion concerning small point sources can be found in Section II of this preamble.

The EPA intends to implement the control requirements through a Federal NO_X cap-and-trade program, which is described in Section III. The EPA believes a trading program is the most cost-effective approach for achieving emissions reductions from large stationary sources. The proposed trading program is consistent with the model trading rule that EPA is finalizing for purposes of the NO_X SIP call, except for changes necessary to account for Federal implementation instead of State implementation. The EPA envisions that there would be a common trading program among section 126 sources and NO_X SIP call sources in States that choose to participate in the State trading program, and sources subject to a Federal implementation plan under the NO_X SIP call.

In accordance with section 126, sources must comply with the control requirements no later than 3 years from a final positive finding on the petitions, on a schedule to be determined by the EPA Administrator. The EPA is proposing that the full 3 years is necessary for compliance. As discussed below, EPA is proposing that the technically meritorious portions of the

petitions be deemed granted or denied at certain later dates, pending certain actions by States and EPA regarding implementation plans required in response to the NO_X SIP call. The EPA intends to take final action by April 30, 1999 on the technical determination described above, the decision as to when each portion of the petitions would be deemed granted or denied, and the emissions limitations that would apply to any sources for which a petition is ultimately deemed granted.

B. Ozone Transport, Ozone Transport Commission NO_X Memorandum of Understanding (OTC NO_X MOU), OTAG, the NO_X SIP Call, the Revised Ozone National Ambient Air Quality Standard (NAAQS), and Ozone Effects

Today's action occurs against a background of a major national effort, spanning at least the last 10 years, to analyze and take steps to mitigate the problem of the transport of ozone and its precursors across State boundaries. This effort has grown more intensive in the past several years with the approval of the OTC NO_X MOU by 11 of the Northeastern States and the District of Columbia included in the Northeast Ozone Transport Region (OTR), the completion of the OTAG process (described below), and the publication of EPA's proposed NO_X SIP call. In addition, on July 18, 1997, EPA issued a revised NAAQS for ozone, for which is determined over an 8-hour period (the 8-hour standard) (62 FR 38856). In establishing the 8-hour standard, EPA is setting the standard at 0.08 parts per million and defines the new standard as a ''concentration-based'' form, specifically the 3-year average of the annual 4th-highest daily maximum 8-hour ozone concentrations. This has resulted in more areas and larger areas with monitoring data indicating nonattainment. Thus, it is even more important to implement regional control strategies to mitigate interstate pollution in order to assist downwind areas in achieving attainment. This new 8-hour standard must now be taken into account, along with the pre-existing 1-hour standard, in resolving transport issues. These issues and events are detailed in the proposed NO_X SIP call (62 FR 60318) and familiarity with that notice is assumed for purposes of today's notice. In addition, in many areas of the country, the 1-hour standard has been revoked because the areas are attaining that standard (63 FR 31013; June 5, 1998 and 63 FR 39432, July 22, 1998). A State may petition under section 126 for the both the 1-hour standard, to the extent that it still applies in the petitioning State, and the 8-hour standard.

The 1990 CAA set forth many requirements to address nonattainment of the 1-hour ozone NAAQS. Many States have found it difficult to demonstrate attainment of the NAAQS due to the widespread transport of ozone and its precursors. The Environmental Council of the States (ECOS) recommended formation of a national work group to allow for a thoughtful assessment and development of consensus solutions to the problem. This work group, OTAG, was established 3 years ago to undertake an assessment of the regional transport problem in the eastern half of the United States. The OTAG was a collaborative process conducted by representatives from the affected States, EPA, and interested members of the public, including environmental groups and industry, to evaluate the ozone transport problem and develop solutions. The OTAG region included the 37 eastern-most States and the District of Columbia. Through the OTAG process, the States concluded that widespread NO_X reductions are needed in order to enable areas to attain and maintain the ozone NAAQS. Based on information generated by OTAG and other available data, EPA determined that certain States in the OTAG region were significantly contributing to nonattainment problems in downwind States. Therefore, EPA issued a proposed NO_X SIP call requiring the States to revise their SIPs to include NO_X control measures to mitigate the ozone transport. The EPA is finalizing the NO_X SIP call in the same timeframe as this proposal on the section 126 petitions.

The EPA's response to the section 126 petitions differs from EPA's action in the NO_X SIP call rulemaking in several ways. In the NO_X SIP call, where EPA concludes that NO_X emissions from a State are significantly contributing to nonattainment problems in downwind States, EPA will require the State to submit SIP provisions to prohibit an amount of NO_X emissions which represents the significant contribution. The State will have the discretion to select the mix of controls measures for their sources to meet the required statewide NO_X reduction reductions. If the State does not make the required SIP submission, EPA is required to promulgate a Federal implementation plan (FIP) within 2 years of the State failure. In the November 7, 1997 NO_X SIP call proposal, EPA announced that it intended to expedite the FIP promulgation in order to assure that the downwind States receive the air quality benefits of regional NO_X reductions as soon as practicable. Therefore, the EPA is proposing FIPs for all the States affected by the NO_X SIP call in conjunction with EPA's issuance of the final NO_X SIP call.

By comparison, section 126 petitions are limited to addressing emissions from upwind stationary sources and not other sectors of the inventory. If EPA grants the petitions, it is EPA, not the States, that promulgates control requirements for the sources. The control remedy for sources in the section 126 petitions that EPA is proposing in this action is consistent with the control assumptions EPA used for these sources in determining reductions projected to meet the final statewide NO_X budgets for States subject to the NO_X SIP call.

Because the NO_X SIP call process overlaps considerably with the section 126 petition process, in that they both address NO_X transport in the eastern United States, EPA believes it is important to coordinate the two actions as much as possible. As discussed below, EPA and the petitioning States developed a proposed consent decree on the rulemaking schedule for the petitions that takes into consideration the NO_X SIP call rulemaking.

All of the States that submitted section 126 petitions are included in the OTR and participated in the OTAG process. In addition, all of the upwind sources identified in the petitions are located in the OTAG region. All eight petitions rely, in part, on the OTAG analyses for technical justification. The OTAG process concluded in June 1997 prior to the promulgation of the new 8-hour ozone standard and, therefore, the OTAG analyses focused on the 1-hour standard. All the petitions request relief under the 1-hour standard. Three of the petitions also request relief under the new 8-hour standard. In acting on the section 126 petitions, EPA believes that it can only consider 8-hour nonattainment problems for the petitioning States that expressly requested relief under that standard. Under the NO_X SIP call, EPA considered both 1-hour and 8-hour nonattainment problems throughout the OTAG region.

Ground-level ozone, the main harmful ingredient in smog, is produced in complex chemical reactions when its precursors, volatile organic compounds (VOCs) and NO_X, react in the presence of sunlight. The chemical reactions that create ozone take place while the pollutants are being blown through the air by the wind, which means that ozone can be more severe many miles away from the source of emissions than it is at the source.

At ground level, ozone can cause a variety of ill effects to human health, crops and trees. Specifically, ground-level ozone induces the following health effects:

- Decreased lung function, primarily in children active outdoors,
- Increased respiratory symptoms, particularly in highly sensitive individuals,
- Hospital admissions and emergency room visits for respiratory causes, among children and adults with pre-existing respiratory disease such as asthma,
- Inflammation of the lung,
- Possible long-term damage to the lungs.

The new 8-hour primary ambient air quality standard will provide increased protection to the public from these health effects.

Each year, ground-level ozone above background is also responsible for several hundred million dollars worth of agricultural crop yield loss. It is estimated that full compliance of the newly promulgated ozone NAAQS will result in about $500 million of prevented crop yield loss. Ozone also causes noticeable foliar damage in many crops, trees, and ornamental plants (i.e., grass, flowers, shrubs, and trees) and causes reduced growth in plants. Studies indicate that current ambient levels of ozone are responsible for damage to forests and ecosystems (including habitat for native animal species).

C. Section 126

Subsection (a) of section 126 requires, among other things, that SIPs require major proposed new (or modified) stationary sources to notify nearby States for which the air pollution levels may be affected by the fact that such sources have been permitted to commence construction. Subsection (b) provides:

> Any State or political subdivision may petition the Administrator for a finding that any major source or group of stationary sources emits or would emit any air pollutant in violation of the prohibition of section 110(a)(2)(D)(ii) * * * or this section.

Subsection (c) of section 126 states that—

> [I]t shall be a violation of this section and the applicable implementation plan in such State [in which the source is located or intends to locate]—
>
> (1) For any major proposed new (or modified) source with respect to which a finding has been made under subsection (b) of this section to be constructed or to operate in violation of the prohibition of section 110(a)(2)(D)(ii) * * * or this section, or
>
> (2) For any major existing source to operate more than three months after such finding has been made with respect to it.

However, subsection (c) further provides that EPA may permit the continued operation of such major existing sources beyond the 3-month period, if such sources comply with EPA-promulgated emissions limits within 3 years of the date of the finding.

Section 110(a)(2)(D) provides the requirement that a SIP contain adequate provisions—

> (i) Prohibiting, consistent with the provisions of this title, any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will—
>
> (I) Contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to [any] national * * * ambient air quality standard, or
>
> (II) interfere with measures required to be included in the applicable implementation plan for any other State under part C to prevent significant deterioration of air quality or to protect visibility.
>
> (ii) Insuring compliance with the applicable requirements of sections 126 and 115 (relating to interstate and international pollution abatement) * * *

As explained in detail in Section II.A., below, it is EPA's view that, with respect to existing stationary sources, sections 126(b)–(c) and 110(a)(2)(D), read together, authorize a downwind State to petition EPA for a finding that major stationary sources or groups of sources upwind of the State emit in violation of the prohibition of section 110(a)(2)(D)(i) because, among other reasons, their emissions contribute significantly to nonattainment, or interfere with maintenance, of a NAAQS in the State. If EPA grants the requested finding, the existing sources must shut down in 3 months unless EPA directly regulates the sources by establishing emissions limitations and a compliance period extending beyond 3 months but no later than 3 years from the finding. In accordance with section 302(j) of the CAA, the term major stationary source means ''any stationary facility or source which directly emits, or has the potential to emit, one hundred tons per year or more of any air pollutant. * * *'' For the purpose of this rulemaking the relevant pollutant is NO_X emissions.

The EPA acknowledges that others have urged different readings of sections 126(b)–(c) and 110(a)(2)(D) and EPA solicits comments thereon in this rulemaking, as described in Section II.A.1., below.

D. Summary of Section 126 Petitions

The petitions vary as to the type and geographic location of the source categories identified as significant contributors. All the petitions identified source categories; some petitions also provided lists of sources within the specified categories. The source categories include electric generating plants, fossil fuel-fired boilers and other indirect heat exchangers, and certain other related stationary sources that emit NO_X. All the petitions target sources in the Midwest; some also target sources in the South and Northeast. The geographic area covered by each petition is shown in Figure 2. The EPA requests comment from the petitioning States as to whether EPA has correctly interpreted the geographic scope of their petitions.

The petitions also vary as to the level of controls they recommend be applied to the sources to mitigate the transport problem. Several recommend EPA establish a 0.15 lb/mmBtu NO_X emission limitation and several recommend that controls be implemented through a cap-and-trade program. The petitions are described in greater detail below.

All of the petitions rely, in part, on OTAG analyses for technical support. In addition, the States submitted a variety of other technical analyses which include computerized urban airshed modeling, wind trajectory analyses, results of a transport study by the Northeast States for Coordinated Air Use Management, and culpability analyses.

Table I–1 shows, by petitioner, the named source categories, the named geographic areas, and the requested remedy sought by the petitioning States. The named source categories are worded as they appear in the petitions. A map of the OTAG Subregions is provided in part 52, appendix F, Figure 1.

TABLE I–1.—EPA'S SUMMARY OF SECTION 126 PETITIONS

State	Named source categories	Named States	Requested remedy
CT	Fossil fuel-fired boilers or other indirect heat exchangers with a maximum gross heat input rate of 250 mmBtu/hr or greater and electric utility generating facilities with a rated output of 15 MW or greater.	Sources in OTAG Subregions 2, 6, and 7 and portion of OTR extending west and south of CT. Includes all or parts of IN, KY, MI, NC, OH, TN, VA, WV. And OTR States DC, DE, MD, NJ, NY, PA.	Establish, at a minimum, emission limitations and a schedule of compliance consistent with the OTC NO_X MOU, and a cap-and-trade program. Does not request remedy for OTR States because of OTC NO_X MOU.
ME	Electric utilities and steam-generating units with a heat input capacity of 250 mmBtu/hr or greater.	Sources within 600 miles of Maine's ozone nonattainmen t areas. Includes all or parts of NC, OH, VA, WV, and OTR States CT, DE, DC, MD, MA, NJ, NY, NH, PA, RI, VT.	Establish compliance schedule and emissions limitation of 0.15 lb/mmBtu for electric utilities and the OTC NO_X MOU level of control for steam generating units, in a multi-state cap-and-trade NO_X market system.
MA	Electricity generating plants.	Sources in region within 3 counties on either side of the Ohio River in IN, KY, OH, WV.	Establish emissions limitation of 0.15 lb/mmBtu or 1.5 lb/MWh and a compliance schedule.
NH	Fossil fuel-fired indirect heat exchange combustion units and fossil fuel-fired electric generating facilities which emit ten tons of NO_X or more per day.	Sources in OTR States and OTAG Subregions 1 through 7. Includes all or parts of IL, IN, IA, KY, MI, MO, NC, OH, TN, VA, WV, WI. Also OTR States CT, DE, DC, MD, MA, ME, NJ, NY, PA, RI, VT.	Establish compliance schedule and emission limitations no less stringent than: (a) Phase III OTC NO_X MOU reductions; and/or (b) 85% reductions from projected 2007 baseline; and/or (c) An emission rate of 0.15 lb/mmBtu.
NY	Fossil fuel-fired boilers or indirect heat exchangers with a maximum heat input rate of 250 mmBtu/hr or greater and electric utility generating facilities with a rated output of 15 MW or greater.	Sources in OTAG Subregions 2 6, and 7 and portion of OTR extending west and south of NY. Includes all or parts of IN, KY, MI, NC, OH, TN, VA, WV. And OTR States DC, DE, MD, NJ, PA.	Establish, at a minimum, emission limitations and a schedule of compliance consistent with the OTC NO_X MOU, and a cap-and-trade program. Does not request remedy for OTR States because of OTC NO_X MOU.
PA	Fossil fuel-fired indirect heat exchange combustion units with a maximum rated heat input capacity of 250 mmBtu/hr or greater, and fossil fuel-fired electric generating facilities rated at 15 MW or greater.	AL, AR, GA, IL, IN, IA, KY, LA, MI, MN, MS, MO, NC, OH, SC, TN, VA, WV, WI.	Establish emission limitations and a compliance schedule for a cap-and-trade program requiring: (a) seasonal reductions of the less stringent of 55% from 1990 baseline levels, or 0.20 lb/mmBtu, beginning by May 1999; (b) if necessary, seasonal reductions of the less stringent of 75% from 1990 baseline levels, or 0.15 lb/mmBtu, beginning by May 2003; (c) such additional reductions as necessary beginning in 2005.
RI	Electricity generating plants	Sources in region within 3 counties on either side of Ohio River in IN, KY, OH, WV.	Establish emissions limitation of 0.15 lb/mmBtu or 1.5 lb/MWh and a compliance schedule.
VT	Fossil fuel-fired electric utility generating facilities with a maximum gross heat input rate of 250 mmBtu/hr or greater and potentially other unidentified major sources.	Sources located within a geographic area extending 1000 miles southwest from Bennington, VT. Includes all or parts of IL, IN, KY, MI, NC, OH, TN, VA, WV. Also AL GA, IA, MO, SC, WI. Also OTR States CT, DE, DC, MD, MA, NJ, NY, PA.	Establish emissions limitation of 0.15 lb/mmBtu or 1.5 lb/MWh and a compliance schedule. Does not request remedy for OTR States because of OTC NO_X MOU.

1. Control Remedies Recommended by Petitions

The petitions vary regarding the remedy requested. Several of these petitions reference the OTC NO_X MOU, with regard to control levels, affected sources, or compliance deadlines. All of the petitioning States were signatories on the OTC NO_X MOU. The OTC NO_X MOU commits these States (and the 4 other signatory parties—New Jersey, Maryland, Delaware, and the District of Columbia) to reductions in ozone season NO_X emissions from large utility and industrial combustion sources through implementation of a phased-in regionwide cap-and-trade program. Specifically, affected sources in the OTR are fossil fuel-fired boilers and other indirect heat exchangers with a maximum rated heat input capacity of 250 mmBtu/hr or greater, and electric generating facilities with a rated output of 15 megawatts (MW) or greater.

The OTC NO_X MOU established emissions reduction requirements for these sources in the OTR, creating emissions budgets for 1999 (Phase II) and 2003 (Phase III). (Phase I required the installation of reasonably available control technology (RACT) by May 1995.) The requirements vary across three control zones in the region: an inner zone ranging from the District of Columbia metropolitan area northeast to southeastern New Hampshire (covering all contiguous moderate and above nonattainment areas), an outer zone ranging out from the inner zone to western Pennsylvania, and a northern zone which includes much of northern New York and northern New England (including most of New Hampshire).

For Phase II of the OTC NO_X MOU, which begins in 1999, sources in the inner zone are subject to emissions reduction requirements based on the less stringent of an emission rate of 0.20 pounds NO_X per million British thermal units of heat input (lb/mmBtu), or a 65 percent reduction from 1990 NO_X levels; sources in the outer zone are subject to emissions reduction requirements based on the less stringent of a 0.20 lb/mmBtu rate, or a 55 percent reduction from 1990 NO_X levels; and

sources in the northern zone must adopt RACT. The Phase III requirements, which may be altered by a ''mid-course correction'' based on new information such as refined air quality modeling, establish emissions reduction requirements based on the lesser of a 0.15 lb/mmBtu rate, or a 75 percent reduction from 1990 levels for sources in both the inner and outer zones. Northern zone sources would face emissions reduction requirements based on the lesser of a 0.20 lb/mmBtu rate, or a 55 percent reduction from 1990 levels. In both Phase II and III in all three zones, electric generating facilities less than 250 mmBtu/hr but above 15 MW are subject only to a capping of emissions at 1990 levels for purposes of budget calculation. However, individual States determine specific allocations for each source from their overall budget based on independent allocation formulas, and thus the allocation for these sources will not necessarily reflect this level.

Though all of the petitions request that EPA impose controls in terms of various emissions limitations, four of the eight petitions—New York, Connecticut, Pennsylvania, and Maine—also request that a trading program with a cap, or emissions budget, be established to implement these controls. Massachusetts, Rhode Island, and Vermont request that limitations be established for all named sources at 0.15 lb/mmBtu, which is the level of control for electric generating facilities used to calculate the budget in the proposed NO_X SIP call. Maine requests an emission limitation of 0.15 lb/mmBtu for named electric utilities, but the OTC NO_X MOU level of control for named steam generating units. New Hampshire requests emission limitations no less stringent than the Phase III OTC NO_X MOU reductions, and/or 85 percent reductions from the projected 2007 baseline, and/or an emission rate of 0.15 lb/mmBtu. New York, Connecticut and Pennsylvania all request that emissions limitations consistent with the OTC NO_X MOU be imposed on named sources, but Pennsylvania and Connecticut specify the outer zone requirements; New York does not specify a zone. The level of reduction requested for 2003 in these three petitions specifying basic OTC NO_X MOU requirements appears to be less stringent than that in the petitions requesting 0.15 lb/mmBtu, since the remedy requested would allow sources the option to implement the less stringent of a percentage reduction or an emission rate. In terms of smaller sources named by these three States, Pennsylvania's petition appears to seek somewhat more reductions than the OTC NO_X MOU by requiring the same emission level for electric generating facilities less than 250 mmBtu/hr and greater than 15MW as for larger units. Both Connecticut and New York appear to be aligned with the OTC NO_X MOU in seeking only a capping of emissions at 1990 levels for these smaller sources.

New York, Connecticut and Pennsylvania recommend a date for the implementation by sources of control requirements: the OTC NO_X MOU schedule of compliance, including its phased-in controls and implementation dates of 1999 and 2003. The remaining States request that EPA establish a schedule of compliance requiring sources to comply with emission limitations as expeditiously as practicable.

2. Sources Covered by Petitions

The petitions vary somewhat regarding the universe of sources they name as significant contributors to their ozone problem. Three of the petitioning States—New York, Connecticut, and Pennsylvania—name the same universe of sources covered by the OTC NO_X MOU. New Hampshire names fossil fuel-fired indirect heat exchangers and electric generating facilities as well, but uses a tonnage applicability cut-off to include only sources that emit ten tons or more of NO_X per day. Massachusetts and Rhode Island name ''electricity generating plants'' as the universe requiring controls, without naming a specific size cutoff. Finally, Vermont names fossil fuel-fired electric generating facilities of 250 mmBtu or greater.

All of the section 126 petitions, except Pennsylvania's, Massachusetts' and Rhode Island's, named some States in the OTR as significant contributors. However, only New Hampshire and Maine requested relief beyond OTC NO_X MOU requirements from sources in the OTR. The geographic scope of each petition is discussed in Section II.

Section 126 allows States to petition EPA for a finding against sources and groups of sources that ''emit'' or ''would emit'' pollution that significantly contributes to nonattainment problems in the petitioning State. Thus, a finding could potentially apply not only to existing sources within a particular source category, but also to sources that would be built in the future. The EPA believes the current section 126 petitions are ambiguous as to whether the requested findings are intended to encompass new sources.

All of the petitions describe the requested finding as against source categories that ''are emitting'' significantly contributing levels of NO_X. This suggests that perhaps the petitions are only intended to address existing sources. In addition, four petitions (Massachusetts, New Hampshire, New York, and Rhode Island) provide lists of sources in the targeted source categories and do not indicate that future sources should be added. However, it is notable that, in defining the universe of covered sources, all of the petitions identified specific source categories rather than just identifying specific sources. If emissions from the existing sources in the named source categories are of concern to the petitioning States, then it follows that emissions from new sources of the same type would also be of concern because they would increase the amount of emissions emitted by the category as a whole.

The recommended control remedies in the petitions may provide the best insight into whether the petitions are to cover new sources. As discussed above, all of the petitioning States are signatories on the OTC NO_X MOU. The OTC NO_X MOU outlines a cap-and-trade control program designed to reduce NO_X transport from certain groups of stationary sources in the OTR that are generally the same types of sources as covered by the petitions. The OTC NO_X MOU program does include controls on both existing and new sources. The Connecticut, New Hampshire, New York, and Pennsylvania petitions all request the section 126 control remedy to be consistent with the OTC NO_X MOU. Maine also requests that a control remedy be implemented through a cap-and-trade program. Further, five of the eight petitions request that EPA make a section 126 finding against sources in other OTR States, in addition to sources outside the OTR. It does not seem reasonable that any of the petitioning States would determine that both existing and new sources should be controlled for transport purposes within the OTR through the OTC NO_X MOU, while recommending that outside the OTR only existing sources of the same type would need to be controlled for transport.

Based on the above information, EPA is proposing to interpret all eight section 126 petitions to cover both existing and new sources. Therefore, if any final findings are triggered for source categories in a particular geographic area, new sources in those source categories locating in that area would also be subject to the section 126 control remedy. If any of the petitioning States disagrees with this interpretation as to its petition, EPA requests that the State

submit clarifying comments on this issue.

E. Litigation on Rulemaking Schedule

Section 126(b) requires EPA to make the requested finding, or deny the petition, within 60 days of receipt. It also requires EPA to provide a public hearing for the petition. In addition, EPA's action under section 126 is subject to the procedural requirements of section 307(d) of the CAA. One of these requirements is notice-and-comment rulemaking. Section 307(d) provides for a time extension, under certain circumstances, for rulemakings subject to that provision. Specifically, it allows statutory deadlines that require promulgation in less than 6 months from proposal to be extended to not more than 6 months from proposal to afford the public and the Agency adequate opportunity to carry out the purposes of section 307(d). In three notices dated October 22, 1997 (62 FR 55769), November 20, 1997 (62 FR 6194), and January 2, 1998 (63 FR 26), EPA ultimately extended the deadline for its requirement to take action on the eight petitions to December 18, 1997.

On February 25, 1998, the eight petitioning States filed a complaint in the U.S. District Court for the Southern District of New York to compel EPA to take action on the States' section 126 petitions. *State of Connecticut* v. *Browner,* No. 98–1376. The EPA and the eight States filed a proposed consent decree that would establish a schedule for EPA to act on the petitions. Pursuant to CAA section 113(g), the EPA solicited comments on the proposed consent decree, by notice dated March 5, 1998 (63 FR 10874). The comment period closed April 6, 1998. On August 21, 1998, after considering the comments received in the section 113(g) process, EPA requested the Court to enter a slightly modified version of the consent decree. Pending the Court's action on that request, EPA is continuing to follow the schedule in the proposed consent decree.

The schedule recommended in the proposed consent decree would require EPA to take final action on at least the technical merits of the petitions by April 30, 1999. The recommendation would further permit EPA to structure the final action it would take by April 30, 1999 so as to defer the granting or denial of the petitions to certain later dates extending to as late as May 1, 2000. The section 126 rulemaking schedule is described in more detail in Section II.A.2. of this notice.

F. Advance Notice of Proposed Rulemaking on Petitions

In accordance with the schedule in the proposed consent decree, on April 30, 1998, EPA published in the **Federal Register** (63 FR 24058) an advance notice of proposed rulemaking (ANPR) on the section 126 petitions. The ANPR provided EPA's preliminary identification of source categories named in the petitions that significantly contribute to nonattainment problems in the petitioning States, provided EPA's preliminary assessment of the types of recommended emissions limitations and compliance schedules, provided EPA's preliminary assessment of the remedy the Agency would propose for approvable petitions, discussed legal and policy issues raised under section 126, and outlined the rulemaking schedule for the petitions. The ANPR solicited comment on all of the issues and preliminary assessments. The EPA received approximately 50 comments on the ANPR from industry, States, and environmental groups. These comments covered the full spectrum of issues discussed in the ANPR and were carefully considered in the development of today's proposal. The EPA appreciates the efforts by the commenters to provide early, thoughtful input on this rulemaking. The EPA will respond to the ANPR comments, if any response is appropriate, when EPA responds to comments on this proposal. After reading this proposal, if any commenters on the ANPR believe their comments are still relevant, there is no need to resubmit the comments in full. Instead, commenters may simply submit a letter requesting that EPA consider their ANPR comments for purposes of today's proposal action. This proposal supersedes any preliminary positions taken in the ANPR.

II. EPA's Analytical Approach and Proposed Action on Petitions

A. EPA's Proposed Interpretation of Section 126 and Analytical Approach for Determining Whether to Grant or Deny the Petitions

1. The Appropriate Test Under Section 126

Section 126(b) provides that a State may petition EPA for a finding that specified sources or groups of sources in other States emit or would emit air pollutants ''in violation of the prohibition of section 110(a)(2)(D)(ii) of this title or this section.'' [1] Section 110 (a)(2)(D) provides the requirement that a SIP:

Contain adequate provisions:

(i) prohibiting, consistent with the provisions of this title, any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will—

(I) contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to (any) national ambient air quality standard, or

(II) interfere with measures required to be included in the applicable implementation plan for any other State under part C to prevent significant deterioration of air quality or to protect visibility,

(ii) insuring compliance with the applicable requirements of sections 126 and 115 (relating to interstate and international pollution abatement).

* * * * *

One issue is whether the cross-reference in section 126(b) to section 110(a)(2)(D)(ii) is valid, or instead should be considered to be a scrivener's error and be read to refer to section 110(a)(2)(D)(i). The EPA has offered the latter view in general and preliminary guidance. *See, e.g.,* 62 FR 55769 (Oct. 22, 1997) and 63 FR 24058 (Apr. 30, 1998).

Some have argued that section 126(b) should be read literally and that this reading would require EPA to deny the 8 petitions on grounds that section 126 allows a State to file a petition with EPA only to force other States to meet the requirements of section 126 itself (i.e., the requirement in section 126(a) that SIPs include provisions to require new and modified major stationary sources to give preconstruction notification to nearby States under certain circumstances). [2]

In the alternative, some have argued that, if in fact there is a scrivener's error, the proper cross-reference should be to section 110(a)(2)(D)(i)(II), and not section 110(a)(2)(d)(i)(I). UARG letter. The effect of this reading would be to limit section 126 petitions to cases in which the upwind sources are adversely affecting clean areas under the prevention of significant deterioration requirements of part C of title I of the CAA, or visibility.

The EPA believes that there is a scrivener's error in section 126. Furthermore, EPA disagrees that the scrivener's error is a misreference to section 110(a)(2)(D)(i)(II). In this

[1] The cross-reference to section 110(a)(2)(D)(ii) is repeated 3 times in section 126(b). The EPA will refer to these cross-references in the singular.

[2] *See* Letter from Henry V. Nickel, et al., Counsel for the Utility Air Regulatory Group, to Carol M. Browner, Administrator, U.S. EPA, November 21, 1997 (UARG Letter); Letter from Betty D. Montgomery, Attorney General of Ohio et. al., to Richard Wilson, Acting Assistant Administrator for Air & Radiation, U.S. EPA, November 5, 1997 (letters included in the docket to this rulemaking).

proposed action, EPA takes the position that the reference in section 126(b) to section 110(a)(2)(D)(ii) is a drafting error and that Congress intended to reference section 110(a)(2)(D)(i). The merit of this statutory interpretation is apparent on several levels. First, the reference to ''the prohibition of section 110(a)(2)(D)(ii)'' is ambiguous at best, and arguably nonsensical, since section 110(a)(2)(D)(ii) contains no prohibition, yet 110(a)(2)(D)(i) does. Second, the statutory cross reference contained in section 126(b), if taken on its face, would render section 126(b) largely meaningless. Finally, the legislative history of the CAA Amendments supports this interpretation. The EPA's interpretation is consistent with the reading of the CAA prior to the 1990 Amendments and Congress expressed no indication that it meant to substantively revise this provision of the statute at the time it administratively renumbered the provision.

The EPA also does not believe that the reference to section 110(a)(2)(D)(ii) is a mistaken cross-reference to section 110(a)(2)(D)(i)(II). Such a cross-reference would limit the availability of section 126 to the prevention of significant deterioration and visibility provisions of section 110(a)(2)(D)(i), a severe limitation for which there is no indication in the legislative history.

Section 126(b) authorizes the EPA to find that any major source or group of stationary sources emits or would emit any air pollutant ''in violation of the *prohibition of section (a)(2)(D)(ii)* of this title or this section'' (emphasis added). However, section 110(a)(2)(D)(ii) contains no prohibition. Rather, it provides that SIPs must ''contain adequate provisions insuring compliance with'' statutory sections relating to interstate and international pollution abatement.

By contrast, section 110(a)(2)(D)(i)—the provision that EPA believes Congress intended to cross-reference in section 126(b)—does contain a prohibition. It requires that SIPs contain adequate provisions ''prohibiting'' any source or other type of emissions activity within the State from emitting any air pollutant in amounts that, among other things, will contribute significantly to nonattainment in, or interfere with maintenance by, another State with respect to the NAAQS. Thus, the textual interplay between sections 126(b) and 110(a)(2)(D) provides strong evidence that the CAA contains ''a simple scrivener's error, a mistake made by someone unfamiliar with the law's object and design.'' *In re Chateaugay Corp.*, 89 F.3d 942, 954 (2d Cir. 1996) (holding that courts are empowered to correct an erroneous statutory cross-reference that inadvertently results from legislative changes (quoting *United States Nat'l Bank* v. *Independent Ins. Agents*, 508 U.S. 439, 462 (1993)); *see also, United States* v. *Gibson*, 770 F.2d 306, 308 (2d Cir. 1985) (per curiam) (correcting ambiguity in criminal fraud statute that resulted from the error of a scrivener in using the word 'and' rather than 'or' when codifying the statute).

As further support, reading section 126(b) as cross-referencing section 110(a)(2)(D)(ii) essentially renders that provision redundant and meaningless. Section 126 allows a party to petition EPA with respect to a ''violation of the prohibition in section 110(a)(2)(D)(ii) or this section.'' Section 110(a)(2)(D)(ii) cross-references back to section 126, as well as to section 115. To the extent section 110(a)(2)(D)(ii) cross-references back to section 126, the statute is redundant. Reading the two provisions together, section 126 would provide an opportunity for parties to file a petition claiming that a SIP violates the prohibition of section 110(a)(2)(D)(ii) (i.e., section 126) or this section (i.e., section 126).

Moreover, to the extent section 110(a)(2)(D)(ii) references section 115, the provision is meaningless. There is no relief that can be provided under section 126. Sections 126 and 115 create separate processes for different parties to petition the Agency for a finding that SIP is inadequate. Under section 115, the Administrator may issue a SIP Call to a State based on a request by an international agency or the Secretary of State that an air pollutant or pollutants emitted in the United States ''cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare in a foreign country.'' In contrast, only ''States'' or ''political subdivisions''—entities under the jurisdiction of the United States—may request relief under section 126. If Congress intended States or political subdivisions in the United States with the opportunity to seek relief for pollution transported to foreign countries, Congress could have provided so in a much clearer fashion in section 115. It is highly doubtful that Congress would have used such a cryptic reference to grant political entities within the United States the power to address pollution being transported out of the country from other States.

Finally, EPA's interpretation that there is a scrivener's error and that the reference should be to section 110(a)(2)(D)(i), fits with the legislative history on this provision. Courts ''recognize that during the drafting process an error may creep in,'' and that ''statutes are not drafted with mathematical precision, and should be construed with some insight into Congress' purpose at the time of the enactment.'' *In re Chateaugay Corp.*, 89 F.3d at 953. Here, the legislative history, as set forth in the Senate Report and the House Conference Report regarding the 1990 CAA Amendments, provides additional, persuasive evidence that section 126(b)'s cross-reference to section 110(a)(2)(D)(ii) is erroneous. *See Pierpont* v. *Barnes*, 94 F.3d 813, 817 (2d Cir. 1996) (committee reports are ''particularly good indicator(s) of congressional intent,'') cert. denied, 117 S. Ct. 1691 (1997).

To start, the Senate Report observes that the CAA, prior to the 1990 amendments, allowed section 126 to be used only for violations of section 110(a)(2)(E)(i), which ''relate(d) to the preparation of SIP(s).'' S. Rep. No. 101–228, 101st Cong., 2d Sess. 75 (1989), *reprinted in* 1990 U.S.C.C.A.N. 3385, 3461. Thus, under section 126(b)'s pre-1990 version, ''a State being injured by another State's pollution (could) file a complaint about the offending State's SIP, but not the pollution itself.'' *Id.* at 76, 1990 U.S.C.C.A.N. 3385, 3462. Notably, the Senate Report makes no mention of changing section 126(b)'s cross-reference to section 110(a)(2)(E)(i)— nor would it, since section 110(a)(2)(E)(i) had defined the SIP violation historically redressable under section 126(b). Because the amendments simply revised the text of former section 110(a)(2)(E)(i) and then renumbered it as section 110(a)(2)(D)(i), *compare* 42 U.S.C.A. 7410(a)(2)(E)(i) (1990) *with* 42 U.S.C.A. 7410(a)(2)(D)(i) (1995), [3] there is substantial reason to believe that section 126(b)'s current cross-reference to section 110(a)(2)(D)(*ii*) is mistaken.

Indeed, ''[w]hen Congress revises and renumbers existing laws, a court should not infer any legislative aim to change the law's effect unless such intention is clearly expressed.'' *In re Chateaugay Corp.*, 89 F.3d at 953 (citing *Finley* v. *United States*, 490 U.S. 545, 554 (1989)). Far from expressing a clear intent to effectuate the fundamental change in law that would result from section 126(b)'s new cross-reference to section 110(a)(2)(D)(ii), the legislative history for the 1990 CAA Amendments actually

[3] The 1990 CAA Amendments revised section 110(a)(2)(D) by dropping certain provisions not relevant here, and incorporating other provisions previously contained in section 110(a)(2)(E). *See* CAA Amendments of 1990, Pub. L. 101–549, 101(b), 104 Stat. 2404(1990); S. Rep. No. 101–228, 101st Cong., 2d Sess. 20 (1989), *reprinted* in 1990 U.S.C.C.A.N. 3385, 3406.

demonstrates a contrary purpose. According to the House Conference Report, these amendments sought to ''enhance the enforcement authority of the Federal government under the CAA, ''including ''EPA enforcement authority regarding violations of State Implementation Plans.'' H. Rep. No. 101–952, 101st Cong. 2d Sess. 347 (1990), *reprinted in,* 1990 U.S.C.C.A.N. 3385, 3879. As noted above, however, the ambiguous change in section 126(b)'s cross-reference would apparently divest the EPA of its former jurisdiction to redress—via the section 126 petition process—SIP violations regarding interstate pollution. See 42 U.S.C.A. 7426(b) (1990) (authorizing EPA to adjudicate petitions alleging violations of SIP requirements that are now substantially incorporated into section 110(a)(2)(D)(i)). Given the lack of any legislative history that would support such a significant shift in policy, and considering Congress' stated desire to enhance the EPA's SIP enforcement authority, this contradictory result is highly suspect. *See* In re Chateaugay Corp., 89 F.3d at 953 (''where it appears plain that an error in drafting has occurred, so that a literal construction would make a dramatic change in long-standing law, it is both sensible and permissible for judges to consider, in conjunction with other factors, Congress' complete silence on the literal effect of the change.'')[4]

The EPA believes that its proposed interpretation is permissible because it resolves the ambiguity in the interplay between sections 126 and 110(a)(2)(D) in a manner that harmonizes and gives meaning to all of their provisions and reasonably accommodates the purposes of the provisions. *See Chevron, U.S.A., Inc.* v. *Natural Resources Defense Council,* 467 U.S. 837, 844 (1984).

[4] The Senate Report also expresses a congressional desire to promote the EPA's enforcement activity, not to constrain it. As the Senate committee observed, prior to 1990, the CAA ''allow(ed) a State to file a petition with the Administrator complaining of interstate air pollution (in violation of section 110(a)(2)(E)(i)), but not to file a lawsuit for violation of section 126. The amendment to section 304, (however,) allow(ed) a State, and citizens, to sue in Federal district court for violation of section 126.'' S. Rep. No. 101–228, 101st Cong., 2d Sess. 76 (1989), reprinted in 1990 U.S.C.C.A.N. 3385,3462. That Congress created a judicial mechanism by which to compel the EPA to respond to section 126 petitions is instructive. Because this legislative action is clearly inconsistent with any construction of the CAA that divests the EPA of its authority to enforce the very SIP requirements formerly contained in section 110(a)(2)(E)(i), it casts serious doubt upon the validity of section 126(b)'s amended cross-reference to section 110(a)(2)(D)(ii).

2. EPA's Analytical Approach for Determining Whether To Grant or Deny the Petitions

a. EPA's Interpretation of Significant Contribution under Section 110. The EPA's final NO_X SIP call rule sets forth EPA's interpretations of section 110(a)(2)(D)(i)(I) in the context of regional transport of ozone. The EPA proposes and is seeking comment on retaining and employing those interpretations for purposes of determining, under section 126(b), whether any of the sources and source categories named in the petitions ''emits or would emit any air pollutant in violation of the prohibition'' of section 110(a)(2)(D)(i)(I). For purposes of this proposal, EPA incorporates into the proposal, by reference, the explanation of those interpretations, as well as all of the supporting rationale and technical support for them. See, especially, Section II of the preamble to the final NO_X SIP call rule. Each of these steps is discussed in the remainder of Section II of this notice.

b. Applying EPA's Section 110 Interpretation of ''Significant Contribution'' and ''Interference'' under Section 126. The EPA proposes to apply its interpretation of section 110(a)(2)(D)(i)(I) to determine which if any NO_X sources or source categories named in the section 126 petitions ''emits or would emit any air pollutant in violation of the prohibition'' in section 110(a)(2)(D)(i)(I). The EPA believes that its interpretations in the context of section 110 apply with relative ease to its decision under section 126, with one additional step noted below.

First, in acting on the section 126 petitions, EPA proposes to use the linkages it drew in the NO_X SIP call rulemaking between specific upwind States and nonattainment and maintenance problems in specific downwind States. The EPA is seeking comment on and will carefully evaluate these linkages, and in particular, the linkages EPA has made between some of the more distant States, such as the linkages made between Alabama and Pennsylvania and Missouri and Pennsylvania.

In the next step, EPA determines which of that ''covered'' upwind State's major stationary NO_X sources that are named in the downwind State's petition may emit in violation of the prohibition in section 110(a)(2)(D)(i) because they emit in amounts that contribute significantly to nonattainment in, or interfere with maintenance by, the petitioning State. For this, EPA proposes to use its analysis of highly cost-effective measures in the NO_X SIP call rule to determine which of the covered upwind States' major stationary NO_X sources named in the petitions emit NO_X in amounts that contribute significantly. Thus, if EPA identified highly cost-effective measures for a particular source category in the NO_X SIP call, then EPA proposes in this notice to make an affirmative ''technical determination''—i.e., a finding that any source in that category located in a covered upwind State emits in amounts that will contribute significantly to nonattainment in, or interfere with maintenance by, the petitioning State(s) linked to that upwind State.

This methodology applies both to a petition that names sources in the entire contributing upwind State and to a petition that names sources in only a small portion of an upwind contributing State. As described more fully in the NO_X SIP call rulemaking, the only viable solution to ozone nonattainment is to apply pollution-reduction measures to a large collection of sources in many States, each one of which by itself may produce a small or perhaps immeasurable impact on the nonattainment problem for a particular area. Under this collective contribution approach, if EPA determines that the full set of NO_X sources in an upwind State significantly contributes to nonattainment in, or interferes with maintenance by, a particular downwind State, then any NO_X sources in the upwind State that can apply highly cost-effective control measures must be considered part of the solution to those downwind problems and therefore contributes to downwind nonattainment.

c. Emitting ''In Violation of the Prohibition'' in Section 110—the Decision Whether to Grant or Deny Each Petition. As noted above, the test under EPA's interpretation of section 126 is whether the sources named in the petitions emit in violation of the section 110(a)(2)(D)(i) prohibition. That prohibition, however, by the terms of section 110(a)(2)(D)(i), should be included in SIP provisions. The EPA has now issued its NO_X SIP call rule under that section, and has set forth a track that upwind States must follow to satisfy its terms. Under the NO_X SIP call, EPA has given the covered States until September 1999 to submit SIPs satisfying the rule, and has specified that those SIPs must prohibit the NO_X emissions that contribute significantly by a date no later than May 1, 2003. By that rule, EPA has established emissions budgets for each State, which reflect elimination of the significant contribution of NO_X emissions within

the State. The EPA has further established by rule May 1, 2003 as the final date by which all measures to meet that budget must be implemented. In addition, EPA has proposed a FIP that could be promulgated if a State fails to respond adequately to the NO_X SIP call.

Section 126 calls for relief where EPA finds that sources are emitting ''in violation of the prohibition'' of section 110(a)(2)(D)(i). The EPA believes that it is sensible to interpret this language in light of the ongoing action of both States and EPA. Thus, so long as EPA and States (and ultimately the sources the State determines to regulate) are on track to meet the goals of the NO_X SIP call, EPA believes it is appropriate to determine that sources are not emitting in violation of the prohibition in section 110(a)(2)(D)(i) for purposes of section 126(b). States and EPA will be on track if States timely submit a complete and approvable SIP and EPA acts promptly to approve the plan. In the alternative, if a State fails to submit in a timely manner a complete or approvable plan, efforts will be on track so long as EPA promulgates a FIP. The EPA further believes this approach is sensible because an alternative interpretation, which would result in a section 126 remedy going into effect despite timely action by States and EPA in response to the NO_X SIP call, would lead to unnecessary and duplicative efforts. Such an approach would not only waste Agency resources, but could ultimately undermine efforts to reduce interstate transport by adding confusion to the process.

Based on this interpretation of the language in section 126, EPA has considered an alternative form of final action on the section 126 petitions that takes into account whether the State and/or EPA is on track to institute a satisfactory plan in response to the NO_X SIP call rule.

As described in Section I above, the proposed consent decree would require EPA to take a final action on the section 126 petitions by April 30, 1999. In formulating the proposed consent decree, EPA developed an alternative approach that it believes would harmonize the section 126 and 110 actions. Specifically, paragraph 5.b. and c. state that:

b. Unless EPA takes the final action described in paragraph 6, as to each individual petition, EPA's final action will be to—

(i) Grant the requested finding, in whole or part; and/or

(ii) Deny the petition, in whole or part.

c. Unless EPA denies a petition in whole, its final action will include promulgation of a remedy under CAA section 126(c) for sources to the extent that a requested finding is granted with respect to those sources.

Then paragraph 6 states:

6. EPA shall be deemed to have complied with the requirements of Paragraph 5(a) if it instead takes a final action by April 30, 1999, that—

a. makes an affirmative determination concerning the technical components of the ''contribute significantly to nonattainment'' or ''interfere with maintenance'' tests under CAA section 110(a)(2)(D)(i), 42 U.S.C. section 7410(a)(2)(D)(i);

b. further provides that:

(i) If EPA does not issue a proposed approval of the relevant Upwind State's SIP revision (submitted in response to the NO_X SIP call) by November 30, 1999, then the finding will be deemed to be granted as of November 30, 1999, without any further action by EPA;

(ii) If EPA issues a proposed approval of said SIP revision by November 30, 1999, but does not issue a final approval of said SIP revision by May 1, 2000, then the finding will be deemed to be granted as of May 1, 2000, without any further action by EPA;

(iii) If EPA issues a final approval of said SIP revision by May 1, 2000, EPA must take any and all further actions, if necessary to complete its action under section 126, no later than May 1, 2000; and

c. Promulgates a remedy under CAA section 126(c) for sources to the extent that an affirmative determination is made with respect to those sources.

The EPA believes that the alternative form of final action set forth in Paragraph 6 of the proposed decree best harmonizes sections 110(a)(2)(D)(i)(I) and 126. The EPA believes that sources in an upwind State should not be considered to be emitting an air pollutant in violation of the section 110 prohibition, and hence EPA should not grant a petition naming such sources, if the State is adhering to the NO_X SIP call rule's schedule for submission of an approvable SIP revision, and EPA is acting speedily to approve the SIP—or, failing that, if EPA has promulgated a FIP for the State. After all, if EPA's rule provides a particular path for the development of a plan calling on sources to reduce interstate pollution by May 1, 2003, and under that rule either the upwind State or EPA is moving forward to develop, take action on or promulgate a satisfactory plan meeting that rule and achieving attainment as expeditiously as practicable, it would be difficult to conclude that an affected source in the upwind State ''emits or would emit in violation'' of the prohibition that the plan is not yet required to contain.[5]

For these reasons, EPA proposes to follow the alternative described in Paragraph 6 of the proposed decree. Thus, EPA proposes to structure its final action to contain: (1) A series of ''technical determinations'' as to which sources in which States named in the petitions would emit in violation of the section 110 prohibition if the State or EPA were to fall off track in putting a timely and satisfactory plan in place; (2) determinations that the petitions will automatically be deemed granted or denied on the basis of the events set forth in Paragraph 6; and (3) the remedial requirements that will apply to the sources receiving affirmative technical determinations if a petition naming those sources is ultimately deemed granted.

The EPA believes that the timeframes and triggers in Paragraph 6 are reasonable and feasible, and the Agency intends to execute them timely. For States that make a timely SIP submission, EPA believes it is feasible for the Agency to issue a proposed rule within 60 days of the submission deadline. Under the CAA, EPA is provided 60 days—but no more than 6 months—in which to affirmatively determine whether a submission is complete.

If EPA does not make an affirmative completeness determination, the submission is deemed complete. Once a submission is affirmatively found to be or is deemed complete, the CAA then provides EPA with 12 months to approve or disapprove the submission. Thus, at maximum, the CAA provides EPA with 18 months to approve or disapprove a SIP submission. The EPA is proposing a 7-month period to act on submissions in response to the NO_X SIP call. While this period is shorter than the maximum period contemplated under the CAA, EPA believes that it is feasible and appropriate in the present circumstances. The EPA anticipates that the EPA Regional Offices will be working with States as States draft rules in response to the NO_X SIP call and will be well prepared to issue a proposed determination within 60 days of the required submission date. Further, in light of EPA's work with the States in development of their plans, the 5-month period between proposal and final action should allow the Agency ample time to review any comments and to

[5] Moreover there does appear to be tension between section 110(a)(2)(D), which does not establish the timing as to when the SIP prohibition needs to be effective against sources (i.e., when sources need to implement controls to reduce emissions) and the timing in section 126, which requires implementation no later than 3 years following a section 126(b) determination. The EPA does not believe that Congress intended section 126 to be used to shorten timeframes for action that EPA has previously determined are approvable for purposes of eliminating significant contribution to nonattainment areas in other States.

prepare a final action. An additional benefit of this schedule for EPA action is that it will provide sources with certainty about the applicable requirements well before the latest implementation date that is permitted by the NO_X SIP call. Moreover, if the State fails to submit an approvable plan, EPA will be well positioned to promulgate a FIP for the State, based on the FIP proposal that the Agency is issuing separately. It is important to achieve the NO_X reductions necessary to protect public health and to attain the NAAQS as expeditiously as practicable. Therefore, where a State or EPA has failed to meet a deadline it will be critical to have the section 126 remedy go into effect as soon as possible thereafter in order to ensure that the NO_X emission reductions are achieved as soon as practicable, which in the NO_X SIP call EPA has determined to be May 1, 2003. The schedule EPA has proposed to enter into is intended to ensure that either the FIP or the 126 remedy goes into effect in order to achieve the NO_X emission reductions by May 1, 2003.

B. Weight of Evidence Determination of Named Upwind States

As discussed above, in acting on the section 126 petitions EPA proposes to rely on the conclusions it drew in the final NO_X SIP call rulemaking to determine whether the emissions in named upwind States contribute significantly to the 1-hour and 8-hour nonattainment and maintenance problems in the petitioning States. To evaluate the air quality impacts in the final NO_X SIP call rulemaking, EPA used a weight-of-evidence approach involving three sets of modeling information: The State-by-State UAM–V zero-out modeling, the CAMx source apportionment modeling, and the OTAG subregional modeling and other information such as emission density and transport distance.[6] A number of ''metrics'' (i.e., measures of ozone contributions) were used to assess the air quality effects from several perspectives of contribution from sources in various upwind States. The technical details of the modeling information and metrics are described in the final NO_X SIP call rulemaking.

The named upwind States which are linked as containing sources that are significant contributors to each petitioning State in the final NO_X SIP call rulemaking are listed in Tables II–1 for the 1-hour NAAQS and Table II–2 for the 8-hour NAAQS. The information that EPA relied on in making these significance linkages is provided in the final NO_X SIP call rulemaking. All of the information that is contained in the docket of the NO_X SIP call rulemaking is incorporated by reference into this proposal. The EPA concluded from all of this information that the following 20 jurisdictions contain sources that make a significant contribution to nonattainment in, or interfere with maintenance by, one or more petitioning States under the 1-hour and/or the 8-hour NAAQS:

Alabama
Connecticut
Delaware
District of Columbia
Illinois
Indiana
Kentucky
Maryland
Massachusetts
Michigan
Missouri
New Jersey
New York
North Carolina
Ohio
Pennsylvania
Rhode Island
Tennessee
Virginia
West Virginia

TABLE II–1.—NAMED UPWIND STATES WHICH CONTAIN SOURCES THAT CONTRIBUTE SIGNIFICANTLY TO 1-HR NONATTAINMENT IN PETITIONING STATES

Petitioning State (nonattainment area)	Named upwind States
New York	DE, DC, IN, KY, MD, MI, NC, NJ, OH, PA, VA, WV.
Connecticut	DE, DC, IN,* KY,* MD, MI,, NC,, NJ, NY, OH, PA, VA, WV.
Pennsylvania	NC, OH, VA, WV.
Massachusetts	OH, WV.
Rhode Island	OH, WV.
Maine	CT, DE, DC, MD, MA, NJ, NY, PA, RI.
New Hampshire	CT, DE,* DC,* MA, MD,* NJ, NY, PA, RI, VA.*
Vermont	None.
Total	CT, DE, DC, IN, KY, MA, MD, MI, NC, NJ, NY, OH, PA, RI, VA, WV.

*Upwind States marked with an asterisk are included in the table because they contribute to an interstate nonattainment area that includes part of the petitioning State. Part of New Hampshire is included in the Boston/Portsmouth nonattainment area; part of Connecticut is included in the New York City nonattainment area.

TABLE II–2. NAMED UPWIND STATES WHICH CONTAIN SOURCES THAT CONTRIBUTE SIGNIFICANTLY TO 8-HR NONATTAINMENT IN PETITIONING STATES

Petitioning State	Named upwind States
Pennsylvania	AL, IL, IN, KY, MI, MO, NC, OH, TN, VA, WV.
Massachusetts	OH, WV.
Vermont	None.
Total	AL, IL, IN, KY, MI, MO, NC, OH, TN, VA, WV.

The EPA also concluded that sources in the following 11 States do not make a significant contribution to nonattainment in, or interfere with maintenance by, any of the petitioning States under the 1-hour and/or the 8-hour NAAQS:

[6] The UAM–V is the Variable-grid Urban Airshed Model. The CAMx is the Comprehensive Air Quality Model With Extensions.

Arkansas
Georgia
Iowa
Louisiana
Maine
Minnesota
Mississippi
New Hampshire
South Carolina
Wisconsin
Vermont

As discussed below, in Section II.F., EPA does not have the same level of information available regarding the named States of Maine, New Hampshire, and Vermont as it has for the other States named in petitions. Therefore, EPA intends to conduct further analyses on these three States. If the additional analyses show that sources in any of these States significantly contribute to a relevant petitioning State, EPA will issue a supplemental notice of proposed rulemaking based on the new information.

C. Cost Effectiveness of Emissions Reductions

As described in Section II.A, above, the second prong of the significant-contribution interpretation that EPA applied in the NO_X SIP call rule, and that EPA proposes to apply for purposes of this proposal, is the extent to which ''highly cost-effective'' NO_X control measures are available for the types of stationary sources named in the petitions.[7].

As in the NO_X SIP call rule, the EPA proposes to select these highly cost-effective measures by examining the technological feasibility, administrative feasibility and cost-per-ton-reduced of various multistate ozone season NO_X control measures and determining what measures feasibly achieve the greatest NO_X reductions and are among the most reasonable in light of other actions taken by EPA and States to control NO_X.[7]

1. What NO_X Controls Are Highly Cost Effective

The first step in the cost-effectiveness process was to identify the types of sources named in the various petitions. The petitioning States have identified the source categories that they believe significantly impact their ability to achieve attainment of the ozone standard. These categories are listed in Table I–1 earlier in this notice. The EPA has determined that the named source categories can be combined into one general category—fossil fuel-fired indirect heat exchangers. This term applies to boilers and turbines used for the production of steam, electricity, and in some cases mechanical work, and to process heaters. To assure equity among the various subcategories of such sources and the industries they represent, EPA considered the cost effectiveness of controls for each subcategory separately throughout the affected 20-jurisdiction region described in Section II.B above. Sources are combined into a common subcategory if they serve the same general industry (e.g., boilers and turbines that are used by the electricity generation industry are combined in the same subcategory). The EPA believes that this categorization better reflects the industrial sectors served. Thereby, the EPA split the population of indirect heat exchanges into four subcategories, consistent with the approach EPA took in the final NO_X SIP call: (1) A subcategory of boilers and turbines serving generators greater than 25 MWe that produce electricity for sale to the grid (''large EGUs''); (2) a subcategory of boilers and turbines with a heat input greater than 250 mmBtu/hr that exclusively generate steam and/or mechanical work (e.g., provide energy to an industrial pump), or produce electricity for internal use only and not for sale (''large non-EGUs''); (3) a subcategory of process heaters with a heat input greater than 250 mmBtu/hr (''large process heaters''); and (4) a subcategory of smaller indirect heat exchangers, i.e., all such sources not included in the first three subcategories (''small sources'').

As mentioned above, in evaluating the cost effectiveness of NO_X controls for indirect heat exchangers, the EPA has taken the same approach as that taken in the final NO_X SIP call. See generally, Section II.D of the preamble to the final NO_X SIP call rule. In short, for each subcategory, the amounts of emissions that cause subcategories in the covered upwind States to contribute significantly to a petitioning State's nonattainment were determined based on the application of NO_X controls that achieve the greatest feasible emissions reduction while still falling within a cost-per-ton-reduced range that EPA considers to be highly cost effective. The NO_X controls for this rulemaking were considered highly cost effective for the purposes of reducing ozone transport to the extent they achieve the greatest feasible emissions reduction but still cost no more than $2,000 per ton of ozone season NO_X emissions removed (in 1990 dollars), on average, for each subcategory. The discussion below further describes the basis for this cost amount and the techniques used for each subcategory. The EPA believes that certain controls that cost more than $2,000 per ton of NO_X reduced are reasonably cost effective in reducing ozone transport or in achieving attainment with the ozone NAAQS in specific nonattainment areas; however, EPA proposes to base the significant-contribution determination on only highly cost-effective reductions. In addition, as discussed further below, in determining whether to assume reductions from the small source subcategory, EPA considered administrative efficiency in evaluating this subcategory.

More specifically, to determine what level of control can be considered highly cost effective, EPA considered other recently undertaken or planned NO_X control measures. Table II–3 provides a reference list of measures that EPA and States have undertaken to reduce NO_X and their average annual costs per ton of NO_X reduced. These measures cost up to $2,000 per ton. With few exceptions, the average cost effectiveness of these measures is representative of the average cost effectiveness of the types of controls EPA and States have needed to adopt most recently, since their previous planning efforts have already taken advantage of opportunities for even cheaper controls. The measures listed in Table II–3 generally represent the average costs (i.e., middle of the range of costs) that the nation has been willing to bear recently to reduce NO_X. The EPA believes that the cost effectiveness of measures that it or States have adopted, or proposed to adopt, forms a good reference point for determining which of the available additional NO_X control measures are among the most cost-effective measures that can be implemented by the sources considered in today's action.

[7] As discussed in this section, the highly cost-effective NO_X controls happen to apply only to major stationary sources. Under section 126, EPA can make a finding for ''any major source or group of stationary sources.'' In other words, even if not all sources subject to this action were major, they would be part of a group of stationary sources that contribute significantly to nonattainment and hence could potentially be subject to finding.

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TABLE II–3.—AVERAGE COST EFFECTIVENESS OF NO_X Control Measures Recently Undertaken For Stationary Sources

[1990 $]

Control measure	Cost per ton of NO_X removed
NO_X RACT	150–1,300.
Final NO_X SIP call	Up to 2,000.
State Implementation of the Ozone Transport Commission Memorandum of Understanding	950–1,600.
New Source Performance Standards for Fossil Steam Electric Generation Units	1,290.
New Source Performance Standards for Industrial Boilers	1,790.

The EPA notes that there are also a number of less expensive measures recently undertaken by the Agency to reduce NO_X emission levels that do not appear in Table II–3. These actions include the title IV NO_X reduction program. Though these actions are very cost effective, the Agency is focusing on what other measures exist, at a potentially higher (though still not the highest reasonable) cost-effectiveness value, that can further reduce NO_X emissions. Table II–3 is thereby useful as a reference of the next higher level of NO_X reduction cost effectiveness that the Agency considers among the most reasonable to undertake. As a result, the Agency proposes that NO_X controls that can feasibly be achieved and have an average subcategory-specific cost effectiveness less than $2,000 per ton of NO_X removed be considered highly cost effective. The subcategories that EPA proposes to control are those major stationary sources in the named categories for which EPA finds that these highly cost-effective controls are available.

2. Determining the Cost Effectiveness of NO_X Controls

In an effort to determine what, if any, highly cost-effective mix of controls is available for each subcategory (i.e., large EGUs, large non-EGUs, large process heaters, and small sources) the Agency considered the average cost effectiveness of alternative levels of controls for each subcategory as described in the final NO_X SIP call. That analysis is summarized here. The average cost effectiveness of the controls was calculated from a baseline level that included all currently applicable Federal or State NO_X control measures for each subcategory. The baseline did not include Phase II and Phase III of the OTC NO_X MOU since those measures are not federally required and they have not yet been adopted by all the involved States;[8] if the MOU were included in the baseline, the overall costs would be lower. In determining the cost of NO_X reductions from large EGUs, EPA assumed an emissions trading system. As discussed in the final NO_X SIP call, EPA evaluated and compared the likely air quality impacts both with and without a multistate NO_X emissions trading system for electricity generating sources. This analysis shows that a multistate trading program causes no significant adverse air quality impacts. Because such a program would result in significant cost savings, EPA's cost-effectiveness determination for large electricity generating boilers and turbines (i.e., the majority of the core group of sources in the trading program) assumes sources will participate in a multistate trading program.[9] For non-EGU sources, EPA used a least cost method which is equivalent to an assumption of an intrastate trading program. Inclusion of these sources in a multistate trading program would provide further cost savings.

Table II–4 summarizes the control options investigated for each subcategory covered by the petitions and the resulting average, multistate cost effectiveness as presented in EPA's final NO_X SIP call. Note that these cost figures are obtained by performing the analysis over the 23-jurisdiction NO_X SIP call area. The values will be only slightly different for the States covered by this action; those differences are insignificant for purposes of identifying highly cost-effective controls. Additionally, the cost effectiveness analysis included a consideration of each subcategory's growth, including new sources. Thus, the control levels arrived at are cost-effective for new sources also.

TABLE II–4.—AVERAGE COST EFFECTIVENESS OF OPTIONS ANALYZED[10]

[1990 dollars in 2007]

Subcategory	Average cost-effectiveness ($/ozone season ton) for each control option	Average cost-effectiveness ($/ozone season ton) for each control option	Average cost-effectiveness ($/ozone season ton) for each control option
Large EGUs	0.20 lb/mmBtu $1,263	0.15 lb/mmBtu $1,468	0.12 lb/mmBtu. $1,760.
Large Non-EGUs	50% reduction $1,235	60% reduction $1,477	70% reduction. $2,155.
Process Heaters	$3,000/ton maximum per source. $2,859	$4,000/ton maximum per source. $2,891	$5,000/ton maximum per source. $2,891.

[10] The cost-effectiveness values in Table II–4 are multistate averages. In the case of large EGUs the cost-effectiveness values represent reductions beyond those required by title IV or title I RACT, where applicable. For large non-EGUs and process heaters, the cost-effectiveness values represent reductions from uncontrolled levels.

[8] However, in the Regulatory Analysis of the final NO_X SIP call, EPA evaluates the economic impact of including the MOU in the baseline for the electric power industry.

[9] The EPA envisions sources in States that are covered by (1) the section 110 NO_X SIP call, (2) the section 110 FIP, or (3) section 126, to be able to trade among each other.

The following discussion explains the controls determined by EPA to be highly cost-effective for each subcategory.

i. Large EGUs. For large EGUs, the control level was determined by applying a uniform NO_X emissions rate across the 20 jurisdictions potentially subject to section 126 findings. The cost-effectiveness for each control level was determined using the Integrated Planning Model (IPM). Details regarding the methodologies used can be found in the Regulatory Impact Analysis of the NO_X SIP call rulemaking. Table II–4 summarizes the control levels and resulting cost effectiveness of three levels analyzed.

A regionwide level of 0.20 lb/mmBtu was rejected because though it resulted in an average cost effectiveness of less than $2,000 per ton, the air quality benefits were less than those for the 0.15 lb/mmBtu level which was also less than $2,000 per ton. The results suggest that a multistate level of 0.15 lb/mmBtu should be assumed when determining the emission levels for this subcategory. This control level has an average cost-effectiveness of $1,468 per ozone season ton removed.[11] This amount is consistent with the range for cost-effectiveness that EPA has derived from recently adopted (or proposed to be adopted) control measures.

The EPA acknowledges that a control level of 0.12 lb/mmBtu, which carries a cost effectiveness of $1,760 per ozone season ton removed, appears to be within the upper range of cost effectiveness. However, for reasons explained in Section II.D. of the final NO_X SIP call, the EPA is proposing in the section 126 action not to base the EGU control level on 0.12 lb/mmBtu. Therefore, EPA proposes to retain and apply here its determination from the NO_X SIP call rulemaking that it is highly cost effective to control emissions from large EGUs to a control level corresponding to 0.15 lb/mmBtu.

ii. Large Non-EGUs. The EPA determined a highly cost-effective control level for large non-EGUs by applying a uniform percent reduction multistate in increments of 10 percent. Details regarding the methodologies used are in the Regulatory Impact Analysis. Table II–4 summarizes the control levels and resulting cost effectiveness for non-EGUs.

For large non-EGUs, the cost-effectiveness determination includes estimates of the additional emissions monitoring costs that sources would incur in order to participate in a trading program. Some non-EGUs already monitor their emissions. In the proposed NO_X SIP call, EPA had not included monitoring costs in the cost-effectiveness determination because such costs could not be estimated at that time. Since then, EPA has evaluated monitoring system costs. These costs are defined in terms of dollars per ton of NO_X removed so that they can be combined with the cost-effectiveness figures related to control costs. Monitoring costs varied from about $150 to $400 per ton of NO_X removed, depending on the type of subcategory.

The EPA, therefore, proposes to retain and apply here its determination from the NO_X SIP call rulemaking that for large non-EGUs a control level corresponding to 60 percent reduction from baseline levels is highly cost effective (this percent reduction corresponds to a multistate control level of about 0.17 lb/mmBtu).

iii. Large Process Heaters. For large process heaters, the control level was determined by applying various cost-effectiveness thresholds, because trading was not assumed to be readily available for this subcategory. Details regarding the methodologies used are in the Regulatory Impact Analysis. Table II–4 summarizes the control levels and resulting cost effectiveness for each option under this subcategory.

The EPA determined that controlling process heaters, though reasonably cost effective, is not highly cost effective. Thus EPA proposes that these sources do not emit in amounts that significantly contribute to petitioning States' nonattainment or maintenance problems.

iv. Small Sources. For the subcategory of small sources, EPA is proposing to determine that no additional control measures or levels of control are highly cost effective and feasible to mandate. For the purposes of this rulemaking, EPA considers the following sizes of point sources to be small: (1) Electricity generating boilers and turbines serving a generator 25 MWe or less, and (2) other indirect heat exchangers with a heat input of 250 mmBtu/hr or less. In the NO_X SIP call, EPA found that the collective emissions from small sources were relatively small (in the context of that rulemaking) and the administrative burden, to the permitting authority and to regulated entities, of controlling such sources was likely to be considerable.

In today's action, for the same reasons as described in the final NO_X SIP call, EPA proposes that these sources do not emit in amounts that significantly contribute to petitioning States' nonattainment or maintenance problems. Further discussion concerning small point sources may be found in the final NO_X SIP call preamble.

v. Summary of Control Measures. Table II–5 summarizes the controls that are assumed for each subcategory. More detailed discussions of the controls assumed are contained in the sections that describe each sector.

TABLE II–5.—SUMMARY OF FEASIBLE, HIGHLY COST-EFFECTIVE NO_X Control Measures

Subcategory	Control measures
Large EGUs	State-by-State ozone season emissions level (in tons) based on applying a NO_X emission rate of 0.15 lb/mmBtu on all applicable sources.
Large Non-EGUs	State-by-State ozone season emissions level (in tons) based on applying a 60 percent reduction from uncontrolled emissions on all applicable sources.
Large Process Heaters	No additional controls highly cost effective.
Small Sources	No additional controls highly cost effective.

3. Other Cost-Related Considerations

The EPA has addressed other cost-related considerations as described in Section II.D of the final NO_X SIP call notice. The EPA proposes to rely on that analysis in this rulemaking.

D. Identifying Sources

As discussed previously, all of the petitions named specific upwind source categories as significantly contributing

[11] It should be noted that in the final NO_X SIP call EPA also investigated the regionwide cost-effectiveness of NO_X reductions if each State individually met the budget component for large electricity generating boilers and turbines (i.e., through intra-state trading). In the case of the 0.15 lb/mmBtu strategy intra-State trading resulted in a regionwide cost-effectiveness of $1,499/ton compared to $1,468/ton for regionwide trading.

to nonattainment in, or interfering with maintenance by, the petitioning State. Four petitioning States (Massachusetts, New Hampshire, New York, and Rhode Island) also attempted to identify the existing sources in the targeted source categories. However, the petitioners cautioned EPA that the lists might not be complete and that any omissions were unintentional. In addition, the EPA has received several comments from sources on the State lists saying that they do not meet the source category definitions provided in the petitions. In order to identify and verify the sources in the named source categories for the geographic areas covered by each petition, EPA used the most up-to-date emission inventory available. These data sources are described in Section III of this notice. The existing sources in the source categories for which EPA is making an affirmative technical determination are listed in Appendix A to proposed part 97. The EPA seeks comment on whether it has identified correctly the sources covered by the petitions.

E. Air Quality Assessment

In the final NO_X SIP Call rulemaking, EPA evaluated the ozone benefits in the petitioning States of NO_X controls proposed in today's action. The EPA believes that the results of that modeling analysis are valid for the purpose of this proposed rulemaking, as well. The EPA performed the modeling for the 23 jurisdictions covered in the NO_X SIP Call to confirm that those States collectively contribute significantly to downwind nonattainment. The collective contribution of all the upwind States is one factor that went into EPA's decision that each individual upwind State contributes significantly to downwind nonattainment.

The ozone benefits determined in the final NO_X SIP Call were based on air quality modeling of the emissions scenarios described below. Each emissions scenario was modeled by EPA using UAM–V run for all four of the OTAG episodes (i.e., July 1–11, 1988; July 13–21, 1991; July 20–30, 1993; and July 7–18, 1995). In brief, the emissions scenarios include a 2007 Base Case and a control scenario designed to evaluate the effects of NO_X controls on nonattainment in downwind States, including each of the petitioning States. The Base Case scenario accounts for growth in emissions and reductions associated with Clean Air Act mandated controls and additional Federal measures. In the control strategy scenario, NO_X emissions from utility and non-utility sources were reduced by applying controls, very similar to those in today's proposal, to all such sources in the 23 jurisdictions which EPA has found, in the NO_X SIP Call, contain emissions which make a significant contribution to nonattainment in downwind areas. The details on the development of these two emissions scenarios are described in the final NO_X SIP Call rulemaking.

The EPA recognizes that the amount of emissions reduction in the modeled strategy is not identical to the amount of emissions reduction in today's proposal. This is because of differences in (a) the underlying emissions inventories and (b) the level of emissions controls applied to individual sources. However, the overall effect of these differences on the percent emissions reductions is small. Specifically, the difference in the total NO_X emission reductions for the 20 jurisdictions covered by today's proposal between what was assumed in the modeling compared to what is being proposed today is only 3 percent. The EPA also recognizes that there are three additional upwind States (i.e., Georgia, South Carolina, and Wisconsin) which are controlled in the modeled strategy that are not covered by today's proposal. These three States were covered in the NO_X SIP Call because of their contributions to States other than the petitioning States. Since EPA believes that emissions from sources in these States do not contribute significantly to nonattainment in any of the petitioning States, it is reasonable to assume that emissions reductions in these States will not have any appreciable impact on nonattainment in any of the petitioning States. The EPA believes that the differences between today's proposal and what was modeled, as described above, are relatively small, and thus, the overall conclusions on air quality benefits from the modeled strategy are applicable to the controls in today's proposal.

The EPA used a number of ''metrics'' (i.e., measures of ozone contribution or impact) to evaluate the air quality benefits in the petitioning States of the proposed NO_X controls. The technical details of the air quality modeling information and metrics are described in the final NO_X SIP call rulemaking. The results of this modeling indicate that the proposed NO_X controls applied to the sources in the upwind States proposed as making a significant contribution to nonattainment in one or more of the petitioning States will provide substantial ozone benefits in each of the petitioning States.

F. Conclusions on Granting or Denying the Petitions

The EPA is proposing action on the petitions based on the outcome of the multi-step process described in the preceding sections. The EPA's proposed action consists of three components: (1) Technical determinations of which upwind sources or source categories named in each petition significantly contribute to nonattainment or interfere with maintenance of the relevant ozone standard in each petitioning State; (2) action specifying when a finding that such sources emit or would emit in violation of the section 110(a)(2)(D)(i)(I) prohibition will be deemed made or not made (or made but subsequently withdrawn) and, thus, when a petition for such a finding will be deemed granted or denied (or granted but subsequently denied) for purposes of section 126(b); and (3) the specific emissions-reduction requirements that will apply when such a finding is deemed made. Each of these proposed actions is described in more detail below. Under EPA's proposed action, certain types of new and existing sources in 20 upwind States are potentially subject to a section 126(b) finding and therefore to the requirements set forth in this proposal.

1. Technical Determinations

First, EPA proposes to make affirmative and negative technical determinations as to which of the new (or modified [12]) or existing major sources or groups of stationary sources named in each petition emit or would emit NO_X in amounts that will contribute significantly to nonattainment of the 1-hour or 8-hour standard in (or interfere with maintenance of the 8-hour standard by) each respective petitioning State. The regulatory text accompanying today's proposal sets forth each of those proposed technical determinations for sources named in each petition.

In short, for each petition, with respect to each ozone standard, EPA proposes to make affirmative technical determinations of significant contribution (or interference) for those large EGU and non-EGU sources for which highly cost-effective controls are available (as described in Section II.C.), to the extent those sources are located in one of the ''Named Upwind States'' corresponding to that petition in Tables II–1 and II–2. Thus, to illustrate, for the petition from New York, EPA proposes to find that large EGUs and non-EGUs

[12] Whenever the word ''new'' is used in relation to sources affected by this proposed rule, it includes both new and modified sources.

of the types described in Section II.C. that are located in the named portions of Delaware, the District of Columbia, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Virginia, and West Virginia emit NO_X in amounts that contribute significantly to nonattainment of the 1-hour standard in New York. By contrast, EPA proposes to find that such sources located in Tennessee, which New York also named in its petition, do not emit NO_X in amounts that have that effect on New York. The result is that EPA proposes to find that the large EGUs and non-EGUs in at least some upwind States named in every petition except Vermont's contribute significantly to nonattainment of at least one of the standards (or interfere with maintenance of the 8-hour standard) in the petitioning State. The EPA refers the reader to the regulatory text for a full description of each of the proposed technical determinations for each petition.

The EPA notes that the Agency is not proposing to make affirmative technical determinations as to any sources located in Vermont, New Hampshire, or Maine. That is because, based on the more limited modeling and other assessments that EPA has done thus far with respect to those States, EPA is not yet prepared to conclude that sources in any of those States do contribute significantly to nonattainment (or interfere with maintenance) of an ozone standard in any downwind State named in one of those three States in its petition.[13] However, EPA is continuing to study the impacts of sources in those States on downwind States, so that it can make final decisions based on the fuller set of information available today for other States. If EPA believes, after completing its assessments, that large EGU or non-EGU sources in any of those three States do contribute significantly to downwind air quality problems in any of the States that name them in their petitions, EPA will issue a supplemental notice of proposed rulemaking based on those results.

Appendix A to proposed part 97 lists all existing sources for which EPA proposes to make an affirmative technical determination linking those sources to at least one petitioning State. These are the existing sources that could receive a positive section 126(b) finding, depending on the circumstances described in the next section.

[13] Maine's petition named sources in Vermont and New Hampshire and New Hampshire's petition named sources in Maine and Vermont.

2. Action on Whether To Grant or Deny Each Petition

a. Portions of Petitions for Which EPA Is Proposing an Affirmative Technical Determination. For the reasons described in Section II.A.2.c., EPA proposes to issue the type of final action on the petitions described in that section. Under that approach, EPA's final action for sources that EPA is proposing an affirmative technical determination would provide that a finding that certain sources emit or would emit in violation of the prohibition in section 110(a)(2)(D)(i)(I) would be deemed made as of certain specified dates if certain events do not occur by those dates. More specifically, a finding that new or existing sources, for which EPA has made an affirmative technical determination, do emit in violation of section 110(a)(2)(D)(i)(I) would be deemed made:

- As of November 30, 1999, if by such date EPA does not issue either a proposed approval, under section 110(k) of the CAA, of a State implementation plan revision submitted by such State to comply with the requirements of section 110(a)(2)(D)(i)(I) of the CAA; or final Federal implementation plan meeting such requirements for such State in which the affected sources are or will be located,
- As of May 1, 2000, if by November 30, 1999, EPA takes the action described above for such State, but, by May 1, 2000, EPA does not approve or promulgate implementation plan provisions meeting such requirements for such State.

The EPA also proposes to find, as described earlier, that any such finding as to any such major source or group of stationary sources would be considered a finding under section 126(b) and, therefore, would trigger the remedial requirements of the final rule. At such time as a finding is deemed made, EPA intends to publish a notice in the **Federal Register** announcing the source categories and locations affected by the finding.

Furthermore, EPA proposes that as to any portion of a petition for which EPA has made an affirmative technical determination (as described above) that portion of the petition shall be deemed denied as of May 1, 2000, if a section 126(b) finding has not been deemed to have been made by that date. In other words, if EPA has taken final action putting into place an implementation plan meeting the requirements of section 110(a)(2)(D)(i)(I) by May 1, 2000, any outstanding portions of petitions will be deemed denied by that date. In addition, after a section 126(b) finding has been deemed made as to sources or groups of stationary sources in an upwind State, that finding will be deemed withdrawn, and the corresponding part of the relevant petition(s) denied, if the Administrator either approves a SIP or promulgates a FIP which complies with the requirements of section 110(a)(2)(D)(i)(I) for such upwind State. This would minimize any overlap between an effective section 126(b) finding, on one hand, and the application of satisfactory SIP or FIP provisions, on the other.

b. Portions of Petitions for Which EPA Is Proposing a Negative Technical Determination. Consistent with this overall approach, EPA proposes that the sources for which EPA would make a negative technical determination (as described above) do not or would not emit in violation of the section 110(a)(2)(D)(i)(I) prohibition. As a result, EPA proposes to deny each aspect of each petition relating to such sources. For example, EPA proposes to deny New York's petition as to sources in any State (or portion of a State) named in New York's petition that is outside the large EGU and non-EGU categories described in Section II.C., as well as any named sources of any type in Tennessee. Another example is that EPA proposes today to deny Vermont's section 126 petition in its entirety, because EPA proposes to find that no sources named in Vermont's petition, in any of the upwind States that the petition names, contribute significantly to nonattainment of either the 1-hour or the 8-hour standard, nor interfere with maintenance of the 8-hour standard, in Vermont.

3. Requirements for Sources for Which EPA Makes a Section 126(b) Finding

The EPA proposes in Section III, below, the requirements that would apply to any new or existing major source or group of stationary sources for which a section 126(b) finding is ultimately made under the approach just described. Section 126(c) states, in relevant part, that:

> it shall be a violation of this section and the applicable implementation plan in such State
>
> (1) for any major proposed new (or modified) source with respect to which a finding has been made under subsection (b) to be constructed or to operate in violation of this section and the prohibition of section 110(a)(2)(D)([i]) or this section or
>
> (2) for any major existing source to operate more than three months after such finding has been made with respect to it.

The Administrator may permit the continued operation of a source referred to in paragraph (2) beyond the expiration of such three-month period if

such source complies with such emission limitations and compliance schedules (containing increments of progress) as may be provided by the Administrator to bring about compliance with the requirements contained in section 110(a)(2)(D)([i]) as expeditiously as practicable, but in no case later than three years after the date of such finding.

The remedial requirements that EPA proposes to apply to sources for which a section 126(b) finding is ultimately made would satisfy the requirements just quoted. First, EPA proposes to find that new sources for which a section 126(b) finding is ultimately made must comply with the requirements described in Section III to ensure that they do not emit in violation of the section 110(a)(2)(D)(i) prohibition. Second, the program EPA is proposing serves as the alternative set of requirements that the Administrator may apply for the purpose of allowing existing sources subject to a section 126(b) finding to operate for more than three months after the finding is made. Consistent with section 126(c), the compliance period in EPA's proposed program extends no further than three years from the making of the finding. To the extent a finding is deemed made as of November 30, 1999, compliance will be required by November 30, 2002. But since the program EPA is proposing would require actual emissions reductions only in the ozone season, actual reductions will not need to occur until May 1, 2003, the start of the first ozone season after the November 30, 2002, compliance date. Thus, compliance by November 30, 2002 would not require actual reductions until May 1, 2003. As described in Section V.A.1 of the final NO_X SIP call, EPA believes that compliance by the ozone season beginning May 1, 2003 is feasible. Section III of this notice describes the proposed section 126 control requirements in greater detail.

III. Federal NO_X Budget Trading Program

A. Program Summary

1. Purpose of the Federal NO_X Budget Trading Program

Under section 126(c), EPA proposes to implement the Federal NO_X Budget Trading Program, a capped market-based system for certain combustion sources in covered upwind States to bring sources covered by any final section 126 finding into compliance. This type of program is a proven method for achieving the highly cost-effective emissions reductions described above while providing sources compliance flexibility. (See SNPR for NO_X SIP call at 63 FR 25918–19, discussing OTAG's conclusions concerning advantages of market-based systems).

The Federal NO_X Budget Trading Program would be triggered automatically if EPA makes a final finding as to any sources under section 126, as described in Section II.F. Participation in the Federal program would be mandatory for all sources affected by a triggering of this section 126 remedy. It would also be mandatory for all sources required to reduce emissions by the promulgated FIP, with the exception of cement kilns and internal combustion engines.

The EPA would like to clarify that the use of the term ''budget'' in the context of the Federal NO_X Budget Trading Program does not mean that there is an aggregate emissions level that is enforceable for the purposes of the section 126 remedy. Rather, the term refers to the aggregate emission levels in each State for units required to participate in the Federal NO_X Budget Trading Program as a section 126 remedy or as part of a FIP. The aggregation of sources allocations is initially only for purposes of determining the total amount available for allocation and and should not be construed to represent a separate requirement for sources in the program for purposes of any section 126 remedy.

The Federal NO_X Budget Trading Rule is proposed in a new Part 97 in Title 40 of the Code of Federal Regulations. Because EPA is proposing to implement the Federal NO_X Budget Trading Program both in response to the section 126 petitions and as part of a FIP if necessary; EPA intends to finalize part 97 in whichever of these actions is finalized first. (The EPA expects part 97 will be finalized in the section 126 rulemaking because final action on the remedy portion of section 126 is required by April 30, 1999 under the proposed consent decree discussed above.) In finalizing part 97, EPA intends to respond to the comments it receives regarding part 97 through both the proposed section 126 remedy and the proposed FIP. Therefore, commenters who have identical comments in both rulemakings may submit their comments to one docket and merely reference such comments in their submission to the other docket. However, to the extent comments on part 97 are solely related to how it would be applied through a triggering of the section 126 remedy, commenters should submit such comments to the docket for this proposed section 126 remedy.

2. Relationship of the Section 126 Remedy to the NO_X SIP Call and the FIP.

The sources or groups of sources identified in the section 126 petitions are also sources for which EPA recommends States adopt emission limitations and control strategies in response to the NO_X SIP call. The NO_X SIP call establishes an emissions budget for all sources of NO_X emissions in all States determined by EPA to significantly contribute to nonattainment or interfere with maintenance of the ozone NAAQS in any other jurisdiction. The FIP sets specific stationary source rules to decrease NO_X emissions and meet the NO_X SIP call budget. The section 126 proposed action, on the other hand, is limited to major stationary sources or groups of stationary sources that are named in the section 126 petitions and that EPA finds emit or would emit in violation of the prohibition in section 110(a)(2)(D)(i) relative to a petitioning State. Despite this difference in the scope of the proposed section 126 action and the proposed FIP or final NO_X SIP call, all three actions are aimed at reducing the transport of ozone by controlling emissions from sources in a given State that are found to be contributing significantly to nonattainment or maintenance problems in another State.

The EPA has promulgated the State NO_X Budget Trading Program, a cap-and-trade program for large combustion sources, to assist States in meeting their obligations under the final NO_X SIP call. The EPA believes that this State NO_X Budget Trading Program—if selected by States to meet their SIP call obligations—could be coordinated and integrated with the Federal NO_X Budget Trading Program promulgated in a section 126 rule or a FIP, in order to address the transport problem on a regional scale.

Integration is possible because, as noted above, both the NO_X SIP call, the corresponding FIP, and the section 126 petitions seek to mitigate the ozone transport problem by reducing emissions from upwind sources that hinder attainment or maintenance of the ozone NAAQS downwind. Further, the sources covered in the State NO_X Budget Trading Program under the NO_X SIP call include a majority of the sources named by petitioning States, and are identical in size and categorization to sources for which EPA proposes issue rules in the section 126 and FIP proposed actions.

In order to be eligible to participate in a cap-and-trade program, the EPA

believes that there are two principal criteria that sources must meet, as stated in the supplemental notice for the proposed NO_X SIP call (62 FR 25923). The first criterion requires that sources be able to account accurately and consistently for all of their emissions in order to maintain emissions within a cap. The second criterion is the ability to identify a responsible party for each regulated source who would be accountable for demonstrating and ensuring compliance with the program's provisions. Assuming that these criteria are met, and consistent control levels are used in setting emission requirements for the covered sources, EPA supports the establishment of a common trading program among sources subject to a trading program under the NO_X SIP call, a section 126 remedy, or a FIP among sources subject to a trading program under the NO_X SIP call, a section 126 remedy or a FIP.

The resulting multi-state trading program could include all sources in States found to be significantly contributing to nonattainment or interfering with maintenance of the ozone standard in another State. Under this common trading program, sources subject to the Federal NO_X Budget Trading Program under the section 126 rulemaking or the FIP, and sources in States choosing to participate in the State NO_X Budget Trading Program in response to the NO_X SIP call, could trade with one another under a NO_X cap across participating States. The EPA's analyses in conjunction with the NO_X SIP call exhibit that implementation of a single trading program with a uniform control level results in no significant changes in location of emissions reductions as compared to a non-trading scenario. Therefore, the common trading program will achieve the intended emissions reductions while providing flexibility and cost savings to the covered sources.

Integration of the trading programs reduces the possibility of inconsistent or conflicting deadlines or requirements, increases the potential cost savings for sources, and streamlines program administration. Inconsistency could hamper the sources' ability to plan and achieve the needed reductions as cost-effectively as possible. In addition, if a State subsequently elects to submit a SIP including a trading program after EPA has already established a Federal NO_X Budget Trading Program under a FIP or section 126 remedy, disruptions to sources that would shift from regulation under a FIP or section 126 remedy to regulation under a SIP would be minimized.

Because sources may be included in the common trading program through one of three possible mechanisms, the sources included in the trading program for purposes of the NO_X SIP call may vary from sources included for purposes of the section 126 remedy. The EPA does not foresee this to be problematic since sources would face consistent control requirements regardless of which rulemaking includes the sources in the common trading program. That the requirements would be consistent follows from the similar nature of the rulemakings and the comparable level of control which EPA has determined to be cost-effective for each source category across all three actions.

The EPA proposes in part 97 to establish the geographic boundaries of the common trading program as those States submitting SIPs in response to the final NO_X SIP call or subject to FIPs and/or the sources in States for which EPA makes a finding for the section 126 petitions. The EPA would administer this common trading program in collaboration with affected States.

The EPA is proposing a Federal NO_X Budget Trading Program as part of the FIP or section 126 remedy which mirrors, to the extent feasible, the State NO_X Budget Trading Program (set forth in part 96) which is the model trading program that is available for States to adopt in response to the NO_X SIP call. While EPA is proposing to keep the programs as similar as possible, there are several differences which are more fully described below. These differences arise primarily from the need for Federal implementation of the program rather than State implementation. For example, EPA must determine the NO_X allowance allocations for each unit in the Federal NO_X Budget Trading Program, rather than simply provide an example that States may use to determine allocations, as is the case in the State NO_X Budget Trading Program.

B. Federal NO_X Budget Trading Program

1. Program Overview

In part 97, the EPA proposes a cap-and-trade program as an aggregate remedy for the section 126 petitions which it today proposes to determine are technically valid. Four of the eight petitioning States (New York, Connecticut, Pennsylvania, and Maine) requested that EPA establish such a trading program to implement the required reductions.

The EPA has authority under section 126 to require sources or groups of sources for which a finding of significant contribution is made to comply with a cap-and-trade program. Section 126(c) provides that such sources or groups of sources may continue to operate if they comply ''with such emission limitations and compliance schedules (containing increments of progress) as may be provided by the Administrator to bring about compliance'' with section 110(a)(2)(D). Under section 302, an ''emission limitation'' is ''a requirement * * * which limits the quantity, rate, or concentration of emission of air pollutants on a continuous basis.'' In fact, title IV of the CAA refers to the allowance requirements of the Acid Rain SO_2 cap-and-trade program as ''emission limitations.'' 42 U.S.C. 7651c(a).

Under a cap-and-trade program, the Administrator sets an emission limitation and compliance schedule for each unit subject to the program. The emission limitation for each unit is the requirement that the quantity of the unit's emissions during a specified period (here, the tonnage of NO_X emissions during the ozone season) cannot exceed the amount authorized by the allowances (here, NO_X allowances, each authorizing one ton of emissions) that the unit holds. Allowances are allocated to units subject to the program, and the total number of allowances allocated to all such units for each control period is fixed or capped at a specified level. The compliance schedule is set by establishing a deadline by which units must begin to comply with the requirement to hold allowances sufficient to cover emissions. In essence, for purposes of complying with section 126, EPA would be translating emission limits into allowance requirements. Since under section 126 EPA has the authority to establish emission limits, and allowance requirements are equivalent to emission limits, EPA has the authority to promulgate allowance requirements and allocate allowances for purposes of section 126. Since a cap-and-trade program is a compliance mechanism which enables sources to make cost-effective decisions to meet their allowance requirements, which are equivalent to emission limits, EPA believes it has the authority under section 126(c) to adopt a cap-and-trade program as a cost effective means of implementing the requirements of sections 126 and 110(a)(2)(D).

Sources potentially subject to the emission limitations and compliance schedule in the Federal NO_X Budget Trading Program for the purposes of the section 126 petitions are those sources named by petitioning States and found by EPA to be emitting in violation of the prohibition in a petitioning State. The

section 126 remedy will apply to these sources in States for which a finding is triggered by the terms of today's proposed rule. For the reasons discussed in Section II, these sources include any fossil fuel-fired unit (boiler, turbine, or combined cycle) that serves a generator with a nameplate capacity greater than 25 MWe, and any fossil fuel-fired unit (boiler, turbine, or combined cycle) that has a maximum design heat input of greater than 250 mmBtu/hr, located in any of the following twenty States: Alabama, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, and West Virginia.

The EPA requests comment as to whether additional stationary sources that emit to a stack, can monitor NO_X mass emissions, and are located in a State where a finding is made under section 126, but are not named in a petition, should be able to voluntarily participate in the trading program. In today's notice, EPA proposes providing these individual stationary sources the opportunity to opt in to enable further cost savings from the Federal NO_X Budget Trading Program. These opt-in provisions would be very similar to the opt-in provisions allowed under the State NO_X Budget Trading Program in part 96 (see Section III.B.3.e for explanation).

The NO_X allowances—each allowance representing a limited authorization to emit one ton of NO_X—would be the currency used in the trading program. A fixed number of NO_X allowances would be allocated to sources for each ozone season equal to the total amount of the aggregate emissions permitted among the sources in each State included in the Federal NO_X Budget Trading Program for purposes of the section 126 remedy. The EPA has included in today's proposal several alternative methodologies that EPA could use to allocate NO_X allowances to units. Appendix A proposed part 97 sets forth the allocation for each unit based on the proposed methodologies.

The control period for the trading program (i.e., the period during which a source must hold sufficient NO_X allowances to cover emissions) would extend from May 1 through September 30, which is the same as the control period under the NO_X SIP call and the FIP proposal. The EPA's proposed trading program remedy is based on the application of a uniform control level to the covered universe of sources. Based on analyses done in connection with the proposed NO_X SIP call (63 FR 25921) and the final NO_X SIP call, EPA maintains that trading could occur across States included in a NO_X Budget Trading Program without restrictions, other than the requirement to comply with existing emission limits under title I and title IV of the CAA, as well as any other State limitations.

Under today's proposed rule, sources in the Federal NO_X Budget Trading Program would be required to monitor and report their emissions in accordance with relevant portions of 40 CFR part 75. The EPA has promulgated revisions to part 75 that establish NO_X mass monitoring requirements and provide greater flexibility to regulated sources. Consistent and accurate monitoring of emissions is necessary for accountability regarding compliance with the requirement to hold NO_X allowances and to ensure that a ton of emissions attributed to one source in one State is equivalent to a ton attributed to another source in the same or another State.

Under today's proposed rule, EPA would be responsible for all aspects of program implementation, with the exception of permitting. Permitting would be handled by States in accordance with the requirements of the proposed rule. As further explained in Section III.B.2.c., the Federal NO_X Budget Trading Program does not require a new or separate permit. If a source already has in place a federally enforceable permit, either title V or non-title V, the source's trading program obligations must be incorporated into this permit; if a source does not have a federally enforceable permit, the federally-enforceable NO_X Budget Trading Rule applies to the source on its own accord.

As discussed herein, EPA proposes to make the Federal and State NO_X Budget Trading Programs as similar as possible and has modeled proposed part 97 after part 96 just finalized. The EPA notes that discussion of the evolution of the NO_X Budget Trading Program is set forth in the supplemental notice of the proposed NO_X SIP call rule at 63 FR 25921–23 and in the final NO_X SIP call rule.

2. Elements of the Federal NO_X Budget Trading Program That Are the Same as the State NO_X Budget Trading Program

Under part 97, as proposed, the following sections would be virtually identical to the corresponding sections in part 96, which sets forth the State NO_X Budget Trading Program. The EPA proposes to retain and rely on the analyses and considerations undertaken in the NO_X SIP call process to determine these program elements. Moreover, the provisions in part 97 would be numbered in the same sequence as the corresponding provisions in part 96, so that, for example, § 97.2 and § 96.2 or § 97.81 and § 96.81 would address the same subject matter. The major differences between the part 97 sections listed below and their corresponding part 96 sections would be the renumbering of cross references to other regulatory provisions so that a section in part 97 would reference the appropriate section in that part, as opposed to the section in part 96. More detailed information on the rationale for the part 96 provisions themselves can be found in the preamble accompanying the proposed part 96 (63 FR 25917–43) and the final part 96.

Subpart A—Federal NO_X Budget Trading Program General Provisions

Sec.
97.3 Measurements, abbreviations, and acronyms.
97.5 Retired unit exemption.
97.7 Computation of time.

Subpart B—Authorized Account Representative for NO_X Budget Sources

97.10 Authorization and responsibilities of the NO_X authorized account representative.
97.11 Alternate NO_X authorized account representative.
97.12 Changing the NO_X authorized account representative and alternate NO_X authorized account representative; changes in the owners and operators.
97.13 Account certificate of representation.
97.14 Objections concerning the NO_X authorized account representative.

Subpart C—Permits

97.20 General NO_X Budget permit requirements.
97.21 Submission of NO_X Budget permit applications.
97.22 Information requirements for NO_X Budget permit applications.
97.23 NO_X Budget permit contents.
97.24 Effective date of initial NO_X Budget permit.
97.25 NO_X Budget permit revisions.

Subpart D—Compliance Certification

97.30 Compliance certification report.

Subpart F—NO_X Allowance Tracking System

97.50 NO_X Allowance Tracking System accounts.
97.51 Establishment of accounts.
97.52 NO_X Allowance Tracking System responsibilities of NO_X authorized account representative.
97.53 Recordation of NO_X allowance allocations.
97.54 Compliance.
97.55 Banking.
97.56 Account error.
97.57 Closing of general accounts.

Subpart G—NO_X Allowance Transfers

97.60 Scope and submission of NO_X allowance transfers.
97.61 EPA recordation.
97.62 Notification.

The EPA requests comment on whether any of the part 97 provisions listed above should differ substantively from the corresponding provisions in part 96. If a commenter believes substantive differences in the rules are appropriate, the commenter should describe the favored changes and explain why these changes are appropriate.

a. General Provisions. For part 97, EPA is proposing to use the same measurements, abbreviations, and acronyms, the same retired unit exemption, and the same provisions for computation of time as those that apply in part 96, with cross references to the appropriate sections in part 97, rather than to sections in part 96. The EPA is proposing these part 97 provisions for the reasons set forth both in the proposed NO_X SIP call (63 FR 25923–27) and final NO_X SIP call, and in order to minimize differences between the Federal and State NO_X Budget Trading Programs.

b. Authorized Account Representative. The NO_X Authorized Account Representative (NO_X AAR) is the individual who is authorized to represent the owners and operators of each NO_X Budget unit at a NO_X Budget source in matters pertaining to the NO_X Budget Trading Program. Subpart B of part 97 addresses, among other things, the process for designating and changing the NO_X AAR and the responsibilities of the NO_X AAR and alternate NO_X AAR. These provisions are the same as those in part 96, with cross references to the appropriate sections of part 97. The EPA is proposing these part 97 provisions for the reasons set forth both in the proposed NO_X SIP call (63 FR 25927) and the final NO_X SIP call, and in order to minimize differences between the Federal and State NO_X Budget Trading Programs.

c. Permits. The regulations governing State permitting under title V define an ''applicable requirement,'' which must be reflected in a title V operating permit, as including ''[a]ny standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA through rulemaking under title I of the CAA that implements the relevant requirements of the CAA, including any revisions to that plan promulgated in part 52 of this chapter.'' 40 CFR 70.2. Since today's proposed rule is being promulgated under title I (i.e., under section 126), the requirements of this rule are applicable requirements under § 70.2 and must be reflected in the title V operating permit of NO_X Budget sources required to have such a permit. The EPA believes that the majority of NO_X Budget sources will be required to have a title V permit. Further, all State and local air permitting authorities currently have EPA-approved title V operating permits programs. These State and local agencies would be the permitting authorities for the majority of NO_X Budget sources with title V permits, for which the trading program requirements would be applicable requirements. For any sources that do not have a title V permit, such a permit is not required. If a source has a federally enforceable non-title V permit, the trading program requirements must also be incorporated into this permit. If a source does not have a federally enforceable permit, the requirements of the Federal NO_X Budget Trading Rule would be federally enforceable without the federally enforceable permit.

Subpart C of part 97 addresses, among other things, the administration of a permit, permit applications, permit contents, effective date, and permit revisions. These provisions are the same as those in part 96, with cross references to the appropriate sections in part 97. The EPA is proposing these part 97 provisions for the reasons set forth both in the proposed NO_X SIP call (63 FR 25927–29) and the final NO_X SIP call, and in order to minimize differences between the Federal and State NO_X Budget Trading Programs.

d. Compliance Certification. The NO_X AAR must certify at the end of each control period that the unit was in compliance with the emissions limitation and other requirements of the Federal NO_X Budget Trading Program. Proposed § 97.30 sets forth the same provisions for compliance certification reports as those in part 96, with cross references to the appropriate sections in part 97. The EPA is proposing these part 97 provisions for the reasons set forth both in the proposed NO_X SIP call (63 FR 25929) and the final NO_X SIP call, and in order to minimize differences between the Federal and State NO_X Budget Trading Programs.

e. NO_X Allowance Tracking System. The NO_X Allowance Tracking System is an automated system used to track NO_X allowances held by NO_X Budget units under the NO_X Budget Trading Program, as well as those allowances held by other organizations and individuals. Subpart F of part 97 addresses, among other things, NO_X allowance tracking system accounts, the account responsibilities of the NO_X AAR, the recordation of NO_X allowance allocations, the compliance process, account error, and account closing. These provisions are the same as those in part 96, with cross references to the appropriate sections in part 97. The EPA is proposing these part 97 provisions for the reasons set forth both in the proposed NO_X SIP call (63 FR 25933–37) and the final NO_X SIP call, and in order to minimize differences between the Federal and State NO_X Budget Trading Programs.

f. Banking. The EPA proposes to include banking as a feature in the Federal NO_X Budget Trading Program for the reasons set forth in the final NO_X SIP call. Proposed § 97.55 sets forth the same provisions for banking and the management of banked allowances as specified in part 96. In accordance with these provisions, NO_X allowances held by units subject to the Federal NO_X Budget Trading Program may be banked for future use starting in 2003 (except as noted in Section III.B.3.e.ii. of this preamble). However, as in the State NO_X Budget Trading Program, the Federal NO_X Budget Trading Program contains a flow control mechanism to limit the variability associated with banking. This mechanism allows unlimited banking by units subject to the Federal NO_X Budget Trading Program, but discourages the ''excessive'' use of banked allowances by establishing a discount rate on the use of banked allowances over a certain level. Proposed part § 97.55 establishes a flow control mechanism which applies a 2-for-1 discount ratio to the use of banked allowances above a certain level when the total number of banked allowances in the program exceeds 10 percent of the allowable NO_X emissions for all sources covered by the Federal trading program. This flow control mechanism, along with the overall banking provisions, is proposed for the reasons set forth in both the proposed NO_X SIP call (63 FR 25934–37) and the final NO_X SIP call, and in order to minimize differences between the Federal and State NO_X Budget Trading Programs.

g. NO_X Allowance Transfers. Subpart G of part 97 addresses, among other things, submission, recordation, and notification of transfers of NO_X allowances under the NO_X Budget Trading Program. These provisions are the same as those in part 96, with cross references to the appropriate sections in part 97. The EPA is proposing these part 97 provisions for the reasons set forth both in the proposed NO_X SIP call (63 FR 25937–38) and the final NO_X SIP call, and in order to minimize

differences between the Federal and State NO_X Budget Trading Programs.

h. Audits. While program audits are not explicitly required by today's rule, EPA intends to perform the same types of audits discussed concerning the proposed NO_X SIP call (63 FR 25942) and the final NO_X SIP call.

3. Elements of the Federal NO_X Budget Trading Program That Differ From the State NO_X Budget Trading Program

The EPA proposes that the following sections in part 97 incorporate certain differences from the corresponding sections in part 96 to provide for Federal implementation of the NO_X Budget Trading Program.

Subpart A—Federal NO_X Budget Trading Program General Provisions

Sec. 97.1 Purpose.
Sec. 97.2 Definitions.
Sec. 97.4 Applicability.
Sec. 97.6 Standard Requirements.

Subpart D—Compliance Certification

Sec. 97.31 Administrator's action on compliance certifications.

Subpart E—NO_X Allowance Allocations

Sec. 97.40 Trading program budget.
Sec. 97.41 Timing requirements for NO_X allowance allocations.
Sec. 97.42 NO_X allowance allocations.

Subpart H—Monitoring and Reporting

Sec. 97.70 General requirements.
Sec. 97.71 Initial certification and recertification procedures.
Sec. 97.72 Out of control periods.
Sec. 97.73 Notifications.
Sec. 97.74 Recordkeeping and reporting.
Sec. 97.75 Petitions.
Sec. 97.76 Additional requirements to provide data for allocations purposes.

Subpart I—Individual Unit Opt-Ins

Sec. 97.80 Applicability.
Sec. 97.81 General.
Sec. 97.82 NO_X authorized account representative.
Sec. 97.83 Applying for NO_X Budget opt-in permit.
Sec. 97.84 Opt-in process.
Sec. 97.85 NO_X Budget opt-in permit contents.
Sec. 97.86 Withdrawal from NO_X Budget Trading Program.
Sec. 97.87 Change in regulatory status.
Sec. 97.88 NO_X allowance allocations to opt-in units.

a. General Provisions. i. Purpose. Proposed Sec. 97.1 explains that proposed part 97 sets forth the provisions for the Federal NO_X Budget Trading Program addressing interstate transport of ozone and NO_X. As discussed above, this program would be activated either under section 126 or under a FIP.

ii. Definitions. For part 97, EPA is proposing to use the same definitions as those that apply in part 96, with cross references to the appropriate sections in part 97, with three exceptions. First, the definition of the term ''NO_X Budget Trading Program'' would be altered to reflect the fact that the Federal trading program is established pursuant to part 52, as opposed to part 51.121, as is the case with the State NO_X Budget Trading Program under part 96. Secondly, the definition for the term ''State'' would be altered to reference only those States that would be covered by any final section 126 or FIP action, and to reflect the fact that the Federal trading program would be promulgated for a State, as opposed to adopted by the State as is the case with the State NO_X Budget Trading Program. Last, the term ''State trading program budget'' would be replaced with the term ''trading program budget''. For purposes of the FIP, the trading program budget would be the aggregated budget for all sources affected by the requirements to participate in the trading program in a given State under the FIP. For purposes of the section 126 action, the trading program budget would be referred to as the ''section 126 trading program budget for the State''. The term ''section 126 trading program budget for the State'' is used to clarify the fact that the budget for the Federal NO_X Budget Trading Program is not aggregated to a State level for the purposes of the section 126 action except for the allocation calculation, since the focus in the remedy is sources rather than States.

The following example illustrates the approach taken concerning the unchanged definitions: the term ''NO_X Budget Unit'' is defined under part 97 as ''a unit that is subject to the NO_X Budget Trading Program emissions limitation under Sec. 97.4 and Sec. 97.80'', while that term has the same definition under part 96 except that appropriate sections in part 96 are referenced (63 FR 25923).

iii. Applicability. For the reasons discussed above, EPA proposes in part 97 that the Federal NO_X Budget Trading Program for purposes of the section 126 remedy would apply to any fossil fuel-fired unit (boiler, combustion turbine, or combined cycle) that serves a generator with a nameplate capacity greater than 25 MWe, and any fossil fuel-fired unit (boiler, combustion turbine, or combined cycle) that has a maximum design heat input of greater than 250 mmBtu/hr, located in any of the following twenty States: Alabama, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, and West Virginia. The remedy will apply to these sources in those States for which EPA makes a final finding granting a section 126 petition under the triggers included in the proposed rule. These are the same source categories included in the core group applicability for the voluntary State NO_X Budget Trading Program, only in a more narrow range of States.

In the NO_X SIP call, EPA offered States the option of allowing units with a very low federally enforceable permit limitation (i.e., 25 tons per season) to be exempt from the trading program, even though they were above the applicability threshold (63 FR 25926). The EPA proposes to include this provision in the Federal NO_X Budget Trading Program and solicits comment on the appropriateness of such inclusion.

iv. Standard Requirements. Under the Federal NO_X Budget Trading Program, the NO_X Budget units and their owners, operators, and NO_X AARs must meet certain standard requirements that incorporate the full range of program requirements by referencing other sections of the NO_X Budget Trading Rule. These provisions are the same as the related provisions in part 96, with cross references to the appropriate sections of part 97, except that the Administrator, rather than the permitting authority, would allocate NO_X allowances under the Federal NO_X Budget Trading Program. This reflects the fact that the NO_X Budget Trading Program would be Federally run, rather than run by the State as under the NO_X SIP call.

b. Compliance Certification. Proposed § 97.31 is the same as § 96.31 except that the Administrator has the sole responsibility for reviewing and auditing compliance certifications and other submissions under the Federal NO_X Budget Trading Program. This reflects the fact that the part 97 NO_X Budget Trading Program would be federally run rather than run by the State as under the NO_X SIP call. The EPA is proposing these part 97 provisions for the reasons set forth both in the proposed NO_X SIP call (63 FR 25929) and the final NO_X SIP call, and in order to minimize differences between the Federal and State NO_X Budget Trading Programs.

c. Aggregate NO_X Emissions Levels and Allowance Allocations. This section discusses the calculation of State specific aggregate emission levels and the methodology and timing for issuance of NO_X Budget unit allocations. The EPA calculated the State specific aggregate emission levels that would remain after the application of reasonable and highly cost-effective

NO_X controls to upwind sources which contribute significantly to nonattainment or maintenance problems in downwind States. These aggregate emission levels for each State for which a finding under section 126 may be triggered are listed in appendix C of today's notice for both EGUs and non-EGUs. Section II.C of this preamble describes the controls that were assumed for each subcategory of sources. In determining what controls to assume in calculation of the proposed emissions level for each subcategory, EPA used the cost-effectiveness rationale also described in Section II.C.

The EPA also calculated individual unit allocations based on the State specific aggregate emission levels described in this section. Subpart E of today's proposed Federal NO_X Budget Trading Rule addresses the allocation of NO_X allowances to NO_X budget units for purposes of the section 126 remedy. As in the allocation-related provisions in part 96, part 97 includes provisions for the timing of allocation issuance, the methodology for issuing allocations, and the allocations for new sources. However, in part 97, the Administrator, rather than the State, will determine the allocations.

i. Data Sources. (1) EGUs. The EGU data base developed for this analysis consists of both utility EGUs and non-utility EGUs. The non-utility EGUs include independent power producers (IPPs) and non-utility generators (NUGs). Eight data sources were used to develop the base year EGU data: (1) EPA's Acid Rain Data Base (ARDB) (Pechan, 1997c); (2) EPA's 2007 Integrated Planning Model (IPM) Year 2007; (3) EPA's Emission Tracking System/Continuous Emissions Monitoring System (ETS/CEM) (EPA, 1997b); (4) DOE's Form EIA–860 (DOE, 1995a); (5) DOE's Form EIA–767 (DOE, 1995b); (6) EPA's National Emissions Trends Data Base (NET) (EPA, 1997c); (7) DOE's Form EIA–867 (DOE, 1995c); (8) the OTAG Emission Inventory (Pechan, 1997a); and (9) incorporation of comments to the proposed NO_X SIP call NPR dated November 7, 1997. More details regarding these data sources can be found in the technical support document (TSD) of EPA's NO_X SIP call.

(2) Non-EGUs. The starting point for the non-EGU data base was the 1990 OTAG Inventory. This inventory was prepared with 1990 State ozone SIP emission inventories supplemented with either State inventory data, if available, or EPA's National Emission Trends (NET) data if State data were not available. This inventory was further refined by the incorporation of comments to the proposed NO_X SIP call NPR dated November 7, 1997. All records with utility SCCs (first 3 digits 101 or 201) were removed from the 1990 OTAG Inventory because it was assumed that emissions from these sources would be accounted for in the EGU component of the inventory. More details regarding these data sources can be found in the TSD of EPA's NO_X SIP call.

ii. Methodology Used To Determine Controlled Emission Levels. Section II of this preamble identifies the two subcategories that EPA proposes to control (i.e., large EGUs and large non-EGUs) and the emission levels that are highly cost-effective to achieve (i.e., 0.15 lb/mmBtu for EGUs and 60 percent reduction from uncontrolled levels for non-EGUs) in response to the section 126 petitions. This section describes the methodology used in determining each of these subcategory's emissions level on a State-by-State basis.

(1) Large EGUs. For reasons explained in the final NO_X SIP call, EPA is proposing to calculate each State's summer season large EGU emissions level using a specific NO_X emission rate and the projected summer season utilization of the year 2007. Specifically, EPA proposes calculating each State's large EGU NO_X emissions level by multiplying: (1) Each State's summer activity level in mmBtu (EPA selected the higher of each State's overall 1995 or 1996 summer utilization), by (2) each State's projected growth between 1996 and 2007 (using the IPM model), by (3) a NO_X rate of 0.15 lb/mmBtu. The resulting figure, in lbs, was divided by 2000 (lbs per ton) to determine tons.

In general, new units built to meet economic growth are lower emitting than the older units they augment or replace. Thus, though the industry's fuel utilization may increase over time, the industry's average NO_X rate may decrease as newer, cleaner units are built and operated, and total emissions may or may not increase.

The EPA proposes to incorporate growth in industrial activity when determining the large EGU emissions level, and thus accommodate new sources into the section 126 remedy. Specifically, EPA projects each State's projected change in utilization from current levels to the year 2007 and sets an emissions level based on that future year's utilization. This approach directly accommodates industrial growth. Additionally, this was the type of approach taken in the final NO_X SIP call in determining various State emissions levels. Thus, EPA is proposing to use this type of approach for addressing activity growth and, as described below, using the IPM growth projections. Appendix C of proposed part 97 of this notice presents the resulting proposed large EGU emissions level per State along with each State's projected growth from 1996 to 2007.

(2) Large Non-EGUs. For reasons explained in the final NO_X SIP call, EPA is proposing to calculate each State's summer season large non-EGU emissions level by reducing each State's uncontrolled non-EGU NO_X emissions levels (in tons) by 60 percent and assuming growth through the year 2007. Appendix C of proposed part 97 presents the resulting large non-EGU emissions level and projected growth rate for each State.

iii. Development of Section 126 Trading Program Budget. Proposed § 97.40 provides that the section 126 trading program budget for each State would equal the sum of the aggregate emission levels for large electric generating units and large non-electric generating units in each State calculated as discussed in Section III.B.3.c.ii of this preamble. Under section 126, the Administrator determines the ''emission limitations and compliance schedules'' with which NO_X Budget units under § 97.4 must comply. In the Federal NO_X Budget Trading Program being proposed for the section 126 remedy, these NO_X ''emission limitations'' take the form of NO_X ''allowance allocations'' and are assigned based on the aggregate emission levels for the subcategories in the trading program. The approach to issuing allocations under a section 126 action is similar to that under the NO_X SIP call, with the exception that under § 96.40, the State permitting authority, rather than the Administrator, determines, through the SIP, the total amount of allowable NO_X emissions apportioned to NO_X Budget units.

iv. Timing Provisions. Proposed § 97.41 sets forth the provisions for when the Administrator will issue allocations of NO_X allowances to NO_X Budget units. Under the Federal NO_X Budget Trading Program, the Administrator (rather than the State permitting authority) determines the NO_X allowance allocations, as well as records them in the NO_X Allowance Tracking System. Thus, proposed § 97.41 does not provide, or set deadlines, for the permitting authority's submission of allocations to EPA. However, as discussed in the final NO_X SIP call, EPA believes it is important to issue the allocations at least a couple years into the future to provide some predictability for sources in their control planning and build confidence in the market. Therefore, under part 97, the Administrator will issue NO_X allowances in EPA's NO_X Allowance

Tracking System (NATS) by April 1 of every year for the control period that is three years later. For example, EPA would issue the allocations for the 2003 control period by April 1, 2000, for those sources for which a finding has been triggered under section 126 at this time. For those sources for which a finding is not triggered by April 1, 2000, but for which a final finding is automatically triggered on May 1, 2000, EPA would issue the allocations for the 2003 control period to NATS as soon as practicable in the year 2000, consistent with the allocations finalized with this rulemaking. In both cases, EPA would issue the allocations for the 2004 control period by April 1, 2001, etc. so that the allocations are always known three years in advance. These provisions are consistent with the minimum timing requirements specified in the final NO_X SIP call rulemaking.

As stated in the previous paragraph, EPA will issue allocations in the NATS on an annual basis three years prior to the relevant control period. However, EPA proposes to use the same allocations for the first three years of the program (based upon one of the proposed methodologies described below), unless a State replaces the section 126 action with its own allocations in an approved SIP. The EPA proposes constant allocations for the first three control periods to provide more consistency and certainty and to build market confidence during the start-up phase of the program. Therefore, while the Agency will not record the allocations in unit accounts until April 1 of the year three years preceding each relevant control period, the allocations for 2004 and 2005 will be the same as the allocations for the 2003 control period. However, if a State, as part of an approved SIP, submits allocations for the 2004 control period to EPA prior to April 1, 2001, or for the 2005 control period prior to April 1, 2002, the State's allocations will replace the allocations EPA planned to issue for the relevant control season. By issuing allocations into accounts one year at a time, EPA is providing States the ability to replace a section 126 action with an approved SIP while still ensuring that sources receive allocations at least three years prior to the relevant control season.

After the initial three year period, EPA may update its allocations on an annual basis three years prior to the relevant control season. As discussed in the final NO_X SIP call, updating allocations on an annual basis (three years ahead) is intended to allow the allocation system to accommodate changes in market conditions.

The EPA is proposing these part 97 provisions for the reasons set forth in the final NO_X SIP call concerning part 96 and in order to minimize differences between the Federal and State NO_X Budget Trading Programs.

v. NO_X Allowance Allocation Methodology. The EPA proposes that part 97 include the methodology that the Administrator will use for allocating NO_X allowances to NO_X Budget units. While in part 96 the Agency lays out an optional allocation methodology that may be used by a State permitting authority for issuing allocations, part 97 will prescribe the methodology that the Administrator would use.

(1) EGUs. The EPA requests comment on three separate methodologies that the Administrator could use for the initial allocation period (the control periods in 2003 through 2005) for electricity generating units. In whichever of these methodologies the Agency finalizes, the total number of allowances issued would equal the portion of the section 126 trading program budget in each State attributed to large electricity generating units (calculated as described in Section III.B.3.c.ii of this preamble by multiplying a specified emission rate by a State's summer activity level projected to 2007). The first option is to allocate allowances based on the product of an emission rate in pounds of NO_X/mmBtu and the mmBtus of energy utilized for all units in the Federal NO_X Budget Trading Program; the proposed part 97 describes this approach. The second option is to allocate allowances to fossil-fuel-fired electric generating units in the Federal NO_X Budget Trading Program based on the product of an emission rate in pounds of NO_X/kWh and the kWh of electricity generated. A third option considered by EPA would allocate allowances to all large electric generating units, regardless of fuel type, in the States affected by the section 126 rulemaking based on their electricity generated. For the second and third options, EPA would use a surrogate for electricity generation data where electricity generation data is not available. The EPA solicits comment on these three methodologies.

With regard to the allocation methodology to be used by the Administrator for the control periods starting in 2006, EPA requests comment on the same three general methodologies mentioned in the previous paragraph. To facilitate the use of the second and third approaches for the control periods in 2006 and thereafter, EPA proposes to work with stakeholders to design a system based on electricity generation that could be used after the initial allocation period. The EPA plans to propose an allocation system based on electricity generation in 1999 and finalize the approach in 2000. Appropriate data could then be measured and collected at NO_X Budget units during the control periods in the years 2001 and 2002. When it becomes available, this approach could be incorporated into part 97 if the Agency decides to allocate allowances based on electricity generation.

For whichever of these three allocation methods the Agency selects, EPA proposes to use the average of the data for the two highest control periods for the years 1995, 1996, and 1997 in determining an electric generating unit's allocation for the control periods in 2003, 2004, and 2005. This approach using data from 1995, 1996, and 1997 differs slightly from the way the aggregate emission level was calculated for the EGU subcategory. As explained in Section III.B.3.c.ii of this preamble, EPA calculated the aggregate emission level based upon the greater of the State heat input data from 1995 or 1996. However, the Agency believes it is useful to base the first three years of allocations to individual units on operating data reflecting the average of the highest of two out of the three most recent years. In this way, the initial allocations better represent the operation of particular units.

Once several years of allocations have been built into the system, the Agency believes it is possible to move to an annually updating allocation system that calculates allocations based on operating data from a single year. Using data from a single year as a basis for allocations enables the Agency to develop an updating allocation system that can reflect changes in utilization or electricity generation. By this time, the trading market should be more established and companies will have several years of experience with the program. Therefore, companies will better be able to accommodate variations in single year allocations through the trading market and company-wide compliance strategies. Therefore, after the initial period of allocations, EPA would use data measured during the control period of the year that is four years before the year for which allocations are being calculated.

Furthermore, for reasons discussed in the final NO_X SIP call, EPA proposes the establishment of an allocation set-aside account for new units (units that commence operation during or after the period on which general NO_X allowance allocations are based) to be used in whichever allocation methodology EPA adopts equaling 5 percent of the section

126 trading program budget in each State in 2003, 2004, and 2005 and 2 percent of the section 126 trading program budget in each State in the subsequent years. The Agency believes that if a new source set-aside is employed, it should be large enough to provide allocations to all new units entering the Federal trading program. Based on analyses EPA conducted using the Integrated Planning Model (IPM) and on the Agency's proposal to reallocate by April 1, 2003 for the control period in 2006, 5 percent appears to be a reasonable portion of NO_X allowances to set-aside for new units in the initial three years of the program and 2 percent for the subsequent years.

However, while 5 percent (and 2 percent) may be an appropriate region-wide average, an individual State may experience either more or less growth in new sources during the relevant time period. The EPA calculated the State-specific aggregate emission levels for each subcategory using State-specific growth rates (see the rulemaking docket). Therefore, EPA solicits comment on using State-specific growth rates to determine the appropriate size of a State new source set-aside. Additionally, the 5 percent (and 2 percent) numbers were calculated based upon estimated growth in utilization by new sources and therefore may be more appropriate when the first proposed allocation methodology is employed. The EPA solicits comment on the use of a different percentage for the set-aside if the Agency adopts an electricity generation-based allocation system.

Using each of the three allocation methodologies on which EPA solicits comment, the Agency has calculated unit specific allocations. Two of the three sets of unit-specific allocations are in appendix A of proposed part 97, the third set is included in the rulemaking docket. The EPA is providing these unit specific allocations to solicit comment on the underlying data used in these allocations and the methodologies employed in determining the allocations. The Agency will select and describe a set of allocations for all sources potentially subject to the section 126 rulemaking in the final notice. The EPA would issue the finalized set of the 2003 control period allocations in the NATS by April 1, 2000 for those sources for which a finding has been triggered under section 126 at this time. For those sources for which a finding is not triggered by April 1, 2000, but for which a final finding is automatically triggered on May 1, 2000, EPA would issue the allocations for the 2003 control period to NATS as soon as practicable in the year 2000, consistent with the allocations finalized with this rulemaking.

For the first allocation approach in part 97, EPA determined initial unadjusted allocations to existing electric generating NO_X Budget units by multiplying a NO_X emission rate of 0.15 lb/mmBtu by the units' historical heat input calculated by taking the average of the heat input for the two highest control periods for the years 1995, 1996, and 1997. The Agency used the heat input data reported to EPA in quarterly reports during ozone season for utilities affected under the Acid Rain Program. For non-utility electricity generators, EPA used heat input information reported to EIA on EIA Form 867.

After determining the initial unadjusted unit allocations, EPA adjusted the allocation for each unit upward or downward to match the portion of the section 126 trading program budget in the State attributed to large electricity generating units. Then, the Agency adjusted the allocation for each unit in the State proportionately so that the total allocations equaled 95 percent of the portion of the section 126 trading program budget in the State attributed to large electricity generating units. This created a new source set-aside of 5 percent.

For the second allocation approach, EPA multiplied the unit heat input in mmBtu and the generator heat rate [14] associated with the generation for that unit, in Btu/kWh, to determine each unit's associated historical electrical generation in kWh.[15] For non-utility electricity generators, EPA used heat input from OTAG's database (1995 data) and the average heat rate values found below in Table III–1. The Agency used this indirect approach to calculate electrical output because EPA did not have access to unit-specific generation data for non-utility electricity generators. The EPA used average heat rate values for generators for which heat rates were not publicly available, as shown in the table below.

TABLE III–1.—AVERAGE UTILITY GENERATOR HEAT RATES

Unit and fuel type	Generator size (MW)	Average heat rate (Btu/kWh)
Combustion Turbine (gas or No. 2 fuel oil/diesel).	≤50	14250
	>50	13200
Combined Cycle Turbine (gas or No. 2 fuel oil/diesel).	≤100	11100
	>100	8500
Oil-or Gas-fired Steam Boiler.	≤400	10600
	>400	10000
Coal-fired Boiler	≤500	10400
	>500	9800

Some units are cogenerators, which are electrical generators that divert part of their steam to provide steam output, rather than to generate electricity. The Agency calculated output from cogenerating units as described in the previous paragraph. That approach assumes that heat input is converted into electricity at a particular efficiency. The EPA's proposed approach does not account for the fact that steam generation is generally more efficient than electricity generation. The EPA encourages commenters to provide the Agency electrical output data and steam output data to determine the efficiency of cogenerating units.

To determine the individual unit allocations, EPA determined the total electricity generation from all affected electricity generating units within each State as estimated in the previous paragraphs and calculated each unit's share of the total State electricity generation. Each unit was then assigned an allocation based upon its share of electricity generation. For example, if the Agency calculated that a unit contributed 0.4 percent of a State's total electricity generation, then it would receive 0.4 percent of the section 126 trading program budget in the State attributed to large fossil-fuel-fired electricity generating units. After determining the initial unadjusted allocation, the Agency adjusted the allocation for each unit proportionately so that the total allocation equaled 95% of the portion of the section 126 trading program budget for the State attributed to large fossil-fuel-fired electricity generating units (to create the new source set-aside).

The EPA is also proposing a third allocation approach which would provide allowances to all electricity generators in the applicable region regardless of the energy source. For fossil fuel-fired power plants, EPA used the approach described above in determining the electrical generation

[14] Utilities report their generator-specific heat rates to EIA on EIA Form 860.

[15] The EPA used the average generation for the ozone season during the highest two of the years from 1995 through 1997, similar to the approach with heat input.

from individual combustion units. For nuclear power plants and hydroelectric plants, EPA used electrical generation reported by utilities to EIA on EIA Form 759. The Agency was unable to find data for all plants. The Agency solicits comment on these methods for determining electricity generation data. The EPA also requests comment on the data itself and solicits any additional information for the plants for which EPA has not found data.

The Agency determined the initial unadjusted allocations in the same manner as described for the electricity generation-based allocations to fossil-fuel-fired units only. That is, the Agency determined the total electricity generation within each State, calculated each unit's share of the total electricity generation, and calculated an allocation based upon that share of the section 126 trading program budget for the State attributed to large electricity generating units. The Agency then adjusted the allocation for each unit proportionately so that the total allocation equaled 95 percent of the portion of the section 126 trading program budget for the State attributed to large electricity generating units.

For each of these three allocation methodologies, the Agency solicits comment on the data used to determine the allocations. Electricity generators, and utilities in particular, already report many of these data to Federal or State government agencies. The necessary data and their sources include:

1. For each plant:

a. Plant name—as reported to U.S. EPA and EIA; if not currently reporting to Federal government, then as reported to the state environmental agency

b. ORISPL number, if available (or other unique identification number for the plant, if no ORISPL number exists)—as reported to U.S. EPA and EIA; if not currently reporting to Federal government, then as reported to the state environmental agency

iii. State postal abbreviation and county FIPS code as reported to U.S. EPA and EIA; if not currently reporting to Federal government, then as reported to the state environmental agency

iv. Monitoring locations at the plant (e.g., stacks or fuel pipes where monitoring equipment would be located) for existing monitoring equipment, as reported to U.S. EPA, or to the state environmental agency

2. For each unit (boiler or combustion turbine) at the plant:

a. An identification designation (e.g., 1, CT2) as reported to U.S. EPA and EIA; if not currently reporting to Federal government, then as reported to the state environmental agency

b. A description of each unit (e.g. combustion turbine, coal-fired wet-bottom boiler) as reported to U.S. EPA and EIA; if not currently reporting to Federal government, then as reported to the State environmental agency or state utility commission

c. Fuel or energy source used—as reported to the U.S. Energy Information Administration (EIA) or to the state utility commission

d. Heat input (mmBtu) in May 1 through September 30 of 1995, 1996 and 1997 as reported to U.S. EPA and EIA;

e. Estimated historical NO_X mass emissions in May 1 through September 30 of 1995, 1996 and 1997 (as reported to the U.S. EPA or the state environmental agency).

3. For each electrical generator at the plant:

a. Generation identification designation—as reported to U.S. EPA and EIA; if not currently reporting to Federal government, then as reported to the state utility commission

b. Nameplate capacity in MWe-as reported to U.S. EPA and EIA; if not currently reporting to Federal government, then as reported to the state utility commission.

c. Electrical generation (MWh)in May 1 through September 30 of 1995, 1996 and 1997—as reported to EIA;

4. For each steam turbines at the plant that is used to generate steam output instead or in addition to electricity:

a. An identification designation

b. Capacity, in mmBtu/hr output rate

c. Steam output (mmBtu) (not used for electrical generation) in May 1 through September 30 of 1995, 1996 and 1997

The Agency believes these data are needed both to determine the output of each source and to establish a unique identity for each source and its units. The EPA requests comment on the specific data as well as the type of data supporting the proposed allocations under part 97.

(2) Non-EGUs. For any allocation methodology adopted, the total number of allocations issued to non-electric generating units would equal the portion (less the 5 percent set-aside discussed below) of the section 126 trading program budget for each State attributed to large non-electricity generating units (calculated as described in Section III.B.3.c.ii of this preamble by reducing each State's uncontrolled non-EGU NO_X emissions level by 60 percent and assuming activity growth through 2007). At this time, the Agency proposes to use heat input as the basis for determining allocations for large non-electricity generating units in the Federal NO_X Budget Trading Program. The EPA proposes this basis for both the initial allocation period of 2003 through 2005 and for subsequent years of the program. This differs from the method used to determine the aggregate emission level for non-electric generating units (a percentage reduction from historical emissions) because at the time the aggregate level was determined (during the SIP call proposal process), heat input data for individual units was not available. Distributing allocations on a heat-input basis provides a fuel-neutral method of allocating to the units in the trading program similar to the allocation approaches proposed for the electric generating units. Heat-input-based allocations also allow for reallocating in the future (to accommodate new units) whereas allocations based upon a specific percentage reduction do not. Heat input data is now available for use in developing allocations, and the Agency solicits comment on the data as well as the use of heat input in developing allocations.

At this time, the Agency is not aware of any databases on steam output information for industrial boilers. Therefore, for combustion sources other than electrical generators, EPA finds that it is most appropriate to base allocations upon heat input. However, EPA requests comment on any methods for distributing allowances on an output basis to non-electricity generating units. Comments should address the availability, quality, and appropriateness of the data for regulatory purposes and/or methods to obtain such data.

For the non-electricity generating units subject to the Federal trading program, EPA proposes to use 1995 heat input data in the allocation calculation for the control periods in 2003, 2004, and 2005. The 1995 data are the most recent data the Agency knows are currently available for non-electricity generating units. After this initial period of allocations, as with the electric generating units, the Agency will use data measured during the control period of the year that is four years before the year for which allocations are being calculated.

As was done for electricity generating units, the Agency has calculated unit specific allocations for large non-electricity generating units. These unit specific allocations are provided in Appendix A of proposed part 97. The EPA solicits comment on the underlying data used in these allocations and the methodology employed in determining the allocations. The Agency plans to describe a set of allocations in the final notice. The EPA would issue the final allocations for the control period in

2003 by placing them in the NATS by April 1, 2000 for those sources for which a finding has been triggered under section 126 at this time. For those sources for which a finding is not triggered by April 1, 2000, but for which a final finding is automatically trigger on May 1, 2000, EPA would issue the allocations for the 2000 control period to NATS as soon as practicable in the year 2000, consistent with the allocations finalized with this rulemaking.

For the non-electricity generating unit allocations proposed in today's notice, EPA determined initial unadjusted allocations to existing non-electric generating NO_X Budget units by multiplying a NO_X emission rate of 0.17 lb/mmBtu (the average emission rate for existing non-electricity generating budget units after controls are in place) by the units' historical heat input (described above as 1995 control season data).

After determining the initial unadjusted unit allocations, EPA adjusted the allocation for each unit upward or downward to match the portion of the section 126 trading program budget for the State attributed to large non-electricity generating units. Then, the Agency adjusted the allocation for each unit in the State proportionately so that the total allocations equaled 95 percent of the portion of the section 126 trading program budget for the State attributed to large non-electricity generating units.

The Agency proposes to set-aside 5 percent of the non-electricity generating unit allocations to be consistent with the allocation for electricity generating units. The EPA solicits comment on this approach and the proposed size of the set-aside.

(3) Treatment of New Sources. As discussed in previous sections, the Agency has proposed in part 97 a set-aside for new sources consistent with the provisions of part 96. New electricity generating units and non-electricity generating units required to participate in the Federal NO_X Budget Trading Program will have access to this set-aside. In 2003, 2004, and 2005, each State set-aside would initially hold NO_X allowances equal to 5 percent of the NO_X allowances in the section 126 trading program budget in the State. Starting in 2006, each State set-aside would originally hold 2 percent of the NO_X allowances in the section 126 trading program budget in the State. At the end of each relevant control period, EPA will return any allowances remaining in the account on a pro-rata basis to the units that had received an original allocation that had been adjusted to create the new source set-aside in the State.

The NO_X allowances in the allocation set-aside would be available to any unit that would otherwise be eligible for an allocation in a control period but did not receive one because the unit commenced operation during or after the period on which the NO_X allowance allocations for existing units were based. To receive NO_X allowances from the allocation set-aside, the NO_X Authorized Account Representative for a unit would submit a NO_X allowance request to the Administrator. The request could be for no more than 5 consecutive control periods, starting with the control period during which the unit is projected to commence operation and ending with the control period preceding the control period for which it has sufficient data to receive an allocation with existing budget units. For the sixth year or later (and possibly earlier), there would be sufficient operating data for the unit to be incorporated into the NO_X allowance allocations with existing NO_X Budget units. The NO_X allowance request would need to be submitted prior to May 1 of the first control period for which NO_X allowances are requested and after the date on which the State issues a permit to construct the new unit.

Consistent with part 96, the allowances would be issued to new units on a first-come first-served basis. For the first allocation approach proposed for electric generating units, allowances to new electric generation units would be issued at a rate of 0.15 lb/mmBtu multiplied by the unit's maximum design heat input. Following each control period, the unit would be subject to a reduced utilization calculation. EPA would deduct NO_X allowances following each control period based on the unit's actual utilization. Because the allocation for a new unit from the set-aside is based on maximum design heat input, this procedure adjusts the allocation by actual heat input for the control period of the allocation. This adjustment is a surrogate for the use of actual utilization in a prior baseline period which is the approach used for allocating NO_X allowances to existing units.

For new non-electric generating units, allowances would be issued at the average emission rate (e.g., .17 lbs/mmBtu) for existing budget units (after controls are in place) multiplied by the budget unit's maximum design heat input. Following each control period, the source would be subject to a reduced utilization calculation similar to that described above for electric generating units.

For the second and third allocation approaches proposed for electric generating units, allowances to new electric generating units would be issued at the average emission rate (in lbs/kWh) for existing budget units (after controls are put in place) multiplied by the maximum design electrical generation derived from operation of the new budget unit. Following each control period, the budget unit would be subject to a reduced utilization calculation similar to that described above under the first approach.

d. Compliance Supplement Pool. This notice proposes to establish Federal emissions limits for sources found to significantly contribute to ozone nonattainment problems in a petitioning State. These sources would be required to comply with the emissions limits by May 1, 2003. As discussed in the final NO_X SIP call and the technical support document ''Feasibility of Installing NO_X Control Technologies By May 2003,'' EPA believes that this compliance date is a feasible and reasonable deadline. However, EPA received comments for the NO_X SIP call expressing concern that some sources may encounter unexpected problems installing controls by this deadline that, in turn, could cause unacceptable risk for a source and its associated industry. Commenters explicitly expressed concern related to the electricity industry, stating that the deadline could adversely impact the reliability of the electricity supply.

In the NO_X SIP call, EPA addressed these compliance concerns by providing additional flexibility for sources to comply with the requirements. The EPA is proposing that similar flexibility mechanisms be provided in part 97. First, EPA is proposing that part 97 include banking provisions as discussed in Section III.B.2.h. Second, EPA is proposing that part 97 include a compliance supplement pool that may be used by sources to cover excess emissions during the 2003 and 2004 ozone seasons that are unable to meet the compliance deadline. The proposed part 97 includes a separate compliance supplement pool that would be available to the sources in each State identified in this proposal.

i. Size of the Compliance Supplement Pool. The EPA proposes to use the same compliance supplement pools on a State-by-State basis as were included in the final NO_X SIP call. The justification for the size of the State pools is included in the final NO_X SIP call. Table III–2 shows the compliance supplement pool that would be

available to sources in each State identified in this proposal.

TABLE III–2. COMPLIANCE SUPPLEMENT POOLS (TONS OF NO_X)

State	Compliance supplement pool
Alabama	10,361
Connecticut	559
Delaware	417
District of Columbia	0
Illinois	17,455
Indiana	19,738
Kentucky	13,018
Maryland	3,662
Massachusetts	285
Michigan	15,359
Missouri	10,469
New Jersey	1,722
New York	1,831
North Carolina	10,624
Ohio	22,947
Pennsylvania	13,716
Rhode Island	0
Tennessee	12,093
Virginia	6,108
West Virginia	16,937

ii. Distribution of the Compliance Supplement Pool to Sources. In the final NO_X SIP call, EPA provides States with two options for distributing the pool to sources. One option is for a State to distribute some or all of the pool to sources that generate early reductions during ozone seasons prior to May 1, 2003. The second option is for a State to run a public process to provide tons to sources that demonstrate a need for a compliance extension. Tons that are not distributed by a State prior to May 1, 2003 will be retired by EPA. A State wishing to use the compliance supplement pool under the NO_X SIP call may divide the pool and make some of it available to sources through both options, or may use only one of the options for distributing the pool to sources prior to May 1, 2003. Based on these options, EPA is soliciting comment on a number of approaches for distributing the pool to sources under part 97.

First, EPA solicits comment as to whether the compliance supplement pool should be distributed by EPA to sources or distributed by EPA to the States that have sources included in this proposal. If the pools were distributed to States, the States would then be able to distribute the pool to sources. Part 97 is primarily designed to be implemented and administered directly by EPA. For this reason, it may be most efficient for EPA to retain the responsibility of distributing the pool to sources. However, it may be possible to provide more flexibility in the use of the pool for different sources if States were provided the distribution responsibility.

Second, provided that EPA decides to retain the responsibility of distributing the pool to sources, EPA solicits comment on two options for distribution. First, EPA solicits comment on distributing the compliance supplement pool only for early reductions. Under this option, the Agency would distribute allowances from the compliance supplement pool based upon the optional methodology the Agency laid out in the final NO_X SIP call. Using that methodology, the Agency could issue early reduction credits for the 2001 and 2002 ozone season to units that have installed part 75 monitoring by the 2000 control season, have reduced their emission rate in 2001 or 2002 relative to their rate in 2000 by at least 20 percent, and are operating in the year(s) in which they are applying for early reduction credits at an emission rate below 0.25 lb/mmBtu. Provided it meets all of these criteria, a unit could request early reduction credits equal to the difference between 0.25 lb/mmBtu and the unit's actual emissions rate multiplied by the unit's actual heat input for the applicable control period. The Agency laid out the reasons for adopting each of these criteria for early reduction credits in the final NO_X SIP call. Part 97 currently describes this option.

Under this option, if the tons of NO_X in the State's compliance supplement pool exceeds the number of valid early reduction credit requests in that State, the Agency would issue one allowance for each ton of early reduction credit requested. Any allowances remaining in the compliance supplement pool after all valid requests have been granted would be retired by the Agency. If, however, the amount of valid requests are more than the size of the State's pool, the Agency would reduce the amount in the credit requests on a pro-rata basis so that the requests equal the size of the State's pool. After the requests have been reduced, the Agency would then issue allowances based on the remaining size of each credit request.

With this option, sources in States in the Ozone Transport Commission (OTC) that are subject to this section 126 action would be allowed to bring their banked allowances into the Federal NO_X Budget Trading Program as early reduction credits provided the sum of the banked allowances in any State does not exceed the size of the State's compliance supplement pool. As is the case under this option for States outside of the OTC, any remaining credits in the compliance supplement pool would be retired. If the NO_X Budget units in an OTC State hold banked allowances from the OTC program in excess of the amount of credits in the State's pool, the Agency would reduce the amount of allowances eligible for early reduction credit on a pro rata basis.

The Agency solicits comment on the methodology for issuing early reduction credits in this option as well as the approach that limits the use of the compliance supplement pool to early reduction credits. Specifically, the Agency solicits comment on alternative methods for calculating early reduction credits. In addition, EPA solicits comment on the approach specified for integration with the OTC Program.

The Agency also solicits comment on a second option for distribution of the compliance supplement pool. Under this second option, the Agency proposes that a portion of the compliance supplement pool be given out as early reduction credits and the remaining portion be reserved for sources that demonstrate a need for the compliance supplement. As described in the preamble to the final NO_X SIP call, sources would be responsible for demonstrating to the Agency and the public achieving compliance by May 1, 2003 would create undue risk either to its own operation or associated industry. The administrator of the compliance supplement pool would provide the public an opportunity to comment on the validity of the need for this ''direct distribution'' of the compliance supplement.

Under this option, the Agency would grant early reduction credits using the method described in the first option (or some variation of that approach) before allowing sources access to the direct distribution credits from the compliance supplement pool. The Agency proposes to address OTC banked allowances held by sources subject to a section 126 action as suggested in the first option. To ensure that the compliance supplement is only provided to sources that truly need a compliance extension, the remaining credits in the compliance supplement pool would be given out to an owner or operator of a source that demonstrates the following:

- The process of achieving compliance by May 1, 2003 would create undue risk for the source or its associated industry. For electric generating units, the demonstration should show that installing controls would create unacceptable risks for the reliability of the electricity supply during the time of installation. This demonstration would include a showing that it was not feasible to import electricity from other systems during the

time of installation. Non-electricity generating sources may also be eligible for the compliance supplement based on a demonstration of risk comparable to that described for the electricity industry.

- It was not possible to compensate for delayed compliance by generating early reduction credits at the source or by acquiring credits generated by other sources.
- It was not possible to acquire allowances or credits for the 2003 ozone season from sources that will make reductions beyond required levels during the 2003 ozone season.

The Agency solicits comment on this option that distributes the compliance supplement pool both through early reduction credits as well as direct distribution. Specifically, the Agency requests comment on the number of credits to reserve for direct distribution, the methodology used for direct distribution, and options for public review of the direct distribution. The Agency also solicits comment on the appropriate administrator of the direct distribution.

Under any of the options described above, the Agency proposes that NO_X allowances issued from the compliance supplement pool would only be available for sources to use for compliance in the 2003 or 2004 control periods. Any NO_X allowance issued from the compliance supplement pool that is not used for compliance in 2003, would be considered to be ''banked'' for the 2004 control period. The Agency proposes to retire any NO_X allowance issued from the compliance supplement pool that is not used in either the 2003 or 2004 control period at the end of the 2004 true-up period for the reasons cited in the preamble to the final NO_X SIP call.

e. Emissions Monitoring and Reporting. Subpart H of today's proposed rule addresses monitoring and reporting requirements including, among other things, general requirements, initial certification and recertification procedures, out of control periods, notifications, recordkeeping and reporting, and petitions. These provisions are essentially the same as the monitoring-related provisions of part 96, with cross references to the appropriate sections of part 97. The differences between the provisions reflect the fact that administration of the monitoring requirements is overseen by EPA, rather than by EPA and the permitting authority as is the case in the State NO_X Budget Trading Program. As a result, for example, monitoring certification applications are submitted to the Administrator and the appropriate EPA Regional Office in addition to the permitting authority, and the Administrator, not the permitting authority, will act on the applications. Further, the Administrator handles all audit decertifications and all petitions for alternatives to the monitoring requirements. Another difference is that in the State NO_X Budget Trading Program, EPA included heat input monitoring requirements that States might choose to adopt if they were basing their allocation methodologies on heat input. The proposed Federal NO_X Budget Trading Program bases its allocation approach on heat input. Therefore, EPA has included the heat input monitoring and reporting requirements in proposed part 97. Note that as explained in Section III.3.c.5 of the preamble, EPA is taking comment on three different allocation methodologies. Depending on the methodology chosen, monitoring and reporting requirements would vary.

The EPA is proposing these part 97 provisions for the reasons set forth both in the proposed NO_X SIP call (63 FR 25938–40) and the final NO_X SIP call, and in order to minimize differences between the Federal and State NO_X Budget Trading Programs.

In particular, for the reasons set forth in the NO_X SIP call, EPA proposes that NO_X Budget units be required to meet the monitoring and reporting requirements in a new subpart H of 40 CFR part 75, the Acid Rain Program regulations (63 FR 25938–40). The EPA has promulgated these revisions part 75 to establish NO_X mass monitoring requirements and provide greater flexibility to regulated sources in conjunction with the final NO_X SIP call rule.

f. Opt-ins. Subpart I of today's proposed rule addresses the opt-in process and procedures applicable to operating units that are not NO_X Budget units under § 97.4, but are located in a State that is included in the Federal NO_X Budget Trading Program and wish to voluntarily enter (i.e., opt into) the trading program. The opt-in provisions can further reduce the cost of achieving NO_X reductions by allowing these units to join the NO_X Budget Trading Program and make incremental, lower cost reductions, freeing NO_X allowances for use by other NO_X Budget units. There are potentially individual sources not included in the trading program that may emit significant amounts of NO_X and are able to achieve cost-effective reductions; allowing these sources to join the program would reduce the overall cost of compliance for the program. The EPA proposes in subpart I to allow individual combustion sources that are located in a State for which a section 126 remedy in promulgated, vent to a stack, and can monitor NO_X mass emissions, the opportunity to opt-in to the Federal program for purposes of the section 126 remedy. The EPA solicits comment on the appropriateness of these opt-in provisions.

Subpart I addresses, among other things, the applicability requirements, allocations, procedures for applying for a NO_X Budget opt-in permit, the process of reviewing and approving or denying the permit, contents of the permit, procedures for withdrawing as a NO_X Budget opt-in source, and changes in regulatory status. The provisions of this subpart are similar to the opt-in provisions in part 96, with cross references to the appropriate sections in part 97, though the Administrator plays a greater role than in part 96 with regard to actions on opt-in permits, allocations, and other related opt-in submissions. For example, under the Federal trading program, NO_X budget opt-in permit applications are submitted to both the Administrator and the permitting authority, but only the Administrator may determine whether the unit qualifies as a NO_X Budget opt-in source. Furthermore the Administrator, rather than the permitting authority, allocates allowances to sources in the Federal NO_X Budget Trading Program. The EPA is proposing these part 97 provisions for the reasons set forth both in the proposed NO_X SIP call (63 FR 25940–42) and the final NO_X SIP call, and in order to minimize differences between the Federal and State NO_X Budget Trading Programs.

g. Program administration. As discussed above, the Federal NO_X Budget Trading Program would be run by EPA. The EPA would identify the units covered by the program, determine and record the NO_X allowance allocations, receive and review monitoring plans and monitoring certification applications, and take the lead in enforcement. As discussed above, States would still be responsible for permitting.

C. New Source Review

As discussed in the proposed and final NO_X SIP call, the EPA believes that nonattainment New Source Review (NSR) offset requirements of the CAA can be met using the mechanism of the State NO_X Budget Trading Program under part 96. However, because the Agency is continuing to evaluate a number of complex issues involved with integrating NSR and the trading program, it will not be providing guidance at this time. The EPA intends

to provide such guidance as soon as possible. At that time, the EPA will also address integrating NSR with the trading program under part 97.

IV. Non-Ozone Benefits to NO_X Reductions

In addition to contributing to attainment of the ozone NAAQS, decreases of NO_X emissions will also likely help improve the environment in several important ways. On a national scale, decreases in NO_X emissions will also decrease acid deposition, nitrates in drinking water, excessive nitrogen loadings to aquatic and terrestrial ecosystems, and ambient concentrations of nitrogen dioxide, particulate matter, and toxics. On a global scale, decreases in NO_X emissions will, to some degree, reduce greenhouse gases and stratospheric ozone depletion. Thus, management of NO_X emissions is important to both air quality and watershed protection on national and global scales. In its July 8, 1997 final recommendations, OTAG stated that it ''recognizes that NO_X controls for ozone reductions purposes have collateral public health and environmental benefits, including reductions in acid deposition, eutrophication, nitrification, fine particle pollution, and regional haze.'' These and other public health and environmental benefits associated with decreases in NO_X emissions are summarized below.[16]

Acid Deposition: Sulfur dioxide and NO_X are the two key air pollutants that cause acid deposition (wet and dry particles and gases) and result in the adverse effects on aquatic and terrestrial ecosystems, materials, visibility, and public health. Nitric acid deposition plays a dominant role in the acid pulses associated with the fish kills observed during the springtime melt of the snowpack in sensitive watersheds and recently has also been identified as a major contributor to chronic acidification of certain sensitive surface waters.

Drinking Water Nitrate: High levels of nitrate in drinking water is a health hazard, especially for infants. Atmospheric nitrogen deposition in sensitive watersheds can increase stream water nitrate concentrations; the added nitrate can remain in the water and be transported long distances downstream.

Eutrophication: NO_X emissions contribute directly to the widespread accelerated eutrophication of United States coastal waters and estuaries. Atmospheric nitrogen deposition onto surface waters and deposition to watershed and subsequent transport into the tidal waters has been documented to contribute from 12 to 44 percent of the total nitrogen loadings to United States coastal water bodies. Nitrogen is the nutrient limiting growth of algae in most coastal waters and estuaries. Thus, addition of nitrogen results in accelerated algae and aquatic plant growth causing adverse ecological effects and economic impacts that range from nuisance algal blooms to oxygen depletion and fish kills.

Global Warming: Nitrous oxide (N_2O) is a greenhouse gas. Anthropogenic N_2O emissions in the United States contribute about 2 percent of the greenhouse effect, relative to total United States anthropogenic emissions of greenhouse gases. In addition, emissions of NO_X lead to the formation of tropospheric ozone, which is another greenhouse gas.

Nitrogen Dioxide (NO_2): Exposure to NO_2 is associated with a variety of acute and chronic health effects. The health effects of most concern at ambient or near-ambient concentrations of NO_2 include mild changes in airway responsiveness and pulmonary function in individuals with pre-existing respiratory illnesses and increases in respiratory illnesses in children. Currently, all areas of the United States monitoring NO_2 are below EPA's threshold for health effects.

Nitrogen Saturation of Terrestrial Ecosystems: Nitrogen accumulates in watersheds with high atmospheric nitrogen deposition. Because most North American terrestrial ecosystems are nitrogen limited, nitrogen deposition often has a fertilizing effect, accelerating plant growth. Although this effect is often considered beneficial, nitrogen deposition is causing important adverse changes in some terrestrial ecosystems, including shifts in plant species composition and decreases in species diversity or undesirable nitrate leaching to surface and ground water and decreased plant growth.

Particulate Matter (PM): NO_X compounds react with other compounds in the atmosphere to form nitrate particles and acid aerosols. Because of their small size nitrate particles have a relatively long atmospheric lifetime; these small particles can also penetrate deeply into the lungs. The PM has a wide range of adverse health effects.

Stratospheric Ozone Depletion: A layer of ozone located in the upper atmosphere (stratosphere) protects people, plants, and animals on the surface of the earth (troposphere) from excessive ultraviolet radiation. The N_2O, which is very stable in the troposphere, slowly migrates to the stratosphere. In the stratosphere, solar radiation breaks it into nitric oxide (NO) and nitrogen (N). The NO reacts with ozone to form NO_2 and molecular oxygen. Thus, decreasing N_2O emissions would result in some decrease in the depletion of stratospheric ozone.

Toxic Products: Airborne particles derived from NO_X emissions react in the atmosphere to form various nitrogen containing compounds, some of which may be mutagenic. Examples of transformation products thought to contribute to increased mutagenicity include the nitrate radical, peroxyacetyl nitrates, nitroarenes, and nitrosamines.

Visibility and Regional Haze: The NO_X emissions lead to the formation of compounds that can interfere with the transmission of light, limiting visual range and color discrimination. Most visibility and regional haze problems can be traced to airborne particles in the atmosphere that include carbon compounds, nitrate and sulfate aerosols, and soil dust. The major cause of visibility impairment in the eastern United States is sulfates, while in the West the other particle types play a greater role.

Justification for Rulemaking: While EPA believes the information is important for the public to understand and, thus, needs to be described as part of the rulemaking and RIA, there should be no misunderstanding as to the legal basis for the rulemaking, which is described in Section I, Background, of this notice and does not depend on the non-ozone benefits. The non-ozone benefits did not affect the method in which EPA determined significant contribution nor the proposed control requirements.

V. Administrative Requirements

A. Executive Order 12866: Regulatory Impact Analysis

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether a regulatory action is ''significant'' and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

[16] U.S. Environmental Protection Agency, ''Nitrogen Oxides: Impacts on Public Health and the Environment,'' EPA–452/R–97–002, August 1997.

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

The EPA believes that this action is a ''significant regulatory action'' because it raises novel legal and policy issues arising from the Agency's obligation to respond to the section 126 petitions, and because the action could have an annual effect on the economy of more than $100 million. As a result, the proposed rulemaking was submitted to OMB for review, and EPA has prepared a RIA titled ''Regulatory Impact Analysis of Proposed CAA Section 126 Petitions for NO_X, September 1998.'' This RIA assesses the costs, benefits, and economic impacts associated with Federally-imposed requirements to mitigate NO_X emissions from sources contributing to downwind nonattainment of the ozone NAAQS. Any written comments from OMB to EPA and any written EPA response to those comments are included in the docket. The docket is available for public inspection at the EPA's Air Docket Section, which is listed in the **ADDRESSES** section of this preamble. The RIA is available in hard copy by contacting the EPA Library at the address under ''Availability of Related Information'' and in electronic form as discussed above in that same section.

The RIA for the section 126 petitions addresses the costs and benefits associated with reducing emissions at sources affected under the petitions in the broader context of those sources potentially affected by the final NO_X SIP call and its associated FIP. There is a high likelihood that sources named in the section 126 petitions will also be controlled under SIPs that will be revised to meet final NO_X budgets. In the event that States fail to submit approvable SIPs, FIPs will be enacted. Therefore, from the perspective of a regulatory analysis that is focused on the year 2007, the sources named in section 126 petitions will be complying with either State or Federal regulations of generally equivalent stringency.

The RIA for the NO_X SIP call concludes that the national annual cost of possible State actions to comply with the NO_X SIP call are approximately $1.7 billion (1990 dollars). The sources named in the section 126 petitions will bear some portion of that total cost. The associated benefits, in terms of improvements in health, visibility, and ecosystem protection, that EPA has quantified and monetized range from $1.1 billion to $4.2 billion, with EPA's best estimate being $3.4 billion. Due to practical analytical limitations, the EPA is not able to quantify and/or monetize all potential benefits of the NO_X SIP call action.

B. Impact on Small Entities

1. Regulatory Flexibility

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), provides that whenever an agency is required to publish a general notice of proposed rulemaking, it must prepare and make available an initial regulatory flexibility analysis, unless it certifies that the proposed rule, if promulgated, will not have ''a significant economic impact on a substantial number of small entities.''

In the process of developing this rulemaking, EPA worked with SBA and OMB and obtained input from small businesses, small governmental jurisdictions, and small organizations. On June 23, 1998, EPA's Small Business Advocacy Chairperson convened a Small Business Advocacy Review Panel under section 609(b) of the RFA as amended by SBREFA. In addition to its chairperson, the Panel consists of EPA's Director of the Office of Air Quality Planning and Standards within the Office of Air and Radiation, the Administrator of the Office of Information and Regulatory Affairs within the OMB, and the Chief Counsel for Advocacy of the SBA.

As described below, this Panel conducted an outreach effort and completed a report on the section 126 proposal. The report provides background information on the proposed rule being developed and the types of small entities that would be subject to the proposed rule, describes efforts to obtain the advice and recommendations of representatives of those small entities, summarizes the comments that have been received to date from those representatives, and presents the findings and recommendations of the Panel; the completed report, comments of the small entity representatives, and other information are contained in the docket for this rulemaking.

It is important to note that the Panel's findings and discussion are based on the information available at the time this report was drafted. The EPA is continuing to conduct analyses relevant to the proposed rule, and additional information may be developed or obtained during the remainder of the rule development process. The Panel makes its report at a preliminary stage of rule development and its report should be considered in that light. At the same time, the report provides the Panel and the Agency with an opportunity to identify and explore potential ways of shaping the proposed rule to minimize the burden of the rule on small entities while achieving the rule's statutory purposes. Any options the Panel identifies for reducing the rule's regulatory impact on small entities may require further analysis and/or data collection to ensure that the options are practicable, enforceable, environmentally sound and consistent with the statute authorizing the proposed rule.

2. Outreach to Small Entity Representatives

In consultation with the SBA, EPA invited small entity representatives to participate in its outreach efforts on this proposal. The EPA, OMB, and SBA held an initial outreach meeting with a group of small-entity representatives in Washington, DC, on April 14, 1998. The purpose of this meeting was to familiarize the small-entity representatives with the substance of the rulemaking and the kinds of sources being considered for regulation, and to solicit comment on these topics. Subsequent to the meeting, the representatives submitted follow-up comments in writing. The primary outreach was accomplished by a meeting with the small-entity representatives in Washington, D.C. on August 4, 1998. The purpose of this meeting was to present the results of EPA's analysis on small-entity impacts, and to solicit comment on this analysis and on suggestions for impact mitigation. Subsequent to the meeting, the representatives submitted follow-up comments in writing.

To define small entities, EPA used the SBA industry-specific criteria published in 13 CFR part 121. The SBA size standards have been established for each type of economic activity under the Standard Industrial Classification (SIC) System. Due to their NO_X-emitting properties, the following industries have the potential to be affected by the section 126 rulemaking:

SIC Codes in Division D: Manufacturing

2611—Pulp mills
2819—Industrial Inorganic Materials
2821—Plastics Materials, Synthetic Resins, and Nonvulcanizable Elastomers
2869—Industrial Organic Chemicals
3312—Steel Works, Blast Furnaces, and Rolling Mills
3511—Steam, Gas, and Hydraulic Turbines

3519—Stationary Internal Combustion Engines
3585—Air-Conditioning and Warm-Air Heating Equipment and Commercial and Industrial Refrigeration Equipment

SIC Codes in Division E: Transportation, Communications, Electric, Gas, and Sanitary Services

SIC Major Group 49: Electric, Gas, and Sanitary Services, including:

4911—Electric Utilities
4922—Natural Gas Transmission
4931—Electric and other Gas Services
4961—Steam and Air Conditioning Supply

3. Potentially Affected Small Entities

The primary topic of Panel discussion was the applicability of the section 126 rule to the various categories of NO_X-emitting sources, the costs the rule would impose, and the possibility of further reducing rule applicability. Secondary topics included emissions monitoring and other potentially duplicative Federal rules. These discussions are summarized below.

The section 126 rulemaking is potentially applicable to all NO_X-emitting entities named in one or more of the section 126 petitions. Since this is a subset of the entities covered by the FIP proposal, any impacts from the section 126 rule will be a subset of the FIP impacts, and the FIP proposal represents the worst case that could result if all eight section 126 petitions were granted. Therefore, EPA has applied its limited time and resources to developing estimates of impact based on the FIP proposal, with the knowledge that it represents the worst case in terms of impact on small entities.

The EPA estimates that the total number of such entities named in the section 126 petitions is approximately 5200, of which about 1200 are small entities. The EPA is considering reducing this applicability based on several factors including input from this Panel, considerations of overall cost effectiveness, and administrative efficiency. Specifically, EPA is proposing to exempt a number of sources from being subject to this regulation based on factors such as low relative emissions and lack of specific source information. These factors are discussed in detail elsewhere in this notice. Additional sources are being considered for exemption because they may not be highly cost effective to control, with EPA considering an average cost effectiveness of $2000 per ton of NO_X removed as the upper limit for highly cost-effective reductions.

If EPA takes final action as proposed today with this reduced-applicability approach, the section 126 rulemaking will apply only to the following types of sources: Large electric generating units (EGUs), industrial boilers, and combustion turbines. The stringency levels of control EPA currently intends to propose for these types of sources is as follows: For EGUs, an emission rate of 0.15 pounds of NO_X per million BTU and for industrial boilers and combustion turbines, an emission reduction of 60 percent. At these stringency levels, the estimated number of small entities that would be affected is as follows:

Electric Generating Units—114 small entities
Industrial Boilers and/or Combustion Turbines—31 small entities

The EPA has further estimated that, of these affected small entities, the following would experience compliance costs equal or greater to 1 percent of their estimated revenues:

Electric Generating Units—32 small entities
Industrial Boilers and Combustion Turbines—7 small entities

Of these, EPA estimates that about 18 small entities with electric generating units and 4 small entities with industrial boilers or turbines would experience costs greater than 3 percent of their estimated revenues.

Focusing the rule on this limited group of sources would constitute a reduction of over 85 percent in the number of small entities potentially affected by the rule: out of 1200 potentially-affected small entities, over 1000 would be exempted, with only 145 small entities remaining. The Panel received written comments from three small-entity representatives strongly endorsing these exemptions.

4. Panel Findings and EPA Actions

a. Exemptions. The Panel agreed with the general approach EPA is proposing to define the scope of the rule. The Panel recommended that the exemptions noted above be included in the proposal, and further recommended that the applicability of EPA's proposed rule be limited to the sources shown in that section. As discussed earlier in this notice, EPA is proposing to limit applicability as recommended by the Panel. Furthermore, as described below, the Panel considered it appropriate to explore additional options for reducing the impact of the rule.

Several of the small entity representatives suggested that EPA exempt all small entities from this rulemaking. Although EPA does not feel that a blanket, across-the-board exemption could be supported, EPA is receptive to proposals for further exemptions, up to and including exempting all small entities if that could be shown to be appropriate. As recommended by the Panel, EPA solicits comment on additional types of small-entity exemptions and the rational bases on which such exemptions could be made, such as disproportionate ability to bear costs and administrative burden.

b. Continuous Emissions Monitoring Systems (CEMS). The Panel received both written and oral comments to the effect that CEMS would be prohibitively costly for many industrial boilers, representing a significant part of the cost of the rule. The OMB and SBA share the commenters' concern for the potentially high cost of CEMS requirements. The EPA believes that it is necessary for all sources in the trading program to be subject to accurate and consistent monitoring requirements designed to demonstrate compliance with a mass emission limitation, and therefore intends to require all large units to monitor NO_X mass emissions using CEMS (including units opting-in to the trading program). In the proposed section 126 rule, all affected sources are included in the trading program. However, EPA does believe that it is appropriate to provide lower cost monitoring options for units with low NO_X mass emissions, and therefore intends to allow non-CEMS alternatives for units that have emissions of less than 50 tons per year of NO_X. This cutoff will provide relief for boilers large enough to be covered by the rule, but that run for a smaller number of hours each year, including any such boilers owned by small entities.

c. Electric Generating Units. The next area considered by the Panel was electric generating units (EGUs). The EPA's analysis shows that slightly more than 30 EGUs may experience costs above 1 percent of revenues, and that 18 of these might exceed 3 percent. From comments made by small utilities, the Panel suspects that many of these high-cost-to-revenue situations may involve peaking units, which run only a small percentage of the time and thus may be inefficient to control. To address this problem, the Panel recommended that EPA solicit comment on whether to allow electric generating units to obtain a Federally-enforceable NO_X emission tonnage limit (e.g., 25 tons during the ozone season) and thereby obtain an exemption. The EPA solicits comment on the necessity for and appropriateness of such an option.

d. Industrial Boilers. Individual Panel members conceived of other potential ways to mitigate impact on small entities, such as raising the size cutoff for small entities and/or lessening the required percentage reduction in NO_X emissions required from small entities. The SBA encouraged the Agency to

conduct analyses to determine the impact of 40 percent reduction being applied solely to small entities and 60 percent solely to large entities, and the resulting effect on control levels for sources regulated in the proposal. The EPA solicits comment on whether requirements should be reduced on small-entity-owned industrial boilers by some combination of raising the size cutoff and/or lessening the required reduction; which, if any, of these options is preferable; the necessity and appropriateness of any such option; the appropriate level (e.g., 40 percent reduction instead of 60 percent); and information to support any comments submitted.

e. EPA Guidance to States on Small Entities. Finally, the Panel noted that several small entity representatives expressed concern that regardless of the sensitivity to small-entity concerns EPA shows in the (FIP or) section 126 rulemaking, the States may nevertheless see fit to target small entities in their SIPs. To help address this problem, the Panel recommended that, subsequent to the FIP and section 126 proposals, EPA issue guidance that conveys to the States the kinds of options and alternatives EPA has considered in addressing small-entity concerns, explain the rationale behind these kinds of options, and recommended that the States consider adopting similar alternatives in their SIPs. The EPA intends to address this issue as it develops implementation guidance for the States to use in developing SIPs.

C. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub.L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, 2 U.S.C. 1532, EPA generally must prepare a written statement, including a cost-benefit analysis, for any proposed or final rule that ''includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more ... in any one year.'' A ''Federal mandate'' is defined under section 421(6), 2 U.S.C. 658(6), to include a ''Federal intergovernmental mandate'' and a ''Federal private sector mandate.'' A ''Federal intergovernmental mandate,'' in turn, is defined to include a regulation that ''would impose an enforceable duty upon State, local, or tribal governments,'' section 421(5)(A)(i), 2 U.S.C. 658(5)(A)(i), except for, among other things, a duty that is ''a condition of Federal assistance,'' section 421(5)(A)(i)(I). A ''Federal private sector mandate'' includes a regulation that ''would impose an enforceable duty upon the private sector,'' with certain exceptions, section 421(7)(A), 2 U.S.C. 658(7)(A).

The EPA is taking the position that the requirements of UMRA apply because this action could result in the establishment of enforceable mandates directly applicable to sources (including sources owned by State and local governments) that would result in costs greater than $100 million in any one year. The UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least-costly, most cost-effective or least-burdensome alternative that achieves the objectives of the rule. The EPA's UMRA analysis, ''Unfunded Mandates Reform Act Analysis For the Proposed Section 126 Petitions Under the Clean Air Act Amendments Title I,'' is contained in the docket for this action and is summarized below.

This UMRA analysis examines the impacts of the proposed section 126 rulemaking on both EGUs and non-EGUs that are owned by State, local, and tribal governments, as well as sources owned by private entities. This proposal potentially affects 65 EGUs that are owned by one State and 24 municipalities (Massachusetts owns 6 units, and the municipalities own the remaining 59 units). In addition, 7 non-EGUs owned by 2 States and 5 municipalities are potentially affected. The EPA has not identified any units on Tribal lands that would be subject to the proposed requirements. The overall costs are dominated by the 65 EGUs and are about $30 million per year. Their cost impacts are only slightly higher than their production share, in comparison to all units in the region.

Under section 203 of UMRA, 2 U.S.C. 1533, before EPA establishes any regulatory requirements ''that might significantly or uniquely affect small governments,'' EPA must have developed a small government agency plan. The plan must provide for notifying potentially affected small governments; enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates; and informing, educating, and advising small governments on compliance with the regulatory requirements. The proposed requirements do not distinguish EGUs based on ownership, either for those units that are included within the scope of the proposed rule or for those units that are exempted by the generating capacity cut-off. Consequently, the proposed rule has no requirements that uniquely affect small governments that own or operate EGUs within the affected region. With respect to the significance of the rule's provisions, EPA's UMRA analysis (cited above) demonstrates that the economic impact of the rule will not significantly affect State or municipal EGUs or non-EGUs, either in terms of total cost incurred and the impact of the costs on revenue, or increased cost of electricity to consumers. Therefore, development of a small government plan under section 203 of the Act is not required.

Under section 204 of UMRA, 2 U.S.C. 1534, if an agency proposes a rule that contains a ''significant Federal intergovernmental mandate'', the agency must develop a process to permit elected officials of State, local, and tribal governments to provide input into the development of the proposal.'' In order to fulfill UMRA requirements that publicly-elected officials be given meaningful and timely input in the process of regulatory development, EPA has sent letters to five national associations whose members include elected officials. The letters provide background information, request the associations to notify their membership of the proposed rulemaking, and encourage interested parties to comment on the proposed actions by sending comments during the public comment period and presenting testimony at the public hearing on the proposal. Any comments will be taken into consideration as the action moves toward final rulemaking.

In addition, during the NO_X SIP call, EPA provided direct notification to potentially affected State and municipally-owned utilities as part of the public comment and hearing process attendant to proposal of the NO_X SIP call and supplemental notice of proposed rulemaking. These procedures helped ensure that small governments had an opportunity to give timely input and obtain information on compliance. The EPA provided the 26 State and municipality-owned utilities and appropriate elected officials with a brief summary of the proposal and the estimated impacts. The public rulemaking also elicited numerous comments from State and municipal utilities and groups representing utility interests.

Furthermore, for the section 126 rulemaking, EPA published an ANPR that served to provide notice of the Agency's intention to propose emissions limits and to solicit early input on the proposal. This process helped to ensure

that small governments had an opportunity to give timely input and obtain information on compliance.

D. Paperwork Reduction Act

The information collection requirements in this proposed rule have been submitted for approval to the OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* An Information Collection Request (ICR) document has been prepared by EPA (ICR No. 1889.01) and a copy may be obtained from Sandy Farmer, OPPE Regulatory Information Division, US Environmental Protection Agency (2137), 401 M St., SW, Washington, DC 20460 or by calling (202) 260–2740.

The EPA believes that it is essential that sources for whom findings are made under section 126 of the CAA demonstrate that they are achieving their required reductions. This is achieved through the monitoring and reporting of emissions. Accurate and consistent monitoring of emissions also facilitates the trading program which helps ensure that emission reductions are achieved in the most cost affective way possible.

Respondents/Affected Entities: Large fossil fuel boilers, turbines and combined cycle units which are included in the section 126 proposal.

Number of Respondents: 2011.

Frequency of Response:

—Emissions reports quarterly for some units, twice during ozone season for others

—Test notifications and allowance transfers on an infrequent basis

—Compliance certifications on an annual basis

Estimated Annual Hour Burden per Respondent: 107.

Estitmated Annual Cost per Respondent: $7,943.

Estimated Total Annual Hour Burden: 216,671.

Estimated Total Annualized Cost: $13,859,599.

Note that these are an average estimate for the first three years of the program. The EPA estimates lower costs in the first two years of the program because less units will be participating at that time. The units that will be participating at that time are units that are applying for early reduction credits. The EPA also estimates that the highest compliance costs will occur in 2002, when the majority of the units that have to install and certify new monitors to comply with the program will do so. The EPA believes that the year 2003 will be more representative of the actual ongoing costs of the program. At that time EPA estimates a burden of 179 hours per source and a cost of $27,670 per source.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR ch. 15.

Comments are requested on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Office of Policy, Regulatory Information Division, US Environmental Protection Agency (2137), 401 M St., SW, Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th St., NW, Washington, DC 20503, marked ''Attention: Desk Officer for EPA.'' Comments are requested by December 7, 1998. Please include the ICR number in any correspondence.

E. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

1. Applicability of Executive Order 13045

The Executive Order 13045 applies to any rule that EPA determines (1) ''economically significant'' as defined under Executive Order 12866, and (2) the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children; and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This proposed rule is not subject to Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it does not involve decisions on environmental health risks or safety risks that may disproportionately affect children.

2. Children's Health Protection

In accordance with section 5(501), the Agency has evaluated the environmental health or safety effects of the rule on children, and found that the rule does not separately address any age groups. However, in conjunction with the final NO_X SIP call rulemaking, the Agency has conducted a general analysis of the potential changes in ozone and PM levels experienced by children as a result of the NO_X SIP call; these findings are presented in the RIA. The findings include population-weighted exposure characterizations for projected 2007 ozone and PM concentrations. The population data includes a census-derived subdivision for the under 18 group.

F. Executive Order 12898: Environmental Justice

Executive Order 12848 requires that each Federal agency make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minorities and low-income populations. In conjunction with the final NO_X SIP call rulemaking, the Agency has conducted a general analysis of the potential changes in ozone and PM levels that may be experienced by minority and low-income populations as a result of the NO_X SIP call; these findings are presented in the RIA. The findings include population-weighted exposure characterizations for projected ozone concentrations and PM concentrations. The population data includes census-derived subdivisions for whites and non-whites, and for low-income groups.

G. Executive Order 12875: Enhancing the Intergovernmental Partnership

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments or EPA consults with those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with

representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

The EPA has concluded that this rule may create a mandate on State and local governments and that the Federal government will not provide the funds necessary to pay the direct costs incurred by the State and local governments in complying with the mandate. In order to provide meaningful and timely input in the development of this regulatory action, EPA has sent letters to five national associations whose members include elected officials. The letters provide background information, request the associations to notify their membership of the proposed rulemaking, and encourage interested parties to comment on the proposed actions by sending comments during the public comment period and presenting testimony at the public hearing on the proposal. Any comments will be taken into consideration as the action moves toward final rulemaking.

Furthermore, for the section 126 rulemaking, EPA published an ANPR that served to provide notice of the Agency's intention to propose emissions limits and to solicit early input on the proposal. This process helped to ensure that small governments had an opportunity to give timely input and obtain information on compliance.

H. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments and, in any event, will not impose substantial direct compliance costs on such communities. The EPA is not aware of sources located on tribal lands that could be subject to the requirements EPA is proposing in this notice. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Pub L. 104–113, § 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This proposed rulemaking would require all sources that participate in the trading program under proposed part 97 to meet the applicable monitoring requirements of part 75. Part 75 already incorporates a number of voluntary consensus standards. In addition, EPA's proposed revisions to part 75 proposed to add two more voluntary consensus standards to the rule (see 63 FR at 28116–17, discussing ASTM D5373–93 ''Standard Methods for Instrumental Determination of Carbon, Hydrogen and Nitrogen in laboratory samples of Coal and Coke,'' and API Section 2 ''Conventional Pipe Provers'' from Chapter 4 of the Manual of Petroleum Measurement Standards, October 1988 edition). The EPA's proposed part 75 revisions also requested comments on the inclusion of additional voluntary consensus standards. The EPA has recently finalized revisions to part 75 addressing some of the topics raised in EPA's proposed revisions to part 75. As part of this rule finalization, EPA incorporated two new voluntary consensus standards:

(1) American Petroleum Institute (API) Petroleum Measurement Standards, Chapter 3, Tank Gauging: Section 1A, Standard Practice for the Manual Gauging of Petroleum and Petroleum Products, December 1994; Section 1B, Standard Practice for Level Measurement of Liquid Hydrocarbons in Stationary Tanks by Automatic Tank Gauging, April 1992 (reaffirmed January 1997); Section 2, Standard Practice for Gauging Petroleum and Petroleum Products in Tank Cars, September 1995; Section 3, Standard Practice for Level Measurement of Liquid Hydrocarbons in Stationary Pressurized Storage Tanks by Automatic Tank Gauging, June 1996; Section 4, Standard Practice for Level Measurement of Liquid Hydrocarbons on Marine Vessels by Automatic Tank Gauging, April 1995; and Section 5, Standard Practice for Level Measurement of Light Hydrocarbon Liquids Onboard Marine Vessels by Automatic Tank Gauging, March 1997; and

(2) Shop Testing of Automatic Liquid Level Gages, Bulletin 2509 B, December 1961 (Reaffirmed October 1992), for § 75.19.

The EPA intends to finalize other revisions to part 75 and address comments related to additional voluntary consensus standards at that time.

This proposed rulemaking involves environmental monitoring or measurement. Sources that participate in the trading program would be required to meet the monitoring requirements under part 75. Consistent with the Agency's Performance Based Measurement System (PBMS), part 75 sets forth performance criteria that allow the use of alternative methods to the ones set forth in part 75. The PBMS approach is intended to be more flexible and cost effective for the regulated community; it is also intended to encourage innovation in analytical technology and improved data quality. The EPA is not precluding the use of any method, whether it constitutes a voluntary consensus standard or not, as long as it meets the performance criteria specified, however, any alternative methods must be approved in advance before they may be used under part 75.

The EPA welcomes comments on this aspect of the proposed rulemaking and, specifically, invites the public to identify potentially applicable voluntary consensus standards and to explain why such standards should be used in this regulation.

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Emissions trading, Nitrogen oxides, Ozone transport, Reporting and recordkeeping requirements.

40 CFR Part 97

Environmental protection, Air pollution control, Emissions trading, Nitrogen oxides, Ozone transport, Reporting and recordkeeping requirements.

Dated: September 24, 1998.

Carol M. Browner,

Administrator.

For the reasons set forth in the preamble, parts 52 and 97 of chapter I of title 40 of the Code of Federal Regulations are proposed to be amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart A—General Provisions

2. Subpart A is amended to add § 52.34 to read as follows:

§ 52.34 Action on petitions submitted under section 126 relating to emissions of nitrogen oxides.

(a) *Purpose and applicability.* Paragraphs (b) through (i) of this section set forth EPA's affirmative and negative technical determinations regarding whether, with respect to the national ambient air quality standards (NAAQS) for ozone, certain new and existing sources of emissions of nitrogen oxides (''NO_X'') in certain States emit NO_X in amounts that will contribute significantly to nonattainment in, or interfere with maintenance by, one or more States that submitted petitions in 1997 addressing such NO_X emissions under section 126 of the Clean Air Act. (As used in this section, the term new source includes modified sources, as well.) The States that submitted such petitions are Connecticut, Maine, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont (each of which, hereinafter in this section, may be referred to also as a ''petitioning State''). Paragraph (j) of this section sets forth EPA's decisions about whether to grant or deny each of those petitions, and paragraph (k) of this section sets forth the emissions-reduction requirements that will apply to the affected NO_X sources to the extent any of the petitions is granted. Appendix A of part 97 of this chapter contains a list of the existing NO_X sources that as of date of signature are covered by the affirmative technical determinations described herein, and that would be required to meet such pollution-control requirements to the extent a petition covering such sources is granted.

(b) *Technical determinations relating to impacts on ozone levels in Connecticut.*—(1) *Affirmative technical determinations with respect to the 1-hour ozone standard in Connecticut.* The Administrator of EPA finds that any existing or new major source or group of stationary sources emits or would emit NO_X in amounts that contribute significantly to nonattainment in the State of Connecticut with respect to the 1-hour NAAQS for ozone if it is or will be:

(i) In a category of sources described in 40 CFR 97.4;

(ii) Located in one of the States (or portions thereof) listed in paragraph (b)(2) of this section; and

(iii) Within one of the ''Named Source Categories'' listed in the portion of Table F–1 in appendix F of this part describing the sources covered by the petition of the State of Connecticut.

(2) *States or portions of states that contain sources for which EPA is making an affirmative technical determination with respect to the 1-hour ozone standard in Connecticut.* The States, or portions of States, that contain sources for which EPA is making an affirmative technical determination are:

(i) Delaware.

(ii) District of Columbia.

(iii) Portion of Indiana located in OTAG Subregions 2 and 6, as shown in appendix F, Figure F–2 of this part.

(iv) Portion of Kentucky located in OTAG Subregion 6, as shown in appendix F, Figure F–2 of this part.

(v) Maryland.

(vi) Portion of Michigan located in OTAG Subregion 2, as shown in appendix F, Figure F–2 of this part.

(vii) Portion of North Carolina located in OTAG Subregion 7, as shown in appendix F, Figure F–2 of this part.

(viii) New Jersey.

(ix) Portion of New York extending west and south of Connecticut, as shown in appendix F, Figure F–2 of this part.

(x) Ohio.

(xi) Pennsylvania.

(xii) Virginia.

(xiii) West Virginia.

(3) *Negative technical determinations with respect to the 1-hour ozone standard in Connecticut.* The Administrator of EPA finds that any existing or new major source or group of stationary sources that is or will be located in one of the States (or portions thereof) listed in paragraph (b)(4) of this section does not or would not emit NO_X in amounts that contribute significantly to nonattainment in the State of Connecticut, with respect to the 1-hour NAAQS for ozone. The Administrator also finds that any existing or new major source or group of stationary sources does not or would not emit NO_X in such amounts if it:

(i) Is or will be located in one of the States (or portions thereof) listed in paragraph (b)(2) of this section; and

(ii) Is or will be within one of the ''Named Source Categories'' listed in the portion of Table F–1 in appendix F of this part describing the sources covered by the petition of the State of Connecticut; but

(iii) Is not in a category of sources described in 40 CFR 97.4.

(4) *States or portions of States that contain no sources for which EPA is making an affirmative technical determination with respect to the 1-hour ozone standard in Connecticut.* The States or portions thereof described in paragraph (b)(3) of this section are:

(i) Portion of Tennessee located in OTAG Subregion 6, as shown in appendix F, Figure F–2.

(c) *Technical determinations relating to impacts on ozone levels in Maine.*—(1) *Affirmative technical determinations with respect to the 1-hour ozone standard in Maine.* The Administrator of EPA finds that any existing or new major source or group of stationary sources emits or would emit NO_X in amounts that contribute significantly to nonattainment in the State of Maine, with respect to the 1-hour NAAQS for ozone if it is or will be:

(I) In a category of sources described in 40 CFR 97.4;

(ii) Located in one of the States (or portions thereof) listed in paragraph (c)(2) of this section; and

(iii) Within one of the ''Named Source Categories'' listed in the portion of Table F–1 in appendix F of this part describing the sources covered by the petition of the State of Maine.

(2) *States or portions of States that contain sources for which EPA is making an affirmative technical determination with respect to the 1-hour ozone standard in Maine.* The States, or portions of States, that contain sources for which EPA is making an affirmative technical determination are:

(i) Connecticut.

(ii) Delaware.

(iii) District of Columbia.

(iv) Maryland.

(v) Massachusetts.
(vi) New Jersey.
(vii) New York.
(viii) Pennsylvania.
(ix) Rhode Island.

(3) *Negative technical determinations with respect to the 1-hour ozone standard in Maine.* The Administrator of EPA finds that any existing or new major source or group of stationary sources that is or will be located in one of the States (or portions thereof) listed in paragraph (c)(4) of this section does not or would not emit NO_X in amounts that contribute significantly to nonattainment in the State of Maine, with respect to the 1-hour NAAQS for ozone. The Administrator also finds that any existing or new major source or group of stationary sources that does not or would not emit NO_X in such amounts if it:

(i) Is or will be located in one of the States (or portions thereof) listed in paragraph (c)(2) of this section; and

(ii) Is or will be within one of the ''Named Source Categories'' listed in the portion of Table F–1 in appendix F of this part describing the sources covered by the petition of the State of Maine; but

(iii) Is not in a category of sources described in 40 CFR 97.4.

(4) *States or portions of States that contain no sources for which EPA is making an affirmative technical determination with respect to the 1-hour ozone standard in Maine.* The States or portions thereof described in paragraph (c)(3) of this section are:

(i) Portion of North Carolina within a 600 mile radius of Maine's ozone nonattainment areas, as shown in appendix F, Figure F–3 of this part.

(ii) New Hampshire.

(iii) Portion of Ohio within a 600 mile radius of Maine's ozone nonattainment areas, as shown in appendix F, Figure F–3 of this part.

(iv) Vermont.

(v) Portion of Virginia within a 600 mile radius of Maine's ozone nonattainment areas, as shown in appendix F, Figure F–3 of this part.

(vi) Portion of West Virginia within a 600 mile radius of Maine's ozone nonattainment areas, as shown in appendix F, Figure F–3 of this part.

(d) *Technical determinations relating to impacts on ozone levels in Massachusetts.*—(1) *Affirmative technical determinations with respect to the 1-hour ozone standard in Massachusetts.* The Administrator of EPA finds that any existing or new major source or group of stationary sources emits or would emit NOx in amounts that contribute significantly to nonattainment in the State of Massachusetts, with respect to the 1-hour NAAQS for ozone if it is or will be:

(i) In a category of sources described in 40 CFR 97.4;

(ii) Located in one of the States (or portions thereof) listed in paragraph (d)(2) of this section; and

(iii) Within one of the ''Named Source Categories'' listed in the portion of Table F–1 in appendix F of this part describing the sources covered by the petition of the State of Massachusetts.

(2) *States or portions of states that contain sources for which EPA is making an affirmative technical determination with respect to the 1-hour ozone standard in Massachusetts.* The States or portions of States that contain sources for which EPA is making an affirmative technical determination are:

(i) All counties in Ohio located within a 3-county-wide band of the Ohio River, as shown in appendix F, Figure F–4 of this part.

(ii) All counties in West Virginia located within a 3-county-wide band of the Ohio River, as shown in appendix F, Figure F–4 of this part.

(3) *Negative technical determinations with respect to the 1-hour ozone standard in Massachusetts.* The Administrator of EPA finds that any existing or new major source or group of stationary sources that is or will be located in one of the States (or portions thereof) listed in paragraph (d)(4) of this section does not or would not emit NOx in amounts that contribute significantly to nonattainment in the State of Massachusetts, with respect to the 1-hour NAAQS for ozone. The Administrator also finds that any existing or new major source or group of stationary sources does not or would not emit NOx in such amounts if it:

(i) Is or will be located in one of the States (or portions thereof) listed in paragraph (d)(2) of this section; and

(ii) Is or will be within one of the ''Named Source Categories'' listed in the portion of Table F–1 in appendix F of this part describing the sources covered by the petition of the State of Massachusetts; but

(iii) is not in a category of sources described in 40 CFR 97.4.

(4) *States or portions of States that contain no sources for which EPA is making an affirmative technical determination with respect to the 1-hour ozone standard in Massachusetts.* The States or portions thereof described in paragraph (d)(3) of this section are:

(i) All counties in Kentucky located within a 3-county-wide band of the Ohio River, as shown in appendix F, Figure F–4 of this part.

(ii) All counties in Indiana located within a 3-county-wide band of the Ohio River, as shown in appendix F, Figure F–4 of this part.

(5) *Affirmative technical determinations with respect to the 8-hour ozone standard in Massachusetts.* The Administrator of EPA finds that any existing or new major source or group of stationary sources emits or would emit NOx in amounts that contribute significantly to nonattainment in, or interfere with maintenance by, the State of Massachusetts, with respect to the 8-hour NAAQS for ozone if it is or will be:

(i) In a category of sources described in 40 CFR 97.4;

(ii) Located in one of the States (or portions thereof) listed in paragraph (d)(6) of this section; and

(iii) Within one of the ''Named Source Categories'' listed in the portion of Table F–1 in appendix F of this part describing the sources covered by the petition of the State of Massachusetts.

(6) *States or portions of states that contain sources for which EPA is making an affirmative technical determination with respect to the 8-hour ozone standard in Massachusetts.* The States, or portions of States, that contain sources for which EPA is making an affirmative technical determination are:

(i) All counties in Ohio located within a 3-county-wide band of the Ohio River, as shown in appendix F, Figure F–4 of this part.

(ii) All counties in West Virginia located within a 3-county-wide band of the Ohio River, as shown in appendix F, Figure F–4 of this part.

(7) *Negative technical determinations with respect to the 8-hour ozone standard in Massachusetts.* The Administrator of EPA finds that any existing or new major source or group of stationary sources that is or will be located in one of the States (or portions thereof) listed in paragraph (d)(8) of this section does not or would not emit NO_X in amounts that contribute significantly to nonattainment in, or interfere with maintenance by, the State of Massachusetts, with respect to the 8-hour NAAQS for ozone. The Administrator also finds that any existing or new major source or group of stationary sources does not or would not emit NO_X in such amounts if it is or will be:

(i) Is or will be located in one of the States (or portions thereof) listed in paragraph (d)(6) of this section; and

(ii) Is or will be within one of the ''Named Source Categories'' listed in the portion of Table F–1 in appendix F of this part describing the sources covered by the petition of the State of Massachusetts; but

(iii) is not in a category of sources described in 40 CFR 97.4.

(8) *States or portions of States that contain no sources for which EPA is making an affirmative technical determination with respect to the 8-hour ozone standard in Massachusetts.* The States or portions thereof described in paragraph (d)(7) of this section are:

(i) All counties in Indiana located within a 3-county-wide band of the Ohio River, as shown in appendix F, Figure F–4 of this part.

(ii) All counties in Kentucky located within a 3-county-wide band of the Ohio River, as shown in appendix F, Figure F–4 of this part.

(e) *Technical determinations relating to impacts on ozone levels in New Hampshire.*—(1) *Affirmative technical determinations with respect to the 1-hour ozone standard in New Hampshire.* The Administrator of EPA finds that any existing or new major source or group of stationary sources emits or would emit NO_X in amounts that contribute significantly to nonattainment in the State of New Hampshire, with respect to the 1-hour NAAQS for ozone if it is or will be:

(i) In a category of sources described in 40 CFR 97.4;

(ii) Located in one of the States (or portions thereof) listed in paragraph (e)(2) of this section; and

(iii) Within one of the ''Named Source Categories'' listed in the portion of Table F–1 in appendix F of this part describing the sources covered by the petition of the State of New Hampshire.

(2) *States or portions of States that contain sources for which EPA is making an affirmative technical determination with respect to the 1-hour ozone standard in New Hampshire.* The States, or portions of States, that contain sources for which EPA is making an affirmative technical determination are:

(i) Connecticut.

(ii) Delaware.

(iii) District of Columbia.

(iv) Maryland.

(v) Massachusetts.

(vi) New Jersey.

(vii) New York.

(viii) Pennsylvania.

(ix) Rhode Island.

(x) Virginia.

(3) *Negative technical determinations with respect to the 1-hour ozone standard in New Hampshire.* The Administrator of EPA finds that any existing or new major source or group of stationary sources that is or will be located in one of the States (or portions thereof) listed in paragraph (e)(4) of this section does not or would not emit NO_X in amounts that contribute significantly to nonattainment in the State of New Hampshire, with respect to the 1-hour NAAQS for ozone. The Administrator also finds that any existing or new major source or group of stationary sources does not or would not emit NO_X in such amounts if it:

(i) Is or will be located in one of the States (or portions thereof) listed in paragraph (e)(2) of this section; and

(ii) Is or will be within one of the ''Named Source Categories'' listed in the portion of Table F–1 in appendix F of this part describing the sources covered by the petition of the State of New Hampshire; but

(iii) is not in a category of sources described in 40 CFR 97.4.

(4) *States or portions of States that contain no sources for which EPA is making an affirmative technical determination with respect to the 1-hour ozone standard in New Hampshire.* The States or portions thereof described in paragraph (e)(3) of this section are:

(i) Illinois.

(ii) Indiana.

(iii) Portion of Iowa within OTAG Subregion 1, as shown in appendix F, Figure F–5 of this part.

(iv) Kentucky.

(v) Maine.

(vi) Portion of Michigan within OTAG Subregions 1 and 2, as shown in appendix F, Figure F–5 of this part.

(vii) Portion of Missouri within OTAG Subregion 5, as shown in appendix F, Figure F–5 of this part.

(viii) North Carolina.

(ix) Ohio.

(x) Tennessee.

(xi) West Virginia.

(xii) Portion of Wisconsin within OTAG Subregion 1, as shown in appendix F, Figure F–5 of this part.

(xiii) Vermont.

(f) *Technical determinations relating to impacts on ozone levels in the State of New York.*—(1) *Affirmative technical determinations with respect to the 1-hour ozone standard in the State of New York.* The Administrator of EPA finds that any existing or new major source or group of stationary sources emits or would emit NO_X in amounts that contribute significantly to nonattainment in the State of New York, with respect to the 1-hour NAAQS for ozone:

(i) In a category of sources described in 40 CFR 97.4;

(ii) Located in one of the States (or portions thereof) listed in paragraph (f)(2) of this section; and

(iii) Within one of the ''Named Source Categories'' listed in the portion of Table F–1 in appendix F of this part describing the sources covered by the petition of the State of New York.

(2) *States or portions of States that contain sources for which EPA is making an affirmative technical determination with respect to the 1-hour ozone standard in the State of New York.* The States, or portions of States, that contain sources for which EPA is making an affirmative technical determination are:

(i) Delaware.

(ii) District of Columbia.

(iii) Portion of Indiana located in OTAG Subregions 2 and 6, as shown in appendix F, Figure F–6 of this part.

(iv) Portion of Kentucky located in OTAG Subregion 6, as shown in appendix F, Figure F–6 of this part.

(v) Maryland.

(vi) Portion of Michigan located in OTAG Subregion 2, as shown in appendix F, Figure F–6 of this part.

(vii) Portion of North Carolina located in OTAG Subregions 6 and 7, as shown in appendix F, Figure F–6 of this part.

(viii) New Jersey.

(ix) Ohio.

(x) Pennsylvania.

(xi) Virginia.

(xii) West Virginia.

(3) *Negative technical determinations with respect to the 1-hour ozone standard in the State of New York.* The Administrator of EPA finds that any existing or new major source or group of stationary sources that is or will be located in one of the States (or portions thereof) listed in paragraph (f)(4) of this section does not or would not emit NO_X in amounts that contribute significantly to nonattainment in the State of New York, with respect to the 1-hour NAAQS for ozone. The Administrator also finds that any existing or new major source or group of stationary sources does not or would not emit NO_X in such amounts if it:

(i) Is or will be located in one of the States (or portions thereof) listed in paragraph (f)(2) of this section; and

(ii) Is or will be within one of the ''Named Source Categories'' listed in the portion of Table F–1 in appendix F of this part describing the sources covered by the petition of the State of New York; but

(iii) Is not in a category of sources described in 40 CFR 97.4.

(4) *States or portions of States that contain no sources for which EPA is making an affirmative technical determination with respect to the 1-hour ozone standard in the State of New York.* The States or portions thereof described in paragraph (f)(3) of this section are:

(i) Portion of Tennessee located in OTAG Subregion 6, as shown in appendix F, Figure F–6 of this part.

(g) *Technical determinations relating to impacts on ozone levels in Pennsylvania.*—(1) *Affirmative*

technical determinations with respect to the 1-hour ozone standard in Pennsylvania. The Administrator of EPA finds that any existing or new major source or group of stationary sources emits or would emit NO_X in amounts that contribute significantly to nonattainment in the State of Pennsylvania, with respect to the 1-hour NAAQS for ozone if it is or will be:

(i) In a category of sources described in 40 CFR 97.4;

(ii) Located in one of the States (or portions thereof) listed in paragraph (g)(2) of this section; and

(iii) Within one of the ''Named Source Categories'' listed in the portion of Table F–1 in appendix F of this part describing the sources covered by the petition of the State of Pennsylvania.

(2) *States or portions of States that contain sources for which EPA is making an affirmative technical determination with respect to the 1-hour ozone standard in Pennsylvania.* The States, or portions of States, that contain sources for which EPA is making an affirmative technical determination are:

(i) North Carolina.

(ii) Ohio.

(iii) Virginia.

(iv) West Virginia.

(3) *Negative technical determinations with respect to the 1-hour ozone standard in Pennsylvania.* The Administrator of EPA finds that any existing or new major source or group of stationary sources that is or will be located in one of the States (or portions thereof) listed in paragraph (g)(4) of this section does not or would not emit NO_X in amounts that contribute significantly to nonattainment in the State of Pennsylvania, with respect to the 1-hour NAAQS for ozone. The Administrator also finds that any existing or new major source or group of stationary sources does not or would not emit NO_X in such amounts if it:

(i) Is or will be located in one of the States (or portions thereof) listed in paragraph (g)(2) of this section; and

(ii) Is or will be within one of the ''Named Source Categories'' listed in the portion of Table F–1 in appendix F of this part describing the sources covered by the petition of the State of Pennsylvania; but

(iii) Is not in a category of sources described in 40 CFR 97.4.

(4) *States or portions of States that contain no sources for which EPA is making an affirmative technical determination with respect to the 1-hour ozone standard in Pennsylvania.* The States or portions thereof described in paragraph (g)(3) of this section are:

(i) Alabama.

(ii) Arkansas.

(iii) Georgia.

(iv) Illinois.

(v) Indiana

(vi) Iowa.

(vii) Kentucky.

(viii) Louisiana.

(ix) Michigan.

(x) Minnesota.

(xi) Mississippi.

(xii) Missouri.

(xiii) South Carolina.

(xiv) Tennessee.

(xv) Wisconsin.

(5) *Affirmative technical determinations with respect to the 8-hour ozone standard in Pennsylvania.* The Administrator of EPA finds that any existing or new major source or group of stationary sources emits or would emit NO_X in amounts that contribute significantly to nonattainment in, or interfere with maintenance by, the State of Pennsylvania, with respect to the 8-hour NAAQS for ozone:

(i) In a category of sources described in 40 CFR 97.4;

(ii) Located in one of the States (or portions thereof) listed in paragraph (g)(6) of this section; and

(iii) Within one of the ''Named Source Categories'' listed in the portion of Table F–1 in appendix F of this part describing the sources covered by the petition of the State of Pennsylvania.

(6) *States or portions of States that contain sources for which EPA is making an affirmative technical determination with respect to the 8-hour ozone standard in Pennsylvania.* The States, or portions of States, that contain sources for which EPA is making an affirmative technical determination are:

(i) Alabama.

(ii) Illinois.

(iii) Indiana.

(iv) Kentucky.

(v) Michigan.

(vi) Missouri.

(vii) North Carolina.

(viii) Ohio.

(ix) Tennessee.

(x) Virginia.

(xi) West Virginia.

(7) *Negative technical determinations with respect to the 8-hour ozone standard in Pennsylvania.* The Administrator of EPA finds that any existing or new major source or group of stationary sources that is or will be located in one of the States (or portions thereof) listed in paragraph (g)(8) of this section does not or would not emit NO_X in amounts that contribute significantly to nonattainment in, or interfere with maintenance by, the State of Pennsylvania, with respect to the 8-hour NAAQS for ozone. The Administrator also finds that any existing or new major source or group of stationary sources does not or would not emit NO_X in such amounts if it:

(i) Is or will be located in one of the States (or portions thereof) listed in paragraph (g)(6) of this section; and

(ii) Is or will be within one of the ''Named Source Categories'' listed in the portion of Table F–1 in appendix F of this part describing the sources covered by the petition of the State of Pennsylvania; but

(iii) Is not in a category of sources described in 40 CFR 97.4.

(8) *States or portions of States that contain no sources for which EPA is making an affirmative technical determination with respect to the 8-hour ozone standard in Pennsylvania.* The States or portions thereof described in paragraph (g)(7) of this section are:

(i) Arkansas.

(ii) Georgia.

(iii) Iowa.

(iv) Louisiana.

(v) Minnesota.

(vi) Mississippi.

(vii) South Carolina.

(viii) Wisconsin.

(h) *Technical determinations relating to impacts on ozone levels in Rhode Island.*—(1) *Affirmative technical determinations with respect to the 1-hour ozone standard in Rhode Island.* The Administrator of EPA finds that any existing or new major source or group of stationary sources emits or would emit NO_X in amounts that contribute significantly to nonattainment in the State of Rhode Island, with respect to the 1-hour NAAQS for ozone if it is or will be:

(i) In a category of sources described in 40 CFR 97.4;

(ii) Located in one of the States (or portions thereof) listed in paragraph (h)(2) of this section; and

(iii) Within one of the ''Named Source Categories'' listed in the portion of Table F–1 in appendix F of this part describing the sources covered by the petition of the State of Rhode Island.

(2) *States or portions of States that contain sources for which EPA is making an affirmative technical determination with respect to the 1-hour ozone standard in Rhode Island.* The States, or portions of States, that contain sources for which EPA is making an affirmative technical determination are:

(i) All counties in Ohio located within a 3-county-wide band of the Ohio River, as shown in appendix F, Figure F–8 of this part.

(ii) All counties in West Virginia located within a 3-county-wide band of the Ohio River, as shown in appendix F, Figure F–8 of this part.

(3) *Negative technical determinations with respect to the 1-hour ozone*

standard in Rhode Island. The Administrator of EPA finds that any existing or new major source or group of stationary sources that is or will be located in one of the States (or portions thereof) listed in paragraph (h)(4) of this section does not or would not emit NO_X in amounts that contribute significantly to nonattainment in the State of Rhode Island, with respect to the 1-hour NAAQS for ozone. The Administrator also finds that any existing or new major source or group of stationary sources does not or would not emit NO_X in such amounts if it:

(i) Is or will be located in one of the States (or portions thereof) listed in paragraph (h)(2) of this section; and

(ii) Is or will be within one of the ''Named Source Categories'' listed in the portion of Table F–1 in Appendix F of this part describing the sources covered by the petition of the State of Rhode Island; but

(iii) Is not in a category of sources described in 40 CFR 97.4.

(4) *States or portions of States that contain no sources for which EPA is making an affirmative technical determination with respect to the 1-hour ozone standard in Rhode Island.* The States or portions thereof described in paragraph (h)(3) of this section are:

(i) All counties in Kentucky located within a 3-county-wide band of the Ohio River, as shown in appendix F, Figure F–8 of this part.

(ii) All counties in Indiana located within a 3-county wide-band of the Ohio River, as shown in appendix F, Figure F–8 of this part.

(i) *Technical determinations relating to impacts on ozone levels in Vermont.*—(1) *Negative technical determinations with respect to the 1-hour ozone standard in Vermont.* The Administrator of EPA finds that any existing or new major source or group of stationary sources that is or will be located in one of the States (or portions thereof) listed in paragraph (i)(2) of this section does not or would not emit NO_X in amounts that contribute significantly to nonattainment in the State of Vermont, with respect to the 1-hour NAAQS for ozone.

(2) *States or portions of States that contain no sources for which EPA is making an affirmative technical determination with respect to the 1-hour ozone standard in Vermont.* The States or portions thereof described in paragraph (i)(1) of this section are:

(i) Portion of Alabama within 1000 miles southwest from Bennington, VT, as shown in appendix F, Figure F–9 of this part.

(ii) Portion of Connecticut within 1000 miles southwest from Bennington, VT, as shown in appendix F, Figure F–9 of this part.

(iii) Delaware.

(iv) District of Columbia.

(v) Portion of Georgia within 1000 miles southwest from Bennington, VT, as shown in appendix F, Figure F–9 of this part.

(vi) Illinois.

(vii) Indiana.

(viii) Portion of Iowa within 1000 miles southwest from Bennington, VT, as shown in appendix F, Figure F–9 of this part.

(ix) Kentucky.

(x) Maryland.

(xi) Portion of Massachusetts within 1000 miles southwest from Bennington, VT, as shown in appendix F, Figure F–9 of this part.

(xii) Portion of Michigan within 1000 miles southwest from Bennington, VT, as shown in appendix F, Figure F–9 of this part.

(xiii) Portion of Missouri within 1000 miles southwest from Bennington, VT, as shown in appendix F, Figure F–9 of this part.

(xiv) New Jersey.

(xv) Portion of New York within 1000 miles southwest from Bennington, VT, as shown in appendix F, Figure F–9 of this part.

(xvi) North Carolina.

(xvii) Ohio.

(xviii) Pennsylvania.

(xix) South Carolina.

(xx) Portion of Tennessee within 1000 miles southwest from Bennington, VT, as shown in appendix F, Figure F–9 of this part.

(xxi) Virginia.

(xxii) West Virginia.

(xxiii) Portion of Wisconsin within 1000 miles southwest from Bennington, VT, as shown in appendix F, Figure F–9 of this part.

(3) *Negative technical determinations with respect to the 8-hour ozone standard in Vermont.* The Administrator of EPA finds that any existing or new major source or group of stationary sources that is or will be located in one of the States (or portions thereof) listed in paragraph (i)(4) of this section does not or would not emit NO_X in amounts that contribute significantly to nonattainment in, or interfere with maintenance by, the State of Vermont, with respect to the 8-hour NAAQS for ozone.

(4) *States or portions of States that contain no sources for which EPA is making an affirmative technical determination with respect to the 8-hour ozone standard in Vermont.* The States or portions thereof described in paragraph (i)(3) of this section are:

(i) Portion of Alabama within 1000 miles southwest from Bennington, VT, as shown in appendix F, Figure F–9 of this part.

(ii) Portion of Connecticut within 1000 miles southwest from Bennington, VT, as shown in appendix F, Figure F–9 of this part.

(iii) Delaware.

(iv) District of Columbia.

(v) Portion of Georgia within 1000 miles southwest from Bennington, VT, as shown in appendix F, Figure F–9 of this part.

(vi) Illinois.

(vii) Indiana.

(viii) Portion of Iowa within 1000 miles southwest from Bennington, VT, as shown in appendix F, Figure F–9 of this part.

(ix) Kentucky.

(x) Maryland.

(xi) Portion of Massachusetts within 1000 miles southwest from Bennington, VT, as shown in appendix F, Figure F–9 of this part.

(xii) Portion of Michigan within 1000 miles southwest from Bennington, VT, as shown in appendix F, Figure F–9 of this part.

(xiii) Portion of Missouri within 1000 miles southwest from Bennington, VT, as shown in appendix F, Figure F–9 of this part.

(xiv) New Jersey.

(xv) Portion of New York within 1000 miles southwest from Bennington, VT, as shown in appendix F, Figure F–9 of this part.

(xvi) North Carolina.

(xvii) Ohio.

(xviii) Pennsylvania.

(xix) South Carolina.

(xx) Portion of Tennessee within 1000 miles southwest from Bennington, VT, as shown in appendix F, Figure F–9 of this part.

(xxi) Virginia.

(xxii) West Virginia.

(xxiii) Portion of Wisconsin within 1000 miles southwest from Bennington, VT, as shown in appendix F, Figure F–9 of this part.

(j) *Action on petitions for section 126(b) findings.* (1) For each existing or new major source or group of stationary sources for which the Administrator has made an affirmative technical determination as described in paragraphs (b) through (i) of this section as to impacts on nonattainment or maintenance of a particular NAAQS for ozone in a particular petitioning State, a finding of the Administrator that each such major source or group of stationary sources emits or would emit NO_X in violation of the prohibition of Clean Air Act section 110(a)(2)(D)(i)(I) with the respect to nonattainment or maintenance of such standard in such petitioning State will be deemed to be made:

(i) As of November 30, 1999, if by such date EPA does not issue either:

(A) A proposed approval, under section 110(k) of the Clean Air Act, of a State implementation plan revision submitted by such State to comply with the requirements of section 110(a)(2)(D)(i)(I) of the Clean Air Act; or

(B) A final Federal implementation plan meeting such requirements for such State.

(ii) As of May 1, 2000, if by November 30, 1999, EPA takes the action described in paragraph (j)(1)(i) of this section for such State, but, by May 1, 2000, EPA does not approve or promulgate implementation plan provisions meeting such requirements for such State.

(2) The making of any such finding as to any such major source or group of stationary sources shall be considered to be the making of a finding under subsection (b) of section 126 of the Clean Air Act as to such major source or group of stationary sources. Each aspect of a petition as to which the Administrator has made an affirmative technical determination (as described in paragraphs (b) through (i) of this section) shall be deemed denied as of May 1, 2000, if a section 126(b) finding has not been deemed to have been made by that date. Notwithstanding any other provision of this paragraph or section, after such a finding has been deemed to be made under this paragraph as to a particular major source or group of stationary sources in a particular State, such finding will be deemed to be withdrawn, and the corresponding part of the relevant petition(s) denied, if the Administrator issues a final action putting in place implementation plan provisions that comply with the requirements of section 110(a)(2)(D)(i)(I) of the Clean Air Act for such State.

(3) For each new or existing major source or group of stationary sources for which the Administrator has made a negative technical determination in any of paragraphs (b) through (i) of this section as to impacts on a particular petitioning State with respect to a particular NAAQS for ozone, the Administrator hereby denies the petition of such petitioning State and determines that such new or existing major source or group of stationary sources does not emit or would not emit in violation of the prohibition in Clean Air Act section 110(a)(2)(D)(i)(I) with respect to impacts on nonattainment or maintenance of such standard in such petitioning State.

(k) The provisions of part 97 of this chapter apply to the owner or operator of any new or existing major source, or other source within any group of stationary sources, as to which the Administrator makes a finding under section 126(b) of the Clean Air Act pursuant to the provisions of paragraph (j) of this section.

3. Appendix F is added to part 52 to read as follows:

Appendix F to This Part—Clean Air Act Section 126 Petitions From Eight Northeastern States: Named Source Categories and Geographic Coverage

The table and figures in this appendix are cross-referenced in § 52.34.

TABLE F–1.—NAMED SOURCE CATEGORIES IN SECTION 126 PETITIONS

Petitioning State	Named source categories
Connecticut	Fossil fuel-fired boilers or other indirect heat exchangers with a maximum gross heat input rate of 250 mmBtu/hr or greater and electric utility generating facilities with a rated output of 15 MW or greater.
Maine	Electric utilities and steam-generating units with a heat input capacity of 250 mmBtu/hr or greater.
Massachusetts	Electricity generating plants.
New Hampshire	Fossil fuel-fired indirect heat exchange combustion units and fossil fuel-fired electric generating facilities which emit ten tons of NO_X or more per day.
New York	Fossil fuel-fired boilers or indirect heat exchangers with a maximum heat input rate of 250 mmBtu/hr or greater and electric utility generating facilities with a rated output of 15 MW or greater.
Pennsylvania	Fossil fuel-fired indirect heat exchange combustion units with a maximum rated heat input capacity of 250 mmBtu/hr or greater, and fossil fuel-fired electric generating facilities rated at 15 MW or greater.
Rhode Island	Electricity generating plants.
Vermont	Fossil fuel-fired electric utility generating facilities with a maximum gross heat input rate of 250 mmBtu/hr or greater and potentially other unidentified major sources.

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Figure F-1. Location of Ozone Transport Assessment Group (OTAG) Subregions

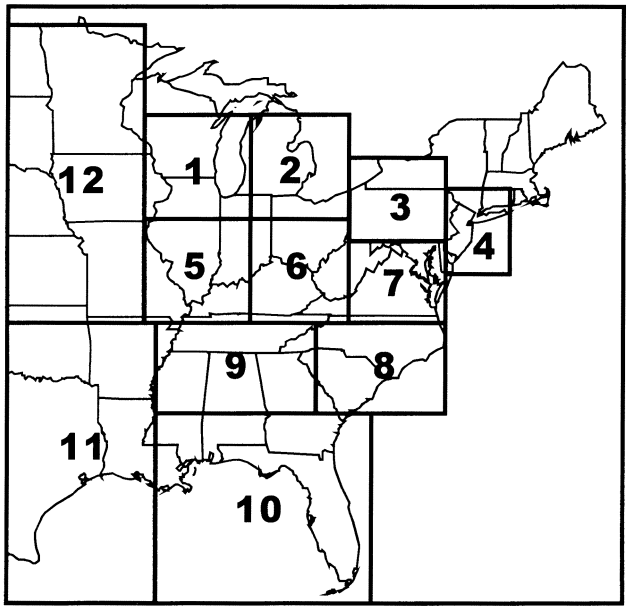


Figure F-2. Areas covered by the Section 126 petition from Connecticut

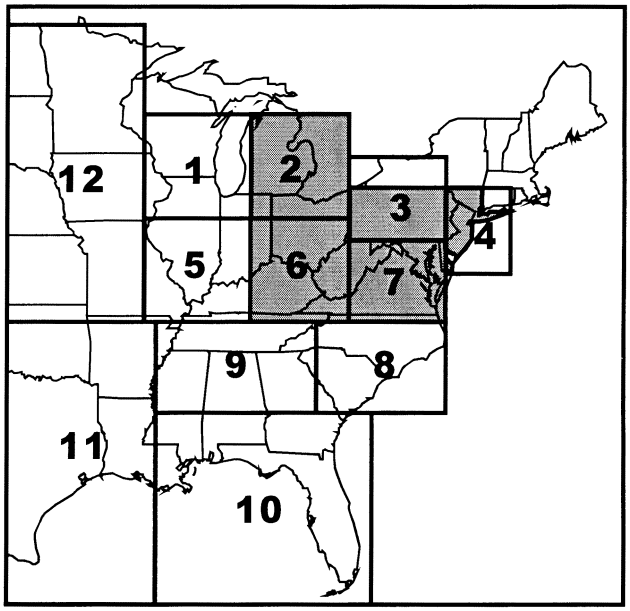


Figure F-3. Areas covered by the Section 126 petition from Maine

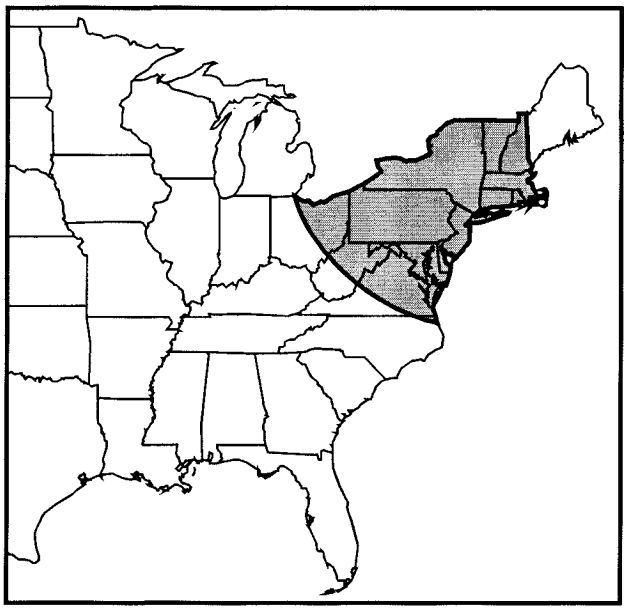


Figure F-4. Areas covered by the Section 126 petition from Massachusetts

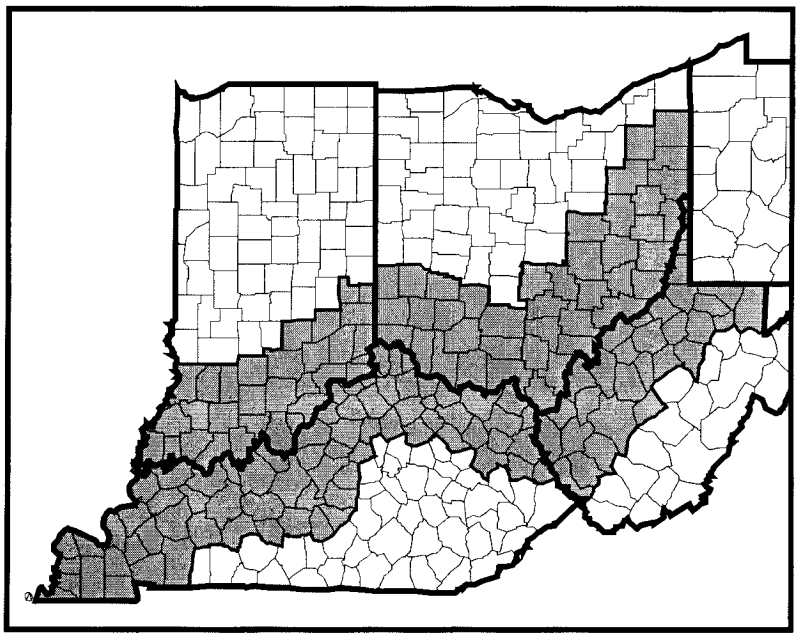


Figure F-5. Areas covered by the Section 126 petition from New Hampshire

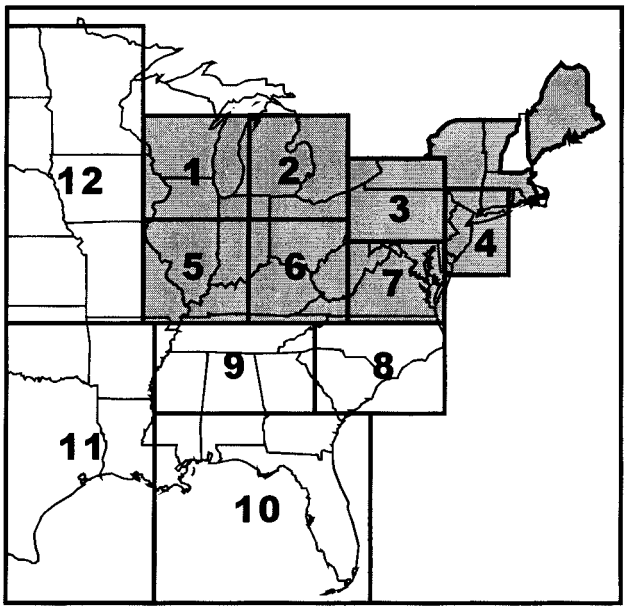


Figure F-6. Areas covered by the Section 126 petition from New York

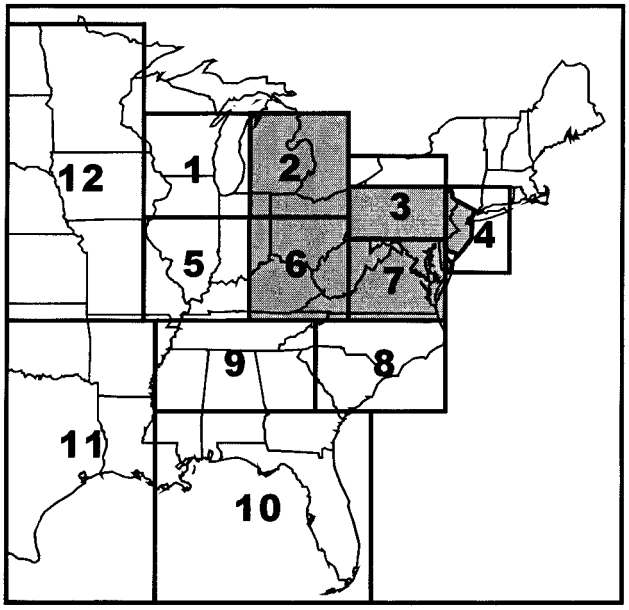


Figure F-7. Areas covered by the Section 126 petition from Pennsylvania

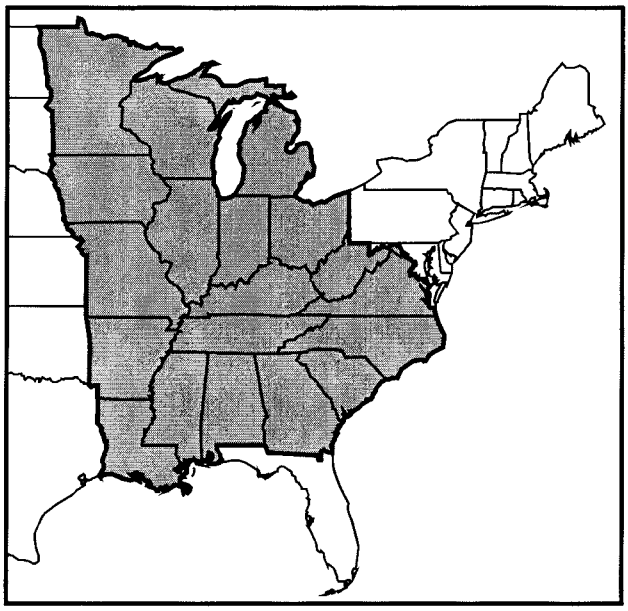


Figure F-8. Areas covered by the Section 126 petition from Rhode Island

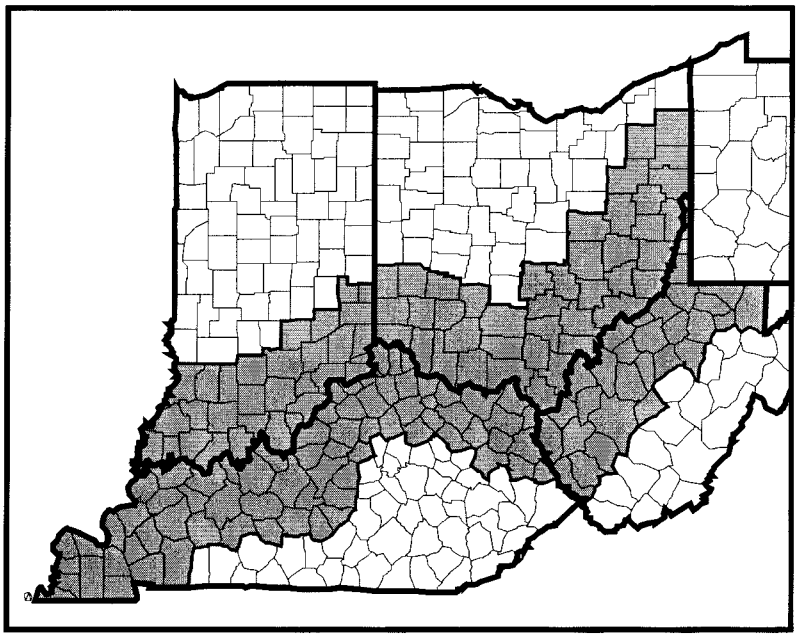
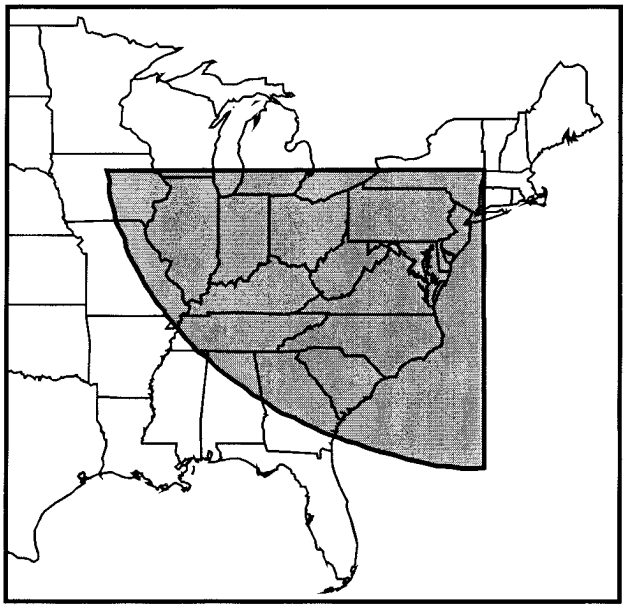


Figure F-9. Areas covered by the Section 126 petition from Vermont



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PART 97—FEDERAL NO_X BUDGET TRADING PROGRAM

4. Part 97 is added to read as follows:

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97.2 Definitions.
97.3 Measurements, abbreviations, and acronyms.
97.4 Applicability.
97.5 Retired unit exemption.
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97.7 Computation of time.

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97.12 Changing the NO_X authorized account representative, and the alternate NO_X authorized account representative; changes in the owners and operators.
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Appendix A to Part 97—NO_X Allowance Allocation Tables for Affected Sources Under Section 126 of the Act
Appendix B to Part 97—NO_X Allowance Allocation Tables for Affected Sources Under Section 110 of the Act in Georgia, South Carolina, and Wisconsin
Appendix C to Part 97—State-By-State Maximum Summer NO_X Emission Levels and Allocation Aggregates

Authority: 42 U.S.C. 7401, 7403, 7410, and 7601.

Subpart A—Federal NO_X Budget Trading Program General Provisions

§ 97.1 Purpose.

This part establishes general provisions and the applicability, permitting, allowance, excess emissions, monitoring, and opt-in provisions for the federal NO_X Budget Trading Program, under section 110(c) or section 126 of the Act, as a means of mitigating the interstate transport of ozone and nitrogen oxides, an ozone precursor. The owner or operator of a unit, or any other person, shall comply with

requirements of this part as a matter of federal law only if such compliance is required by § 52.34 or § 52.35 of this chapter.

§ 97.2 Definitions.

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

Account certificate of representation means the completed and signed submission required by subpart B of this part for certifying the designation of a NO_X authorized account representative for a NO_X Budget source or a group of identified NO_X Budget sources who is authorized to represent the owners and operators of such source or sources and of the NO_X Budget units at such source or sources with regard to matters under the NO_X Budget Trading Program.

Account number means the identification number given by the Administrator to each NO_X Allowance Tracking System account.

Acid Rain emissions limitation means, as defined in § 72.2 of this chapter, a limitation on emissions of sulfur dioxide or nitrogen oxides under the Acid Rain Program under title IV of the Clean Air Act.

Administrator means the Administrator of the United States Environmental Protection Agency or the Administrator's duly authorized representative.

Allocate or *allocation* means the determination by the permitting authority or the Administrator of the number of NO_X allowances to be initially credited to a NO_X Budget unit or an allocation set-aside.

Automated data acquisition and handling system or *DAHS* means that component of the CEMS, or other emissions monitoring system approved for use under subpart H of this part, designed to interpret and convert individual output signals from pollutant concentration monitors, flow monitors, diluent gas monitors, and other component parts of the monitoring system to produce a continuous record of the measured parameters in the measurement units required by subpart H of this part.

Boiler means an enclosed fossil or other fuel-fired combustion device used to produce heat and to transfer heat to recirculating water, steam, or other medium.

Clean Air Act means the Clean Air Act, 42 U.S.C. 7401, *et seq.*, as amended by Pub. L. No. 101–549 (November 15, 1990).

Combined cycle system means a system comprised of one or more combustion turbines, heat recovery steam generators, and steam turbines configured to improve overall efficiency of electricity generation or steam production.

Combustion turbine means an enclosed fossil or other fuel-fired device that is comprised of a compressor, a combustor, and a turbine, and in which the flue gas resulting from the combustion of fuel in the combustor passes through the turbine, rotating the turbine.

Commence commercial operation means, with regard to a unit that serves a generator, to have begun to produce steam, gas, or other heated medium used to generate electricity for sale or use, including test generation. Except as provided in § 97.5, for a unit that is a NO_X Budget unit under § 97.4 on the date the unit commences commercial operation, such date shall remain the unit's date of commencement of commercial operation even if the unit is subsequently modified, reconstructed, or repowered. Except as provided in § 97.5 or subpart I of this part, for a unit that is not a NO_X Budget unit under § 97.4 on the date the unit commences commercial operation, the date the unit becomes a NO_X Budget unit under § 97.4 shall be the unit's date of commencement of commercial operation.

Commence operation means to have begun any mechanical, chemical, or electronic process, including, with regard to a unit, start-up of a unit's combustion chamber. Except as provided in § 97.5, for a unit that is a NO_X Budget unit under § 97.4 on the date of commencement of operation, such date shall remain the unit's date of commencement of operation even if the unit is subsequently modified, reconstructed, or repowered. Except as provided in § 97.5 or subpart I of this part, for a unit that is not a NO_X Budget unit under § 97.4 on the date of commencement of operation, the date the unit becomes a NO_X Budget unit under § 97.4 shall be the unit's date of commencement of operation.

Common stack means a single flue through which emissions from two or more units are exhausted.

Compliance certification means a submission to the permitting authority or the Administrator, as appropriate, that is required under subpart D of this part to report a NO_X Budget source's or a NO_X Budget unit's compliance or noncompliance with this part and that is signed by the NO_X authorized account representative in accordance with subpart B of this part.

Compliance account means a NO_X Allowance Tracking System account, established by the Administrator for a NO_X Budget unit under subpart F of this part, in which the NO_X allowance allocations for the unit are initially recorded and in which are held NO_X allowances available for use by the unit for a control period for the purpose of meeting the unit's NO_X Budget emissions limitation.

Continuous emission monitoring system or *CEMS* means the equipment required under subpart H of this part to sample, analyze, measure, and provide, by readings taken at least once every 15 minutes of the measured parameters, a permanent record of nitrogen oxides emissions, expressed in tons per hour for nitrogen oxides. The following systems are component parts included, consistent with part 75 of this chapter, in a continuous emission monitoring system:

(1) Flow monitor;

(2) Nitrogen oxides pollutant concentration monitors;

(3) Diluent gas monitor (oxygen or carbon dioxide) when such monitoring is required by subpart H of this part;

(4) A continuous moisture monitor when such monitoring is required by subpart H of this part; and

(5) An automated data acquisition and handling system.

Control period means the period beginning May 1 of a year and ending on September 30 of the same year, inclusive.

Emissions means air pollutants exhausted from a unit or source into the atmosphere, as measured, recorded, and reported to the Administrator by the NO_X authorized account representative and as determined by the Administrator in accordance with subpart H of this part.

Energy Information Administration means the Energy Information Administration of the United States Department of Energy.

Excess emissions means any tonnage of nitrogen oxides emitted by a NO_X Budget unit during a control period that exceeds the NO_X Budget emissions limitation for the unit.

Fossil fuel means natural gas, petroleum, coal, or any form of solid, liquid, or gaseous fuel derived from such material.

Fossil fuel-fired means, with regard to a unit:

(1)The combustion of fossil fuel, alone or in combination with any other fuel, where fossil fuel actually combusted comprises more than 50 percent of the annual heat input on a Btu basis during any year starting in 1995 or, if a unit had no heat input starting in 1995, during the last year of operation of the unit prior to 1995; or

(2)The combustion of fossil fuel, alone or in combination with any other fuel,

where fossil fuel is projected to comprise more than 50 percent of the annual heat input on a Btu basis during any year; provided that the unit shall be ''fossil fuel-fired'' as of the date, during such year, on which the unit begins combusting fossil fuel.

General account means a NO_X Allowance Tracking System account, established under subpart F of this part, that is not a compliance account or an overdraft account.

Generator means a device that produces electricity.

Heat input means the product (in mmBtu/time) of the gross calorific value of the fuel (in Btu/lb) and the fuel feed rate into a combustion device (in mass of fuel/time), as measured, recorded, and reported to the Administrator by the NO_X authorized account representative and as determined by the Administrator in accordance with subpart H of this part, and does not include the heat derived from preheated combustion air, recirculated flue gases, or exhaust from other sources.

Life-of-the-unit, firm power contractual arrangement means a unit participation power sales agreement under which a utility or industrial customer reserves, or is entitled to receive, a specified amount or percentage of nameplate capacity and associated energy from any specified unit and pays its proportional amount of such unit's total costs, pursuant to a contract:

(1) For the life of the unit;

(2) For a cumulative term of no less than 30 years, including contracts that permit an election for early termination; or

(3) For a period equal to or greater than 25 years or 70 percent of the economic useful life of the unit determined as of the time the unit is built, with option rights to purchase or release some portion of the nameplate capacity and associated energy generated by the unit at the end of the period.

Maximum design heat input means the ability of a unit to combust a stated maximum amount of fuel per hour on a steady state basis, as determined by the physical design and physical characteristics of the unit.

Maximum potential hourly heat input means an hourly heat input used for reporting purposes when a unit lacks certified monitors to report heat input. If the unit intends to use appendix D of part 75 of this chapter to report heat input, this value should be calculated, in accordance with part 75 of this chapter, using the maximum fuel flow rate and the maximum gross calorific value. If the unit intends to use a flow monitor and a diluent gas monitor, this value should be reported, in accordance with part 75 of this chapter, using the maximum potential flowrate and either the maximum carbon dioxide concentration (in percent CO_2) or the minimum oxygen concentration (in percent O_2).

Maximum potential NO_X emission rate means the emission rate of nitrogen oxides (in lb/mmBtu) calculated in accordance with section 3 of appendix F of part 75 of this chapter, using the maximum potential nitrogen oxides concentration as defined in section 2 of appendix A of part 75 of this chapter, and either the maximum oxygen concentration (in percent O_2) or the minimum carbon dioxide concentration (in percent CO_2), under all operating conditions of the unit except for unit start up, shutdown, and upsets.

Maximum rated hourly heat input means a unit specific maximum hourly heat input (mmBtu) which is the higher of the manufacturers maximum rated hourly heat input or the highest observed hourly heat input.

Monitoring system means any monitoring system that meets the requirements of subpart H of this part, including a continuous emissions monitoring system, an excepted monitoring system, or an alternative monitoring system.

Most stringent State or Federal NO_X emissions limitation means, with regard to a NO_X Budget opt-in source, the lowest NO_X emissions limitation (in terms of lb/mmBtu) that is applicable to the unit under State or Federal law, regardless of the averaging period to which the emissions limitation applies.

Nameplate capacity means the maximum electrical generating output (in MWe) that a generator can sustain over a specified period of time when not restricted by seasonal or other deratings as measured in accordance with the United States Department of Energy standards.

Non-title V permit means a federally enforceable permit administered by the permitting authority pursuant to the Clean Air Act and regulatory authority under the Clean Air Act, other than title V of the Clean Air Act and part 70 or 71 of this chapter.

NO_X allowance means an authorization by the permitting authority or the Administrator under the NO_X Budget Trading Program to emit up to one ton of nitrogen oxides during the control period of the specified year or of any year thereafter.

NO_X allowance deduction or *deduct NO_X* allowances means the permanent withdrawal of NO_X *allowances* by the Administrator from a NO_X Allowance Tracking System compliance account or overdraft account to account for the number of tons of NO_X emissions from a NO_X Budget unit for a control period, determined in accordance with subparts H and F of this part, or for any other allowance surrender obligation under this part.

NO_X allowances held or *hold NO_X* allowances means the NO_X allowances recorded by the Administrator, or submitted to the Administrator for recordation, in accordance with subparts F and G of this part, in a NO_X Allowance Tracking System account.

NO_X Allowance Tracking System means the system by which the Administrator records allocations, deductions, and transfers of NO_X allowances under the NO_X Budget Trading Program.

NO_X Allowance Tracking System account means an account in the NO_X Allowance Tracking System established by the Administrator for purposes of recording the allocation, holding, transferring, or deducting of NO_X allowances.

NO_X allowance transfer deadline means midnight of November 30 or, if November 30 is not a business day, midnight of the first business day thereafter and is the deadline by which NO_X allowances may be submitted for recordation in a NO_X Budget unit's compliance account, or the overdraft account of the source where the unit is located, in order to meet the unit's NO_X Budget emissions limitation for the control period immediately preceding such deadline.

NO_X authorized account representative means, for a NO_X Budget source or NO_X Budget unit at the source, the natural person who is authorized by the owners and operators of the source and all NO_X Budget units at the source, in accordance with subpart B of this part, to represent and legally bind each owner and operator in matters pertaining to the NO_X Budget Trading Program or, for a general account, the natural person who is authorized, in accordance with subpart F of this part, to transfer or otherwise dispose of NO_X allowances held in the general account.

NO_X Budget emissions limitation means, for a NO_X budget unit, the tonnage equivalent of the NO_X allowances available for compliance deduction for the unit under § 97.54 (a) and (b) in a control period adjusted by deductions of such NO_X allowances to account for actual utilization under § 97.42(e) for the control period, or to account for excess emissions for a prior control period under § 97.54(d) or to account for withdrawal from the NO_X budget trading program or for a change

in regulatory states, of a NO_X budget opt-in source under § 97.86 or § 97.88.

NO_X Budget opt-in permit means a NO_X Budget permit covering a NO_X Budget opt-in source.

NO_X Budget opt-in source means a unit that has been elected to become a NO_X Budget unit under the NO_X Budget Trading Program and whose NO_X budget opt-in permit has been issued and is in effect under subpart I of this part.

NO_X Budget permit means the legally binding and federally enforceable written document, or portion of such document, issued by the permitting authority under this part, including any permit revisions, specifying the NO_X Budget Trading Program requirements applicable to a NO_X Budget source, to each NO_X Budget unit at the NO_X Budget source, and to the owners and operators and the NO_X authorized account representative of the NO_X Budget source and each NO_X Budget unit.

NO_X Budget source means a source that includes one or more NO_X Budget units.

NO_X Budget Trading Program means a multi-state nitrogen oxides air pollution control and emission reduction program established in accordance with this part and pursuant to § 52.34 or § 52.35 of this chapter, as a means of mitigating the interstate transport of ozone and nitrogen oxides, an ozone precursor.

NO_X Budget unit means a unit that is subject to the NO_X Budget Trading Program emissions limitation under § 97.4 or § 97.80.

Operating means, with regard to a unit under §§ 97.22(d)(2) and 97.80, having documented heat input for more than 876 hours in the 6 months immediately preceding the submission of an application for an initial NO_X Budget permit under § 97.83(a).

Operator means any person who operates, controls, or supervises a NO_X Budget unit, a NO_X Budget source, or unit for which an application for a NO_X Budget opt-in permit under § 97.83 is submitted and not denied or withdrawn and shall include, but not be limited to, any holding company, utility system, or plant manager of such a unit or source.

Opt-in means to be elected to become a NO_X Budget unit under the NO_X Budget Trading Program through a final, effective NO_X Budget opt-in permit under subpart I of this part.

Overdraft account means the NO_X Allowance Tracking System account, established by the Administrator under subpart F of this part, for each NO_X Budget source where there are two or more NO_X Budget units.

Owner means any of the following persons:

(1) Any holder of any portion of the legal or equitable title in a NO_X Budget unit or in a unit for which an application for a NO_X Budget opt-in permit under § 97.83 submitted and not denied or withdrawn; or

(2) Any holder of a leasehold interest in a NO_X Budget unit or in a unit for which an application for a NO_X Budget opt-in permit under § 97.83 is submitted and not denied or withdrawn; or

(3) Any purchaser of power from a NO_X Budget unit or from a unit for which an application for a NO_X Budget opt-in permit under § 97.83 is submitted and not denied or withdrawn under a life-of-the-unit, firm power contractual arrangement. However, unless expressly provided for in a leasehold agreement, owner shall not include a passive lessor, or a person who has an equitable interest through such lessor, whose rental payments are not based, either directly or indirectly, upon the revenues or income from the NO_X Budget unit or the unit for which an application for a NO_X Budget opt-in permit under § 97.83 is submitted and not denied or withdrawn; or

(4) With respect to any general account, any person who has an ownership interest with respect to the NO_X allowances held in the general account and who is subject to the binding agreement for the NO_X authorized account representative to represent that person's ownership interest with respect to NO_X allowances.

Permitting authority means the State air pollution control agency, local agency, other State agency, or other agency authorized by the Administrator to issue or revise permits to meet the requirements of the NO_X Budget Trading Program in accordance with subpart C of this part.

Receive or receipt of means, when referring to the permitting authority or the Administrator, to come into possession of a document, information, or correspondence (whether sent in writing or by authorized electronic transmission), as indicated in an official correspondence log, or by a notation made on the document, information, or correspondence, by the permitting authority or the Administrator in the regular course of business.

Recordation, record, or recorded means, with regard to NO_X allowances, the movement of NO_X allowances by the Administrator from one NO_X Allowance Tracking System account to another, for purposes of allocation, transfer, or deduction.

Reference method means any direct test method of sampling and analyzing for an air pollutant as specified in appendix A of part 60 of this chapter.

Serial number means, when referring to NO_X allowances, the unique identification number assigned to each NO_X allowance by the Administrator, under § 97.53(c).

Source means any governmental, institutional, commercial, or industrial structure, installation, plant, building, or facility that emits or has the potential to emit any regulated air pollutant under the Clean Air Act. For purposes of section 502(c) of the Clean Air Act, a ''source,'' including a ''source'' with multiple units, shall be considered a single ''facility.''

State means one of the 48 contiguous States and the District of Columbia specified in § 52.34 or § 52.35 of this chapter, or any non-federal authority in or including such States or the District of Columbia (including local agencies, and Statewide agencies) or any eligible Indian tribe in an area of such State or the District of Columbia, for which the NO_X Budget Trading Program is promulgated pursuant to § 52.34 or § 52.35 of this chapter.

Submit or serve means to send or transmit a document, information, or correspondence to the person specified in accordance with the applicable regulation:

(1) In person;

(2) By United States Postal Service; or

(3) By other means of dispatch or transmission and delivery. Compliance with any ''submission,'' ''service,'' or ''mailing'' deadline shall be determined by the date of dispatch, transmission, or mailing and not the date of receipt.

Title V operating permit means a permit issued under title V of the Clean Air Act and part 70 or part 71 of this chapter.

Title V operating permit regulations means the regulations that the Administrator has approved or issued as meeting the requirements of title V of the Clean Air Act and part 70 or 71 of this chapter.

Ton or tonnage means any ''short ton'' (i.e., 2,000 pounds). For the purpose of determining compliance with the NO_X Budget emissions limitation, total tons for a control period shall be calculated as the sum of all recorded hourly emissions (or the tonnage equivalent of the recorded hourly emissions rates) in accordance with subpart H of this part, with any remaining fraction of a ton equal to or greater than 0.50 ton deemed to equal one ton and any fraction of a ton less than 0.50 ton deemed to equal zero tons.

Trading program budget means the total number of NO_X tons apportioned to all NO_X Budget units in a State in

accordance with the NO_X Budget Trading Program, under section 110(c) or section 126 of the Act, for use in a given control period. For purposes of the NO_X Budget Trading Program under section 110(c), the trading program budget is the sum of the aggregate emission levels for large EGUs and large non-EGUs in a State set forth for each State in appendix C of this part. For purposes of the NO_X Budget Trading Program under section 126, the trading program budget is the ''126 trading program budget for the State'', and is determined in the same manner and is also set forth in appendix C of this part.

Unit means a fossil fuel-fired stationary boiler, combustion turbine, or combined cycle system.

Unit load means the total (i.e., gross) output of a unit in any control period (or other specified time period) produced by combusting a given heat input of fuel, expressed in terms of:

(1) The total electrical generation (MWe) produced by the unit, including generation for use within the plant; or

(2) In the case of a unit that uses heat input for purposes other than electrical generation, the total steam in pounds of steam per hour produced by the unit, including steam for use by the unit.

Unit operating day means a calendar day in which a unit combusts any fuel.

Unit operating hour or *hour of unit operation* means any hour (or fraction of an hour) during which a unit combusts any fuel.

Utilization means the heat input (expressed in mmBtu/time) for a unit. The unit's total heat input for the control period in each year will be determined in accordance with part 75 of this chapter if the NO_X Budget unit was otherwise subject to the requirements of part 75 of this chapter for the year, or will be based on the best available data reported to the Administrator for the unit if the unit was not otherwise subject to the requirements of part 75 of this chapter for the year.

§ 97.3 Measurements, abbreviations, and acronyms.

Measurements, abbreviations, and acronyms used in this part are defined as follows:

Btu—British thermal unit.
hr—hour.
Kwh—kilowatt hour.
lb—pounds.
mmBtu—million Btu.
MWe—megawatt electrical.
ton—2000 pounds
CO_2—carbon dioxide.
NO_X—nitrogen oxides.
O_2—oxygen.

§ 97.4 Applicability.

(a) The following units in a State shall be NO_X Budget units, and any source that includes one or more such units shall be a NO_X Budget source, subject to the requirements of this part:

(1) Any unit that, any time on or after January 1, 1995, serves a generator with a nameplate capacity greater than 25 MWe and sells any amount of electricity; or

(2) Any unit that is not a unit under paragraph (a) of this section and that has a maximum design heat input greater than 250 mmBtu/hr.

(b) Notwithstanding paragraph (a) of this section, a unit under paragraph (a)(1) or (a)(2) of this section that has a federally enforceable permit that includes a NO_X emission limitation restricting NO_X emissions during a control period to 25 tons or less shall not be subject to the requirements of this part for any year in which the control period is covered by such emission limitation in the unit's federally enforceable permit. However, if such emission limitation is removed from the unit's federally enforceable permit or otherwise becomes no longer applicable to any control period starting in 2003 or if the unit does not comply with such emission limitation during any control period starting in 2003, the unit shall be subject to the requirements of this part and shall be treated as commencing operation and, if the unit is covered by paragraph (a)(1) of this section, commencing commercial operation on September 30 of the control period for which the emission limitation is no longer applicable or during which the unit does not comply with the emission limitation. The permitting authority that issues the federally enforceable permit with such emission limitation will provide the Administrator written notification of each unit under paragraph (a)(1) or (a)(2) of this section for which the permitting authority issued such a permit. A unit subject to a federally enforceable permit with such emission limitation shall be subject to the following requirements:

(1) The unit shall keep on site records demonstrating that conditions of the permit were met, including restrictions on operating time.

(2) The unit shall report hours of operation during the control period to the permitting authority by November 1 of each year in which the unit is subject to a federally enforceable permit with such emission limitation.

(3) The unit shall determine the appropriate restrictions on its operating time by dividing 25 tons by the unit's maximum potential hourly NO_X mass emissions where the unit's maximum potential hourly NO_X mass emissions would be determined by multiplying the highest default emission rates otherwise applicable under § 75.19 of this chapter by the maximum rated hourly heat input of the unit.

§ 97.5 Retired unit exemption.

(a) This section applies to any NO_X Budget unit, other than a NO_X Budget opt-in source, that is permanently retired.

(b)(1) Any NO_X Budget unit, other than a NO_X Budget opt-in source, that is permanently retired shall be exempt from the NO_X Budget Trading Program, except for the provisions of this section, §§ 97.2, 97.3, 97.4, 97.7 and subparts E, F, and G of this part.

(2) The exemption under paragraph (b)(1) of this section shall become effective the day on which the unit is permanently retired. Within 30 days of permanent retirement, the NO_X authorized account representative (authorized in accordance with subpart B of this part) shall submit a statement to the permitting authority otherwise responsible for administering any NO_X Budget permit for the unit. A copy of the statement shall be submitted to the Administrator. The statement shall state (in a format prescribed by the permitting authority) that the unit is permanently retired and will comply with the requirements of paragraph (c) of this section.

(3) After receipt of the notice under paragraph (b)(2) of this section, the permitting authority will amend any permit covering the source at which the unit is located to add the provisions and requirements of the exemption under paragraphs (b)(1) and (c) of this section.

(c) Special provisions.

(1) A unit exempt under this section shall not emit any nitrogen oxides, starting on the date that the exemption takes effect. The owners and operators of the unit will be allocated allowances in accordance with subpart E of this part.

(2)(i) A unit exempt under this section and located at a source that is required, or but for this exemption would be required, to have a title V operating permit shall not resume operation unless the NO_X authorized account representative of the source submits a complete NO_X Budget permit application under § 97.22 for the unit not less than 18 months (or such lesser time provided under the permitting authority for final action on a permit application) prior to the later of May 1, 2003 or the date on which the unit is to first resume operation.

(ii) A unit exempt under this section and located at a source that is required, or but for this exemption would be required, to have a non-title V permit shall not resume operation unless the NO_X authorized account representative of the source submits a complete NO_X Budget permit application under § 97.22 for the unit not less than 18 months (or such lesser time provided under the permitting authority for final action on a permit application) prior to the later of May 1, 2003 or the date on which the unit is to first resume operation.

(3) The owners and operators and, to the extent applicable, the NO_X authorized account representative of a unit exempt under this section shall comply with the requirements of the NO_X Budget Trading Program concerning all periods for which the exemption is not in effect, even if such requirements arise, or must be complied with, after the exemption takes effect.

(4) A unit that is exempt under this section is not eligible to be a NO_X Budget opt-in source under subpart I of this part.

(5) For a period of 5 years from the date the records are created, the owners and operators of a unit exempt under this section shall retain at the source that includes the unit, records demonstrating that the unit is permanently retired. The 5-year period for keeping records may be extended for cause, at any time prior to the end of the period, in writing by the permitting authority or the Administrator. The owners and operators bear the burden of proof that the unit is permanently retired.

(6) Loss of exemption.

(i) On the earlier of the following dates, a unit exempt under paragraph (b) of this section shall lose its exemption:

(A) The date on which the NO_X authorized account representative submits a NO_X Budget permit application under paragraph (c)(2) of this section; or

(B) The date on which the NO_X authorized account representative is required under paragraph (c)(2) of this section to submit a NO_X Budget permit application.

(ii) For the purpose of applying monitoring requirements under subpart H of this part, a unit that loses its exemption under this section shall be treated as a unit that commences operation or commercial operation on the first date on which the unit resumes operation.

§ 97.6 Standard requirements.

(a) *Permit requirements.* (1) The NO_X authorized account representative of each NO_X Budget source required to have a federally enforceable permit and each NO_X Budget unit required to have a federally enforceable permit at the source shall:

(i) Submit to the permitting authority a complete NO_X Budget permit application under § 97.22 in accordance with the deadlines specified in § 97.21(b) and (c);

(ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review a NO_X Budget permit application and issue or deny a NO_X Budget permit.

(2) The owners and operators of each NO_X Budget source required to have a federally enforceable permit and each NO_X Budget unit required to have a federally enforceable permit at the source shall have a NO_X Budget permit issued by the permitting authority and operate the unit in compliance with such NO_X Budget permit.

(3) The owners and operators of a NO_X Budget source that is not otherwise required to have a federally enforceable permit are not required to submit a NO_X Budget permit application, and to have a NO_X Budget permit, under subpart C of this part for such NO_X Budget source.

(b) *Monitoring requirements.* (1) The owners and operators and, to the extent applicable, the NO_X authorized account representative of each NO_X Budget source and each NO_X Budget unit at the source shall comply with the monitoring requirements of subpart H of this part.

(2) The emissions measurements recorded and reported in accordance with subpart H of this part shall be used to determine compliance by the unit with the NO_X Budget emissions limitation under paragraph (c) of this section.

(c) *Nitrogen oxides requirements.* (1) The owners and operators of each NO_X Budget source and each NO_X Budget unit at the source shall hold NO_X allowances available for compliance deductions under § 97.54, as of the NO_X allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total NO_X emissions for the control period from the unit, as determined in accordance with subpart H of this part, plus any amount necessary to account for actual utilization under § 97.42(e) for the control period.

(2) Each ton of nitrogen oxides emitted in excess of the NO_X Budget emissions limitation shall constitute a separate violation of this part, the Clean Air Act, and applicable State law.

(3) A NO_X Budget unit shall be subject to the requirements under paragraph (c)(1) of this section starting on the later of May 1, 2003 or the date on which the unit commences operation.

(4) NO_X allowances shall be held in, deducted from, or transferred among NO_X Allowance Tracking System accounts in accordance with subparts E, F, G, and I of this part.

(5) A NO_X allowance shall not be deducted, in order to comply with the requirements under paragraph (c)(1) of this section, for a control period in a year prior to the year for which the NO_X allowance was allocated.

(6) A NO_X allowance allocated by the permitting authority or the Administrator under the NO_X Budget Trading Program is a limited authorization to emit one ton of nitrogen oxides in accordance with the NO_X Budget Trading Program. No provision of the NO_X Budget Trading Program, the NO_X Budget permit application, the NO_X Budget permit, or an exemption under § 97.5 and no provision of law shall be construed to limit the authority of the United States or the State to terminate or limit such authorization.

(7) A NO_X allowance allocated by the Administrator under the NO_X Budget Trading Program does not constitute a property right.

(8) Upon recordation by the Administrator under subpart F, G, or I of this part, every allocation, transfer, or deduction of a NO_X allowance to or from a NO_X Budget unit's compliance account or the overdraft account of the source where the unit is located is deemed to amend automatically, and become a part of, any NO_X Budget permit of the NO_X Budget unit by operation of law without any further review.

(d) Excess emissions requirements.

(1) The owners and operators of a NO_X Budget unit that has excess emissions in any control period shall:

(i) Surrender the NO_X allowances required for deduction under § 97.54(d)(1); and

(ii) Pay any fine, penalty, or assessment or comply with any other remedy imposed under § 97.54(d)(3).

(e) *Recordkeeping and reporting requirements.* (1) Unless otherwise provided, the owners and operators of the NO_X Budget source and each NO_X Budget unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the permitting authority or the Administrator.

(i) The account certificate of representation for the NO_X authorized account representative for the source

and each NO_X Budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with § 97.13; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new account certificate of representation changing the NO_X authorized account representative.

(ii) All emissions monitoring information, in accordance with subpart H of this part; provided that to the extent that subpart H of this part provides for a 3-year period for recordkeeping, the 3-year period shall apply.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the NO_X Budget Trading Program.

(iv) Copies of all documents used to complete a NO_X Budget permit application and any other submission under the NO_X Budget Trading Program or to demonstrate compliance with the requirements of the NO_X Budget Trading Program.

(2) The NO_X authorized account representative of a NO_X Budget source and each NO_X Budget unit at the source shall submit the reports and compliance certifications required under the NO_X Budget Trading Program, including those under subparts D, H, or I of this part.

(f) *Liability.* (1) Any person who knowingly violates any requirement or prohibition of the NO_X Budget Trading Program, a NO_X Budget permit, or an exemption under § 97.5 shall be subject to enforcement pursuant to applicable State or Federal law.

(2) Any person who knowingly makes a false material statement in any record, submission, or report under the NO_X Budget Trading Program shall be subject to criminal enforcement pursuant to the applicable State or Federal law.

(3) No permit revision shall excuse any violation of the requirements of the NO_X Budget Trading Program that occurs prior to the date that the revision takes effect.

(4) Each NO_X Budget source and each NO_X Budget unit shall meet the requirements of the NO_X Budget Trading Program.

(5) Any provision of the NO_X Budget Trading Program that applies to a NO_X Budget source (including a provision applicable to the NO_X authorized account representative of a NO_X Budget source) shall also apply to the owners and operators of such source and of the NO_X Budget units at the source.

(6) Any provision of the NO_X Budget Trading Program that applies to a NO_X Budget unit (including a provision applicable to the NO_X authorized account representative of a NO_X budget unit) shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack under subpart H of this part, the owners and operators and the NO_X authorized account representative of one NO_X Budget unit shall not be liable for any violation by any other NO_X Budget unit of which they are not owners or operators or the NO_X authorized account representative and that is located at a source of which they are not owners or operators or the NO_X authorized account representative.

(g) *Effect on other authorities.* No provision of the NO_X Budget Trading Program, a NO_X Budget permit application, a NO_X Budget permit, or an exemption under § 97.5 shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the NO_X authorized account representative of a NO_X Budget source or NO_X Budget unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.

§ 97.7 Computation of time.

(a) Unless otherwise stated, any time period scheduled, under the NO_X Budget Trading Program, to begin on the occurrence of an act or event shall begin on the day the act or event occurs.

(b) Unless otherwise stated, any time period scheduled, under the NO_X Budget Trading Program, to begin before the occurrence of an act or event shall be computed so that the period ends the day before the act or event occurs.

(c) Unless otherwise stated, if the final day of any time period, under the NO_X Budget Trading Program, falls on a weekend or a State or Federal holiday, the time period shall be extended to the next business day.

Subpart B—NO_X Authorized Account Representative for NO_X Budget Sources

§ 97.10 Authorization and responsibilities of the NO_X authorized account representative.

(a) Except as provided under § 97.11, each NO_X Budget source, including all NO_X Budget units at the source, shall have one and only one NO_X authorized account representative, with regard to all matters under the NO_X Budget Trading Program concerning the source or any NO_X Budget unit at the source.

(b) The NO_X authorized account representative of the NO_X Budget source shall be selected by an agreement binding on the owners and operators of the source and all NO_X Budget units at the source.

(c) Upon receipt by the Administrator of a complete account certificate of representation under § 97.13, the NO_X authorized account representative of the source shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each owner and operator of the NO_X Budget source represented and each NO_X Budget unit at the source in all matters pertaining to the NO_X Budget Trading Program, not withstanding any agreement between the NO_X authorized account representative and such owners and operators. The owners and operators shall be bound by any decision or order issued to the NO_X authorized account representative by the permitting authority, the Administrator, or a court regarding the source or unit.

(d) No NO_X Budget permit shall be issued, and no NO_X Allowance Tracking System account shall be established for a NO_X Budget unit at a source, until the Administrator has received a complete account certificate of representation under § 97.13 for a NO_X authorized account representative of the source and the NO_X Budget units at the source.

(e)(1) Each submission under the NO_X Budget Trading Program shall be submitted, signed, and certified by the NO_X authorized account representative for each NO_X Budget source on behalf of which the submission is made. Each such submission shall include the following certification statement by the NO_X authorized account representative: ''I am authorized to make this submission on behalf of the owners and operators of the NO_X Budget sources or NO_X Budget units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.''

(2) The permitting authority and the Administrator will accept or act on a submission made on behalf of owner or operators of a NO_X Budget source or a

NO_X Budget unit only if the submission has been made, signed, and certified in accordance with paragraph (e)(1) of this section.

§ 97.11 Alternate NO_X authorized account representative.

(a) An account certificate of representation may designate one and only one alternate NO_X authorized account representative who may act on behalf of the NO_X authorized account representative. The agreement by which the alternate NO_X authorized account representative is selected shall include a procedure for authorizing the alternate NO_X authorized account representative to act in lieu of the NO_X authorized account representative.

(b) Upon receipt by the Administrator of a complete account certificate of representation under § 97.13, any representation, action, inaction, or submission by the alternate NO_X authorized account representative shall be deemed to be a representation, action, inaction, or submission by the NO_X authorized account representative.

(c) Except in this section and §§ 97.10(a), 97.12, 97.13, and 97.51, whenever the term ''NO_X authorized account representative'' is used in this part, the term shall be construed to include the alternate NO_X authorized account representative.

§ 97.12 Changing the NO_X authorized account representative and the alternate NO_X authorized account representative; changes in the owners and operators.

(a) *Changing the NO_X* authorized account representative. The NO_X authorized account representative may be changed at any time upon receipt by the Administrator of a superseding complete account certificate of representation under § 97.13. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous NO_X authorized account representative prior to the time and date when the Administrator receives the superseding account certificate of representation shall be binding on the new NO_X authorized account representative and the owners and operators of the NO_X Budget source and the NO_X Budget units at the source.

(b) *Changing the alternate NO_X authorized account representative.* The alternate NO_X authorized account representative may be changed at any time upon receipt by the Administrator of a superseding complete account certificate of representation under § 97.13. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous alternate NO_X authorized account representative prior to the time and date when the Administrator receives the superseding account certificate of representation shall be binding on the new alternate NO_X authorized account representative and the owners and operators of the NO_X Budget source and the NO_X Budget units at the source.

(c) *Changes in the owners and operators.* (1) In the event a new owner or operator of a NO_X Budget source or a NO_X Budget unit is not included in the list of owners and operators submitted in the account certificate of representation, such new owner or operator shall be deemed to be subject to and bound by the account certificate of representation, the representations, actions, inactions, and submissions of the NO_X authorized account representative and any alternate NO_X authorized account representative of the source or unit, and the decisions, orders, actions, and inactions of the permitting authority or the Administrator, as if the new owner or operator were included in such list.

(2) Within 30 days following any change in the owners and operators of a NO_X Budget source or a NO_X Budget unit, including the addition of a new owner or operator, the NO_X authorized account representative or alternate NO_X authorized account representative shall submit a revision to the account certificate of representation amending the list of owners and operators to include the change.

§ 97.13 Account certificate of representation.

(a) A complete account certificate of representation for a NO_X authorized account representative or an alternate NO_X authorized account representative shall include the following elements in a format prescribed by the Administrator:

(1) Identification of the NO_X Budget source and each NO_X Budget unit at the source for which the account certificate of representation is submitted.

(2) The name, address, e-mail address (if any), telephone number, and facsimile transmission number (if any) of the NO_X authorized account representative and any alternate NO_X authorized account representative.

(3) A list of the owners and operators of the NO_X Budget source and of each NO_X Budget unit at the source.

(4) The following certification statement by the NO_X authorized account representative and any alternate NO_X authorized account representative: ''I certify that I was selected as the NO_X authorized account representative or alternate NO_X authorized account representative, as applicable, by an agreement binding on the owners and operators of the NO_X Budget source and each NO_X Budget unit at the source. I certify that I have all the necessary authority to carry out my duties and responsibilities under the NO_X Budget Trading Program on behalf of the owners and operators of the NO_X Budget source and of each NO_X Budget unit at the source and that each such owner and operator shall be fully bound by my representations, actions, inactions, or submissions and by any decision or order issued to me by the permitting authority, the Administrator, or a court regarding the source or unit.''

(5) The signature of the NO_X authorized account representative and any alternate NO_X authorized account representative and the dates signed.

(b) Unless otherwise required by the permitting authority or the Administrator, documents of agreement referred to in the account certificate of representation shall not be submitted to the permitting authority or the Administrator. Neither the permitting authority nor the Administrator shall be under any obligation to review or evaluate the sufficiency of such documents, if submitted.

§ 97.14 Objections concerning the NO_X authorized account representative.

(a) Once a complete account certificate of representation under § 97.13 has been submitted and received, the permitting authority and the Administrator will rely on the account certificate of representation unless and until a superseding complete account certificate of representation under § 97.13 is received by the Administrator.

(b) Except as provided in § 97.12(a) or (b), no objection or other communication submitted to the permitting authority or the Administrator concerning the authorization, or any representation, action, inaction, or submission of the NO_X authorized account representative shall affect any representation, action, inaction, or submission of the NO_X authorized account representative or the finality of any decision or order by the permitting authority or the Administrator under the NO_X Budget Trading Program.

(c) Neither the permitting authority nor the Administrator will adjudicate any private legal dispute concerning the authorization or any representation, action, inaction, or submission of any NO_X authorized account representative, including private legal disputes

concerning the proceeds of NO_X allowance transfers.

Subpart C—Permits

§ 97.20 General NO_X budget trading program permit requirements.

(a) For each NO_X Budget source required to have a federally enforceable permit, such permit shall include a NO_X Budget permit administered by the permitting authority.

(1) For NO_X Budget sources required to have a title V operating permit, the NO_X Budget portion of the title V permit shall be administered in accordance with the permitting authority's title V operating permits regulations promulgated under part 70 or 71 of this chapter, except as provided otherwise by this subpart or subpart I of this part. The applicable provisions of such title V operating permits regulations shall include, but are not limited to, those provisions addressing operating permit applications, operating permit application shield, operating permit duration, operating permit shield, operating permit issuance, operating permit revision and reopening, public participation, State review, and review by the Administrator.

(2) For NO_X Budget sources required to have a non-title V permit, the NO_X Budget portion of the non-title V permit shall be administered in accordance with the permitting authority's regulations promulgated to administer non-title V permits, except as provided otherwise by this subpart or subpart I of this part. The applicable provisions of such non-title V permits regulations may include, but are not limited to, provisions addressing permit applications, permit application shield, permit duration, permit shield, permit issuance, permit revision and reopening, public participation, State review, and review by the Administrator.

(b) Each NO_X Budget permit (including a draft or proposed NO_X Budget permit, if applicable) shall contain all applicable NO_X Budget Trading Program requirements and shall be a complete and segregable portion of the permit under paragraph (a) of this section.

§ 97.21 NO_X Budget permit applications.

(a) Duty to apply. The NO_X authorized account representative of any NO_X Budget source required to have a federally enforceable permit shall submit to the permitting authority a complete NO_X Budget permit application under § 97.22 by the applicable deadline in paragraph (b) of this section.

(b)(1) For NO_X Budget sources required to have a title V operating permit:

(i) For any source, with one or more NO_X Budget units under § 97.4 that commence operation before January 1, 2000, the NO_X authorized account representative shall submit a complete NO_X Budget permit application under § 97.22 covering such NO_X Budget units to the permitting authority at least 18 months (or such lesser time provided under the permitting authority's title V operating permits regulations for final action on a permit application) before May 1, 2003.

(ii) For any source, with any NO_X Budget unit under § 97.4 that commences operation on or after January 1, 2000, the NO_X authorized account representative shall submit a complete NO_X Budget permit application under § 97.22 covering such NO_X Budget unit to the permitting authority at least 18 months (or such lesser time provided under the permitting authority's title V operating permits regulations for final action on a permit application) before the later of May 1, 2003 or the date on which the NO_X Budget unit commences operation.

(2) For NO_X Budget sources required to have a non-title V permit:

(i) For any source, with one or more NO_X Budget units under § 97.4 that commence operation before January 1, 2000, the NO_X authorized account representative shall submit a complete NO_X Budget permit application under § 97.22 covering such NO_X Budget units to the permitting authority at least 18 months (or such lesser time provided under the permitting authority's non-title V permits regulations for final action on a permit application) before May 1, 2003.

(ii) For any source, with any NO_X Budget unit under § 97.4 that commences operation on or after January 1, 2000, the NO_X authorized account representative shall submit a complete NO_X Budget permit application under § 97.22 covering such NO_X Budget unit to the permitting authority at least 18 months (or such lesser time provided under the permitting authority's non-title V permits regulations for final action on a permit application) before the later of May 1, 2003 or the date on which the NO_X Budget unit commences operation.

(c) Duty to Reapply.

(1) For a NO_X Budget source required to have a title V operating permit, the NO_X authorized account representative shall submit a complete NO_X Budget permit application under § 97.22 for the NO_X Budget source covering the NO_X Budget units at the source in accordance with the permitting authority's title V operating permits regulations addressing operating permit renewal.

(2) For a NO_X Budget source required to have a non-title V permit, the NO_X authorized account representative shall submit a complete NO_X Budget permit application under § 97.22 for the NO_X Budget source covering the NO_X Budget units at the source in accordance with the permitting authority's non-title V permits regulations addressing permit renewal.

§ 97.22 Information requirements for NO_X Budget permit applications.

A complete NO_X Budget permit application shall include the following elements concerning the NO_X Budget source for which the application is submitted, in a format prescribed by the permitting authority:

(a) Identification of the NO_X Budget source, including plant name and the ORIS (Office of Regulatory Information Systems) or facility code assigned to the source by the Energy Information Administration, if applicable;

(b) Identification of each NO_X Budget unit at the NO_X Budget source and whether it is a NO_X Budget unit under § 97.4 or under subpart I of this part;

(c) The standard requirements under § 97.6; and

(d) For each NO_X Budget opt-in unit at the NO_X Budget source, the following certification statements by the NO_X authorized account representative:

(1) ''I certify that each unit for which this permit application is submitted under subpart I of this part is not a NO_X Budget unit under 40 CFR 97.4 and is not covered by a retired unit exemption under 40 CFR 97.5 that is in effect.''

(2) If the application is for an initial NO_X Budget opt-in permit, ''I certify that each unit for which this permit application is submitted under subpart I is currently operating, as that term is defined under 40 CFR 97.2.''

§ 97.23 NO_X Budget permit contents.

(a) Each NO_X Budget permit (including any draft or proposed NO_X Budget permit, if applicable) will contain, in a format prescribed by the permitting authority, all elements required for a complete NO_X Budget permit application under § 97.22 as approved or adjusted by the permitting authority.

(b) Each NO_X Budget permit is deemed to incorporate automatically the definitions of terms under § 97.2 and, upon recordation by the Administrator under subparts F, G, or I of this part, every allocation, transfer, or deduction of a NO_X allowance to or from the compliance accounts of the NO_X Budget

units covered by the permit or the overdraft account of the NO_X Budget source covered by the permit.

§ 97.24 Effective date of initial NO_X Budget permit.

The initial NO_X Budget permit covering a NO_X Budget unit for which a complete NO_X Budget permit application is timely submitted under § 97.21(b) shall become effective by the later of:

(a) May 1, 2003;

(b) May 1 of the year in which the NO_X Budget unit commences operation, if the unit commences operation on or before May 1 of that year;

(c) The date on which the NO_X Budget unit commences operation, if the unit commences operation during a control period; or

(d) May 1 of the year following the year in which the NO_X Budget unit commences operation, if the unit commences operation on or after October 1 of the year.

§ 97.25 NO_X Budget permit revisions.

(a) For a NO_X Budget source with a title V operating permit, except as provided in § 97.23(b), the permitting authority will revise the NO_X Budget permit, as necessary, in accordance with the permitting authority's title V operating permits regulations addressing permit revisions.

(b) For a NO_X Budget source with a non-title V permit, except as provided in § 97.23(b), the permitting authority will revise the NO_X Budget permit, as necessary, in accordance with the permitting authority's non-title V permits regulations addressing permit revisions.

Subpart D—Compliance Certification

§ 97.30 Compliance certification report.

(a) *Applicability and deadline.* For each control period in which one or more NO_X Budget units at a source are subject to the NO_X Budget emissions limitation, the NO_X authorized account representative of the source shall submit to the permitting authority and the Administrator by November 30 of that year, a compliance certification report for each source covering all such units.

(b) *Contents of report.* The NO_X authorized account representative shall include in the compliance certification report under paragraph (a) of this section the following elements, in a format prescribed by the Administrator, concerning each unit at the source and subject to the NO_X Budget emissions limitation for the control period covered by the report:

(1) Identification of each NO_X Budget unit;

(2) At the NO_X authorized account representative's option, the serial numbers of the NO_X allowances that are to be deducted from each unit's compliance account under § 97.54 for the control period;

(3) At the NO_X authorized account representative's option, for units sharing a common stack and having NO_X emissions that are not monitored separately or apportioned in accordance with subpart H of this part, the percentage of allowances that is to be deducted from each unit's compliance account under § 97.54(e);

and (4) The compliance certification under paragraph (c) of this section.

(c) *Compliance certification.* In the compliance certification report under paragraph (a) of this section, the NO_X authorized account representative shall certify, based on reasonable inquiry of those persons with primary responsibility for operating the source and the NO_X Budget units at the source in compliance with the NO_X Budget Trading Program, whether each NO_X Budget unit for which the compliance certification is submitted was operated during the calendar year covered by the report in compliance with the requirements of the NO_X Budget Trading Program applicable to the unit, including:

(1) Whether the unit was operated in compliance with the NO_X Budget emissions limitation;

(2) Whether the monitoring plan that governs the unit has been maintained to reflect the actual operation and monitoring of the unit, and contains all information necessary to attribute NO_X emissions to the unit, in accordance with subpart H of this part;

(3) Whether all the NO_X emissions from the unit, or a group of units (including the unit) using a common stack, were monitored or accounted for through the missing data procedures and reported in the quarterly monitoring reports, including whether conditional data were reported in the quarterly reports in accordance with subpart H of this part. If conditional data were reported, the owner or operator shall indicate whether the status of all conditional data has been resolved and all necessary quarterly report resubmissions has been made;

(4) Whether the facts that form the basis for certification under subpart H of this part of each monitor at the unit or a group of units (including the unit) using a common stack, or for using an excepted monitoring method or alternative monitoring method approved under subpart H of this part, if any, has changed; and

(5) If a change is required to be reported under paragraph (c)(4) of this section, specify the nature of the change, the reason for the change, when the change occurred, and how the unit's compliance status was determined subsequent to the change, including what method was used to determine emissions when a change mandated the need for monitor recertification.

§ 97.31 Administrator's action on compliance certifications.

(a) The Administrator may review and conduct independent audits concerning any compliance certification or any other submission under the NO_X Budget Trading Program and make appropriate adjustments of the information in the compliance certifications or other submissions.

(b) The Administrator may deduct NO_X allowances from or transfer NO_X allowances to a unit's compliance account or a source's overdraft account based on the information in the compliance certifications or other submissions, as adjusted under paragraph (a) of this section.

Subpart E—NO_X Allowance Allocations

§ 97.40 Trading program budget.

The trading program budget allocated by the Administrator for a State under § 97.42 for a control period will equal the sum of the aggregate emission levels for large electric generating units in the State and large non-electric generating units in the State as defined under Appendix C of this part.

§ 97.41 Timing requirements for NO_X allowance allocations.

(a) By the following dates, the Administrator will determine the NO_X allowance allocations in accordance with § 97.42 for the control period in the year that is three years after the year of the applicable deadline under this paragraph (a):

(i) For the purposes of the NO_X Budget Trading Program under section 110(c) of the Act, by April 1, 2000 and April 1 of the following two years

(ii) For the purposes of the NO_X Budget Trading Program under 126 of the Act, by April 1, 2000 and April 1 of the following two years for those sources for which a finding, under § 52.34(j) of this chapter, of NO_X emissions in violation of section 110(a)(2)(D)(I)(I) of the Act is made by April 1, 2000; or as soon as practicable in the year 2000 and April 1 of the following two years for those sources for which such a finding is not made by April 1, 2000, but is made at a later date.

(b) By April 1, 2003 and April 1 of each year thereafter, the Administrator

will determine the NO_X allowance allocations, in accordance with § 97.42, for the control period in the year that is three years after the year of the applicable deadline under this paragraph (b).

(c) By April 1, 2004 and April 1 of each year thereafter, the Administrator will determine the NO_X allowance allocations, in accordance with § 97.42, for any NO_X allowances remaining in the allocation set-aside for the prior control period.

§ 97.42 NO_X allowance allocations.

(a)(1) The heat input (in mmBtu) used for calculating NO_X allowance allocations for each NO_X Budget unit under § 97.4 will be:

(i) For a NO_X allowance allocation under § 97.41(a), the average of the two highest amounts of the unit's heat input for the control periods in 1995, 1996, and 1997 if the unit is under § 97.4(a)(1) or the control period in 1995 if the unit is under § 97.4(a)(2); and

(ii) For a NO_X allowance allocation under § 97.41(b), the unit's heat input for the control period in the year that is four years before the year for which the NO_X allocation is being calculated.

(2) The unit's total heat input for the control period in each year specified under paragraph (a)(1) of this section will be determined in accordance with part 75 of this chapter if the NO_X Budget unit was otherwise subject to the requirements of part 75 of this chapter for the year, or will be based on the best available data reported to the Administrator for the unit if the unit was not otherwise subject to the requirements of part 75 of this chapter for the year.

(b) For each control period under § 97.41, the Administrator will allocate to all NO_X Budget units under § 97.4(a)(1) in the State that commenced operation before May 1 of the period used to calculate heat input under paragraph (a)(1) of this section, a total number of NO_X allowances equal to 95 percent in 2003, 2004, and 2005, or 98 percent thereafter, of the aggregate emission levels for large electric generating units in the State as defined under appendix C of this part in accordance with the following procedures:

(1) The Administrator will allocate NO_X allowances to each NO_X Budget unit under § 97.4(a)(1) in an amount equaling 0.15 lb/mmBtu multiplied by the heat input determined under paragraph (a) of this section, rounded to the nearest whole NO_X allowance as appropriate.

(2) If the initial total number of NO_X allowances allocated to all NO_X Budget units under § 97.4(a)(1) in the State for a control period under paragraph (b)(1) of this section does not equal 95 percent in 2003, 2004, and 2005, or 98 percent thereafter, of the aggregate emission level for large electric generating units in the State as defined under Appendix C of this part, the Administrator will adjust the total number of NO_X allowances allocated to all such NO_X Budget units for the control period under paragraph (b)(1) of this section so that the total number of NO_X allowances allocated equals 95 percent in 2003, 2004, and 2005, or 98 percent thereafter, of such aggregate emission level. This adjustment will be made by: multiplying each unit's allocation by 95 percent in 2003, 2004, and 2005, or 98 percent thereafter, of the aggregate emission level for large electric generating units in the State as defined under Appendix C of this part divided by the total number of NO_X allowances allocated under paragraph (b)(1) of this section, and rounding to the nearest whole NO_X allowance as appropriate.

(c) For each control period under § 97.41, the Administrator will allocate to all NO_X Budget units under § 97.4(a)(2) in the State that commenced operation before May 1 of the period used to calculate heat input under paragraph (a)(1) of this section, a total number of NO_X allowances equal to 95 percent in 2003, 2004, and 2005, or 98 percent thereafter, of the aggregate emission level for large non-electric generating units in the State as defined under Appendix C of this part in accordance with the following procedures:

(1) The Administrator will allocate NO_X allowances to each NO_X Budget unit under § 97.4(a)(2) in an amount equaling 0.17 lb/mmBtu multiplied by the heat input determined under paragraph (a) of this section, rounded to the nearest whole NO_X allowance as appropriate.

(2) If the initial total number of NO_X allowances allocated to all NO_X Budget units under § 97.4(a)(2) in the State for a control period under paragraph (c)(1) of this section does not equal 95 percent in 2003, 2004, and 2005, or 98 percent thereafter, of the aggregate emission levels for large non-electric generating units in the State as defined under appendix C of this part, the Administrator will adjust the total number of NO_X allowances allocated to all such NO_X Budget units for the control period under paragraph (a)(1) of this section so that the total number of NO_X allowances allocated equals 95 percent in 2003, 2004, and 2005, or 98 percent thereafter, of such aggregate emission level for large non-electric generating units in the State. This adjustment will be made by: multiplying each unit's allocation by 95 percent in 2003, 2004, and 2005, or 98 percent thereafter, of the aggregate emission levels for large non-electric generating units in the State as defined under Appendix C of this part divided by the total number of NO_X allowances allocated under paragraph (c)(1) of this section, and rounding to the nearest whole NO_X allowance as appropriate.

(d) For each control period under § 97.41, the Administrator will allocate NO_X allowances to NO_X Budget units under § 97.4 in the State that commenced operation, or are projected to commerce operation, on or after May 1 of the period used to calculate heat input under paragraph (a)(1) of this section, in accordance with the following procedures:

(1) The Administrator will establish one allocation set-aside for each control period. Each allocation set-aside will be allocated NO_X allowances equal to 5 percent in 2003, 2004, and 2005, or 2 percent thereafter, of the tons of NO_X emissions in the trading program budget in the State under § 97.40, rounded to the nearest whole NO_X allowance as appropriate.

(2) The NO_X authorized account representative of a NO_X Budget unit under paragraph (d) of this section may submit to the Administrator a request, in writing or in a format specified by the Administrator, to be allocated NO_X allowances for no more than five consecutive control periods under § 97.41, starting with the control period during which the NO_X Budget unit commenced, or is projected to commence, operation and ending with the control season preceding the control period for which it will receive an allocation under paragraph (b) or (c) of this section. The NO_X allowance allocation request must be submitted prior to May 1 of the first control period for which the NO_X allowance allocation is requested and after the date on which the State permitting authority issues a permit to construct the NO_X Budget unit.

(3) In a NO_X allowance allocation request under paragraph (d)(2) of this section, the NO_X authorized account representative for units under § 97.4(a)(1) may request for a control period NO_X allowances in an amount that does not exceed 0.15 lb/mmBtu multiplied by the NO_X Budget unit's maximum design heat input (in mmBtu/hr) multiplied by the number of hours remaining in the control period starting with the first day in the control period on which the unit operated or is projected to operate.

(4) In a NO_X allowance allocation request under paragraph (d)(2) of this section, the NO_X authorized account representative for units under § 97.4(a)(2) may request for a control period NO_X allowances in an amount that does not exceed 0.17 lb/mmBtu multiplied by the NO_X Budget unit's maximum design heat input (in mmBtu/hr) multiplied by the number of hours remaining in the control period starting with the first day in the control period on which the unit operated or is projected to operate.

(5) The Administrator will review, and allocate NO_X allowances pursuant to, each NO_X allowance allocation request under paragraph (d)(2) of this section in the order that the request is received by the Administrator.

(i) Upon receipt of the NO_X allowance allocation request, the Administrator will determine whether, and will make any necessary adjustments to the request to ensure that, for units under § 97.4(a)(1), the control period and the number of allowances specified are consistent with the requirements of paragraphs (d)(2) and (3) of this section and, for units under § 97.4(a)(2), the control period and the number of allowances specified are consistent with the requirements of paragraphs(d)(2) and (4) of this section.

(ii) If the allocation set-aside for the control period for which NO_X allowances are requested has an amount of NO_X allowances not less than the number requested (as adjusted under paragraph (d)(5)(i) of this section), the permitting authority or the Administrator will allocate the amount of the NO_X allowances requested (as adjusted under paragraph (d)(5)(i) of this section) to the NO_X Budget unit.

(iii) If the allocation set-aside for the control period for which NO_X allowances are requested has a smaller amount of NO_X allowances than the number requested (as adjusted under paragraph (d)(4)(i) of this section), the Administrator will deny in part the request and allocate only the remaining number of NO_X allowances in the allocation set-aside to the NO_X Budget unit.

(iv) Once an allocation set-aside for a control period has been depleted of all NO_X allowances, the Administrator will deny, and will not allocate any NO_X allowances pursuant to, any NO_X allowance allocation request under which NO_X allowances have not already been allocated for the control period.

(6) Within 60 days of receipt of a NO_X allowance allocation request, the Administrator will take appropriate action under paragraph (d)(5) of this section and notify the NO_X authorized account representative that submitted the request of the number of NO_X allowances (if any) allocated for the control period to the NO_X Budget unit.

(e) For a NO_X Budget unit that is allocated NO_X allowances under paragraph (d) of this section for a control period, the Administrator will deduct NO_X allowances under § 97.54(b) or (e) to account for the actual utilization of the unit during the control period. The Administrator will calculate the number of NO_X allowances to be deducted to account for the unit's actual utilization using the following formulas and rounding to the nearest whole NO_X allowance as appropriate, provided that the number of NO_X allowances to be deducted shall be zero if the number calculated is less than zero:

NO_X allowances deducted for actual utilization for units under § 97.4(a)(1) = (Unit's NO_X allowances allocated for control period) − (Unit's actual control period utilization × 0.15 lb/mmBtu); and

NO_X allowances deducted for actual utilization for units under § 97.4(a)(2)= (Unit's NO_X allowances allocated for control period) − (Unit's actual control period utilization × 0.17 lb/mmBtu),

Where:

''Unit's NO_X allowances allocated for control period'' is the number of NO_X allowances allocated to the unit for the control period under paragraph (d) of this section; and,

''Unit's actual control period utilization'' is the utilization (in mmBtu), as defined in § 97.2, of the unit during the control period.

(f) After making the deductions for compliance under § 97.54(b) or (e) for a control period, the Administrator will determine whether any NO_X allowances remain in the allocation set-aside for the control period. The Administrator will allocate any such NO_X allowances to the NO_X Budget units in the State using the following formula and rounding to the nearest whole NO_X allowance as appropriate:

Unit's share of NO_X allowances remaining in allocation set-aside = Total NO_X allowances remaining in allocation set-aside × (Unit's NO_X allowance allocation (trading program budget excluding allocation set-aside)

Where:

Total NO_X allowances remaining in allocation set-aside'' is the total number of NO_X allowances remaining in the allocation set-aside for the control period to which the allocation set-aside applies;

''Unit's NO_X allowance allocation'' is the number of NO_X allowances allocated under paragraph (b) or (c) of this section to the unit for the control period to which the allocation set-aside applies; and

''Trading program budget excluding allocation set-aside'' is the trading program budget under § 97.40 for the control period to which the allocation set-aside applies multiplied by 95 percent if the control period is in 2003, 2004, or 2005 or 98 percent if the control period is in any year thereafter, rounded to the nearest whole allowance as appropriate.

Subpart F—NO_X Allowance Tracking System

§ 97.50 NO_X Allowance Tracking System accounts.

(a) Nature and function of compliance accounts and overdraft accounts. Consistent with § 97.51(a), the Administrator will establish one compliance account for each NO_X Budget unit and one overdraft account for each source with one or more NO_X Budget units. Allocations of NO_X allowances pursuant to subpart E of this part or § 97.88, and deductions or transfers of NO_X allowances pursuant to § 97.31, § 96.54, § 96.56, subpart G of this part, or subpart I of this part will be recorded in the compliance accounts or overdraft accounts in accordance with this subpart.

(b) Nature and function of general accounts. Consistent with § 97.51(b), the Administrator will establish, upon request, a general account for any person. Transfers of allowances pursuant to subpart G of this part will be recorded in the general account in accordance with this subpart.

§ 97.51 Establishment of accounts.

(a) *Compliance accounts and overdraft accounts.* Upon receipt of a complete account certificate of representation under § 97.13, the Administrator will establish:

(1) A compliance account for each NO_X Budget unit for which the account certificate of representation was submitted; and

(2) An overdraft account for each source for which the account certificate of representation was submitted and that has two or more NO_X Budget units.

(b) *General accounts.*

(1) Any person may apply to open a general account for the purpose of holding and transferring allowances. A complete application for a general account shall be submitted to the Administrator and shall include the following elements in a format prescribed by the Administrator:

(i) Name, mailing address, e-mail address (if any), telephone number, and facsimile transmission number (if any) of the NO_X authorized account representative and any alternate NO_X authorized account representative;

(ii) At the option of the NO_X authorized account representative, organization name and type of organization;

(iii) A list of all persons subject to a binding agreement for the NO_X authorized account representative and any alternate NO_X authorized account representative to represent their ownership interest with respect to the allowances held in the general account;

(iv) The following certification statement by the NO_X authorized account representative and any alternate NO_X authorized account representative: ''I certify that I was selected as the NO_X authorized account representative or the NO_X alternate authorized account representative, as applicable, by an agreement that is binding on all persons who have an ownership interest with respect to allowances held in the general account. I certify that I have all the necessary authority to carry out my duties and responsibilities under the NO_X Budget Trading Program on behalf of such persons and that each such person shall be fully bound by my representations, actions, inactions, or submissions and by any order or decision issued to me by the Administrator or a court regarding the general account.''

(v) The signature of the NO_X authorized account representative and any alternate NO_X authorized account representative and the dates signed.

(vi) Unless otherwise required by the permitting authority or the Administrator, documents of agreement referred to in the account certificate of representation shall not be submitted to the permitting authority or the Administrator. Neither the permitting authority nor the Administrator shall be under any obligation to review or evaluate the sufficiency of such documents, if submitted.

(2) Upon receipt by the Administrator of a complete application for a general account under paragraph (b)(1) of this section:

(i) The Administrator will establish a general account for the person or persons for whom the application is submitted.

(ii) The NO_X authorized account representative and any alternate NO_X authorized account representative for the general account shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each person who has an ownership interest with respect to NO_X allowances held in the general account in all matters pertaining to the NO_X Budget Trading Program, not withstanding any agreement between the NO_X authorized account representative or any alternate NO_X authorized account representative and such person. Any such person shall be bound by any order or decision issued to the NO_X authorized account representative or any alternate NO_X authorized account representative by the Administrator or a court regarding the general account.

(iii) Each submission concerning the general account shall be submitted, signed, and certified by the NO_X authorized account representative or any alternate NO_X authorized account representative for the persons having an ownership interest with respect to NO_X allowances held in the general account. Each such submission shall include the following certification statement by the NO_X authorized account representative or any alternate NO_X authorizing account representative: ''I am authorized to make this submission on behalf of the persons having an ownership interest with respect to the NO_X allowances held in the general account. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.''

(iv) The Administrator will accept or act on a submission concerning the general account only if the submission has been made, signed, and certified in accordance with paragraph (b)(2)(iii) of this section.

(3)(i) An application for a general account may designate one and only one NO_X authorized account representative and one and only one alternate NO_X authorized account representative who may act on behalf of the NO_X authorized account representative. The agreement by which the alternate NO_X authorized account representative is selected shall include a procedure for authorizing the alternate NO_X authorized account representative to act in lieu of the NO_X authorized account representative.

(ii) Upon receipt by the Administrator of a complete application for a general account under paragraph (b)(1) of this section, any representation, action, inaction, or submission by any alternate NO_X authorized account representative shall be deemed to be a representation, action, inaction, or submission by the NO_X authorized account representative.

(4)(i) The NO_X authorized account representative for a general account may be changed at any time upon receipt by the Administrator of a superseding complete application for a general account under paragraph (b)(1) of this section. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous NO_X authorized account representative prior to the time and date when the Administrator receives the superseding application for a general account shall be binding on the new NO_X authorized account representative and the persons with an ownership interest with respect to the allowances in the general account.

(ii) The alternate NO_X authorized account representative for a general account may be changed at any time upon receipt by the Administrator of a superseding complete application for a general account under paragraph (b)(1) of this section. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous alternate NO_X authorized account representative prior to the time and date when the Administrator receives the superseding application for a general account shall be binding on the new alternate NO_X authorized account representative and the persons with an ownership interest with respect to the allowances in the general account.

(iii)(A) In the event a new person having an ownership interest with respect to NO_X allowances in the general account is not included in the list of such persons in the account certificate of representation, such new person shall be deemed to be subject to and bound by the account certificate of representation, the representation, actions, inactions, and submissions of the NO_X authorized account representative and any alternate NO_X authorized account representative of the source or unit, and the decisions, orders, actions, and inactions of the Administrator, as if the new person were included in such list.

(B) Within 30 days following any change in the persons having an ownership interest with respect to NO_X allowances in the general account, including the addition of persons, the NO_X authorized account representative or any alternate NO_X authorized account representative shall submit a revision to the application for a general account amending the list of persons having an ownership interest with respect to the NO_X allowances in the general account to include the change.

(5)(i) Once a complete application for a general account under paragraph (b)(1)

of this section has been submitted and received, the Administrator will rely on the application unless and until a superseding complete application for a general account under paragraph (b)(1) of this section is received by the Administrator.

(ii) Except as provided in paragraph (b)(4) of this section, no objection or other communication submitted to the Administrator concerning the authorization, or any representation, action, inaction, or submission of the NO_X authorized account representative or any alternative NO_X authorized account representative for a general account shall affect any representation, action, inaction, or submission of the NO_X authorized account representative or any alternative NO_X authorized account representative or the finality of any decision or order by the Administrator under the NO_X Budget Trading Program.

(iii) The Administrator will not adjudicate any private legal dispute concerning the authorization or any representation, action, inaction, or submission of the NO_X authorized account representative or any alternative NO_X authorized account representative for a general account, including private legal disputes concerning the proceeds of NO_X allowance transfers.

(c) *Account identification.* The Administrator will assign a unique identifying number to each account established under paragraph (a) or (b) of this section.

§ 97.52 NO_X Allowance Tracking System responsibilities of NO_X authorized account representative.

(a) Following the establishment of a NO_X Allowance Tracking System account, all submissions to the Administrator pertaining to the account, including, but not limited to, submissions concerning the deduction or transfer of NO_X allowances in the account, shall be made only by the NO_X authorized account representative for the account.

(b) Authorized account representative identification. The Administrator will assign a unique identifying number to each NO_X authorized account representative.

§ 97.53 Recordation of NO_X allowance allocations.

(a) The Administrator will record the NO_X allowances for 2003 in the NO_X Budget units' compliance accounts and the allocation set-asides, as allocated under subpart E of this part. The Administrator will also record the NO_X allowances allocated under § 97.88(a)(1) for each NO_X Budget opt-in source in its compliance account.

(b) Each year, after the Administrator has made all deductions from a NO_X Budget unit's compliance account and the overdraft account pursuant to § 97.54, the Administrator will record NO_X allowances, as allocated to the unit under subpart E of this part or under § 97.88(a)(2), in the compliance account for the year after the last year for which allowances were previously allocated to the compliance account. Each year, the Administrator will also record NO_X allowances, as allocated under subpart E of this part, in the allocation set-aside for the year after the last year for which allowances were previously allocated to an allocation set-aside.

(c) Serial numbers for allocated NO_X allowances. When allocating NO_X allowances to and recording them in an account, the Administrator will assign each NO_X allowance a unique identification number that will include digits identifying the year for which the NO_X allowance is allocated.

§ 97.54 Compliance.

(a) NO_X allowance transfer deadline. The NO_X allowances are available to be deducted for compliance with a unit's NO_X Budget emissions limitation for a control period in a given year only if the NO_X allowances:

(1) Were allocated for a control period in a prior year or the same year; and

(2) Are held in the unit's compliance account, or the overdraft account of the source where the unit is located, as of the NO_X allowance transfer deadline for that control period or are transferred into the compliance account or overdraft account by a NO_X allowance transfer correctly submitted for recordation under § 97.60 by the NO_X allowance transfer deadline for that control period.

(b) Deductions for compliance.

(1) Following the recordation, in accordance with § 97.61, of NO_X allowance transfers submitted for recordation in the unit's compliance account or the overdraft account of the source where the unit is located by the NO_X allowance transfer deadline for a control period, the Administrator will deduct NO_X allowances available under paragraph (a) of this section to cover the unit's NO_X emissions (as determined in accordance with subpart H of this part), or to account for actual utilization under § 97.42 (e), for the control period:

(i) From the compliance account; and

(ii) Only if no more NO_X allowances available under paragraph (a) of this section remain in the compliance account, from the overdraft account. In deducting allowances for units at the source from the overdraft account, the Administrator will begin with the unit having the compliance account with the lowest NO_X Allowance Tracking System account number and end with the unit having the compliance account with the highest NO_X Allowance Tracking System account number (with account numbers sorted beginning with the left-most character and ending with the right-most character and the letter characters assigned values in alphabetical order and less than all numeric characters).

(2) The Administrator will deduct NO_X allowances first under paragraph (b)(1)(i) of this section and then under paragraph (b)(1)(ii) of this section:

(i) Until the number of NO_X allowances deducted for the control period equals the number of tons of NO_X emissions, determined in accordance with subpart H of this part, from the unit for the control period for which compliance is being determined, plus the number of NO_X allowances required for deduction to account for actual utilization under § 97.42(e) for the control period; or

(ii) Until no more NO_X allowances available under paragraph (a) of this section remain in the respective account.

(c)(1) Identification of NO_X allowances by serial number. The NO_X authorized account representative for each compliance account may identify by serial number the NO_X allowances to be deducted from the unit's compliance account under paragraph (b), (d), or (e) of this section. Such identification shall be made in the compliance certification report submitted in accordance with § 97.30.

(2) First-in, first-out. The Administrator will deduct NO_X allowances for a control period from the compliance account, in the absence of an identification or in the case of a partial identification of NO_X allowances by serial number under paragraph (c)(1) of this section, or the overdraft account on a first-in, first-out (FIFO) accounting basis in the following order:

(i) Those NO_X allowances that were allocated for the control period to the unit under subpart E or I of this part;

(ii) Those NO_X allowances that were allocated for the control period to any unit and transferred and recorded in the account pursuant to subpart G of this part, in order of their date of recordation;

(iii) Those NO_X allowances that were allocated for a prior control period to the unit under subpart E or I of this part; and

(iv) Those NO_X allowances that were allocated for a prior control period to

any unit and transferred and recorded in the account pursuant to subpart G of this part, in order of their date of recordation.

(d) *Deductions for excess emissions.* (1) After making the deductions for compliance under paragraph (b) of this section, the Administrator will deduct from the unit's compliance account or the overdraft account of the source where the unit is located a number of NO_X allowances, allocated for a control period after the control period in which the unit has excess emissions, equal to three times the number of the unit's excess emissions.

(2) If the compliance account or overdraft account does not contain sufficient NO_X allowances, the Administrator will deduct the required number of NO_X allowances, regardless of the control period for which they were allocated, whenever NO_X allowances are recorded in either account.

(3) Any allowance deduction required under paragraph (d) of this section shall not affect the liability of the owners and operators of the NO_X Budget unit for any fine, penalty, or assessment, or their obligation to comply with any other remedy, for the same violation, as ordered under the Clean Air Act or applicable State law. The following guidelines will be followed in assessing fines, penalties or other obligations:

(i) For purposes of determining the number of days of violation, if a NO_X Budget unit has excess emissions for a control period, each day in the control period (153 days) constitutes a day in violation unless the owners and operators of the unit demonstrate that a lesser number of days should be considered.

(ii) Each ton of excess emissions is a separate violation.

(e) Deductions for units sharing a common stack. In the case of units sharing a common stack and having emissions that are not separately monitored or apportioned in accordance with subpart H of this part:

(1) The NO_X authorized account representative of the units may identify the percentage of NO_X allowances to be deducted from each such unit's compliance account to cover the unit's share of NO_X emissions from the common stack for a control period. Such identification shall be made in the compliance certification report submitted in accordance with § 97.30.

(2) Notwithstanding paragraph (b)(2)(i) of this section, the Administrator will deduct NO_X allowances for each such unit until the number of NO_X allowances deducted equals the units identified percentage (under paragraph (e)(1) of this section) of the number of tons of NO_X emissions, as determined in accordance with subpart H of this part, from the common stack for the control period for which compliance is being determined, use the number of allowances required to account for actual utilization under § 97.42(e) for the control period or, if no percentage is identified, an equal percentage for each such unit.

(f) The Administrator will record in the appropriate compliance account or overdraft account all deductions from such an account pursuant to paragraphs (b), (d), or (e) of this section.

§ 97.55 Banking.

(a) NO_X allowances may be banked for future use or transfer in a compliance account, an overdraft account, or a general account, as follows:

(1) Any NO_X allowance that is held in a compliance account, an overdraft account, or a general account will remain in such account unless and until the NO_X allowance is deducted or transferred under § 97.31, § 97.54, or § 97.56, subpart G of this part, or subpart I of this part.

(2) The Administrator will designate, as a ''banked'' NO_X allowance, any NO_X allowance that remains in a compliance account, an overdraft account, or a general account after the Administrator has made all deductions for a given control period from the compliance account or overdraft account pursuant to § 97.54.

(b) Each year starting in 2004, after the Administrator has completed the designation of banked NO_X allowances under paragraph (a)(2) of this section and before May 1 of the year, the Administrator will determine the extent to which banked NO_X allowances may be used for compliance in the control period for the current year, as follows:

(1) The Administrator will determine the total number of banked NO_X allowances held in compliance accounts, overdraft accounts, or general accounts.

(2) If the total number of banked NO_X allowances determined, under paragraph (b)(1) of this section, to be held in compliance accounts, overdraft accounts, or general accounts is less than or equal to 10% of the sum of the State trading program budgets for the control period for the States in which NO_X Budget units are located, any banked NO_X allowance may be deducted for compliance in accordance with § 97.54.

(3) If the total number of banked NO_X allowances determined, under paragraph (b)(1) of this section, to be held in compliance accounts, overdraft accounts, or general accounts exceeds 10% of the sum of the State trading program budgets for the control period for the States in which NO_X Budget units are located, any banked allowance may be deducted for compliance in accordance with § 97.54, except as follows:

(i) The Administrator will determine the following ratio: 0.10 multiplied by the sum of the State trading program budgets for the control period for the States in which NO_X Budget units are located and divided by the total number of banked NO_X allowances determined, under paragraph (b)(1) of this section, to be held in compliance accounts, overdraft accounts, or general accounts.

(ii) The Administrator will multiply the number of banked NO_X allowances in each compliance account or overdraft account. The resulting product is the number of banked NO_X allowances in the account that may be deducted for compliance in accordance with § 97.54. Any banked NO_X allowances in excess of the resulting product may be deducted for compliance in accordance with § 97.54, except that, if such NO_X allowances are used to make a deduction, two such NO_X allowances must be deducted for each deduction of one NO_X allowance required under § 97.54.

(c) Any NO_X Budget unit may reduce its NO_X emission rate in the 2001 or 2002 control period, the owner or operator of the unit may request early reduction credits, and the permitting authority may allocate NO_X allowances in 2003 to the unit in accordance with the following requirements.

(1) Each NO_X Budget unit for which the owner or operator requests any early reduction credits under paragraph (c)(4) of this section shall monitor NO_X emissions in accordance with subpart H of this part starting in the 2000 control period and for each control period for which such early reduction credits are requested. The unit's monitoring system availability shall be not less than 90 percent during the 2000 control period, and the unit must be in full compliance with any applicable State or Federal emissions or emissions related requirements.

(2) NO_X emission rate and heat input under paragraphs (c)(3) through (5) of this section shall be determined in accordance with subpart H of this part.

(3) Each NO_X Budget unit for which the owner or operator requests any early reduction credits under paragraph (c)(4) of this section shall reduce its NO_X emission rate, for each control period for which early reduction credits are requested, to less than both 0.25 lb/

mmBtu and 80 percent of the unit's NO_X emission rate in the 2000 control period.

(4) The NO_X authorized account representative of a NO_X Budget unit that meets the requirements of paragraphs (c)(1)and (3) of this section may submit to the permitting authority a request for early reduction credits for the unit based on NO_X emission rate reductions made by the unit in the control period for 2001 or 2002 in accordance with paragraph (3) of this section.

(i) In the early reduction credit request, the NO_X authorized account may request early reduction credits for such control period in an amount equal to the unit's heat input for such control period multiplied by the difference between 0.25 lb/mmBtu and the unit's NO_X emission rate for such control period, divided by 2000 lb/ton, and rounded to the nearest ton.

(ii) The early reduction credit request must be submitted, in a format specified by the permitting authority, by October 31 of the year in which the NO_X emission rate reductions on which the request is based are made or such later date approved by the permitting authority.

(5) The permitting authority will allocate NO_X allowances, to NO_X Budget units meeting the requirements of paragraphs (c)(1) and (3) of this section and covered by early reduction requests meeting the requirements of paragraph (c)(4)(ii) of this section, in accordance with the following procedures:

(i) Upon receipt of each early reduction credit request, the permitting authority will accept the request only if the requirements of paragraphs (c)(1), (3), and (4)(ii) of this section are met and, if the request is accepted, will make any necessary adjustments to the request to ensure that the amount of the early reduction credits requested meets the requirement of paragraphs (c)(2) and (4) of this section.

(ii) If the State's compliance supplement pool has an amount of NO_X allowances not less than the number of early reduction credits in all accepted early reduction credit requests for 2001 and 2002 (as adjusted under paragraph (c)(5)(i) of this section), the permitting authority will allocate to each NO_X Budget unit covered by such accepted requests one allowance for each early reduction credit requested (as adjusted under paragraph (c)(5)(i) of this section).

(iii) If the State's compliance supplement pool has a smaller amount of NO_X allowances than the number of early reduction credits in all accepted early reduction credit requests for 2001 and 2002 (as adjusted under paragraph (c)(5)(i) of this section), the permitting authority will allocate NO_X allowances to each NO_X Budget unit covered by such accepted requests according to the following formula:

Unit's allocated early reduction credits = [(Unit's adjusted early reduction credits)/(Total adjusted early reduction credits requested by all units)] × (Available NO_X allowances from the State's compliance supplement pool)

Where:

''Unit's adjusted early reduction credits'' is the number of early reduction credits for the unit for 2001 and 2002 in accepted early reduction credit requests, as adjusted under paragraph (c)(5)(i) of this section.

''Total adjusted early reduction credits requested by all units'' is the number of early reduction credits for all units for 2001 and 2002 in accepted early reduction credit requests, as adjusted under paragraph (c)(5)(i) of this section.

''Available NO_X allowances from the State's compliance supplement pool'' is the number of NO_X allowances in the State's compliance supplement pool and available for early reduction credits for 2001 and 2002.

(6) By May 1, 2003, the permitting authority will submit to the Administrator the allocations of NO_X allowances determined under paragraph (c)(5) of this section. The Administrator will record such allocations to the extent that they are consistent with the requirements of paragraphs (c)(1) through (5) of this section.

(7) NO_X allowances recorded under paragraph (c)(6) of this section may be deducted for compliance under § 97.54 for the control periods in 2003 or 2004. Notwithstanding paragraph (a) of this section, the Administrator will deduct as retired any NO_X allowance that is recorded under paragraph (c)(6) of this section and is not deducted for compliance in accordance with § 97.54 for the control period in 2003 or 2004.

(8) NO_X allowances recorded under paragraph (c)(6) of this section are treated as banked allowances in 2004 for the purposes of paragraphs (a) and (b) of this section.

§ 97.56 Account error.

The Administrator may, at his or her sole discretion and on his or her own motion, correct any error in any NO_X Allowance Tracking System account. Within 10 business days of making such correction, the Administrator will notify the NO_X authorized account representative for the account.

§ 97.57 Closing of general accounts.

(a) The NO_X authorized account representative of a general account may instruct the Administrator to close the account by submitting a statement requesting deletion of the account from the NO_X Allowance Tracking System and by correctly submitting for recordation under § 97.60 an allowance transfer of all NO_X allowances in the account to one or more other NO_X Allowance Tracking System accounts.

(b) If a general account shows no activity for a period of a year or more and does not contain any NO_X allowances, the Administrator may notify the NO_X authorized account representative for the account that the account will be closed and deleted from the NO_X Allowance Tracking System following 20 business days after the notice is sent. The account will be closed after the 20-day period unless before the end of the 20-day period the Administrator receives a correctly submitted transfer of NO_X allowances into the account under § 97.60 or a statement submitted by the NO_X authorized account representative demonstrating to the satisfaction of the Administrator good cause as to why the account should not be closed.

Subpart G—NO_X Allowance Transfers

§ 97.60 Submission of NO_X allowance transfers.

The NO_X authorized account representatives seeking recordation of a NO_X allowance transfer shall submit the transfer to the Administrator. To be considered correctly submitted, the NO_X allowance transfer shall include the following elements in a format specified by the Administrator:

(a) The numbers identifying both the transferror and transferee accounts;

(b) A specification by serial number of each NO_X allowance to be transferred; and

(c) The printed name and signature of the NO_X authorized account representative of the transferror account and the date signed.

§ 97.61 EPA recordation.

(a) Within 5 business days of receiving a NO_X allowance transfer, except as provided in paragraph (b) of this section, the Administrator will record a NO_X allowance transfer by moving each NO_X allowance from the transferror account to the transferee account as specified by the request, provided that:

(1) The transfer is correctly submitted under § 97.60;

(2) The transferror account includes each NO_X allowance identified by serial number in the transfer; and

(3) The transfer meets all other requirements of this part.

(b) A NO_X allowance transfer that is submitted for recordation following the NO_X allowance transfer deadline and

that includes any NO_X allowances allocated for a control period prior to or the same as the control period to which the NO_X allowance transfer deadline applies will not be recorded until after completion of the process of recordation of NO_X allowance allocations in § 97.53(b).

(c) Where a NO_X allowance transfer submitted for recordation fails to meet the requirements of paragraph (a) of this section, the Administrator will not record such transfer.

§ 97.62 Notification.

(a) *Notification of recordation.* Within 5 business days of recordation of a NO_X allowance transfer under § 97.61, the Administrator will notify each party to the transfer. Notice will be given to the NO_X authorized account representatives of both the transferror and transferee accounts.

(b) *Notification of non-recordation.* Within 10 business days of receipt of a NO_X allowance transfer that fails to meet the requirements of § 97.61(a) the NO_X authorized account representatives of both accounts subject to the transfer of:

(1) A decision not to record the transfer, and

(2) The reasons for such non-recordation.

(c) Nothing in this section shall preclude the submission of a NO_X allowance transfer for recordation following notification of non-recordation.

Subpart H—Monitoring and Reporting

§ 97.70 General Requirements.

The owners and operators, and to the extent applicable, the NO_X authorized account representative of a NO_X Budget unit, shall comply with the monitoring and reporting requirements as provided in this subpart and in subpart H of part 75 of this chapter. For purposes of complying with such requirements, the definitions in § 97.2 and in § 72.2 of this chapter shall apply, and the terms ''affected unit,'' ''designated representative,'' and ''continuous emission monitoring system'' (or ''CEMS'') in part 75 of this chapter shall be replaced by the terms ''NO_X Budget unit,'' ''NO_X authorized account representative,'' and ''continuous emission monitoring system'' (or ''CEMS''), respectively, as defined in § 97.2.

(a) *Requirements for installation, certification, and data accounting.* The owner or operator of each NO_X Budget unit must meet the following requirements. These provisions also apply to a unit for which an application for a NO_X Budget opt-in permit is submitted and not denied or withdrawn, as provided in subpart I of this part:

(1) Install all monitoring systems required under this subpart for monitoring NO_X mass. This includes all systems required to monitor NO_X emission rate, NO_X concentration, heat input, and flow, in accordance with §§ 75.72 and 75.76.

(2) Install all monitoring systems for monitoring heat input, if required under § 97.76 for developing NO_X allowance allocations.

(3) Successfully complete all certification tests required under § 97.71 and meet all other provisions of this subpart and part 75 of this chapter applicable to the monitoring systems under paragraphs (a) (1) and (2) of this section.

(4) Record, and report data from the monitoring systems under paragraphs (a) (1) and (2) of this section.

(b) *Compliance dates.* The owner or operator must meet the requirements of paragraphs (a)(1) through (a)(3) of this section on or before the following dates and must record and report data on and after the following dates:

(1) NO_X Budget units for which the owner or operator intends to apply for early reduction credits under § 97.55(d) must comply with the requirements of this subpart by May 1, 2000.

(2) Except for NO_X Budget units under paragraph (b)(1) of this section, NO_X Budget units under § 97.4 that commence operation before January 1, 2002, must comply with the requirements of this subpart by May 1, 2002.

(3) NO_X Budget units under § 97.4 that commence operation on or after January 1, 2002 and that report on an annual basis under § 97.74(d) must comply with the requirements of this subpart by the later of the following dates:

(i) May 1, 2002; or

(ii) the earlier of:

(A) 180 days after the date on which the unit commences operation or,

(B) For units under § 97.4(a)(1), 90 days after the date on which the unit commences commercial operation.

(4) NO_X Budget units under § 97.4 that commence operation on or after January 1, 2002 and that report on a control season basis under § 97.74(d) must comply with the requirements of this subpart by the later of the following dates:

(i) the earlier of:

(A) 180 days after the date on which the unit commences operation or,

(B) for units under § 97.4(a)(1), 90 days after the date on which the unit commences commercial operation.

(ii) However, if the applicable deadline under paragraph (b)(4)(i) of this section does not occur during a control period, May 1; immediately following the date determined in accordance with paragraph (b)(4)(i) of this section.

(5) For a NO_X Budget unit with a new stack or flue for which construction is completed after the applicable deadline under paragraph (b)(1), (b)(2) or (b)(3) of this section or subpart I of this part:

(i) 90 days after the date on which emissions first exit to the atmosphere through the new stack or flue

(ii) However, if the unit reports on a control season basis under § 97.74(d) and the applicable deadline under paragraph (b)(5)(i) of this section does not occur during the control period, May 1 immediately following the applicable deadline in paragraph (b)(5)(i) of this section.

(6) For a unit for which an application for a NO_X Budget opt-in permit is submitted and not denied or withdrawn, the compliance dates specified under subpart I of this part.

(c) *Reporting data prior to initial certification.* (1) The owner or operator of a NO_X Budget unit that misses the certification deadline under paragraph (b)(1) of this section is not eligible to apply for early reduction credits. The owner or operator of the unit becomes subject to the certification deadline under paragraph (b)(2) of this section.

(2) The owner or operator of a NO_X Budget under paragraphs (b)(3) or (b)(4) of this section must determine, record and report NO_X mass, heat input (if required for purposes of allocations) and any other values required to determine NO_X Mass (e.g. NO_X emission rate and heat input or NO_X concentration and stack flow) using the provisions of § 75.70(g) of this chapter, from the date and hour that the unit starts operating until all required certification tests are successfully completed.

(d) *Prohibitions.* (1) No owner or operator of a NO_X Budget unit or a non-NO_X Budget unit monitored under § 75.72(b)(2)(ii) shall use any alternative monitoring system, alternative reference method, or any other alternative for the required continuous emission monitoring system without having obtained prior written approval in accordance with § 97.75.

(2) No owner or operator of a NO_X Budget unit or a non-NO_X Budget unit monitored under § 75.72(b)(2)(ii) shall operate the unit so as to discharge, or allow to be discharged, NO_X emissions to the atmosphere without accounting for all such emissions in accordance with the applicable provisions of this subpart and part 75 of this chapter

except as provided for in § 75.74 of this chapter.

(3) No owner or operator of a NO_X Budget unit or a non-NO_X Budget unit monitored under § 75.72(b)(2)(ii) shall disrupt the continuous emission monitoring system, any portion thereof, or any other approved emission monitoring method, and thereby avoid monitoring and recording NO_X mass emissions discharged into the atmosphere, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed in accordance with the applicable provisions of this subpart and part 75 of this chapter except as provided for in § 75.74 of this chapter.

(4) No owner or operator of a NO_X Budget unit or a non-NO_X Budget unit monitored under § 75.72(b)(2)(ii) shall retire or permanently discontinue use of the continuous emission monitoring system, any component thereof, or any other approved emission monitoring system under this subpart, except under any one of the following circumstances:

(i) During the period that the unit is covered by a retired unit exemption under § 97.5 that is in effect;

(ii) The owner or operator is monitoring emissions from the unit with another certified monitoring system approved, in accordance with the applicable provisions of this subpart and part 75 of this chapter, by the permitting authority for use at that unit that provides emission data for the same pollutant or parameter as the retired or discontinued monitoring system; or

(iii) The NO_X authorized account representative submits notification of the date of certification testing of a replacement monitoring system in accordance with § 97.71(b)(2).

§ 97.71 Initial certification and recertification procedures.

(a) The owner or operator of a NO_X Budget unit that is subject to an Acid Rain emissions limitation shall comply with the initial certification and recertification procedures of part 75 of this chapter, except that:

(1) If, prior to January 1, 1998, the Administrator approved a petition under § 75.17 (a) or (b) of this chapter for apportioning the NO_X emission rate measured in a common stack or a petition under § 75.66 of this chapter for an alternative to a requirement in § 75.17 of this chapter, the NO_X authorized account representative shall resubmit the petition to the Administrator under § 97.75(a) to determine if the approval applies under the NO_X Budget Trading Program.

(2) For any additional CEMS required under the common stack provisions in § 75.72 of this chapter, or for any NO_X concentration CEMS used under the provisions of § 75.71(a)(2) of this chapter, the owner or operator shall meet the requirements of paragraph (b) of this section.

(b) The owner or operator of a NO_X Budget unit that is not subject to an Acid Rain emissions limitation shall comply with the following initial certification and recertification procedures, except that the owner or operator of a unit that qualifies to use the low mass emissions excepted monitoring methodology under § 75.19 shall also meet the requirements of paragraph (c) of this section and the owner or operator of a unit that qualifies to use an alternative monitoring system under subpart E of part 75 of this chapter shall also meet the requirements of paragraph (d) of this section. The owner or operator of a NO_X Budget unit that is subject to an Acid Rain emissions limitation, but requires additional CEMS under the common stack provisions in § 75.72 of this chapter, or that uses a NO_X concentration CEMS under § 75.71(a)(2) of this chapter also shall comply with the following initial certification and recertification procedures.

(1) Requirements for initial certification. The owner or operator shall ensure that each monitoring system required by subpart H of part 75 of this chapter (which includes the automated data acquisition and handling system) successfully completes all of the initial certification testing required under § 75.20 of this chapter. The owner or operator shall ensure that all applicable certification tests are successfully completed by the deadlines specified in § 97.70(b). In addition, whenever the owner or operator installs a monitoring system in order to meet the requirements of this part in a location where no such monitoring system was previously installed, initial certification according to § 75.20 is required.

(2) Requirements for recertification. Whenever the owner or operator makes a replacement, modification, or change in a certified monitoring system that the Administrator determines significantly affects the ability of the system to accurately measure or record NO_X mass emissions or heat input or to meet the requirements of § 75.21 of this chapter or appendix B to part 75 of this chapter, the owner or operator shall recertify the monitoring system according to § 75.20(b) of this chapter. Furthermore, whenever the owner or operator makes a replacement, modification, or change to the flue gas handling system or the unit's operation that the Administrator determines to significantly change the flow or concentration profile, the owner or operator shall recertify the continuous emissions monitoring system according to § 75.20(b) of this chapter. Examples of changes which require recertification include: Replacement of the analyzer, change in location or orientation of the sampling probe or site, or changing of flow rate monitor polynomial coefficients.

(3) Certification approval process for initial certifications and recertification.

(i) Notification of certification. The NO_X authorized account representative shall submit to the Administrator, the appropriate EPA Regional Office and the permitting authority a written notice of the dates of certification in accordance with § 97.73.

(ii) Certification application. The NO_X authorized account representative shall submit to the Administrator, the appropriate EPA Regional Office and the permitting authority a certification application for each monitoring system required under subpart H of part 75 of this chapter. A complete certification application shall include the information specified in subpart H of part 75 of this chapter.

(iii) Except for units using the low mass emission excepted methodology under § 75.19 of this chapter, the provisional certification date for a monitor shall be determined using the procedures set forth in § 75.20(a)(3) of this chapter. A provisionally certified monitor may be used under the NO_X Budget Trading Program for a period not to exceed 120 days after receipt by the Administrator of the complete certification application for the monitoring system or component thereof under paragraph (b)(3)(ii) of this section. Data measured and recorded by the provisionally certified monitoring system or component thereof, in accordance with the requirements of part 75 of this chapter, will be considered valid quality-assured data (retroactive to the date and time of provisional certification), provided that the Administrator does not invalidate the provisional certification by issuing a notice of disapproval within 120 days of receipt of the complete certification application by the Administrator.

(iv) Certification application formal approval process. The Administrator will issue a written notice of approval or disapproval of the certification application to the owner or operator within 120 days of receipt of the complete certification application under paragraph (b)(3)(ii) of this section. In the event the Administrator does not issue

such a notice within such 120-day period, each monitoring system which meets the applicable performance requirements of part 75 of this chapter and is included in the certification application will be deemed certified for use under the NO_X Budget Trading Program.

(A) Approval notice. If the certification application is complete and shows that each monitoring system meets the applicable performance requirements of part 75 of this chapter, then the Administrator will issue a written notice of approval of the certification application within 120 days of receipt.

(B) Incomplete application notice. A certification application will be considered complete when all of the applicable information required to be submitted under paragraph (b)(3)(ii) of this section has been received by the Administrator. If the certification application is not complete, then the Administrator will issue a written notice of incompleteness that sets a reasonable date by which the NO_X authorized account representative must submit the additional information required to complete the certification application. If the NO_X authorized account representative does not comply with the notice of incompleteness by the specified date, then the Administrator may issue a notice of disapproval under paragraph (b)(3)(iv)(C) of this section.

(C) Disapproval notice. If the certification application shows that any monitoring system or component thereof does not meet the performance requirements of this part, or if the certification application is incomplete and the requirement for disapproval under paragraph (b)(3)(iv)(B) of this section has been met, the Administrator will issue a written notice of disapproval of the certification application. Upon issuance of such notice of disapproval, the provisional certification is invalidated by the Administrator and the data measured and recorded by each uncertified monitoring system or component thereof shall not be considered valid quality-assured data beginning with the date and hour of provisional certification. The owner or operator shall follow the procedures for loss of certification in paragraph (b)(3)(v) of this section for each monitoring system or component thereof which is disapproved for initial certification.

(D) Audit decertification. The Administrator may issue a notice of disapproval of the certification status of a monitor in accordance with § 97.72(b).

(v) Procedures for loss of certification. If the Administrator issues a notice of disapproval of a certification application under paragraph (b)(3)(iv)(C) of this section or a notice of disapproval of certification status under paragraph (b)(3)(iv)(D) of this section, then:

(A) The owner or operator shall substitute the following values, for each hour of unit operation during the period of invalid data beginning with the date and hour of provisional certification and continuing until the time, date, and hour specified under § 75.20(a)(5)(i) of this chapter:

(1) For units using or intending to monitor for NO_X emission rate and heat input or for units using the low mass emission excepted methodology under § 75.19 of this chapter, the maximum potential NO_X emission rate and the maximum potential hourly heat input of the unit.

(2) For units intending to monitor for NO_X mass emissions using a NO_X pollutant concentration monitor and a flow monitor, the maximum potential concentration of NO_X and the maximum potential flow rate of the unit under section 2.1 of appendix A of part 75 of this chapter;

(B) The NO_X authorized account representative shall submit a notification of certification retest dates and a new certification application in accordance with paragraphs (b)(3)(i) and (ii) of this section; and (C) The owner or operator shall repeat all certification tests or other requirements that were failed by the monitoring system, as indicated in the Administrator's notice of disapproval, no later than 30 unit operating days after the date of issuance of the notice of disapproval.

(c) Initial certification and recertification procedures for low mass emission units using the excepted methodologies under § 75.19 of this chapter. The owner or operator of a gas-fired or oil-fired unit using the low mass emissions excepted methodology under § 75.19 of this chapter shall meet the applicable general operating requirements of § 75.10 of this chapter, the applicable requirements of § 75.19 of this chapter, and the applicable certification requirements of § 97.71 of this chapter, except that the excepted methodology shall be deemed provisionally certified for use under the NO_X Budget Trading Program, as of the following dates:

(i) For units that are reporting on an annual basis under § 97.74(d)

(A) For a unit that has commences operation before its compliance deadline under § 97.71(b), from January 1 of the year following submission of the certification application for approval to use the low mass emissions excepted methodology under § 75.19 of this chapter until the completion of the period for the Administrator's review; or

(B) For a unit that commences operation after its compliance deadline under § 97.71(b), the date of submission of the certificaation application for approval to use the low mass emissions excepted methodology under § 75.19 of this chapter until the completion of the period for the Administrator's review, or

(ii) For units that are reporting on a control period basis under § 97.74(b)(3)(ii) of this part:

(A) For a unit that commenced operation before its compliance deadline under § 97.71(b), where the certification application is submitted before May 1, from May 1 of the year of the submission of the certification application for approval to use the low mass emissions excepted methodology under § 75.19 of this chapter until the completion of the period for the Administrator's review; or

(B) For a unit that commenced operation before its compliance deadline under § 97.71(b), where the certification application is submitted after May 1, from May 1 of the year following submission of the certification application for approval to use the low mass emissions excepted methodology under § 75.19 of this chapter until the completion of the period for the Administrator's review; or

(C) For a unit that commences operation after its compliance deadline under § 97.71(b), where the unit commences operation before May 1, from May 1 of the year that the unit commenced operation, until the completion of the period for the Administrator's review.

(D) For a unit that has not operated after its compliance deadline under § 97.71(b), where the certification application is submitted after May 1, but before October 1st, from the date of submission of a certification application for approval to use the low mass emissions excepted methodology under § 75.19 of this chapter until the completion of the period for the Administrator's review.

(d) Certification/recertification procedures for alternative monitoring systems. The NO_X authorized account representative representing the owner or operator of each unit applying to monitor using an alternative monitoring system approved by the Administrator under subpart E of part 75 of this chapter shall apply for certification to the administrator prior to use of the system under the NO_X Trading Program. The NO_X authorized account representative shall apply for recertification following a replacement, modification or change according to the procedures in paragraph (b) of this

section. The owner or operator of an alternative monitoring system shall comply with the notification and application requirements for certification according to the procedures specified in paragraph (b)(3) of this section and § 75.20(f) of this chapter.

§ 97.72 Out of control periods.

(a) Whenever any monitoring system fails to meet the quality assurance requirements of appendix B of part 75 of this chapter, data shall be substituted using the applicable procedures in subpart D, appendix D, or appendix E of part 75 of this chapter.

(b) Audit decertification. Whenever both an audit of a monitoring system and a review of the initial certification or recertification application reveal that any system or component should not have been certified or recertified because it did not meet a particular performance specification or other requirement under § 97.71 or the applicable provisions of part 75 of this chapter, both at the time of the initial certification or recertification application submission and at the time of the audit, the Administrator will issue a notice of disapproval of the certification status of such system or component. For the purposes of this paragraph, an audit shall be either a field audit or an audit of any information submitted to the permitting authority or the Administrator. By issuing the notice of disapproval, the Administrator revokes prospectively the certification status of the system or component. The data measured and recorded by the system or component shall not be considered valid quality-assured data from the date of issuance of the notification of the revoked certification status until the date and time that the owner or operator completes subsequently approved initial certification or recertification tests. The owner or operator shall follow the initial certification or recertification procedures in § 97.71 for each disapproved system.

§ 97.73 Notifications.

(a) The NO_X authorized account representative for a NO_X Budget unit shall submit written notice to the permitting authority, the appropriate EPA Regional Office and the Administrator in accordance with § 75.61 of this chapter.

(b) For any unit that does not have an acid rain emissions limitation, the permitting authority may waive the requirements to notify the permitting authority in paragraph (a) of this section and the notification requirements in § 97.71(b)(2)(i).

§ 97.74 Recordkeeping and reporting.

(a) *General provisions.* (1) The NO_X authorized account representative shall comply with all recordkeeping and reporting requirements in this section and with the requirements of § 97.10(e).

(2) If the NO_X authorized account representative for a NO_X Budget unit subject to an Acid Rain Emission limitation who signed and certified any submission that is made under subpart F or G of part 75 of this chapter and which includes data and information required under this subpart or subpart H of part 75 of this chapter is not the same person as the designated representative or the alternative designated representative for the unit under part 72 of this chapter, the submission must also be signed by the designated representative or the alternative designated representative.

(b) *Monitoring plans.* (1) The owner or operator of a unit subject to an Acid Rain emissions limitation shall comply with requirements of § 75.62 of this chapter, except that the monitoring plan shall also include all of the information required by subpart H of part 75 of this chapter.

(2) The owner or operator of a unit that is not subject to an Acid Rain emissions limitation shall comply with requirements of § 75.62 of this chapter, except that the monitoring plan is only required to include the information required by subpart H of part 75 of this chapter.

(c) *Certification applications.* The NO_X authorized account representative shall submit an application to the permitting authority, the appropriate EPA Regional Office and the Administrator within 45 days after completing all initial certification or recertification tests required under § 97.71 including the information required under subpart H of part 75 of this chapter.

(d) *Quarterly reports.* The NO_X authorized account representative shall submit quarterly reports, as follows:

(1) If a unit is subject to an Acid Rain emission limitation or if the owner or operator of the NO_X budget unit chooses to meet the annual reporting requirements of this subpart H, the NO_X authorized account representative shall submit a quarterly report for each calendar quarter beginning with:

(i) For units that elect to comply with the early reduction credit provisions under § 97.55, the calender quarter that includes the date of initial provisional certification under § 97.71(b)(3)(iii). Data shall be reported from the date and hour corresponding to the date and hour of provisional certification ; or

(ii) For units commencing operation prior to May 1, 2002 that are not required to certify monitors by May 1, 2000 under § 97.70(b)(1), the earlier of the calender quarter that includes the date of initial provisional certification under § 97.71(b)(3)(iii) or, if the certification tests are not completed by May 1, 2002, the partial calender quarter from May 1, 2002 through June 30, 2002. Data shall be recorded and reported from the earlier of the date and hour corresponding to the date and hour of provisional certification or the first hour on May 1, 2002; or

(iii) For a unit that commences operation after May 1, 2002, the calendar quarter in which the unit commences operation, Data shall be reported from the date and hour corresponding to when the unit commenced operation.

(2) If a NO_X budget unit is not subject to an Acid Rain emission limitation, then the NO_X authorized account representative shall either:

(i) Meet all of the requirements of part 75 of this chapter related to monitoring and reporting NO_X mass emissions during the entire year and meet the reporting deadlines specified in paragraph (d)(1) of this section; or

(ii) submit quarterly reports only for the periods from the earlier of May 1 or the date and hour that the owner or operator successfully completes all of the recertification tests required under § 75.74(d)(3) through September 30 of each year in accordance with the provisions of § 75.74(b) of this chapter. The NO_X authorized account representative shall submit a quarterly report for each calendar quarter, beginning with:

(A) For units that elect to comply with the early reduction credit provisions under § 97.55, the calender quarter that includes the date of initial provisional certification under § 97.71(b)(3)(iii). Data shall be reported from the date and hour corresponding to the date and hour of provisional certification; or

(B) For units commencing operation prior to May 1, 2002 that are not required to certify monitors by May 1, 2000 under § 97.70(b)(1), the earlier of the calender quarter that includes the date of initial provisional certification under § 97.71(b)(3)(iii), or if the certification tests are not completed by May 1, 2002, the partial calender quarter from May 1, 2002 through June 30, 2002. Data shall be reported from the earlier of the date and hour corresponding to the date and hour of provisional certification or the first hour of May 1, 2002; or

(C) For units that commence operation after May 1, 2002 during the

control period, the calender quarter in which the unit commences operation. Data shall be reported from the date and hour corresponding to when the unit commenced operation; or

(D) For units that commence operation after May 1, 2002 and before May 1 of the year in which the unit commences operation, the earlier of the calender quarter that includes the date of initial provisional certification under § 97.71(b)(3)(iii) or, if the certification tests are not completed by May 1 of the year in which the unit commences operation, May 1 of the year in which the unit commences operation. Data shall be reported from the earlier of the date and hour corresponding to the date and hour of provisional certification or the first hour of May 1 of the year after the unit commences operation.

(E) For units that commence operation after May 1, 2002 and after September 30 of the year in which the unit commences operation, the earlier of the calender quarter that includes the date of initial provisional certification under § 97.71(b)(3)(iii) or, if the certification tests are not completed by May 1 of the year after the unit commences operation, May 1 of the year after the unit commences operation. Data shall be reported from the earlier of the date and hour corresponding to the date and hour of provisional certification or the first hour of May 1 of the year after the unit commences operation.

(3) The NO_X authorized account representative shall submit each quarterly report to the Administrator within 30 days following the end of the calendar quarter covered by the report. Quarterly reports shall be submitted in the manner specified in subpart H of part 75 of this chapter and § 75.64 of this chapter.

(i) For units subject to an Acid Rain Emissions limitation, quarterly reports shall include all of the data and information required in subpart H of part 75 of this chapter for each NO_X Budget unit (or group of units using a common stack) as well as information required in subpart G of part 75 of this chapter.

(ii) For units not subject to an Acid Rain Emissions limitation, quarterly reports are only required to include all of the data and information required in subpart H of part 75 of this chapter for each NO_X Budget unit (or group of units using a common stack).

(4) Compliance certification. The NO_X authorized account representative shall submit to the Administrator a compliance certification in support of each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the unit's emissions are correctly and fully monitored. The certification shall state that:

(i) The monitoring data submitted were recorded in accordance with the applicable requirements of this subpart and part 75 of this chapter, including the quality assurance procedures and specifications; and

(ii) For a unit with add-on NO_X emission controls and for all hours where data are substituted in accordance with § 75.34(a)(1) of this chapter, the add-on emission controls were operating within the range of parameters listed in the monitoring plan and the substitute values do not systematically underestimate NO_X emissions; and

(iii) For a unit that is reporting on a control period basis under § 97.74(d) the NO_X emission rate and NO_X concentration values substituted for missing data under subpart D of part 75 of this chapter are calculated using only values from a control period and do not systematically underestimate NO_X emissions.

§ 97.75 Petitions

(a) The NO_X authorized account representative of a NO_X Budget unit may submit a petition under § 75.66 of this chapter to the Administrator requesting approval to apply an alternative to any requirement of this subpart.

(b) Application of an alternative to any requirement of this subpart is in accordance with this subpart only to the extent that the petition is approved by the Administrator.

§ 97.76 Additional requirements to provide heat input data.

(a) The owner or operator of a unit that elects to monitor and report NO_X Mass emissions using a NO_X concentration system and a flow system shall also monitor and report heat input at the unit level using the procedures set forth in part 75 of this chapter.

(b) The owner or operator of a unit that monitor and report NO_X Mass emissions using a NO_X concentration system and a flow system shall also monitor and report heat input at the unit level using the procedures set forth in part 75 of this chapter for any source that is applying for early reduction credits under § 97.55.

Subpart I—Individual Opt-Ins

§ 97.80 Applicability.

A unit that is in the State, is not a NO_X Budget unit under § 97.4, vents all of its emissions to a stack, and is operating, may qualify, under this subpart, to become a NO_X Budget opt-in source. A unit that is a NO_X Budget unit, is covered by a retired unit exemption under § 97.5 that is in effect, or is not operating is not eligible to become a NO_X Budget opt-in source.

§ 97.81 General.

Except otherwise as provided in this part, a NO_X Budget opt-in source shall be treated as a NO_X Budget unit for purposes of applying subparts A through H of this part.

§ 97.82 NO_X authorized account representative.

A unit for which an application for a NO_X Budget opt-in permit is submitted, or a NO_X Budget opt-in source, located at the same source as one or more NO_X Budget units, shall have the same NO_X authorized account representative as such NO_X Budget units.

§ 97.83 Applying for NO_X Budget opt-in permit.

(a) *Applying for initial NO_X* Budget opt-in permit. In order to apply for an initial NO_X Budget opt-in permit, the NO_X authorized account representative of a unit qualified under § 97.80 may submit to the Administrator and the permitting authority at any time, except as provided under § 97.86(g):

(1) A complete NO_X Budget permit application under § 97.22;

(2) A monitoring plan submitted in accordance with subpart H of this part; and

(3) A complete account certificate of representation under § 97.13, if no NO_X authorized account representative has been previously designated for the unit.

(b) *Duty to reapply.* The NO_X authorized account representative of a NO_X Budget opt-in source shall submit to the Administrator and permitting authority a complete NO_X Budget permit application under § 97.22 to renew the NO_X Budget opt-in permit in accordance with § 97.21(c) and, if applicable, an updated monitoring plan in accordance with subpart H of this part.

§ 97.84 Opt-in process.

The permitting authority will issue or deny a NO_X Budget opt-in permit for a unit for which an initial application for a NO_X Budget opt-in permit under § 97.83 is submitted, in accordance with § 97.20 and the following:

(a) Interim review of monitoring plan. The Administrator will determine, on an interim basis, the sufficiency of the monitoring plan accompanying the initial application for a NO_X Budget opt-in permit under § 97.83. A monitoring plan is sufficient, for purposes of interim review, if the plan appears to contain information demonstrating that

the NO_X emissions rate and heat input of the unit are monitored and reported in accordance with subpart H of this part. A determination of sufficiency shall not be construed as acceptance or approval of the unit's monitoring plan.

(b) If the Administrator determines that the unit's monitoring plan is sufficient under paragraph (a) of this section and after completion of monitoring system certification under subpart H of this part, the NO_X emissions rate and the heat input of the unit shall be monitored and reported in accordance with subpart H of this part for one full control period during which monitoring system availability is not less than 90 percent and during which the unit is in full compliance with any applicable State or Federal emissions or emissions-related requirements. Solely for purposes of applying the requirements in the prior sentence, the unit shall be treated as a ''NO_X Budget unit'' prior to issuance of a NO_X Budget opt-in permit covering the unit.

(c) Based on the information monitored and reported under paragraph (b) of this section, the unit's baseline heat rate shall be calculated as the unit's total heat input (in mmBtu) for the control period and the unit's baseline NO_X emissions rate shall be calculated as the unit's total NO_X mass emissions (in lb) for the control period divided by the unit's baseline heat rate.

(d) After calculating the baseline heat input and the baseline NO_X emissions rate for the unit under paragraph (c) of this section, the Administrator will provide this information to the permitting authority so the permitting authority can serve a draft NO_X Budget opt-in permit on the NO_X authorized account representative of the unit.

(e) Confirmation of intention to opt-in. Within 20 days after the issuance of the draft NO_X Budget opt-in permit, the NO_X authorized account representative of the unit must submit to the Administrator and the permitting authority a confirmation of the intention to opt in the unit or a withdrawal of the application for a NO_X Budget opt-in permit under § 97.83. The permitting authority will treat the failure to make a timely submission as a withdrawal of the NO_X Budget opt-in permit application.

(f) Issuance of draft NO_X Budget opt-in permit. If the NO_X authorized account representative confirms the intention to opt in the unit under paragraph (e) of this section, the permitting authority will issue the draft NO_X Budget opt-in permit in accordance with § 97.20.

(g) Not withstanding paragraphs (a) through (f) of this section, if at any time before issuance of a draft NO_X Budget opt-in permit for the unit, the Administrator or the permitting authority determines that the unit does not qualify as a NO_X Budget opt-in source under § 97.80, the permitting authority will issue a draft denial of a NO_X Budget opt-in permit for the unit in accordance with § 97.20.

(h) Withdrawal of application for NO_X Budget opt-in permit. A NO_X authorized account representative of a unit may withdraw its application for a NO_X Budget opt-in permit under § 97.83 at any time prior to the issuance of the final NO_X Budget opt-in permit. Once the application for a NO_X Budget opt-in permit is withdrawn, a NO_X authorized account representative wanting to reapply must submit a new application for a NO_X Budget permit under § 97.83.

(i) Effective date. The effective date of the initial NO_X Budget opt-in permit shall be May 1 of the first control period starting after the issuance of the initial NO_X Budget opt-in permit by the permitting authority. The unit shall be a NO_X Budget opt-in source and a NO_X Budget unit as of the effective date of the initial NO_X Budget opt-in permit.

§ 97.85 NO_X Budget opt-in permit contents.

(a) Each NO_X Budget opt-in permit (including any draft or proposed NO_X Budget opt-in permit, if applicable) will contain all elements required for a complete NO_X Budget opt-in permit application under § 97.22 as approved or adjusted by the Administrator or the permitting authority.

(b) Each NO_X Budget opt-in permit is deemed to incorporate automatically the definitions of terms under § 97.2 and, upon recordation by the Administrator under subpart F, G, or I of this part, every allocation, transfer, or deduction of NO_X allowances to or from the compliance accounts of each NO_X Budget opt-in source covered by the NO_X Budget opt-in permit or the overdraft account of the NO_X Budget source where the NO_X Budget opt-in source is located.

§ 97.86 Withdrawal from NO_X Budget Trading Program.

(a) Requesting withdrawal. To withdraw from the NO_X Budget Trading Program, the NO_X authorized account representative of a NO_X Budget opt-in source shall submit to the Administrator and the permitting authority a request to withdraw effective as of a specified date prior to May 1 or after September 30. The submission shall be made no later than 90 days prior to the requested effective date of withdrawal.

(b) Conditions for withdrawal. Before a NO_X Budget opt-in source covered by a request under paragraph (a) of this section may withdraw from the NO_X Budget Trading Program and the NO_X Budget opt-in permit may be terminated under paragraph (e) of this section, the following conditions must be met:

(1) For the control period immediately before the withdrawal is to be effective, the NO_X authorized account representative must submit or must have submitted to the Administrator and the permitting authority an annual compliance certification report in accordance with § 97.30.

(2) If the NO_X Budget opt-in source has excess emissions for the control period immediately before the withdrawal is to be effective, the Administrator will deduct or has deducted from the NO_X Budget opt-in source's compliance account, or the overdraft account of the NO_X Budget source where the NO_X Budget opt-in source is located, the full amount required under § 97.54(d) for the control period.

(3) After the requirements for withdrawal under paragraphs (b)(1) and (2) of this section are met, the Administrator will deduct from the NO_X Budget opt-in source's compliance account, or the overdraft account of the NO_X Budget source where the NO_X Budget opt-in source is located, NO_X allowances equal in number to and allocated for the same or a prior control period as any NO_X allowances allocated to that source under § 97.88 for any control period for which the withdrawal is to be effective. The Administrator will close the NO_X Budget opt-in source's compliance account and will establish, and transfer any remaining allowances to, a new general account for the owners and operators of the NO_X Budget opt-in source. The NO_X authorized account representative for the NO_X Budget opt-in source shall become the NO_X authorized account representative for the general account.

(c) A NO_X Budget opt-in source that withdraws from the NO_X Budget Trading Program shall comply with all requirements under the NO_X Budget Trading Program concerning all years for which such NO_X Budget opt-in source was a NO_X Budget opt-in source, even if such requirements arise or must be complied with after the withdrawal takes effect.

(d) Notification.

(1) After the requirements for withdrawal under paragraphs (a) and (b) of this section are met (including deduction of the full amount of NO_X allowances required), the Administrator will issue a notification to the

permitting authority and the NO_X authorized account representative of the NO_X Budget opt-in source of the acceptance of the withdrawal of the NO_X Budget opt-in source as of a specified effective date that is after such requirements have been met and that is prior to May 1 or after September 30.

(2) If the requirements for withdrawal under paragraphs (a) and (b) of this section are not met, the Administrator will issue a notification to the permitting authority and the NO_X authorized account representative of the NO_X Budget opt-in source that the NO_X Budget opt-in source's request to withdraw is denied. If the NO_X Budget opt-in source's request to withdraw is denied, the NO_X Budget opt-in source shall remain subject to the requirements for a NO_X Budget opt-in source.

(e) Permit amendment. After the Administrator issues a notification under paragraph (d)(1) of this section that the requirements for withdrawal have been met, the permitting authority will revise the NO_X Budget permit covering the NO_X Budget opt-in source to terminate the NO_X Budget opt-in permit as of the effective date specified under paragraph (d)(1) of this section. A NO_X Budget opt-in source shall continue to be a NO_X Budget opt-in source until the effective date of the termination.

(f) Reapplication upon failure to meet conditions of withdrawal. If the Administrator denies the NO_X Budget opt-in source's request to withdraw, the NO_X authorized account representative may submit another request to withdraw in accordance with paragraphs (a) and (b) of this section.

(g) Ability to return to the NO_X Budget Trading Program. Once a NO_X Budget opt-in source withdraws from the NO_X Budget Trading Program and its NO_X Budget opt-in permit is terminated under this section, the NO_X authority account representative may not submit another application for a NO_X Budget opt-in permit under § 97.83 for the unit prior to the date that is 4 years after the date on which the terminated NO_X Budget opt-in permit became effective.

§ 97.87 Change in regulatory status.

(a) Notification. When a NO_X Budget opt-in source becomes a NO_X Budget unit under § 97.4, the NO_X authorized account representative shall notify in writing the permitting authority and the Administrator of such change in the NO_X Budget opt-in source's regulatory status, within 30 days of such change.

(b) Permitting authority's and Administrator's action.

(1)(i) When the NO_X Budget opt-in source becomes a NO_X Budget unit under § 97.4, the permitting authority will revise the NO_X Budget opt-in source's NO_X Budget opt-in permit to meet the requirements of a NO_X Budget permit under § 97.23 as of an effective date that is the date on which such NO_X Budget opt-in source becomes a NO_X Budget unit under § 97.4.

(ii)(A) The Administrator will deduct from the compliance account for the NO_X Budget unit under paragraph (b)(1)(i) of this section, or the overdraft account of the NO_X Budget source where the unit is located, NO_X allowances equal in number to and allocated for the same or a prior control period as:

(*1*) Any NO_X allowances allocated to the NO_X Budget unit (as a NO_X Budget opt-in source) under § 97.88 for any control period after the last control period during which the unit's NO_X Budget opt-in permit was effective; and

(*2*) If the effective date of the NO_X Budget permit revision under paragraph (b)(1)(i) of this section is during a control period, the NO_X allowances allocated to the NO_X Budget unit (as a NO_X Budget opt-in source) under § 97.88 for the control period multiplied by the ratio of the number of days, in the control period, starting with the effective date of the permit revision under paragraph (b)(1)(i) of this section, divided by the total number of days in the control period.

(B) The NO_X authorized account representative shall ensure that the compliance account of the NO_X Budget unit under paragraph (b)(1)(i) of this section, or the overdraft account of the NO_X Budget source where the unit is located, includes the NO_X allowances necessary for completion of the deduction under paragraph (b)(1)(ii)(A) of this section. If the compliance account or overdraft account does not contain sufficient NO_X allowances, the Administrator will deduct the required number of NO_X allowances, regardless of the control period for which they were allocated, whenever NO_X allowances are recorded in either account.

(iii) (A) For every control period during which the NO_X Budget permit revised under paragraph (b)(1)(i) of this section is effective, the NO_X Budget unit under paragraph (b)(1)(i) of this section will be treated, solely for purposes of NO_X allowance allocations under § 97.42, as a unit that commenced operation on the effective date of the NO_X Budget permit revision under paragraph (b)(1)(i) of this section and will be allocated NO_X allowances under § 97.42.

(B) Notwithstanding paragraph (b)(1)(iii)(A) of this section, if the effective date of the NO_X Budget permit revision under paragraph (b)(1)(i) of this section is during a control period, the following number of NO_X allowances will be allocated to the NO_X Budget unit under paragraph (b)(1)(i) of this section under § 97.42 for the control period: the number of NO_X allowances otherwise allocated to the NO_X Budget unit under § 97.42 for the control period multiplied by the ratio of the number of days, in the control period, starting with the effective date of the permit revision under paragraph (b)(1)(i) of this section, divided by the total number of days in the control period.

(2)(i) When the NO_X authorized account representative of a NO_X Budget opt-in source does not renew its NO_X Budget opt-in permit under § 97.83(b), the Administrator will deduct from the NO_X Budget opt-in unit's compliance account, or the overdraft account of the NO_X Budget source where the NO_X Budget opt-in source is located, NO_X allowances equal in number to and allocated for the same or a prior control period as any NO_X allowances allocated to the NO_X Budget opt-in source under § 97.88 for any control period after the last control period for which the NO_X Budget opt-in permit is effective. The NO_X authorized account representative shall ensure that the NO_X Budget opt-in source's compliance account or the overdraft account of the NO_X Budget source where the NO_X Budget opt-in source is located includes the NO_X allowances necessary for completion of such deduction. If the compliance account or overdraft account does not contain sufficient NO_X allowances, the Administrator will deduct the required number of NO_X allowances, regardless of the control period for which they were allocated, whenever NO_X allowances are recorded in either account.

(ii) After the deduction under paragraph (b)(2)(i) of this section is completed, the Administrator will close the NO_X Budget opt-in source's compliance account. If any NO_X allowances remain in the compliance account after completion of such deduction and any deduction under § 97.54, the Administrator will close the NO_X Budget opt-in source's compliance account and will establish, and transfer any remaining allowances to, a new general account for the owners and operators of the NO_X Budget opt-in source. The NO_X authorized account representative for the NO_X Budget opt-in source shall become the NO_X authorized account representative for the general account.

§ 97.88 NO_X allowance allocations to opt-in units.

(a) NO_X allowance allocation. (1) By December 31 immediately before the first control period for which the NO_X Budget opt-in permit is effective, the Administrator will allocate NO_X allowances to the NO_X Budget opt-in source for the control period in accordance with paragraph (b) of this section.

(2) By no later than December 31, after the first control period for which the NO_X Budget opt-in permit is in effect, and December 31 of each year thereafter, the Administrator will allocate NO_X allowances to the NO_X Budget opt-in source for the next control period, in accordance with paragraph (b) of this section.

(b) For each control period for which the NO_X Budget opt-in source has an approved NO_X Budget opt-in permit, the NO_X Budget opt-in source will be allocated NO_X allowances in accordance with the following procedures:

(1) The heat input (in mmBtu) used for calculating NO_X allowance allocations will be the lesser of:

(i) The NO_X Budget opt-in source's baseline heat input determined pursuant to § 97.84(c); or

(ii) The NO_X Budget opt-in source's heat input, as determined in accordance with subpart H of this part, for the control period in the year prior to the year of the control period for which the NO_X allocations are being calculated.

(2) The Administrator will allocate NO_X allowances to the NO_X Budget opt-in source in an amount equaling the heat input (in mmBtu) determined under paragraph (b)(1) of this section multiplied by the lesser of:

(i) The NO_X Budget opt-in source's baseline NO_X emissions rate (in lb/mmBtu) determined pursuant to § 97.84(c); or

(ii) The most stringent State or Federal NO_X emissions limitation applicable to the NO_X Budget opt-in source during the control period.

Appendix A to Part 97—NO_X Allowance Allocation Tables for Affected Sources Under Section 126 of the Act

TABLE A.1—ALLOCATIONS TO FOSSIL FUEL-FIRED EGUS BY MMBTU AND MWH

State	Plant ID	Point ID	Plant	Unit average of two highest of 1995, 1996, or 1997, summer HI	Unit average of two highest of 1995, 1996, or 1997, summer MWh	Unit allocations by HI	Unit allocations by MWh
AL	3	1	BARRY	4,444,705	452,203	336	333
AL	3	2	BARRY	4,457,926	453,456	337	334
AL	3	3	BARRY	7,758,632	798,049	587	587
AL	3	4	BARRY	12,886,737	1,375,025	975	1,012
AL	3	5	BARRY	25,069,820	2,649,527	1,897	1,950
AL	56	**4	CHARLES R LOWMAN	903,512	68,448	68	50
AL	56	1	CHARLES R LOWMAN	2,337,265	205,745	177	151
AL	56	2	CHARLES R LOWMAN	8,251,949	786,199	625	578
AL	56	3	CHARLES R LOWMAN	7,476,176	712,220	566	524
AL	5	110	CHICKASAW	293,278	27,668	22	20
AL	47	1	COLBERT	5,401,036	528,115	409	389
AL	47	2	COLBERT	5,586,222	546,223	423	402
AL	47	3	COLBERT	5,294,661	517,714	401	381
AL	47	4	COLBERT	5,512,314	538,996	417	397
AL	47	5	COLBERT	13,750,384	1,387,106	1,041	1,021
AL	26	1	E C GASTON	7,187,848	760,699	544	560
AL	26	2	E C GASTON	7,037,596	752,765	533	554
AL	26	3	E C GASTON	7,568,867	809,591	573	596
AL	26	4	E C GASTON	7,279,128	767,031	551	564
AL	26	5	E C GASTON	24,100,992	2,589,277	1,824	1,905
AL	7	1	GADSDEN	1,915,860	162,803	145	120
AL	7	2	GADSDEN	1,777,783	151,069	135	111
AL	8	10	GORGAS	24,048,187	2,517,344	1,820	1,852
AL	8	6	GORGAS	3,271,407	292,953	248	216
AL	8	7	GORGAS	3,320,557	302,034	251	222
AL	8	8	GORGAS	6,100,623	624,488	462	460
AL	8	9	GORGAS	6,382,810	673,576	483	496
AL	10	1	GREENE COUNTY	8,730,961	907,867	661	668
AL	10	2	GREENE COUNTY	7,752,706	806,146	587	593
AL	6002	1	JAMES H MILLER JR	20,389,071	2,160,317	1,543	1,590
AL	6002	2	JAMES H MILLER JR	20,467,280	2,168,604	1,549	1,596
AL	6002	3	JAMES H MILLER JR	22,363,879	2,369,557	1,693	1,744
AL	6002	4	JAMES H MILLER JR	24,810,536	2,628,792	1,878	1,934
AL	7063	**1	MCINTOSH-CAES	113,793	24,911	9	18
AL	533	**4	MCWILLIAMS	1,130,929	133,050	86	98
AL	52140	1	UNION CAMP CORPORATION—	43,647	3,307	3	2
AL	50	1	WIDOWS CREEK	3,220,389	295,992	244	218
AL	50	2	WIDOWS CREEK	3,004,746	276,171	227	203
AL	50	3	WIDOWS CREEK	2,954,318	271,537	224	200
AL	50	4	WIDOWS CREEK	3,135,926	288,228	237	212
AL	50	5	WIDOWS CREEK	2,946,352	278,352	223	205
AL	50	6	WIDOWS CREEK	3,048,563	288,008	231	212
AL	50	7	WIDOWS CREEK	14,708,106	1,494,422	1,113	1,100
AL	50	8	WIDOWS CREEK	14,313,089	1,445,913	1,083	1,064
CT	10675	AB__mes	AES THAMES	4,630,651	436,854	172	160
CT	568	BHB1	BRIDGEPORT HARBOR	614,787	60,445	23	22
CT	568	BHB2	BRIDGEPORT HARBOR	1,964,426	198,187	73	73
CT	568	BHB3	BRIDGEPORT HARBOR	11,910,460	1,235,525	442	454
CT	50498	CW__na)	CAPITOL DISTRICT (AETNA)	626,274	56,421	23	21
CT	544	7	DEVON	3,341,227	340,420	124	125

TABLE A.1—ALLOCATIONS TO FOSSIL FUEL-FIRED EGUS BY MMBTU AND MWH—Continued

State	Plant ID	Point ID	Plant	Unit average of two highest of 1995, 1996, or 1997, summer HI	Unit average of two highest of 1995, 1996, or 1997, summer MWh	Unit allocations by HI	Unit allocations by MWh
CT	544	8	DEVON	3,257,953	331,059	121	122
CT	10567	CW__CH	DEXTER CORP. CH	474,019	42,704	18	16
CT	569	EB 13	ENGLISH	56,957	3,997	2	1
CT	569	EB 14	ENGLISH	86,982	6,104	3	2
CT	50736	ST__rd)	EXETER ENERGY (OXFORD)	412,978	38,960	15	14
CT	562	1	MIDDLETOWN	452,331	43,059	17	16
CT	562	2	MIDDLETOWN	2,247,666	231,766	83	85
CT	562	3	MIDDLETOWN	4,056,337	450,955	150	166
CT	562	4	MIDDLETOWN	5,882,211	543,090	218	199
CT	546	5	MONTVILLE	1,584,160	158,131	59	58
CT	546	6	MONTVILLE	5,312,085	485,344	197	178
CT	6156	NHB1	NEW HAVEN HARBOR	10,881,332	1,160,923	404	426
CT	548	1	NORWALK HARBOR	3,099,297	322,005	115	118
CT	548	2	NORWALK HARBOR	3,631,682	379,407	135	139
CT	n46	CW__rd)	O'BRIEN (HARTFORD)	673,659	60,690	25	22
DC	603	15	BENNING	605,207	53,487	89	90
DC	603	16	BENNING	730,757	63,296	107	106
DE	592	B4	DELAWARE CITY	546,523	51,559	50	46
DE	52193	ST__1	DELAWARE CITY	293,747	27,712	27	25
DE	52193	ST__2	DELAWARE CITY	293,747	27,712	27	25
DE	52193	ST__3	DELAWARE CITY	494,793	46,679	45	42
DE	593	3	EDGE MOOR	2,775,531	268,375	252	241
DE	593	4	EDGE MOOR	4,421,018	453,252	401	407
DE	593	5	EDGE MOOR	6,515,159	712,351	591	640
DE	7153	**3	HAY ROAD	2,014,002	171,609	183	154
DE	7153	--1	HAY ROAD	156,053	11,822	14	11
DE	7153	--2	HAY ROAD	156,053	11,822	14	11
DE	7153	--4	HAY ROAD	1,056,415	124,284	96	112
DE	594	1	INDIAN RIVER	2,118,931	214,271	192	193
DE	594	2	INDIAN RIVER	2,201,388	218,804	200	197
DE	594	3	INDIAN RIVER	4,022,311	435,315	365	391
DE	594	4	INDIAN RIVER	8,277,718	804,521	751	723
DE	599	3	MCKEE RUN	1,156,067	103,627	105	93
DE	7318	--1	VAN SANT STATION	53,745	3,772	5	3
IL	54780	ST__TS)	ABBOTT (7 UNITS)	109,017	10,285	8	7
IL			BABCOCK & WILCOX CO COGENERATION FA	45,900	3,221	3	2
IL	889	1	BALDWIN	15,218,756	1,493,792	1,074	1,056
IL	889	2	BALDWIN	15,201,447	1,513,184	1,072	1,070
IL	889	3	BALDWIN	16,459,376	1,782,282	1,161	1,260
IL			BALDWIN POWER PLANT	3,366	236	0	0
IL			BREESE MUNICIPAL POWER PLANT	6,579	462	0	0
IL			BUSHNELL MUNICIPAL ELECTRIC LIGHT &	306	21	0	0
IL			BUSHNELL MUNICIPAL ELECTRIC LIGHT &	306	21	0	0
IL			CALUMET PEAKING UNITS	306	21	0	0
IL			CARLYLE MUNICIPAL ELECTRIC PLANT	306	21	0	0
IL			CARLYLE MUNICIPAL ELECTRIC PLANT	918	64	0	0
IL			CENTRAL ILLINOIS LIGHT CO—STERLIN	3,366	236	0	0
IL			CITY OF CARMI	765	54	0	0
IL			CITY OF CARMI	1,224	86	0	0
IL			CITY OF CARMI	1,530	107	0	0
IL			CITY OF CARMI	1,836	129	0	0
IL			CITY OF CARMI	1,989	140	0	0
IL			CITY OF PERU GENERATING STATION	1,836	129	0	0
IL			CITY OF PERU GENERATING STATION	2,907	204	0	0
IL			CITY OF RED BUD	612	43	0	0
IL			CITY OF RED BUD	1,989	140	0	0
IL			CITY OF RED BUD	8,109	569	1	0
IL			CITY WATER LIGHT & POWER DEPT	63,189	4,434	4	3
IL			CLINTON POWER STATION	1,377	97	0	0
IL			CLINTON POWER STATION	2,601	183	0	0
IL	861	01	COFFEEN	6,072,017	604,783	428	427
IL	861	02	COFFEEN	11,934,607	1,220,682	842	863
IL	6025	1	COLLINS	4,795,651	482,023	338	341
IL	6025	2	COLLINS	5,305,418	542,809	374	384
IL	6025	3	COLLINS	5,854,107	581,688	413	411
IL	6025	4	COLLINS	3,746,709	362,491	264	256
IL	6025	5	COLLINS	2,488,656	235,356	176	166
IL			COM ED—ELECTRIC JUNCTION PEAKING	765	54	0	0
IL			COMMONWEALTH EDISON-WESTERN DIV HQ	306	21	0	0
IL	867	7	CRAWFORD	4,358,553	445,979	307	315
IL	867	8	CRAWFORD	5,792,952	607,037	409	429
IL			CRAWFORD	16,983	1,192	1	1
IL	963	31	DALLMAN	2,002,848	179,146	141	127
IL	963	32	DALLMAN	2,398,394	214,910	169	152
IL	963	33	DALLMAN	6,864,473	650,291	484	460
IL	6016	1	DUCK CREEK	12,712,162	1,268,932	897	897

TABLE A.1—ALLOCATIONS TO FOSSIL FUEL-FIRED EGUS BY MMBTU AND MWH—Continued

State	Plant ID	Point ID	Plant	Unit average of two highest of 1995, 1996, or 1997, summer HI	Unit average of two highest of 1995, 1996, or 1997, summer MWh	Unit allocations by HI	Unit allocations by MWh
IL	856	1	E D EDWARDS	2,856,940	277,831	202	196
IL	856	2	E D EDWARDS	6,511,474	652,845	459	461
IL	856	3	E D EDWARDS	8,431,346	874,077	595	618
IL			FAIRFIELD MUNICIPAL LIGHT	459	32	0	0
IL			FAIRFIELD MUNICIPAL LIGHT	918	64	0	0
IL	886	19	FISK	6,895,507	739,068	486	522
IL			FISK	306	21	0	0
IL			GENESEO MUNICIPAL UTILITIES	23,103	1,621	2	1
IL			GENESEO MUNICIPAL UTILITIES	25,704	1,804	2	1
IL			GENESEO MUNICIPAL UTILITIES	51,408	3,608	4	3
IL			GENESEO MUNICIPAL UTILITIES	74,511	5,229	5	4
IL			GENESEO MUNICIPAL UTILITIES	87,363	6,131	6	4
IL			GENESEO MUNICIPAL UTILITIES	87,363	6,131	6	4
IL			GENESEO MUNICIPAL UTILITIES	141,372	9,921	10	7
IL	862	07	GRAND TOWER	651,170	62,612	46	44
IL	862	08	GRAND TOWER	654,114	62,896	46	44
IL	862	09	GRAND TOWER	2,630,056	270,276	186	191
IL	891	9	HAVANA	8,683,730	823,571	613	582
IL	892	1	HENNEPIN	2,009,046	189,586	142	134
IL	892	2	HENNEPIN	6,675,377	751,901	471	531
IL	863	05	HUTSONVILLE	2,052,071	201,638	145	143
IL	863	06	HUTSONVILLE	1,495,464	148,227	105	105
IL	384	71	JOLIET 29	5,594,695	565,406	395	400
IL	384	72	JOLIET 29	7,988,169	807,293	564	571
IL	384	81	JOLIET 29	5,979,042	606,271	422	429
IL	384	82	JOLIET 29	8,727,941	885,007	616	626
IL	874	5	JOLIET 9	7,279,634	745,482	514	527
IL	887	1	JOPPA STEAM	6,415,901	612,380	453	433
IL	887	2	JOPPA STEAM	6,371,397	627,662	449	444
IL	887	3	JOPPA STEAM	6,162,171	610,721	435	432
IL	887	4	JOPPA STEAM	6,409,101	622,666	452	440
IL	887	5	JOPPA STEAM	6,707,659	630,241	473	445
IL	887	6	JOPPA STEAM	6,766,124	648,034	477	458
IL	876	1	KINCAID	9,749,992	914,719	688	647
IL	876	2	KINCAID	11,246,140	1,098,470	793	776
IL	964	7	LAKESIDE	700,482	56,039	49	40
IL	964	8	LAKESIDE	696,352	55,708	49	39
IL			LASALLE COUNTY STATION	1,530	107	0	0
IL	976	1	MARION	95,573	7,079	7	5
IL	976	2	MARION	175,085	12,969	12	9
IL	976	3	MARION	584,871	43,324	41	31
IL	976	4	MARION	5,264,312	501,363	371	354
IL			MARISON CO	306	21	0	0
IL			MASCOUTAH POWER PLANT	459	32	0	0
IL			MASCOUTAH POWER PLANT	765	54	0	0
IL	864	01	MEREDOSIA	470,181	45,210	33	32
IL	864	02	MEREDOSIA	431,943	41,533	30	29
IL	864	03	MEREDOSIA	320,639	30,831	23	22
IL	864	04	MEREDOSIA	382,526	36,781	27	26
IL	864	05	MEREDOSIA	5,620,207	577,557	396	408
IL	864	06	MEREDOSIA	425,393	42,887	30	30
IL	6017	1	NEWTON	15,508,748	1,619,543	1,094	1,145
IL	6017	2	NEWTON	14,958,053	1,596,036	1,055	1,128
IL			OGLESBY GAS TURBINE	15,759	1,106	1	1
IL			PHOENIX CHEMICAL COMPANY	17,901	1,256	1	1
IL			PHOENIX CHEMICAL COMPANY	17,901	1,256	1	1
IL			PHOENIX CHEMICAL COMPANY	17,901	1,256	1	1
IL	879	51	POWERTON	9,827,191	899,926	693	636
IL	879	52	POWERTON	10,189,834	933,135	719	660
IL	879	61	POWERTON	9,120,197	876,100	643	619
IL	879	62	POWERTON	9,670,327	928,946	682	657
IL			PRINCETON MUNCIPAL ELECTRIC UTILITY	153	11	0	0
IL			PRINCETON MUNCIPAL ELECTRIC UTILITY	153	11	0	0
IL			PRINCETON MUNCIPAL ELECTRIC UTILITY	153	11	0	0
IL			PRINCETON MUNCIPAL ELECTRIC UTILITY	153	11	0	0
IL			QUAD CITIES STATION—CORDOVA	8,415	591	1	0
IL			RANTOUL ELECT GENERATING PLANT	38,250	2,684	3	2
IL			RANTOUL ELECT GENERATING PLANT	41,310	2,899	3	2
IL			RANTOUL ELECT GENERATING PLANT	90,270	6,335	6	4
IL			RANTOUL ELECT GENERATING PLANT	160,344	11,252	11	8
IL			ROCHELLE MUNICIPAL DIESEL PLANT	306	21	0	0
IL			ROCHELLE MUNICIPAL DIESEL PLANT	459	32	0	0
IL			ROCHELLE MUNICIPAL DIESEL PLANT	7,038	494	0	0
IL			ROCHELLE MUNICIPAL DIESEL PLANT	11,169	784	1	1
IL			ROCHELLE/SOUTH MAIN STREET	459	32	0	0
IL			ROCHELLE/SOUTH MAIN STREET	765	54	0	0

TABLE A.1—ALLOCATIONS TO FOSSIL FUEL-FIRED EGUS BY MMBTU AND MWH—Continued

State	Plant ID	Point ID	Plant	Unit average of two highest of 1995, 1996, or 1997, summer HI	Unit average of two highest of 1995, 1996, or 1997, summer MWh	Unit allocations by HI	Unit allocations by MWh
IL			ROCK RIVER DIV HEADQUARTERS	6,732	472	0	0
IL			ST LOUIS AUTO SHREDDING INC	11,934	837	1	1
IL			STALLIINGS	153	11	0	0
IL			STALLIINGS	153	11	0	0
IL			STALLIINGS	153	11	0	0
IL			STALLIINGS	153	11	0	0
IL			SULLIVAN ELECTRIC UTILITY	612	43	0	0
IL			SULLIVAN ELECTRIC UTILITY	1,071	75	0	0
IL			SULLIVAN ELECTRIC UTILITY	1,377	97	0	0
IL			SULLIVAN ELECTRIC UTILITY	2,142	150	0	0
IL			U.O.P. CO.	16,218	1,138	1	1
IL	897	1	VERMILION	623,436	56,779	44	40
IL	897	2	VERMILION	1,112,049	98,568	78	70
IL			WASTE MANAGEMENT OF IL—MIDWAY LAN	1,530	107	0	0
IL			WATERLOO CITY LIGHT PLANT	153	11	0	0
IL	883	17	WAUKEGAN	2,836,176	246,624	200	174
IL	883	7	WAUKEGAN	7,481,751	769,490	528	544
IL	883	8	WAUKEGAN	8,846,311	906,291	624	641
IL			WHITE COUNTY COAL CORP—MINE #1	306	21	0	0
IL	884	1	WILL COUNTY	4,419,934	448,588	312	317
IL	884	2	WILL COUNTY	4,350,027	456,025	307	322
IL	884	3	WILL COUNTY	5,839,114	615,875	412	435
IL	884	4	WILL COUNTY	9,697,974	1,029,181	684	727
IL	898	4	WOOD RIVER	2,014,967	187,998	142	133
IL	898	5	WOOD RIVER	7,180,169	719,312	507	508
IN	6137	1	A B BROWN	6,035,177	573,141	468	440
IN	6137	2	A B BROWN	6,871,738	668,782	533	514
IN	6137	—4	A B BROWN	151,668	11,831	12	9
IN	7336	—ACT1	ANDERSON	67,856	4,762	5	4
IN	7336	—ACT2	ANDERSON	67,856	4,762	5	4
IN	995	7	BAILLY	5,354,149	546,509	415	420
IN	995	8	BAILLY	9,260,589	976,032	719	749
IN	1011	—2	BROADWAY	123,242	9,337	10	7
IN	1001	1	CAYUGA	15,657,595	1,562,790	1,215	1,200
IN	1001	2	CAYUGA	14,571,660	1,475,761	1,131	1,133
IN	1001	—4	CAYUGA	345,558	28,110	27	22
IN	1001	5	CAYUGA	149,834	11,351	12	9
IN	983	1	CLIFTY CREEK	7,379,559	784,475	573	602
IN	983	2	CLIFTY CREEK	7,176,300	784,209	557	602
IN	983	3	CLIFTY CREEK	7,063,406	756,334	548	581
IN	983	4	CLIFTY CREEK	6,798,235	732,253	527	562
IN	983	5	CLIFTY CREEK	7,400,261	783,096	574	601
IN	983	6	CLIFTY CREEK	6,727,925	706,863	522	543
IN		1	CONNERSVILLE	16,083	1,129	1	1
IN		2	CONNERSVILLE	16,083	1,129	1	1
IN	996	11	DEAN H MITCHELL	2,287,384	227,941	177	175
IN	996	4	DEAN H MITCHELL	1,842,510	182,734	143	140
IN	996	5	DEAN H MITCHELL	3,177,761	322,092	247	247
IN	996	6	DEAN H MITCHELL	2,600,547	268,430	202	206
IN	990	10	ELMER W STOUT	13,560	1,279	1	1
IN	990	50	ELMER W STOUT	2,415,760	232,374	187	178
IN	990	60	ELMER W STOUT	2,335,827	224,685	181	173
IN	990	70	ELMER W STOUT	9,783,680	941,100	759	723
IN	990	9	ELMER W STOUT	15,792	1,490	1	1
IN	990	—GT4	ELMER W STOUT	78,478	5,945	6	5
IN	990	—GT5	ELMER W STOUT	88,946	6,738	7	5
IN	1012	1	F B CULLEY	669,903	64,414	52	49
IN	1012	2	F B CULLEY	2,593,129	221,257	201	170
IN	1012	3	F B CULLEY	9,584,920	941,544	744	723
IN	1043	1SG1	FRANK E RATTS	3,258,718	337,971	253	260
IN	1043	2SG1	FRANK E RATTS	3,187,585	328,482	247	252
IN	1008	1	GALLAGHER	3,831,362	370,968	297	285
IN	1008	2	GALLAGHER	3,401,395	335,476	264	258
IN	1008	3	GALLAGHER	4,528,750	444,605	351	341
IN	1008	4	GALLAGHER	4,244,584	410,978	329	316
IN	6113	1	GIBSON	19,606,094	2,037,632	1,521	1,565
IN	6113	2	GIBSON	18,199,182	1,859,906	1,412	1,428
IN	6113	3	GIBSON	16,865,898	1,708,977	1,309	1,312
IN	6113	4	GIBSON	16,654,069	1,680,532	1,292	1,290
IN	6113	5	GIBSON	20,380,811	2,015,308	1,581	1,547
IN	991	1	H T PRITCHARD	17,262	1,628	1	1
IN	991	2	H T PRITCHARD	20,009	1,888	2	1
IN	991	3	H T PRITCHARD	658,621	63,329	51	49
IN	991	4	H T PRITCHARD	896,604	77,817	70	60
IN	991	5	H T PRITCHARD	870,970	75,592	68	58
IN	991	6	H T PRITCHARD	2,568,694	222,938	199	171

TABLE A.1—ALLOCATIONS TO FOSSIL FUEL-FIRED EGUS BY MMBTU AND MWH—Continued

State	Plant ID	Point ID	Plant	Unit average of two highest of 1995, 1996, or 1997, summer HI	Unit average of two highest of 1995, 1996, or 1997, summer MWh	Unit allocations by HI	Unit allocations by MWh
IN	6213	1SG1	MEROM	16,068,534	1,640,316	1,247	1,260
IN	6213	2SG1	MEROM	19,329,452	1,986,175	1,500	1,525
IN	997	12	MICHIGAN CITY	11,955,128	1,210,523	928	930
IN	997	4	MICHIGAN CITY	202,787	19,131	16	15
IN	997	5	MICHIGAN CITY	125,850	11,873	10	9
IN	997	6	MICHIGAN CITY	193,869	18,289	15	14
IN	1007	1	NOBLESVILLE	348,522	33,512	27	26
IN	1007	2	NOBLESVILLE	363,142	34,917	28	27
IN	1007	3	NOBLESVILLE	385,596	37,077	30	28
IN	994	1	PETERSBURG	7,083,983	684,575	550	526
IN	994	2	PETERSBURG	14,305,783	1,382,468	1,110	1,062
IN	994	3	PETERSBURG	16,278,783	1,573,133	1,263	1,208
IN	994	4	PETERSBURG	16,288,351	1,574,058	1,264	1,209
IN	7335	—RCT1	RICHMOND	67,490	4,736	5	4
IN	7335	—RCT2	RICHMOND	67,490	4,736	5	4
IN	6166	MB1	ROCKPORT	43,122,887	4,412,903	3,346	3,389
IN	6166	MB2	ROCKPORT	45,949,908	4,683,032	3,565	3,596
IN	6085	14	SCHAHFER	12,148,297	1,235,336	943	949
IN	6085	15	SCHAHFER	14,443,963	1,443,963	1,121	1,109
IN	6085	—16A	SCHAHFER	147,909	11,205	11	9
IN	6085	—16B	SCHAHFER	145,983	11,059	11	8
IN	6085	17	SCHAHFER	10,147,542	1,031,150	787	792
IN	6085	18	SCHAHFER	9,033,005	925,987	701	711
IN	981	3	STATE LINE	4,973,309	527,225	386	405
IN	981	4	STATE LINE	5,883,063	631,027	456	485
IN	988	U1	TANNERS CREEK	3,131,631	325,770	243	250
IN	988	U2	TANNERS CREEK	3,098,674	328,493	240	252
IN	988	U3	TANNERS CREEK	4,041,085	434,899	314	334
IN	988	U4	TANNERS CREEK	11,950,298	1,394,271	927	1,071
IN	1010	1	WABASH RIVER	851,343	94,804	66	73
IN	1010	2	WABASH RIVER	1,727,253	167,046	134	128
IN	1010	3	WABASH RIVER	1,705,031	163,067	132	125
IN	1010	4	WABASH RIVER	2,662,911	254,678	207	196
IN	1010	5	WABASH RIVER	1,897,229	176,536	147	136
IN	1010	6	WABASH RIVER	7,024,392	683,706	545	525
IN	6705	1	WARRICK	3,774,805	362,962	293	279
IN	6705	2	WARRICK	3,986,462	383,314	309	294
IN	6705	3	WARRICK	4,055,995	390,000	315	299
IN	6705	4	WARRICK	11,135,585	1,098,184	864	843
IN	1040	1	WHITEWATER VALLEY	971,576	93,421	75	72
IN	1040	2	WHITEWATER VALLEY	1,877,419	168,122	146	129
KY	1353	BSU1	BIG SANDY	7,613,037	812,057	609	655
KY	1353	BSU2	BIG SANDY	22,241,768	2,407,118	1,781	1,942
KY	1363	4	CANE RUN	4,925,774	444,084	394	358
KY	1363	5	CANE RUN	4,304,294	417,487	345	337
KY	1363	6	CANE RUN	5,587,828	543,616	447	439
KY	1384	1	COOPER	2,306,853	231,658	185	187
KY	1384	2	COOPER	4,882,718	478,651	391	386
KY	6823	W1	D B WILSON	14,381,701	1,449,768	1,151	1,170
KY	1385	3	DALE	1,906,453	159,723	153	129
KY	1385	4	DALE	1,935,939	164,202	155	132
KY	1355	1	E W BROWN	2,464,832	222,357	197	179
KY	1355	2	E W BROWN	4,028,960	405,859	323	327
KY	1355	3	E W BROWN	10,080,565	954,870	807	770
KY	1355	5	E W BROWN	188,516	14,282	15	12
KY	1355	6	E W BROWN	188,516	14,282	15	12
KY	1355	7	E W BROWN	188,516	14,282	15	12
KY	6018	2	EAST BEND	19,048,549	1,915,390	1,525	1,545
KY	1374	1	ELMER SMITH	5,140,226	513,099	412	414
KY	1374	2	ELMER SMITH	9,068,247	1,021,659	726	824
KY	1356	2	GHENT	13,610,812	1,345,607	1,090	1,086
KY	1356	3	GHENT	13,909,380	1,328,372	1,114	1,072
KY	1356	4	GHENT	14,120,228	1,415,846	1,130	1,142
KY	1357	1	GREEN RIVER	312,489	30,047	25	24
KY	1357	2	GREEN RIVER	313,882	30,181	25	24
KY	1357	3	GREEN RIVER	300,246	28,870	24	23
KY	1357	4	GREEN RIVER	2,445,115	199,422	196	161
KY	1357	5	GREEN RIVER	2,133,890	190,356	171	154
KY	6041	1	H L SPURLOCK	9,369,673	933,792	750	753
KY	6041	2	H L SPURLOCK	19,888,084	2,012,964	1,592	1,624
KY	1372	6	HENDERSON I	424,577	40,825	34	33
KY	1382	H1	HMP&L STATION 2	4,765,405	466,282	382	376
KY	1382	H2	HMP&L STATION 2	5,002,527	490,925	400	396
KY	1381	C1	K C COLEMAN	4,738,308	471,005	379	380
KY	1381	C2	K C COLEMAN	5,366,408	527,411	430	426
KY	1381	C3	K C COLEMAN	4,937,546	480,306	395	388

TABLE A.1—ALLOCATIONS TO FOSSIL FUEL-FIRED EGUS BY MMBTU AND MWH—Continued

State	Plant ID	Point ID	Plant	Unit average of two highest of 1995, 1996, or 1997, summer HI	Unit average of two highest of 1995, 1996, or 1997, summer MWh	Unit allocations by HI	Unit allocations by MWh
KY	1364	1	MILL CREEK	7,116,202	701,035	570	566
KY	1364	2	MILL CREEK	7,466,807	706,749	598	570
KY	1364	3	MILL CREEK	12,691,840	1,234,015	1,016	996
KY	1364	4	MILL CREEK	14,102,495	1,387,495	1,129	1,119
KY	1378	1	PARADISE	21,860,472	2,197,916	1,750	1,773
KY	1378	2	PARADISE	24,632,519	2,476,626	1,972	1,998
KY	1378	3	PARADISE	27,629,156	2,743,437	2,212	2,213
KY	1360	3	PINEVILLE	588,364	56,573	47	46
KY	1383	R1	R A REID	462,060	41,072	37	33
KY	6639	G1	R D GREEN	8,342,047	809,122	668	653
KY	6639	G2	R D GREEN	7,435,113	714,228	595	576
KY	1379	1	SHAWNEE	4,299,562	426,671	344	344
KY	1379	10	SHAWNEE	10,578,503	993,473	847	802
KY	1379	2	SHAWNEE	4,324,438	429,139	346	346
KY	1379	3	SHAWNEE	4,428,585	439,475	355	355
KY	1379	4	SHAWNEE	4,240,262	420,786	339	339
KY	1379	5	SHAWNEE	4,409,569	437,587	353	353
KY	1379	6	SHAWNEE	7,296,781	724,102	584	584
KY	1379	7	SHAWNEE	8,781,086	871,399	703	703
KY	1379	8	SHAWNEE	5,000,057	496,185	400	400
KY	1379	9	SHAWNEE	5,884,725	583,976	471	471
KY	6071	1	TRIMBLE COUNTY	16,103,567	1,599,321	1,289	1,290
KY	1361	1	TYRONE	35,370	3,337	3	3
KY	1361	3	TYRONE	35,800	3,377	3	3
KY	1361	4	TYRONE	36,606	3,453	3	3
KY	1361	5	TYRONE	1,019,264	82,685	82	67
MA	50002	CC__(*)	ALTRESCO (PITTSFIELD) (*)	1,121,457	131,936	114	130
MA	50002	CS__(*)	ALTRESCO (PITTSFIELD) (*)	587,755	69,148	60	68
MA	1619	1	BRAYTON POINT	7,692,885	785,068	783	773
MA	1619	2	BRAYTON POINT	7,497,386	790,530	763	778
MA	1619	3	BRAYTON POINT	18,238,259	2,030,082	1,857	1,999
MA	1619	4	BRAYTON POINT	5,455,025	511,969	555	504
MA	1599	1	CANAL	11,606,453	1,290,897	1,182	1,271
MA	1599	2	CANAL	10,108,445	1,024,989	1,029	1,009
MA	1682	8	CLEARY FLOOD	80,600	6,037	8	6
MA	1682	9	CLEARY FLOOD	902,365	102,170	92	101
MA	52026	CA__(*)	DARTMOUTH POWER ASSOC (*)	741,248	66,779	75	66
MA	10029	1	GE COMPANY AIRCRAFT ENGIN	61,457	4,656	6	5
MA	54586	CC__gia	L'ENERGIA	876,770	78,988	89	78
MA	10802	1	LOWELL COGENERATION PLANT	155,520	10,914	16	11
MA	10726	CC__to)	MASS POWER (MONSANTO)	1,586,869	186,690	162	184
MA	10726	CW__to)	MASS POWER (MONSANTO)	549,347	64,629	56	64
MA	n89	CC__r 1	MASS POWER 1	304,660	27,447	31	27
MA	n90	CC__r 2	MASS POWER 2	304,660	27,447	31	27
MA	1606	1	MOUNT TOM	4,711,387	490,616	480	483
MA	1588	4	MYSTIC	1,376,669	139,452	140	137
MA	1588	5	MYSTIC	648,038	60,132	66	59
MA	1588	6	MYSTIC	2,194,462	222,539	223	219
MA	1588	7	MYSTIC	11,802,193	1,229,779	1,202	1,211
MA	1589	1	NEW BOSTON	8,789,339	902,674	895	889
MA	1589	2	NEW BOSTON	9,365,437	952,643	954	938
MA	n91	CC__& 2	NORTHEAST ENERGY ASSO 1 &	3,296,081	387,774	336	382
MA	10522	CC__(*)	PEPPERELL (*)	376,614	33,929	38	33
MA	1660	—CC2	POTTER STATION 2	548,078	49,376	56	49
MA	1626	1	SALEM HARBOR	2,754,313	264,711	280	261
MA	1626	2	SALEM HARBOR	3,089,594	291,471	315	287
MA	1626	3	SALEM HARBOR	5,059,490	490,641	515	483
MA	1626	4	SALEM HARBOR	6,294,731	594,123	641	585
MA	1613	8	SOMERSET	3,209,854	294,293	327	290
MA	6081	—1	STONY BROOK	90,418	6,850	9	7
MA	6081	—2	STONY BROOK	90,418	6,850	9	7
MA	6081	—CT1	STONY BROOK	614,254	55,338	63	54
MA	6081	—CT2	STONY BROOK	614,254	55,338	63	54
MA	6081	—CT3	STONY BROOK	614,254	55,338	63	54
MA	6081	—CW1	STONY BROOK	944,989	111,175	96	109
MA	1678	—2	WATERS RIVER	42,566	3,733	4	4
MA	1642	3	WEST SPRINGFIELD	2,006,248	196,210	204	193
MD	10483	ST NUG	BETHLEHEM STEEL NUG	3,625,254	342,005	342	313
MD	602	1	BRANDON SHORES	21,502,167	2,151,938	2,029	1,971
MD	602	2	BRANDON SHORES	21,147,845	2,102,171	1,995	1,925
MD	1552	1	C P CRANE	5,355,147	524,244	505	480
MD	1552	2	C P CRANE	5,060,998	496,371	477	455
MD	1571	1	CHALK POINT	9,223,252	993,029	870	909
MD	1571	2	CHALK POINT	9,516,601	1,033,739	898	947
MD	1571	3	CHALK POINT	3,368,279	316,836	318	290
MD	1571	4	CHALK POINT	4,729,925	448,632	446	411

TABLE A.1—ALLOCATIONS TO FOSSIL FUEL-FIRED EGUS BY MMBTU AND MWH—Continued

State	Plant ID	Point ID	Plant	Unit average of two highest of 1995, 1996, or 1997, summer HI	Unit average of two highest of 1995, 1996, or 1997, summer MWh	Unit allocations by HI	Unit allocations by MWh
MD	1571	—GT2	CHALK POINT	12,553	881	1	1
MD	1571	—GT3	CHALK POINT	95,860	8,206	9	8
MD	1571	—GT4	CHALK POINT	98,058	8,394	9	8
MD	1571	—GT5	CHALK POINT	167,177	15,561	16	14
MD	1571	—SGT1	CHALK POINT	293,306	22,220	28	20
MD	1572	1	DICKERSON	5,087,240	538,048	480	493
MD	1572	2	DICKERSON	5,102,377	540,392	481	495
MD	1572	3	DICKERSON	5,232,608	564,772	494	517
MD	1572	—GT2	DICKERSON	134,534	12,841	13	12
MD	1572	—GT3	DICKERSON	338,557	32,314	32	30
MD	1580	1	EASTON	66,212	7,790	6	7
MD	1553	3	GOULD STREET	584,029	51,766	55	47
MD	1554	1	HERBERT A WAGNER	782,492	68,382	74	63
MD	1554	2	HERBERT A WAGNER	4,261,160	425,350	402	390
MD	1554	3	HERBERT A WAGNER	7,769,439	849,583	733	778
MD	1554	4	HERBERT A WAGNER	1,818,482	165,512	172	152
MD	1573	1	MORGANTOWN	14,211,706	1,571,049	1,341	1,439
MD	1573	2	MORGANTOWN	15,148,826	1,673,164	1,429	1,532
MD	1573	—GT3	MORGANTOWN	106,208	7,453	10	7
MD	1573	—GT4	MORGANTOWN	107,406	7,537	10	7
MD	1573	—GT5	MORGANTOWN	108,314	7,601	10	7
MD	1573	—GT6	MORGANTOWN	96,013	6,738	9	6
MD	1556	—GT1	PERRYMAN	51,532	3,616	5	3
MD	1556	—GT2	PERRYMAN	58,312	4,092	6	4
MD	1556	—GT3	PERRYMAN	36,459	2,558	3	2
MD	1556	—GT4	PERRYMAN	56,510	3,966	5	4
MD	1570	11	R P SMITH	1,374,337	138,836	130	127
MD	1570	9	R P SMITH	87,168	8,381	8	8
MD	1559	4	RIVERSIDE	302,110	26,943	29	25
MD	1559	—GT6	RIVERSIDE	74,446	5,224	7	5
MD	1564	8	VIENNA	1,495,451	137,601	141	126
MD	1560	—GT5	WESTPORT	214,627	15,062	20	14
MI	7268	—7	491 E. 48TH STREET	7,914	660	1	0
MI	7268	—8	491 E. 48TH STREET	13,441	1,120	1	1
MI	10819	CA_Ltd	ADA COGEN LTD	318,649	28,707	24	21
MI	1695	4	B C COBB	4,719,074	480,313	349	344
MI	1695	5	B C COBB	4,419,640	448,694	327	321
MI	6034	1	BELLE RIVER	21,840,775	2,211,948	1,615	1,584
MI	6034	2	BELLE RIVER	23,002,097	2,343,566	1,701	1,678
MI	1702	1	DAN E KARN	6,515,728	696,944	482	499
MI	1702	2	DAN E KARN	7,211,347	773,584	533	554
MI	1702	3	DAN E KARN	2,601,938	239,193	192	171
MI	1702	4	DAN E KARN	2,725,268	227,732	202	163
MI	1831	1	ECKERT STATION	495,985	47,691	37	34
MI	1831	2	ECKERT STATION	335,803	30,561	25	22
MI	1831	3	ECKERT STATION	587,998	53,866	43	39
MI	1831	4	ECKERT STATION	988,838	92,718	73	66
MI	1831	5	ECKERT STATION	1,121,036	103,027	83	74
MI	1831	6	ECKERT STATION	1,340,375	124,732	99	89
MI	1832	1	ERICKSON	5,079,491	526,863	376	377
MI	6035	1	GREENWOOD	1,565,824	164,685	116	118
MI	1731	1	HARBOR BEACH	768,833	74,818	57	54
MI	1825	3	J B SIMS	1,749,713	158,863	129	114
MI	1720	7	J C WEADOCK	4,214,462	426,565	312	305
MI	1720	8	J C WEADOCK	4,265,849	432,028	315	309
MI	1710	1	J H CAMPBELL	6,547,409	700,108	484	501
MI	1710	2	J H CAMPBELL	8,517,252	903,879	630	647
MI	1710	3	J H CAMPBELL	21,544,630	2,314,387	1,593	1,657
MI	1723	1	J R WHITING	2,881,534	285,413	213	204
MI	1723	2	J R WHITING	2,627,628	262,947	194	188
MI	1723	3	J R WHITING	3,273,683	325,869	242	233
MI	1830	5	JAMES DE YOUNG	915,620	73,250	68	52
MI	n100	CA_act	MCV CONTRACT	10,055,262	1,182,972	744	847
MI	10745	1	MIDLAND COGENERATION VENT	5,869,080	444,627	434	318
MI	1822	5	MISTERSKY	460,030	43,399	34	31
MI	1822	6	MISTERSKY	1,473,716	127,429	109	91
MI	1822	7	MISTERSKY	1,315,382	111,237	97	80
MI	1733	1	MONROE	23,198,275	2,547,022	1,716	1,824
MI	1733	2	MONROE	21,371,974	2,310,733	1,581	1,654
MI	1733	3	MONROE	17,719,325	1,928,949	1,310	1,381
MI	1733	4	MONROE	17,764,880	1,924,481	1,314	1,378
MI	1769	2	PRESQUE ISLE	282,822	27,194	21	19
MI	1769	3	PRESQUE ISLE	1,283,250	120,504	95	86
MI	1769	4	PRESQUE ISLE	1,217,723	114,351	90	82
MI	1769	5	PRESQUE ISLE	2,646,645	250,392	196	179
MI	1769	6	PRESQUE ISLE	2,753,661	260,517	204	187

TABLE A.1—ALLOCATIONS TO FOSSIL FUEL-FIRED EGUS BY MMBTU AND MWH—Continued

State	Plant ID	Point ID	Plant	Unit average of two highest of 1995, 1996, or 1997, summer HI	Unit average of two highest of 1995, 1996, or 1997, summer MWh	Unit allocations by HI	Unit allocations by MWh
MI	1769	7	PRESQUE ISLE	2,993,352	260,314	221	186
MI	1769	8	PRESQUE ISLE	3,044,818	264,790	225	190
MI	1769	9	PRESQUE ISLE	2,837,888	246,794	210	177
MI	1740	1	RIVER ROUGE	1,200,116	130,235	89	93
MI	1740	2	RIVER ROUGE	8,017,458	871,747	593	624
MI	1740	3	RIVER ROUGE	8,515,077	937,268	630	671
MI	10272	1	ROUGE POWERHOUSE #1	3,189,437	300,890	236	215
MI	1843	3	SHIRAS	1,360,969	113,084	101	81
MI	1743	1	ST CLAIR	4,264,532	437,119	315	313
MI	1743	2	ST CLAIR	4,042,244	401,375	299	287
MI	1743	3	ST CLAIR	4,704,277	470,287	348	337
MI	1743	4	ST CLAIR	4,400,916	453,796	325	325
MI	1743	5	ST CLAIR	1,519,120	154,523	112	111
MI	1743	6	ST CLAIR	8,503,976	886,200	629	634
MI	1743	7	ST CLAIR	9,260,458	964,029	685	690
MI	50835	ST__ity	T.E.S. FILER CITY	1,306,965	123,299	97	88
MI	1745	16	TRENTON CHANNEL	1,431,549	130,545	106	93
MI	1745	17	TRENTON CHANNEL	1,420,802	136,616	105	98
MI	1745	18	TRENTON CHANNEL	1,322,166	120,570	98	86
MI	1745	19	TRENTON CHANNEL	1,365,139	131,263	101	94
MI	1745	9A	TRENTON CHANNEL	12,981,225	1,372,948	960	983
MI	1866	7	WYANDOTTE	1,115,053	100,176	82	72
MO	2076	1	ASBURY	6,415,029	567,702	465	426
MO	2132	3	BLUE VALLEY	430,039	41,350	31	31
MO	2169	2	CHAMOIS	1,523,956	139,263	110	104
MO	2122	—GT1	CHILLICOTHE	71,595	5,024	5	4
MO	2122	—GT2	CHILLICOTHE	71,595	5,024	5	4
MO	2123	7	COLUMBIA	394,045	39,229	29	29
MO	6223	—1	EMPIRE ENERGY CENTER	179,036	13,563	13	10
MO	6223	—2	EMPIRE ENERGY CENTER	179,036	13,563	13	10
MO	6074	—4	GREENWOOD ENERGY CTR	111,179	8,423	8	6
MO	2079	5	HAWTHORN	10,761,377	1,042,971	779	782
MO	6065	1	IATAN	22,356,034	2,298,585	1,619	1,723
MO	2161	**GT2	JAMES RIVER	289,660	21,944	21	16
MO	2161	3	JAMES RIVER	1,188,818	114,309	86	86
MO	2161	4	JAMES RIVER	1,709,250	164,351	124	123
MO	2161	5	JAMES RIVER	2,951,438	283,792	214	213
MO	2161	—GT1	JAMES RIVER	1,393,758	125,564	101	94
MO	2103	1	LABADIE	14,988,473	1,455,474	1,085	1,091
MO	2103	2	LABADIE	15,775,674	1,531,916	1,142	1,148
MO	2103	3	LABADIE	18,159,252	1,763,377	1,315	1,322
MO	2103	4	LABADIE	16,185,316	1,571,695	1,172	1,178
MO	2098	5	LAKE ROAD	1,557,840	141,409	113	106
MO	2098	—5	LAKE ROAD	1,335,767	126,016	97	94
MO	2098	6	LAKE ROAD	1,996,600	179,228	145	134
MO	2104	1	MERAMEC	1,667,729	131,909	121	99
MO	2104	2	MERAMEC	1,737,211	137,405	126	103
MO	2104	3	MERAMEC	2,079,846	164,506	151	123
MO	2104	4	MERAMEC	3,782,385	299,168	274	224
MO	6650	—1	MEXICO	112,520	8,524	8	6
MO	6651	—1	MOBERLY	112,520	8,524	8	6
MO	2080	1	MONTROSE	4,826,186	421,317	349	316
MO	2080	2	MONTROSE	4,658,606	424,939	337	319
MO	2080	3	MONTROSE	4,940,056	462,076	358	346
MO	6652	—1	MOREAU	112,520	8,524	8	6
MO	2167	1	NEW MADRID	17,470,625	1,738,371	1,265	1,303
MO	2167	2	NEW MADRID	18,334,306	1,824,309	1,328	1,368
MO	2092	—GT1	RALPH GREEN	129,485	9,809	9	7
MO	6155	1	RUSH ISLAND	17,761,120	1,742,653	1,286	1,306
MO	6155	2	RUSH ISLAND	17,280,487	1,695,495	1,251	1,271
MO	2094	1	SIBLEY	1,456,245	125,538	105	94
MO	2094	2	SIBLEY	1,473,607	139,020	107	104
MO	2094	3	SIBLEY	10,522,347	1,084,778	762	813
MO	6768	1	SIKESTON	9,450,790	895,810	684	672
MO	2107	1	SIOUX	10,860,579	1,004,493	786	753
MO	2107	2	SIOUX	10,688,852	988,610	774	741
MO	6195	1	SOUTHWEST	6,345,132	610,109	459	457
MO	6195	—2	SOUTHWEST	87,505	6,629	6	5
MO	6195	—GT1	SOUTHWEST	87,505	6,629	6	5
MO	7296	—1	STATELINE	200,888	15,219	15	11
MO	2168	MB1	THOMAS HILL	6,124,730	603,422	443	452
MO	2168	MB2	THOMAS HILL	8,842,764	879,877	640	660
MO	2168	MB3	THOMAS HILL	22,827,071	2,271,350	1,653	1,703
MO	50969	1	UNIVERSITY OF MISSOURI—CO	411	39	0	0
NC	2706	1	ASHEVILLE	6,457,822	681,420	524	528
NC	2706	2	ASHEVILLE	6,300,506	661,818	511	513

TABLE A.1—ALLOCATIONS TO FOSSIL FUEL-FIRED EGUS BY MMBTU AND MWH—Continued

State	Plant ID	Point ID	Plant	Unit average of two highest of 1995, 1996, or 1997, summer HI	Unit average of two highest of 1995, 1996, or 1997, summer MWh	Unit allocations by HI	Unit allocations by MWh
NC	8042	1	BELEWS CREEK	27,520,035	3,056,084	2,233	2,367
NC	8042	2	BELEWS CREEK	34,358,912	3,802,447	2,788	2,945
NC	2720	5	BUCK	673,727	64,781	55	50
NC	2720	6	BUCK	579,519	55,723	47	43
NC	2720	7	BUCK	703,911	67,684	57	52
NC	2720	8	BUCK	3,428,909	328,786	278	255
NC	2720	9	BUCK	3,583,849	343,544	291	266
NC	1016	—1	BUTLER WARNER GEN PL	524,574	47,259	43	37
NC	1016	—2	BUTLER WARNER GEN PL	526,516	47,434	43	37
NC	1016	—3	BUTLER WARNER GEN PL	522,524	47,074	42	36
NC	1016	—6	BUTLER WARNER GEN PL	556,187	50,107	45	39
NC	1016	—7	BUTLER WARNER GEN PL	528,459	47,609	43	37
NC	1016	—8	BUTLER WARNER GEN PL	528,459	47,609	43	37
NC	1016	—9	BUTLER WARNER GEN PL	1,351,896	121,792	110	94
NC	2708	5	CAPE FEAR	3,248,898	338,568	264	262
NC	2708	6	CAPE FEAR	4,656,544	503,791	378	390
NC	2721	1	CLIFFSIDE	537,878	51,719	44	40
NC	2721	2	CLIFFSIDE	688,755	66,226	56	51
NC	2721	3	CLIFFSIDE	773,399	59,233	63	46
NC	2721	4	CLIFFSIDE	929,143	70,071	75	54
NC	2721	5	CLIFFSIDE	12,329,411	1,241,883	1,000	962
NC	10380	ST__OWN	COGENTRIX ELIZABETHTOWN	901,695	85,066	73	66
NC	10381	ST__LLE	COGENTRIX KENANSVILLE	901,695	85,066	73	66
NC	10382	ST__TON	COGENTRIX LUMBERTON	901,695	85,066	73	66
NC	10379	ST__ORO	COGENTRIX ROXBORO	1,388,705	131,010	113	101
NC	10378	ST__ORT	COGENTRIX SOUTHPORT	2,748,984	259,338	223	201
NC	10525	ST__RGY	CRAVEN COUNTY WOOD ENERGY	3,035,837	286,400	246	222
NC	2723	1	DAN RIVER	1,279,030	96,874	104	75
NC	2723	2	DAN RIVER	1,276,869	106,441	104	82
NC	2723	3	DAN RIVER	2,946,742	274,601	239	213
NC	2718	1	G G ALLEN	3,428,222	329,099	278	255
NC	2718	2	G G ALLEN	4,045,742	380,060	328	294
NC	2718	3	G G ALLEN	6,731,538	674,909	546	523
NC	2718	4	G G ALLEN	6,178,650	628,614	501	487
NC	2718	5	G G ALLEN	5,611,834	579,555	455	449
NC	2713	1	L V SUTTON	1,890,914	167,604	153	130
NC	2713	2	L V SUTTON	2,204,273	212,953	179	165
NC	2713	3	L V SUTTON	8,616,341	897,255	699	695
NC	2709	1	LEE	1,613,150	151,555	131	117
NC	2709	2	LEE	1,528,041	141,958	124	110
NC	2709	3	LEE	4,977,693	527,354	404	408
NC	7277	1	LINCOLN	194,033	15,796	16	12
NC	7277	10	LINCOLN	136,184	10,813	11	8
NC	7277	11	LINCOLN	152,253	12,525	12	10
NC	7277	12	LINCOLN	125,731	10,186	10	8
NC	7277	13	LINCOLN	109,354	8,284	9	6
NC	7277	14	LINCOLN	105,132	7,965	9	6
NC	7277	15	LINCOLN	104,102	7,887	8	6
NC	7277	16	LINCOLN	95,106	7,205	8	6
NC	7277	2	LINCOLN	171,449	13,856	14	11
NC	7277	3	LINCOLN	162,933	13,209	13	10
NC	7277	4	LINCOLN	158,799	12,859	13	10
NC	7277	5	LINCOLN	146,360	11,812	12	9
NC	7277	6	LINCOLN	152,529	12,241	12	9
NC	7277	7	LINCOLN	164,582	13,136	13	10
NC	7277	8	LINCOLN	148,870	11,828	12	9
NC	7277	9	LINCOLN	129,158	10,353	10	8
NC	2727	1	MARSHALL	11,833,890	1,281,695	960	993
NC	2727	2	MARSHALL	12,362,967	1,334,373	1,003	1,033
NC	2727	3	MARSHALL	20,893,735	2,350,516	1,695	1,821
NC	2727	4	MARSHALL	20,093,891	2,224,006	1,630	1,723
NC	6250	1A	MAYO	16,130,087	1,687,954	1,309	1,307
NC	6250	1B	MAYO	9,275,573	970,654	753	752
NC	50555	CT__ary	PANDA—ROSEMARY	1,775,698	208,906	144	162
NC	50555	CW__ary	PANDA—ROSEMARY	875,010	102,942	71	80
NC	2732	10	RIVERBEND	2,853,031	279,134	232	216
NC	2732	7	RIVERBEND	2,152,165	193,836	175	150
NC	2732	8	RIVERBEND	2,040,229	182,228	166	141
NC	2732	9	RIVERBEND	2,739,141	264,243	222	205
NC	2712	1	ROXBORO	9,164,977	989,311	744	766
NC	2712	2	ROXBORO	18,766,344	2,004,737	1,523	1,553
NC	2712	3A	ROXBORO	10,378,439	1,094,195	842	847
NC	2712	3B	ROXBORO	10,143,786	1,069,456	823	828
NC	2712	4A	ROXBORO	9,067,144	957,460	736	742
NC	2712	4B	ROXBORO	9,124,169	963,481	740	746
NC	50509	CW__INC	TEXASGULF INC	674,329	60,750	55	47

TABLE A.1—ALLOCATIONS TO FOSSIL FUEL-FIRED EGUS BY MMBTU AND MWH—Continued

State	Plant ID	Point ID	Plant	Unit average of two highest of 1995, 1996, or 1997, summer HI	Unit average of two highest of 1995, 1996, or 1997, summer MWh	Unit allocations by HI	Unit allocations by MWh
NC	50221	ST__lle	TOBACCOVILLE	1,159,307	109,369	94	85
NC	54276	ST__ill	UNC—CHAPEL HILL	180,339	17,013	15	13
NC	2716	1	W H WEATHERSPOON	708,133	68,090	57	53
NC	2716	2	W H WEATHERSPOON	839,668	80,737	68	63
NC	2716	3	W H WEATHERSPOON	1,840,705	177,674	149	138
NJ	2378	1	B L ENGLAND	4,173,971	421,613	391	382
NJ	2378	2	B L ENGLAND	4,925,509	497,526	461	451
NJ	2378	3	B L ENGLAND	897,904	87,175	84	79
NJ	2397	1	BAYONNE	70,640	4,957	7	4
NJ	2397	2	BAYONNE	70,640	4,957	7	4
NJ	2399	105	BURLINGTON	828,394	74,630	78	68
NJ	2399	7	BURLINGTON	205,362	20,243	19	18
NJ	10566	ST__NUG	CCLP NUG	5,949,938	561,315	557	509
NJ	50006	CT__DEN	COGEN TECH—LINDEN	6,506,951	765,524	609	694
NJ	50006	CW__DEN	COGEN TECH—LINDEN	4,254,517	500,531	398	454
NJ	5083	—GT1	CUMBERLAND	160,902	12,190	15	11
NJ	2384	1	DEEPWATER	494,926	46,691	46	42
NJ	2384	4	DEEPWATER	4,528	427	0	0
NJ	2384	6	DEEPWATER	487,149	45,957	46	42
NJ	2384	8	DEEPWATER	2,233,052	216,801	209	196
NJ	2400	1–4A	EDISON	70,640	4,957	7	4
NJ	2400	1–4B	EDISON	70,640	5,352	7	5
NJ	2400	2–1A	EDISON	70,640	5,352	7	5
NJ	2400	2–1B	EDISON	70,640	5,352	7	5
NJ	2400	2–2A	EDISON	70,640	5,352	7	5
NJ	2400	2–2B	EDISON	70,640	5,352	7	5
NJ	2400	2–3A	EDISON	70,640	5,352	7	5
NJ	2400	2–3B	EDISON	70,640	5,352	7	5
NJ	2400	2–4A	EDISON	70,640	5,352	7	5
NJ	2400	2–4B	EDISON	70,640	5,352	7	5
NJ	2400	3–1A	EDISON	70,640	5,352	7	5
NJ	7138	—1	FORKED RIVER	65,107	4,569	6	4
NJ	7138	—2	FORKED RIVER	65,107	4,569	6	4
NJ	2393	03	GILBERT	549,971	51,884	51	47
NJ	2393	04	GILBERT	725,741	71,827	68	65
NJ	2393	05	GILBERT	718,266	71,087	67	64
NJ	2393	06	GILBERT	712,321	70,499	67	64
NJ	2393	07	GILBERT	693,803	68,666	65	62
NJ	2393	—4	GILBERT	624,436	56,256	58	51
NJ	2393	—5	GILBERT	624,436	56,256	58	51
NJ	2393	—6	GILBERT	649,956	58,555	61	53
NJ	2393	—7	GILBERT	624,436	56,256	58	51
NJ	2393	CT	GILBERT	149,451	11,322	14	10
NJ	2393	CT	GILBERT	149,451	11,322	14	10
NJ	2403	1	HUDSON	2,064,525	196,921	193	178
NJ	2403	2	HUDSON	10,284,116	1,082,994	963	981
NJ	n111	ST__NUG	KCS NUG	5,251,399	495,415	492	449
NJ	2404	7	KEARNY	254,120	25,185	24	23
NJ	2404	8	KEARNY	137,711	13,734	13	12
NJ	2406	11	LINDEN	191,246	18,326	18	17
NJ	2406	12	LINDEN	129,348	12,394	12	11
NJ	2406	13	LINDEN	241,488	23,140	23	21
NJ	2406	2	LINDEN	413,906	40,977	39	37
NJ	2408	1	MERCER	4,742,300	501,406	444	454
NJ	2408	2	MERCER	5,329,094	588,850	499	534
NJ	n114	CT__NUG	MOBIL NUG	472,302	42,550	44	39
NJ	7140	CC	NA 2—7140	2,803,715	329,849	262	299
NJ	n115	GT__NUG	PCLP NUG	191,525	14,509	18	13
NJ	2390	07	SAYREVILLE	475,112	40,990	44	37
NJ	2390	08	SAYREVILLE	566,046	47,257	53	43
NJ	2411	1	SEWAREN	356,963	32,179	33	29
NJ	2411	2	SEWAREN	346,637	29,119	32	26
NJ	2411	3	SEWAREN	663,913	61,857	62	56
NJ	2411	4	SEWAREN	972,633	94,165	91	85
NJ	n116	GT__1	SMECO	138,720	10,509	13	10
NJ	54807	GT__NUG	VINELAND VCLP NUG	76,754	5,815	7	5
NJ	2385	04	WERNER	165,304	15,595	15	14
NJ		1		5,479,965	644,702	513	584
NY	2503	114	59TH STREET	753,380	60,415	57	45
NY	2503	115	59TH STREET	611,825	49,064	46	37
NY	2503	GT1	59TH STREET	9,250	649	1	0
NY	2504	120	74TH STREET	649,914	63,344	49	48
NY	2504	121	74TH STREET	1,092,255	106,458	82	80
NY	2504	122	74TH STREET	1,094,077	106,635	82	80
NY	2504	GT1	74TH STREET	50	4	0	0
NY	2504	GT2	74TH STREET	50	4	0	0

TABLE A.1—ALLOCATIONS TO FOSSIL FUEL-FIRED EGUS BY MMBTU AND MWH—Continued

State	Plant ID	Point ID	Plant	Unit average of two highest of 1995, 1996, or 1997, summer HI	Unit average of two highest of 1995, 1996, or 1997, summer MWh	Unit allocations by HI	Unit allocations by MWh
NY	2539	1	ALBANY	873,788	84,018	66	63
NY	2539	2	ALBANY	1,226,877	117,969	92	89
NY	2539	3	ALBANY	1,440,506	138,510	109	104
NY	2539	4	ALBANY	733,021	70,483	55	53
NY	n120	1	AMERICAN BRASS	1,400,238	126,148	105	95
NY	n121	1	ANITEC	752,975	52,840	57	40
NY	2490	20	ARTHUR KILL	7,458,261	803,952	562	604
NY	2490	30	ARTHUR KILL	5,212,390	582,325	393	438
NY	2490	GT1	ARTHUR KILL	12,450	874	1	1
NY	8906	40	ASTORIA	8,441,166	887,050	636	667
NY	8906	50	ASTORIA	8,377,051	830,809	631	624
NY	8906	GT1	ASTORIA	29,250	2,053	2	2
NY	8906	GT10	ASTORIA	20,800	1,460	2	1
NY	8906	GT11	ASTORIA	20,800	1,460	2	1
NY	8906	GT12	ASTORIA	20,750	1,456	2	1
NY	8906	GT13	ASTORIA	20,750	1,456	2	1
NY	8906	GT2–1	ASTORIA	138,200	9,698	10	7
NY	8906	GT2–2	ASTORIA	138,200	9,698	10	7
NY	8906	GT2–3	ASTORIA	138,200	9,698	10	7
NY	8906	GT2–4	ASTORIA	138,150	9,695	10	7
NY	8906	GT3–1	ASTORIA	138,150	9,695	10	7
NY	8906	GT3–2	ASTORIA	138,150	9,695	10	7
NY	8906	GT3–3	ASTORIA	138,150	9,695	10	7
NY	8906	GT3–4	ASTORIA	138,150	9,695	10	7
NY	8906	GT4–1	ASTORIA	138,150	9,695	10	7
NY	8906	GT4–2	ASTORIA	138,150	9,695	10	7
NY	8906	GT4–3	ASTORIA	138,150	9,695	10	7
NY	8906	GT4–4	ASTORIA	138,150	9,695	10	7
NY	8906	GT5	ASTORIA	20,850	1,463	2	1
NY	8906	GT7	ASTORIA	20,850	1,463	2	1
NY	8906	GT8	ASTORIA	20,850	1,463	2	1
NY	8906	GT9	ASTORIA	20,850	1,463	2	1
NY	2625	1	BOWLINE POINT	11,471,865	1,188,179	864	893
NY	2625	2	BOWLINE POINT	5,071,722	502,101	382	377
NY	25496	3	C R HUNTLEY	1,720,724	165,454	130	124
NY	25496	4	C R HUNTLEY	1,980,448	190,428	149	143
NY	25496	5	C R HUNTLEY	2,127,327	204,551	160	154
NY	25496	6	C R HUNTLEY	2,109,123	202,800	159	152
NY	25496	7	C R HUNTLEY	6,327,954	608,457	477	457
NY	25496	8	C R HUNTLEY	6,424,113	617,703	484	464
NY	10190	1	CETI FORT ORANGE	1,359,587	122,485	102	92
NY	2491	001	CHARLES POLETTI	13,671,196	1,393,882	1,030	1,047
NY	2480	1	DANSKAMMER	386,587	36,471	29	27
NY	2480	2	DANSKAMMER	662,648	62,514	50	47
NY	2480	3	DANSKAMMER	3,748,001	360,385	282	271
NY	2480	4	DANSKAMMER	5,975,388	574,557	450	432
NY	2554	1	DUNKIRK	3,158,348	303,687	238	228
NY	2554	2	DUNKIRK	2,827,332	271,859	213	204
NY	2554	3	DUNKIRK	4,429,898	425,952	334	320
NY	2554	4	DUNKIRK	5,327,881	512,296	401	385
NY	2511	10	E F BARRETT	4,766,731	458,340	359	344
NY	2511	20	E F BARRETT	4,804,972	462,017	362	347
NY	2493	50	EAST RIVER	2,946,262	277,949	222	209
NY	2493	60	EAST RIVER	3,398,132	295,130	256	222
NY	2493	70	EAST RIVER	1,571,481	157,970	118	119
NY	n130	1	ENRGY INIT-ONDGA	1,293,731	116,552	97	88
NY	2513	40	FAR ROCKAWAY	2,213,857	208,854	167	157
NY	10464	1	FORT DRUM	1,333,783	125,829	100	95
NY	n132	1	GAS ALTERNATIVES	1,160,279	104,530	87	79
NY	2514	40	GLENWOOD	2,406,229	227,003	181	171
NY	2514	50	GLENWOOD	1,862,067	175,667	140	132
NY	2526	13	GOUDEY	2,958,418	304,615	223	229
NY		GT1–1	GOWANUS	35,825	2,514	3	2
NY		GT1–2	GOWANUS	35,825	2,514	3	2
NY		GT1–3	GOWANUS	35,825	2,514	3	2
NY		GT1–4	GOWANUS	35,825	2,514	3	2
NY		GT1–5	GOWANUS	35,825	2,514	3	2
NY		GT1–6	GOWANUS	35,825	2,514	3	2
NY		GT1–7	GOWANUS	35,825	2,514	3	2
NY		GT1–8	GOWANUS	35,825	2,514	3	2
NY		GT2–1	GOWANUS	35,875	2,518	3	2
NY		GT2–2	GOWANUS	35,875	2,518	3	2
NY		GT2–3	GOWANUS	35,825	2,514	3	2
NY		GT2–4	GOWANUS	35,875	2,518	3	2
NY		GT2–5	GOWANUS	35,875	2,518	3	2
NY		GT2–6	GOWANUS	35,875	2,518	3	2

TABLE A.1—ALLOCATIONS TO FOSSIL FUEL-FIRED EGUS BY MMBTU AND MWH—Continued

State	Plant ID	Point ID	Plant	Unit average of two highest of 1995, 1996, or 1997, summer HI	Unit average of two highest of 1995, 1996, or 1997, summer MWh	Unit allocations by HI	Unit allocations by MWh
NY		GT2–7	GOWANUS	35,875	2,518	3	2
NY		GT2–8	GOWANUS	35,875	2,518	3	2
NY		GT3–1	GOWANUS	35,825	2,514	3	2
NY		GT3–2	GOWANUS	35,825	2,514	3	2
NY		GT3–3	GOWANUS	35,825	2,514	3	2
NY		GT3–4	GOWANUS	35,825	2,514	3	2
NY		GT3–5	GOWANUS	35,825	2,514	3	2
NY		GT3–6	GOWANUS	35,825	2,514	3	2
NY		GT3–7	GOWANUS	35,825	2,514	3	2
NY		GT3–8	GOWANUS	35,825	2,514	3	2
NY		GT4–1	GOWANUS	35,825	2,514	3	2
NY		GT4–2	GOWANUS	35,825	2,514	3	2
NY		GT4–3	GOWANUS	35,825	2,514	3	2
NY		GT4–4	GOWANUS	35,825	2,514	3	2
NY		GT4–5	GOWANUS	35,825	2,514	3	2
NY		GT4–6	GOWANUS	35,825	2,514	3	2
NY		GT4–7	GOWANUS	35,825	2,514	3	2
NY		GT4–8	GOWANUS	35,825	2,514	3	2
NY	2527	4	GREENIDGE	97,546	9,379	7	7
NY	2527	5	GREENIDGE	91,780	8,825	7	7
NY	2527	6	GREENIDGE	2,929,270	305,450	221	230
NY	2529	3	HICKLING	41,894	71,336	56	54
NY	2529	4	HICKLING	706,180	67,902	53	51
NY	2496	100	HUDSON AVENUE	2,443,411	230,511	184	173
NY	2496	71	HUDSON AVENUE	375,025	26,318	28	20
NY	2496	72	HUDSON AVENUE	375,025	26,318	28	20
NY	2496	81	HUDSON AVENUE	375,025	26,318	28	20
NY	2496	82	HUDSON AVENUE	375,025	26,318	28	20
NY	2496	GT1	HUDSON AVENUE	12,700	891	1	1
NY	2496	GT2	HUDSON AVENUE	12,800	898	1	1
NY	2496	GT3	HUDSON AVENUE	12,700	891	1	1
NY	54076	1	INDECK—OLEAN	885,587	79,783	67	60
NY	50450	1	INDECK—OSWEGO	1,122,189	101,098	85	76
NY	50451	6	INDECK/YERKES	749,551	67,527	56	51
NY	50459	1	INDECK-ILION	546,152	49,203	41	37
NY	50449	CT__SPR	INDECK-SILVER SPR	1,096,720	98,804	83	74
NY	50449	CW__SPR	INDECK-SILVER SPR	200,548	18,067	15	14
NY		GT1	INDIAN POINT	21,100	1,481	2	1
NY		GT2	INDIAN POINT	21,100	1,481	2	1
NY		GT3	INDIAN POINT	27,150	1,905	2	1
NY	2531	1	JENNISON	243,674	23,430	18	18
NY	2531	2	JENNISON	250,674	24,103	19	18
NY	2531	3	JENNISON	346,396	33,307	26	25
NY	2531	4	JENNISON	363,717	34,973	27	26
NY	n14	3CC__IRK	JMC-SELKIRK	1,224,755	110,338	92	83
NY	10620	1	KAMINE-CARTHAGE	928,270	83,628	70	63
NY	n145	1	KAMINE-GOUVNR	307,042	27,661	23	21
NY	10618	1	KAMINE-S GLENS FL	920,156	82,897	69	62
NY	6082	1	KINTIGH	19,171,661	2,086,598	1,444	1,568
NY	n147	1	L.C.P. CHEMICAL	554,080	49,917	42	38
NY	54041	CT__PR	LOCKPORT COGEN PR	1,595,458	187,701	120	141
NY	54041	CW__PR	LOCKPORT COGEN PR	1,228,525	144,532	93	109
NY	2629	3	LOVETT	1,042,213	108,169	79	81
NY	2629	4	LOVETT	5,081,891	521,808	383	392
NY	2629	5	LOVETT	5,821,325	536,725	439	403
NY	54592	1	MASSENA ENRG FAC	1,820,093	214,129	137	161
NY	2535	1	MILLIKEN	4,379,423	458,290	330	344
NY	2535	2	MILLIKEN	4,980,801	526,734	375	396
NY	n155	1	MRA CANTON	965,559	86,987	73	65
NY		GT1–1	NARROWS	104,875	7,360	8	6
NY		GT1–2	NARROWS	104,875	7,360	8	6
NY		GT1–3	NARROWS	104,875	7,360	8	6
NY		GT1–4	NARROWS	104,925	7,363	8	6
NY		GT1–5	NARROWS	104,925	7,363	8	6
NY		GT1–6	NARROWS	104,925	7,363	8	6
NY		GT1–7	NARROWS	104,925	7,363	8	6
NY		GT1–8	NARROWS	104,925	7,363	8	6
NY		GT2–1	NARROWS	104,925	7,363	8	6
NY		GT2–2	NARROWS	104,925	7,363	8	6
NY		GT2–3	NARROWS	104,925	7,363	8	6
NY		GT2–4	NARROWS	104,925	7,363	8	6
NY		GT2–5	NARROWS	104,925	7,363	8	6
NY		GT2–6	NARROWS	104,925	7,363	8	6
NY		GT2–7	NARROWS	104,925	7,363	8	6
NY		GT2–8	NARROWS	104,925	7,363	8	6
NY	n156	1	NESTLES	1,061,226	95,606	80	72

TABLE A.1—ALLOCATIONS TO FOSSIL FUEL-FIRED EGUS BY MMBTU AND MWH—Continued

State	Plant ID	Point ID	Plant	Unit average of two highest of 1995, 1996, or 1997, summer HI	Unit average of two highest of 1995, 1996, or 1997, summer MWh	Unit allocations by HI	Unit allocations by MWh
NY	2516	1	NORTHPORT	4,203,823	396,587	317	298
NY	2516	2	NORTHPORT	8,438,205	796,057	636	598
NY	2516	3	NORTHPORT	4,214,290	397,575	317	299
NY	2516	4	NORTHPORT	9,740,685	918,933	734	691
NY	2594	3	OSWEGO	14,034,179	1,403,418	1,057	1,055
NY	2594	6	OSWEGO	2,119,991	211,999	160	159
NY	54131	1	OXBOW/OCCIDENTAL	975,327	87,867	73	66
NY	2517	3	PORT JEFFERSON	3,801,379	365,517	286	275
NY	2517	4	PORT JEFFERSON	3,522,971	338,747	265	255
NY	2500	10	RAVENSWOOD	4,996,240	507,696	376	382
NY	2500	20	RAVENSWOOD	6,076,960	642,521	458	483
NY	2500	30	RAVENSWOOD	18,214,290	1,965,076	1,372	1,477
NY	2500	A1	RAVENSWOOD	184,113	12,920	14	10
NY	2500	A2	RAVENSWOOD	184,113	12,920	14	10
NY	2500	A3	RAVENSWOOD	184,113	12,920	14	10
NY	2500	A4	RAVENSWOOD	184,113	12,920	14	10
NY	2500	GT1	RAVENSWOOD	50	4	0	0
NY	2500	GT10	RAVENSWOOD	24,450	1,716	2	1
NY	2500	GT11	RAVENSWOOD	24,450	1,716	2	1
NY	2500	GT2–1	RAVENSWOOD	49,450	3,470	4	3
NY	2500	GT2–2	RAVENSWOOD	49,450	3,470	4	3
NY	2500	GT2–3	RAVENSWOOD	49,450	3,470	4	3
NY	2500	GT2–4	RAVENSWOOD	49,450	3,470	4	3
NY	2500	GT3–1	RAVENSWOOD	49,425	3,468	4	3
NY	2500	GT3–2	RAVENSWOOD	49,425	3,468	4	3
NY	2500	GT3–3	RAVENSWOOD	49,425	3,468	4	3
NY	2500	GT3–4	RAVENSWOOD	49,425	3,468	4	3
NY	2500	GT4	RAVENSWOOD	10,400	730	1	1
NY	2500	GT5	RAVENSWOOD	10,400	730	1	1
NY	2500	GT6	RAVENSWOOD	12,650	888	1	1
NY	2500	GT7	RAVENSWOOD	12,650	888	1	1
NY	2500	GT8	RAVENSWOOD	24,500	1,719	2	1
NY	2500	GT9	RAVENSWOOD	24,450	1,716	2	1
NY	n163	CC__PRO	RENNSLR COGEN PRO	768,893	69,270	58	52
NY	7314	NA1	RICHARD M FLYNN	3,984,856	468,807	300	352
NY	7314	NA2	RICHARD M FLYNN	416,190	37,495	31	28
NY	2640	12	ROCHESTER 3	1,829,750	194,571	138	146
NY	2642	1	ROCHESTER 7	1,068,791	102,768	81	77
NY	2642	2	ROCHESTER 7	1,565,479	150,166	118	113
NY	2642	3	ROCHESTER 7	1,706,369	165,186	129	124
NY	2642	4	ROCHESTER 7	2,105,925	224,728	159	169
NY	8006	2	ROSETON	8,971,513	897,151	676	674
NY	50651	1	SALT CITY ENERGY	2,992,250	282,288	225	212
NY	54574	1	SARANAC ENERGY CO	2,702,186	317,904	204	239
NY	54574	2	SARANAC ENERGY CO	2,200,892	258,928	166	195
NY	10725	2	SELKIRK	2,527,299	297,329	190	223
NY	10725	3	SELKIRK	2,350,443	276,523	177	208
NY	54593	1	SENECA PWR (OATKA)	1,238,728	111,597	93	84
NY	n170	1	SITHE GT 1	4,163,470	489,820	314	368
NY	n171	2	SITHE GT 2	4,163,470	489,820	314	368
NY	n172	1	SITHE STM 1	4,351,465	511,937	328	385
NY	n173	2	SITHE STM 2	4,351,465	511,937	328	385
NY	50744	1	STERLING POWR LTD	876,658	66,413	66	50
NY	50292	1A	TBG-GRUMMAN	638,783	57,548	48	43
NY	52056	4	TRIGEN-NDEC	1,038,844	98,004	78	74
NY	50202	1	UDG/NIAGARA	1,432,269	135,120	108	102
NY	n182	CT__V.)	US GEN (OLD RIV.)	1,572,572	141,673	118	106
NY	7146	1	WADING RIVER	148,605	11,258	11	8
NY	7146	2	WADING RIVER	148,605	11,258	11	8
NY	7146	3	WADING RIVER	148,605	11,258	11	8
NY	2502	51	WATERSIDE	47,565	4,487	4	3
NY	2502	52	WATERSIDE	48,589	4,584	4	3
NY	2502	61	WATERSIDE	1,173,263	110,685	88	83
NY	2502	62	WATERSIDE	1,248,953	117,826	94	89
NY	2502	80	WATERSIDE	3,482,508	328,538	262	247
NY	2502	90	WATERSIDE	3,482,508	328,538	262	247
NY	2502	GT1	WATERSIDE	0	0	0	0
NY	50405	CT__SSE	YORK WARBASSE	213,063	19,195	16	14
NY	50405	CW__SSE	YORK-WARBASSE	37,622	3,389	3	3
OH	2835	10	ASHTABULA	1,098,131	85,718	79	59
OH	2835	11	ASHTABULA	1,176,319	91,821	85	64
OH	2835	7	ASHTABULA	4,550,476	470,236	329	325
OH	2835	8	ASHTABULA	1,018,961	79,538	74	55
OH	2835	9	ASHTABULA	960,698	74,990	70	52
OH	2836	10	AVON LAKE	2,038,597	177,563	148	123
OH	2836	12	AVON LAKE	15,236,399	1,676,540	1,103	1,160

TABLE A.1—ALLOCATIONS TO FOSSIL FUEL-FIRED EGUS BY MMBTU AND MWH—Continued

State	Plant ID	Point ID	Plant	Unit average of two highest of 1995, 1996, or 1997, summer HI	Unit average of two highest of 1995, 1996, or 1997, summer MWh	Unit allocations by HI	Unit allocations by MWh
OH	2836	9	AVON LAKE	594,325	50,508	43	35
OH	2878	1	BAY SHORE	3,043,524	328,887	220	228
OH	2878	2	BAY SHORE	3,293,657	348,240	238	241
OH	2878	3	BAY SHORE	3,102,716	335,465	225	232
OH	2878	4	BAY SHORE	4,399,348	483,339	318	334
OH	2828	1	CARDINAL	14,226,732	1,607,540	1,030	1,112
OH	2828	2	CARDINAL	15,856,794	1,785,072	1,147	1,235
OH	2828	3	CARDINAL	15,180,469	1,564,191	1,099	1,082
OH	2840	1	CONESVILLE	2,771,211	263,473	201	182
OH	2840	2	CONESVILLE	2,969,788	290,671	215	201
OH	2840	3	CONESVILLE	2,549,626	247,081	185	171
OH	2840	4	CONESVILLE	14,758,742	1,565,250	1,068	1,083
OH	2840	5	CONESVILLE	8,165,942	810,676	591	561
OH	2840	6	CONESVILLE	10,207,769	987,307	739	683
OH		1	DICKS CREEK	103,267	7,247	7	5
OH	2837	1	EASTLAKE	2,765,418	276,791	200	191
OH	2837	2	EASTLAKE	3,040,161	314,651	220	218
OH	2837	3	EASTLAKE	3,168,531	333,109	229	230
OH	2837	4	EASTLAKE	5,169,221	547,355	374	379
OH	2837	5	EASTLAKE	12,045,077	1,346,119	872	931
OH	2857	13	EDGEWATER	489,049	46,589	35	32
OH	2847	GT3	FRANK M TAIT	161,909	12,266	12	8
OH	8102	1	GEN J M GAVIN	40,188,042	4,171,047	2,908	2,885
OH	8102	2	GEN J M GAVIN	41,834,670	4,421,802	3,027	3,059
OH	2917	9	HAMILTON	1,207,309	97,797	87	68
OH	2850	1	J M STUART	14,907,495	1,589,116	1,079	1,099
OH	2850	2	J M STUART	17,977,541	1,962,185	1,301	1,357
OH	2850	3	J M STUART	15,142,093	1,616,018	1,096	1,118
OH	2850	4	J M STUART	15,822,987	1,703,411	1,145	1,178
OH	6031	2	KILLEN STATION	23,914,733	2,561,287	1,731	1,772
OH	2876	1	KYGER CREEK	6,892,031	755,374	499	523
OH	2876	2	KYGER CREEK	6,891,443	745,101	499	515
OH	2876	3	KYGER CREEK	7,001,472	750,104	507	519
OH	2876	4	KYGER CREEK	6,391,704	681,782	463	472
OH	2876	5	KYGER CREEK	6,661,287	717,811	482	497
OH	2838	18	LAKE SHORE	2,044,475	216,989	148	150
OH	10244	1	MEAD-FINE PAPER DIVISION	3,264,035	247,275	236	171
OH	2832	5–1	MIAMI FORT	238,988	22,980	17	16
OH	2832	5–2	MIAMI FORT	238,988	22,980	17	16
OH	2832	6	MIAMI FORT	4,348,442	461,863	315	320
OH	2832	7	MIAMI FORT	15,289,678	1,545,349	1,106	1,069
OH	2832	8	MIAMI FORT	14,621,880	1,508,810	1,058	1,044
OH	2832	CT2	MIAMI FORT	19,021	1,441	1	1
OH	2872	1	MUSKINGUM RIVER	3,945,004	417,549	285	289
OH	2872	2	MUSKINGUM RIVER	4,618,739	491,198	334	340
OH	2872	3	MUSKINGUM RIVER	4,491,616	466,225	325	323
OH	2872	4	MUSKINGUM RIVER	4,911,646	537,379	355	372
OH	2872	5	MUSKINGUM RIVER	16,181,850	1,783,517	1,171	1,234
OH	2861	1	NILES	3,039,955	293,772	220	203
OH	2861	2	NILES	1,890,626	184,631	137	128
OH	2848	H–1	O H HUTCHINGS	274,817	22,229	20	15
OH	2848	H–2	O H HUTCHINGS	349,295	28,472	25	20
OH	2848	H–3	O H HUTCHINGS	794,644	77,731	58	54
OH	2848	H–4	O H HUTCHINGS	782,165	76,160	57	53
OH	2848	H–5	O H HUTCHINGS	810,661	80,735	59	56
OH	2848	H–6	O H HUTCHINGS	833,389	80,653	60	56
OH	2935	13	ORRVILLE	864,346	62,103	63	43
OH	2843	9	PICWAY	2,044,023	184,495	148	128
OH	2864	1	R E BURGER	167,575	16,113	12	11
OH	2864	2	R E BURGER	142,969	13,747	10	10
OH	2864	3	R E BURGER	122,673	11,795	9	8
OH	2864	4	R E BURGER	50,113	4,819	4	3
OH	2864	5	R E BURGER	202,074	19,430	15	13
OH	2864	6	R E BURGER	193,661	18,621	14	13
OH	2864	7	R E BURGER	4,456,156	418,890	322	290
OH	2864	8	R E BURGER	4,017,193	381,102	291	264
OH	7286	1	RICHARD GORSUCH	2,135,351	192,652	155	133
OH	7286	2	RICHARD GORSUCH	1,854,152	178,284	134	123
OH	7286	3	RICHARD GORSUCH	2,050,742	185,235	148	128
OH	7286	4	RICHARD GORSUCH	2,045,416	196,675	148	136
OH	2866	1	W H SAMMIS	5,405,594	563,611	391	390
OH	2866	2	W H SAMMIS	5,662,986	567,206	410	392
OH	2866	3	W H SAMMIS	5,855,268	619,343	424	428
OH	2866	4	W H SAMMIS	5,314,213	537,386	385	372
OH	2866	5	W H SAMMIS	9,236,018	962,286	668	666
OH	2866	6	W H SAMMIS	17,880,061	1,901,325	1,294	1,315

TABLE A.1—ALLOCATIONS TO FOSSIL FUEL-FIRED EGUS BY MMBTU AND MWH—Continued

State	Plant ID	Point ID	Plant	Unit average of two highest of 1995, 1996, or 1997, summer HI	Unit average of two highest of 1995, 1996, or 1997, summer MWh	Unit allocations by HI	Unit allocations by MWh
OH	2866	7	W H SAMMIS	16,613,419	1,749,333	1,202	1,210
OH	6019	1	W H ZIMMER	42,732,125	4,487,726	3,092	3,105
OH	2830	1	WALTER C BECKJORD	1,981,394	193,118	143	134
OH	2830	2	WALTER C BECKJORD	2,504,459	255,401	181	177
OH	2830	4	WALTER C BECKJORD	4,487,860	483,085	325	334
OH	2830	5	WALTER C BECKJORD	6,320,856	656,099	457	454
OH	2830	6	WALTER C BECKJORD	12,195,684	1,259,885	883	872
OH	2830	CT1	WALTER C BECKJORD	48,631	3,413	4	2
OH	2830	CT2	WALTER C BECKJORD	48,892	3,431	4	2
OH	2830	CT3	WALTER C BECKJORD	52,763	3,703	4	3
OH	2830	CT4	WALTER C BECKJORD	34,330	2,409	2	2
OH	7158	—GT1	WOODSDALE	356,991	28,457	26	20
OH	7158	—GT2	WOODSDALE	350,509	27,940	25	19
OH	7158	—GT3	WOODSDALE	388,436	30,963	28	21
OH	7158	—GT4	WOODSDALE	367,016	29,256	27	20
OH	7158	—GT5	WOODSDALE	404,361	32,233	29	22
OH	7158	—GT6	WOODSDALE	395,892	31,558	29	22
PA	10676	ST__ley	AES BEAVER VALLEY	3,421,790	322,810	274	253
PA	50279	1	ARCHBALD POWER	1,408,480	98,841	113	78
PA	3178	1	ARMSTRONG	4,811,406	473,937	386	372
PA	3178	2	ARMSTRONG	5,037,239	536,276	404	421
PA	6094	1	BRUCE MANSFIELD	21,390,698	2,166,585	1,716	1,700
PA	6094	2	BRUCE MANSFIELD	21,064,812	2,148,813	1,690	1,686
PA	6094	3	BRUCE MANSFIELD	21,549,874	2,305,292	1,728	1,808
PA	3140	1	BRUNNER ISLAND	7,419,682	794,994	595	624
PA	3140	2	BRUNNER ISLAND	9,670,357	1,068,784	776	838
PA	3140	3	BRUNNER ISLAND	20,738,335	2,283,455	1,663	1,791
PA	10641	1	CAMBRIA COGEN	1,841,698	173,745	148	136
PA	10641	2	CAMBRIA COGEN	1,883,698	177,707	151	139
PA	8226	1	CHESWICK	15,086,514	1,533,962	1,210	1,203
PA	3118	1	CONEMAUGH	29,200,485	3,177,419	2,342	2,492
PA	3118	2	CONEMAUGH	24,102,490	2,622,687	1,933	2,057
PA	10870	CW__NUG	CONTINENTAL COGEN NUG	882,161	103,784	71	81
PA	3159	1	CROMBY	4,546,839	439,223	365	345
PA	3159	2	CROMBY	2,065,179	209,302	166	164
PA	3160	71	DELAWARE	711,493	70,313	57	55
PA	3160	81	DELAWARE	753,207	64,598	60	51
PA	10603	1	EBENSBURG POWER	2,195,697	211,125	176	166
PA	3161	1	EDDYSTONE	7,618,327	758,798	611	595
PA	3161	2	EDDYSTONE	8,533,347	859,783	684	674
PA	3161	3	EDDYSTONE	1,611,083	148,173	129	116
PA	3161	4	EDDYSTONE	2,093,154	189,804	168	149
PA	3098	1	ELRAMA	2,821,678	233,776	226	183
PA	3098	2	ELRAMA	2,355,589	191,247	189	150
PA	3098	3	ELRAMA	2,802,309	257,992	225	202
PA	3098	4	ELRAMA	5,460,730	520,764	438	408
PA	10343	AB__NUG	FOSTER WHEELER MT. CARMEL	984,307	92,859	79	73
PA	01011	AB__NUG	GILBERTON POWER NUG	2,938,728	277,238	236	217
PA	3110	1—3	GPT GENCO HUNTERSTOWN	0	0	0	0
PA	3199	1—2	GPU GENCO BENTON	0	0	0	0
PA	3109	1	GPU GENCO HAMILTON	0	0	0	0
PA	3111	1—2	GPU GENCO MOUNTAIN	0	0	0	0
PA	3112	1	GPU GENCO ORTANNA	0	0	0	0
PA	3114	1	GPU GENCO SHAWNEE	0	0	0	0
PA	3120	1	GPU GENCO TIOGA	0	0	0	0
PA	3116	1—2	GPU GENCO TOLNA	0	0	0	0
PA	3134	1	GPU GENCO WAYNE	0	0	0	0
PA	54785	1—3	GRAYS FERRY PROJECT	0	0	0	0
PA	3179	1	HATFIELD'S FERRY	15,310,890	1,600,888	1,228	1,256
PA	3179	2	HATFIELD'S FERRY	19,368,646	2,104,144	1,553	1,651
PA	3179	3	HATFIELD'S FERRY	14,202,486	1,547,617	1,139	1,214
PA	3145	17	HOLTWOOD	3,106,258	246,665	249	193
PA	3122	1	HOMER CITY	19,827,390	2,093,927	1,590	1,643
PA	3122	2	HOMER CITY	20,699,247	2,187,156	1,660	1,716
PA	3122	3	HOMER CITY	18,602,194	1,901,482	1,492	1,492
PA	3176	6	HUNLOCK PWR STATION	1,764,784	133,980	142	105
PA	3136	1	KEYSTONE	28,703,322	3,021,402	2,302	2,370
PA	3136	2	KEYSTONE	28,430,610	2,992,696	2,280	2,348
PA	3157	10	KIMBERLY-CLARK	0	0	0	0
PA	3148	1	MARTINS CREEK	4,229,014	384,211	339	301
PA	3148	2	MARTINS CREEK	3,949,723	360,804	317	283
PA	3148	3	MARTINS CREEK	3,869,537	408,740	310	321
PA	3148	4	MARTINS CREEK	4,010,953	425,475	322	334
PA	52149	1	MERCK SHARP & DOHME	0	0	0	0
PA	3181	1	MITCHELL	75,203	7,095	6	6
PA	3181	3	MITCHELL	45,707	4,312	4	3

TABLE A.1—ALLOCATIONS TO FOSSIL FUEL-FIRED EGUS BY MMBTU AND MWH—Continued

State	Plant ID	Point ID	Plant	Unit average of two highest of 1995, 1996, or 1997, summer HI	Unit average of two highest of 1995, 1996, or 1997, summer MWh	Unit allocations by HI	Unit allocations by MWh
PA	3181	33	MITCHELL	5,833,720	592,436	468	465
PA	3149	1	MONTOUR	18,421,287	2,017,666	1,477	1,583
PA	3149	2	MONTOUR	21,572,636	2,426,345	1,730	1,903
PA	3138	3	NEW CASTLE	2,045,707	197,177	164	155
PA	3138	4	NEW CASTLE	2,265,637	211,485	182	166
PA	3138	5	NEW CASTLE	3,307,970	318,105	265	250
PA	54571	CC__AB)	NORCON(FALC SEAB)	1,087,345	97,959	87	77
PA	50888	1	NORTHAMPTION GENERATING	2,906,127	274,163	233	215
PA	50039		NORTHEASTERN POWER	2,530,021	238,681	203	187
PA	50776	1	PANTHER CREEK	1,158,239	109,268	93	86
PA	50776	2	PANTHER CREEK	1,163,341	109,749	93	86
PA	880008	1—2	PECO ENERGY	0	0	0	0
PA	8012	11	PECO ENERGY CROYDEN	0	0	0	0
PA	8012	12	PECO ENERGY CROYDEN	0	0	0	0
PA	8012	21	PECO ENERGY CROYDEN	0	0	0	0
PA	8012	22	PECO ENERGY CROYDEN	0	0	0	0
PA	8012	31	PECO ENERGY CROYDEN	0	0	0	0
PA	8012	32	PECO ENERGY CROYDEN	0	0	0	0
PA	8012	41	PECO ENERGY CROYDEN	0	0	0	0
PA	8012	42	PECO ENERGY CROYDEN	0	0	0	0
PA	50731	3	PECO ENERGY FAIRLESS HILLS	0	0	0	0
PA	3168	91	PECO ENERGY RICHMOND	0	0	0	0
PA	3168	92	PECO ENERGY RICHMOND	0	0	0	0
PA	3170	3—6	PECO ENERGY SOUTHWARK	0	0	0	0
PA	n218	CC__PER	PENNTECH PAPER	617,031	55,588	49	44
PA	54144	1	PINEY CREEK	0	0	0	0
PA	3113	1	PORTLAND	3,585,481	337,870	288	265
PA	3113	2	PORTLAND	4,573,152	441,254	367	346
PA	3113	4	PORTLAND	1,570,979	184,821	126	145
PA	3113	—5	PORTLAND	150,505	11,402	12	9
PA	3139	1—4	PP&L ALLENTOWN	0	0	0	0
PA	3142	1—2	PP&L FISHBACK	0	0	0	0
PA	3143	1—4	PP&L HARRISBURG	0	0	0	0
PA	3144	1—2	PP&L HARWOOD	0	0	0	0
PA	3146	1—2	PP&L JENKINS	0	0	0	0
PA	3154	1—2	PP&L WEST SHORE	0	0	0	0
PA	3155	1—2	PP&L WILLIAMSPORT	0	0	0	0
PA	3169	1	SCHUYLKILL	1,025,090	97,721	82	77
PA	880010	1	SCHUYLKILL ENERGY RESOURCES	3,891,284	367,102	312	288
PA	50607	AB__NUG	SCHUYLKILL STATION (TURBI	9,441,744	890,731	757	699
PA	50974	1	SCRUBGRASS GENERATING PLANT	2,730,403	257,585	219	202
PA	50974	2	SCRUBGRASS GENERATING PLANT	1,630,792	156,807	131	123
PA	3130	12	SEWARD	859,296	82,625	69	65
PA	3130	14	SEWARD	976,355	93,880	78	74
PA	3130	15	SEWARD	4,658,271	467,416	374	367
PA	3131	1	SHAWVILLE	3,979,027	379,896	319	298
PA	3131	2	SHAWVILLE	3,819,973	364,432	306	286
PA	3131	3	SHAWVILLE	4,979,445	499,042	399	391
PA	3131	4	SHAWVILLE	5,056,822	506,797	406	398
PA	880013	1—6	SOLAR TURBINES	0	0	0	0
PA	3152	3	SUNBURY	3,548,941	303,692	285	238
PA	3152	4	SUNBURY	3,884,437	372,394	312	292
PA	3115	1	TITUS	1,942,834	189,176	156	148
PA	3115	2	TITUS	2,007,778	193,018	161	151
PA	3115	3	TITUS	1,918,450	182,866	154	143
PA	88000 6	1—4	TRIGEN ENERGY SANSOM	0	0	0	0
PA		1	VIKING ENERGY NORTHUMBERLAND	0	0	0	0
PA	3132	1	WARREN	576,001	55,385	46	43
PA	3132	2	WARREN	385,366	37,054	31	29
PA	3132	3	WARREN	543,134	44,208	44	35
PA	3132	4	WARREN	564,080	54,238	45	43
PA	50867	1—2	WASHINGTON POWER COMPANY	0	0	0	0
PA	50611	AB__NUG	WESTWOOD ENERGY PROPERTIE	12,527,355	879,113	1,005	690
PA	50879	AB__NUG	WHEELABRATOR FRACKVILLE E	2,058,812	144,478	165	113
RI		1	JEPSON	1,282	90	0	0
RI		2	JEPSON	1,249	88	0	0
RI		3	JEPSON	1,042	73	0	0
RI		4	JEPSON	1,281	90	0	0
RI	3236	10	MANCHESTER STREET	4,223,753	398,467	136	120
RI	3236	11	MANCHESTER STREET	4,020,769	379,318	130	114
RI	3236	9	MANCHESTER STREET	3,739,441	352,777	121	106
RI	51030	CC__(*)	OCEAN STATE 1 (*)	9,189,307	1,081,095	297	326
RI	54324	CC__(*)	OCEAN STATE 2 (*)	9,189,307	1,081,095	297	326
RI	54056	CC__(*)	PAWTUCKET POWER (*)	2,433,886	219,269	79	66
TN	3393	1	ALLEN	6,894,770	713,301	578	584
TN	3393	2	ALLEN	7,326,410	757,957	614	621

TABLE A.1—ALLOCATIONS TO FOSSIL FUEL-FIRED EGUS BY MMBTU AND MWH—Continued

State	Plant ID	Point ID	Plant	Unit average of two highest of 1995, 1996, or 1997, summer HI	Unit average of two highest of 1995, 1996, or 1997, summer MWh	Unit allocations by HI	Unit allocations by MWh
TN	3393	3	ALLEN	7,556,678	781,779	633	641
TN	3396	1	BULL RUN	21,275,985	2,389,755	1,783	1,958
TN	3399	1	CUMBERLAND	51,385,046	5,284,353	4,307	4,330
TN	3399	2	CUMBERLAND	55,332,549	5,690,307	4,637	4,662
TN	3403	1	GALLATIN	6,970,897	734,707	584	602
TN	3403	2	GALLATIN	6,860,771	723,100	575	592
TN	3403	3	GALLATIN	6,984,817	728,192	585	597
TN	3403	4	GALLATIN	7,834,299	816,753	657	669
TN	3405	1	JOHN SEVIER	5,853,636	615,266	491	504
TN	3405	2	JOHN SEVIER	5,858,042	615,729	491	504
TN	3405	3	JOHN SEVIER	6,184,144	650,005	518	533
TN	3405	4	JOHN SEVIER	6,114,293	642,663	512	527
TN	3406	1	JOHNSONVILLE	3,724,159	323,840	312	265
TN	3406	10	JOHNSONVILLE	3,681,387	351,412	309	288
TN	3406	2	JOHNSONVILLE	3,749,100	326,009	314	267
TN	3406	3	JOHNSONVILLE	3,666,648	318,839	307	261
TN	3406	4	JOHNSONVILLE	3,679,462	319,953	308	262
TN	3406	5	JOHNSONVILLE	3,640,648	322,753	305	264
TN	3406	6	JOHNSONVILLE	3,719,286	329,724	312	270
TN	3406	7	JOHNSONVILLE	4,680,922	446,823	392	366
TN	3406	8	JOHNSONVILLE	4,133,749	394,592	346	323
TN	3406	9	JOHNSONVILLE	4,006,336	382,430	336	313
TN	3407	1	KINGSTON	4,432,856	448,715	372	368
TN	3407	2	KINGSTON	4,515,371	457,068	378	374
TN	3407	3	KINGSTON	4,047,180	409,675	339	336
TN	3407	4	KINGSTON	4,494,642	454,969	377	373
TN	3407	5	KINGSTON	6,137,914	632,449	514	518
TN	3407	6	KINGSTON	5,842,656	602,025	490	493
TN	3407	7	KINGSTON	5,678,568	585,118	476	479
TN	3407	8	KINGSTON	5,801,972	597,833	486	490
TN	3407	9	KINGSTON	5,689,108	586,204	477	480
VA	3796	3	BREMO BLUFF	1,756,163	158,241	163	143
VA	3796	4	BREMO BLUFF	4,959,806	506,568	459	457
VA	3803	1	CHESAPEAK	3,461,324	334,137	320	302
VA	3803	2	CHESAPEAK	3,444,719	343,407	319	310
VA	3803	3	CHESAPEAK	4,744,776	499,555	439	451
VA	3803	4	CHESAPEAK	7,270,201	775,488	673	700
VA	10017	ST—rp.	CHESAPEAK CORP.	751,025	70,851	70	64
VA	3797	3	CHESTERFIELD	2,394,580	216,000	222	195
VA	3797	4	CHESTERFIELD	4,636,999	497,799	429	449
VA	3797	5	CHESTERFIELD	9,875,438	1,104,759	914	997
VA	3797	6	CHESTERFIELD	17,283,476	1,781,985	1,600	1,608
VA	3797	—8	CHESTERFIELD	1,701,065	153,249	157	138
VA	3775	1	CLINCH RIVER	6,480,271	723,406	600	653
VA	3775	2	CLINCH RIVER	6,272,239	678,300	581	612
VA	3775	3	CLINCH RIVER	7,143,953	798,564	661	721
VA	7213	1	CLOVER	9,235,814	888,059	855	801
VA	10377	ST__ell	COGENTRIX—HOPEWELL	2,275,948	214,712	211	194
VA	10071	ST__uth	COGENTRIX—PORTSMOUTH	2,617,290	246,914	242	223
VA	54081	ST__d 1	COGENTRIX RICHMOND 1	2,628,680	247,989	243	224
VA	54081	ST__d 2	COGENTRIX RICHMOND 2	2,127,966	200,752	197	181
VA	52087	GT__LP	COMMONWEALTH ATLANTIC LP	450,631	34,139	42	31
VA	7212	—1	DARBYTOWN	115,229	8,729	11	8
VA	7212	—2	DARBYTOWN	115,229	8,729	11	8
VA	7212	—3	DARBYTOWN	115,229	8,729	11	8
VA	7212	—4	DARBYTOWN	115,229	8,729	11	8
VA	52019	CA__#1	DOSEWELL #1	594,931	69,992	55	63
VA	52019	CT__#1	DOSEWELL #1	1,207,760	142,089	112	128
VA	52019	CA__#2	DOSEWELL #2	594,931	69,992	55	63
VA	52019	CT__#2	DOSEWELL #2	1,207,760	142,089	112	128
VA	3776	51	GLEN LYN	1,298,222	124,829	120	113
VA	3776	52	GLEN LYN	1,188,728	114,301	110	103
VA	3776	6	GLEN LYN	5,646,574	626,075	523	565
VA	54844	CA__e 1	GORDONSVILLE 1	211,614	24,896	20	22
VA	54844	CT__e 1	GORDONSVILLE 1	429,231	50,498	40	46
VA	54844	CA__e 2	GORDONSVILLE 2	214,004	25,177	20	23
VA	54844	CT__e 2	GORDONSVILLE 2	434,011	51,060	40	46
VA	7032	—3	GRAVEL NECK	116,841	8,852	11	8
VA	7032	4	GRAVEL NECK	116,841	8,852	11	8
VA	7032	5	GRAVEL NECK	116,841	8,852	11	8
VA	7032	6	GRAVEL NECK1	116,841	8,852	11	8
VA	10633	CT__nc.	HOPEWELL COGEN, INC.	1,310,927	154,227	121	139
VA	10633	CW__nc.	HOPEWELL COGEN, INC.	675,419	79,461	63	72
VA	10773	ST__sta	LG&E–WESTMLD ALTAVISTA	1,427,003	134,623	132	121
VA	10771	ST__ell	LG&E–WESTMLD HOPEWELL	1,427,003	134,623	132	121
VA	10774	ST__ton	LG&E–WESTMLD SOUTHAMPTON	1,427,003	134,623	132	121

TABLE A.1—ALLOCATIONS TO FOSSIL FUEL-FIRED EGUS BY MMBTU AND MWH—Continued

State	Plant ID	Point ID	Plant	Unit average of two highest of 1995, 1996, or 1997, summer HI	Unit average of two highest of 1995, 1996, or 1997, summer MWh	Unit allocations by HI	Unit allocations by MWh
VA	52007	STurg	MECKLENBURG	3,004,193	283,414	278	256
VA	3804	3	POSSUM POINT	2,489,785	231,242	231	209
VA	3804	4	POSSUM POINT	6,778,888	735,716	628	664
VA	3788	1	POTOMAC RIVER	1,780,998	149,450	165	135
VA	3788	2	POTOMAC RIVER	1,608,529	136,247	149	123
VA	3788	3	POTOMAC RIVER	2,711,245	278,619	251	251
VA	3788	4	POTOMAC RIVER	10,902,795	1,135,590	1,009	1,025
VA	3788	5	POTOMAC RIVER	10,567,982	1,095,468	978	989
VA	50813	ST__ner	STONE CONTAINER	873,930	82,446	81	74
VA	3809	1	YORKTOWN	7,206,933	734,577	667	663
VA	3809	2	YORKTOWN	7,241,953	702,966	670	634
VA	3809	3	YORKTOWN	3,676,409	370,905	340	335
VA		1		4,214,872	397,629	390	359
WV	3942	1	ALBRIGHT	705,441	58,973	46	36
WV	3942	2	ALBRIGHT	703,469	59,090	46	36
WV	3942	3	ALBRIGHT	3,366,883	325,240	221	200
WV	3943	1	FORT MARTIN	13,735,054	1,559,384	901	960
WV	3943	2	FORT MARTIN	13,544,284	1,466,466	889	903
WV	10151	ST__own	GRANT TOWN	2,430,507	229,293	159	141
WV	3944	1	HARRISON	21,606,702	2,294,436	1,418	1,413
WV	3944	2	HARRISON	21,825,171	2,294,971	1,432	1,413
WV	3944	3	HARRISON	22,529,228	2,377,002	1,478	1,463
WV	3935	1	JOHN E AMOS	18,733,385	2,087,285	1,229	1,285
WV	3935	2	JOHN E AMOS	18,693,941	2,089,409	1,227	1,286
WV	3935	3	JOHN E AMOS	24,715,234	2,677,997	1,622	1,649
WV	3947	1	KAMMER	5,775,301	632,702	379	390
WV	3947	2	KAMMER	6,520,529	709,833	428	437
WV	3947	3	KAMMER	6,977,907	759,376	458	468
WV	3936	1	KANAWHA RIVER	4,385,010	479,131	288	295
WV	3936	2	KANAWHA RIVER	3,915,227	419,414	257	258
WV	3948	1	MITCHELL	20,089,496	2,155,757	1,318	1,327
WV	3948	2	MITCHELL	17,971,393	1,950,233	1,179	1,201
WV	6264	1	MOUNTAINEER (1301)	29,445,137	3,169,552	1,932	1,951
WV	3954	1	MT STORM	19,946,826	2,157,580	1,309	1,328
WV	3954	2	MT STORM	17,300,820	1,859,503	1,135	1,145
WV	3954	3	MT STORM	17,911,570	1,827,152	1,175	1,125
WV	7537	1A	NORTH BRANCH	1,606,967	112,770	105	69
WV	7357	1B	NORTH BRANCH	1,653,848	116,060	109	71
WV	3938	11	PHIL SPORN	3,332,224	356,045	219	219
WV	3938	21	PHIL SPORN	3,312,719	350,849	217	216
WV	3938	31	PHIL SPORN	3,501,732	367,597	230	226
WV	3938	41	PHIL SPORN	3,491,270	370,741	229	228
WV	3938	51	PHIL SPORN	10,028,012	1,123,713	658	692
WV	6004	1	PLEASANTS	20,225,588	2,064,889	1,327	1,271
WV	6004	2	PLEASANTS	17,354,353	1,780,299	1,139	1,096
WV	3945	7	RIVESVILLE	288,741	27,764	19	17
WV	3945	8	RIVESVILLE	741,331	63,743	49	39
WV	3946	1	WILLOW ISLAND	905,250	82,161	59	51
WV	3946	2	WILLOW ISLAND	3,490,911	340,245	229	209

TABLE A.2.—ALLOCATIONS TO NON-EGUS BY MMBTU

State	Plant	Point ID	Unit 1995, Summer HI	Unit allocations by HI
AL	MEAD COATED BOARD INC	004	1,118,921	138
AL	GULF STATES PAPER CORPORATION	003	154,732	19
AL	TRANSCONTINENTAL GAS PIPELINE CORPORATION	018	48,682	6
AL	INTERNATIONAL PAPER SIEBERT STATION	011	1,143,170	141
AL	MOBILE ENERGY SERVICES COMPANY	001	326,785	40
AL	COURTAULDS FIBERS INC	011	60,045	7
AL	COURTAULDS FIBERS INC	013	382,789	47
AL	AMOCO CHEMICALS	024	396,068	49
AL	AMOCO CHEMICALS	026	106,811	13
AL	SOLUTIA, INC.—DECATUR PLANT	013	795,511	98
AL	SOLUTIA, INC.—DECATUR PLANT	014	786,934	97
AL	SOLUTIA, INC.—DECATUR PLANT	015	747,265	92
AL	GENERAL ELECTRIC CO	005	186,487	23
AL	CERESTAR USA DECATUR INC	020	683,593	84
AL	GULF STATES PAPER CORPORATION	006	764,955	94
AL	U. S. ALLIANCE COOSA PINES CORPORATION	007	649,512	80
AL	U. S. ALLIANCE COOSA PINES CORPORATION	008	649,512	80
AL	U. S. ALLIANCE COOSA PINES CORPORATION	009	649,512	80
AL	U. S. ALLIANCE COOSA PINES CORPORATION	010	649,512	80
AL	EMPIRE COKE CO	001	108,543	13

TABLE A.2.—ALLOCATIONS TO NON-EGUS BY MMBTU—Continued

State	Plant	Point ID	Unit 1995, Summer HI	Unit allocations by HI
AL	CIBA SPECIALTY CHEMICALS CORPORATION	010	153,000	19
AL	CIBA SPECIALTY CHEMICALS CORPORATION	011	36,951	5
AL	OLIN CHEMICAL CORPORATION	003	606,282	75
AL	MACMILLAN BLOEDEL PACKAGING INC	002	1,779,840	219
AL	MACMILLAN BLOEDEL PACKAGING INC	005	404,136	50
AL	CELANESE CORPORATION	006	379,902	47
AL	SOLUTIA, INC.—DECATUR PLANT	016	471,731	58
AL	GULF STATES STEEL INC	047	184,755	23
AL	DEGUSSA CORPORATION	004	410,502	51
AL	AMOCO CHEMICALS	010	535,211	66
AL	AMOCO CHEMICALS	015	389,140	48
AL	AMOCO CHEMICALS	019	339,487	42
AL	AMOCO CHEMICALS	022	312,351	38
AL	AMOCO CHEMICALS	023	254,615	31
AL	TVA COLBERT	008	195,178	24
AL	TVA COLBERT	009	195,178	24
AL	LAROCHE INDUSTRIES INC	002	220,551	27
AL	INTERNATIONAL PAPER CO. RIVERDALE MILL	010	525,974	65
AL	INTERNATIONAL PAPER SIEBERT STATION	010	1,143,170	141
AL	GULF STATES STEEL INC	046	184,755	23
AL	CHAMPION INTERNATIONAL COURTLAND RD29	016	498,838	61
AL	TVA COLBERT	007	195,178	24
AL	CHAMPION INTERNATIONAL COURTLAND RD29	015	2,140,980	263
AL	CHAMPION INTERNATIONAL COURTLAND RD29	007	663,276	82
AL	JEFFERSON SMURFIT	008	424,359	52
AL	AMERICAN CAST IRON PIPE COMPANY	041	97,574	12
AL	GULF STATES STEEL INC	049	368,932	45
AL	TVA COLBERT	006	195,178	24
AL	TVA COLBERT	005	195,178	24
AL	TVA COLBERT	003	195,178	24
AL	TVA COLBERT	002	195,178	24
AL	FORT JAMES-PENNINGTON, INC.	029	316,970	39
AL	FORT JAMES-PENNINGTON, INC.	027	783,476	96
AL	MEAD CONTAINERBOARD	001	435,843	54
CT	PFIZER INC—CHEMICALS	010	480,420	24
CT	FEDERAL PAPER BOARD CO	003	721,140	36
CT	PFIZER INC—CHEMICALS	012	604,860	30
CT	PFIZER INC—CHEMICALS	009	332,520	17
CT	SIMKINS INDUSTRIES INC	673	193,917	10
CT	DEXTER NONWOVENS DIV	P29	1,788,060	89
CT	PRATT & WHITNEY AIRC	168	18,360	1
CT	PRATT & WHITNEY AIRC	167	25,500	1
CT	PRATT & WHITNEY AIRC	166	47,940	2
CT	PFIZER INC—CHEMICALS	P01	478,380	24
CT	PRATT & WHITNEY AIRC	164	85,680	4
CT	CAPITOL DISTRICT ENERGY CENTER	P64	264,111	13
CT	PRATT & WHITNEY AIRC	163	5,100	0
CT	PRATT & WHITNEY	039	353,274	18
DC	GSA WEST HEATING PLANT	001	18,360	1
DC	GSA—CENTRAL HEATING	003	4,348	0
DC	GSA—WEST HEATING	005	182,517	9
DC	GSA—WEST HEATING	003	162,886	8
DC	GSA WEST HEATING PLANT	002	3,060	0
DE	DUPONT SEAFORD	002	931,055	61
DE	DUPONT SEAFORD	001	826,012	54
DE	CHRYSLER MOTORS	003	257,164	17
DE	STANDARD CHLORINE OF DELAWARE	001	372,919	24
DE	KRAFT GENERAL FOODS	001	695,930	45
DE	DUPONT SEAFORD	003	393,082	26
IL	INDIAN REFINING LIMITED PARTNERSHIP	7211029701 7	587,751	69
IL	ZEXEL ILINOIS, INC.—DECATUR FACTORY	7512015500 2	382,086	45
IL	GRANITE CITY STEEL COMPANY	7303111904 1	381,057	45
IL	AMOCO PETROLEUM ADDITIVES CO	7302008303 6	122,977	14
IL	JEFFERSON SMURFIT CORPORATION	7212042600 1	170,544	20
IL	A E STALEY MANUFACTURING CO	7302008412 9	918,510	107
IL	GRANITE CITY STEEL COMPANY	7303111904 2	163,392	19
IL	ZEXEL ILINOIS, INC.—DECATUR FACTORY	7512015500 1	127,596	15
IL	ARCHER DANIELS MIDLAND CO EAST PLANT	8506003008 1	1,202,940	141
IL	CENTRAL ILLINOIS PUBLIC SERVICE	7911000101 4	123,227	14
IL	ARCHER DANIELS MIDLAND CO EAST PLANT	7612004807 1	862,589	101

TABLE A.2.—ALLOCATIONS TO NON-EGUS BY MMBTU—Continued

State	Plant	Point ID	Unit 1995, Summer HI	Unit allocations by HI
IL	CATERPILLAR—EAST PEORIA PLANT	73050531019	452,649	53
IL	INDIAN REFINING LIMITED PARTNERSHIP	72110297016	587,751	69
IL	INDIAN REFINING LIMITED PARTNERSHIP	72110297015	587,751	69
IL	GREAT LAKES NAVAL STATION	78080071011	331,981	39
IL	GATES RUBBER CO.—GALESBURG HOSE PLANT	72111011002	119,513	14
IL	ARCHER DANIELS MIDLAND CO EAST PLANT	76120048072	862,589	101
IL	NORTHWESTERN STEEL & WIRE CO.	73020821021	172,053	20
IL	GATES RUBBER CO.—GALESBURG HOSE PLANT	72111011001	119,513	14
IL	CLIFFORD—JACOBS FORGING CO.	73021565001	228,634	27
IL	PEOPLES GAS LIGHT & COKE CO	75050019006	346,415	41
IL	MOBIL JOLIET REFINING CORP	86010009043	269,836	32
IL	MOBIL JOLIET REFINING CORP	72110577025	207,849	24
IL	MOBIL JOLIET REFINING CORP	72110576021	141,453	17
IL	IOWA—ILL. GAS & ELECTRIC CO.—MOLINE GEN. STA	73010269001	1,096,036	128
IL	UNO–VEN COMPANY	72110240007	430,709	50
IL	KRAFT FOOD INGREDIENTS CORP	72100921003	62,027	7
IL	NORTHWESTERN STEEL & WIRE CO	73020819014	958,524	112
IL	NORTHWESTERN STEEL & WIRE CO	73020819013	215,027	25
IL	LAUHOFF GRAIN COMPANY	72121262091	165,702	19
IL	PEKIN ENERGY COMPANY	73020087019	769,080	90
IL	IOWA—ILL. GAS & ELECTRIC CO.—MOLINE GEN. STA	73010269002	1,096,036	128
IL	SHEREX CHEMICAL COMPANY	73032131001	312,522	37
IL	ARCHER DANIELS MIDLAND CORN SWEETENERS	86010056024	125,864	15
IL	UNO–VEN COMPANY	72110253037	391,449	46
IL	GENERAL ELECTRIC/HOT POINT—RANGE DIVISIO	73031100003	417,430	49
IL	CHICAGO WATER DEPT—SPRINGFIELD STATION	75110066002	193,415	23
IL	MENTAL HEALTH DEPT—CHICAGO–READ CENTER	75080018001	117,781	14
IL	COM ED—FISK STATION	73030818013	72,327	8
IL	COM ED—FISK STATION	73030818012	52,855	6
IL	U S STEEL—SOUTH WORKS	82010044014	849,872	99
IL	U S STEEL—SOUTH WORKS	82010044013	872,389	102
IL	GENERAL MILLS INC	73030988070	149,536	17
IL	GENERAL ELECTRIC/HOT POINT—RANGE DIVISIO	73031100006	128,751	15
IL	CPC INTERNATIONAL INC	73020146043	760,959	89
IL	CPC INTERNATIONAL INC	88050066118	139,143	16
IL	CPC INTERNATIONAL INC	73020147046	760,959	89
IL	CPC INTERNATIONAL INC	73020147045	819,060	96
IL	CATERPILLAR TRACTOR CO AURORA PLANT	73021182009	245,955	29
IL	CPC INTERNATIONAL INC	73020146042	819,060	96
IL	CPC INTERNATIONAL INC	73020146041	819,060	96

TABLE A.2.—ALLOCATIONS TO NON-EGUS BY MMBTU—Continued

State	Plant	Point ID	Unit 1995, Summer HI	Unit allocations by HI
IL	CLIFFORD–JACOBS FORGING CO	7302156500 3	256,378	30
IL	METROPOLITAN W.R.D. OF GREATER CHICAGO	8501007300 7	375,283	44
IL	QUANTUM—USI DIVISION	7210001601 7	169,166	20
IL	WM WRIGLEY JR CO—CHICAGO PLANT	7211074600 4	119,513	14
IL	AUSTIN WESTERN DIVISION	7405009800 2	363,736	43
IL	QUANTUM—USI DIVISION	7210001601 6	149,536	17
IL	QUANTUM—USI DIVISION	7210001601 4	199,189	23
IL	QUANTUM—USI DIVISION	7210001601 3	397,223	46
IL	NALCO CHEMICAL COMPANY—CORP RES CENTER	8501003300 4	171,777	20
IL	QUANTUM—USI DIVISION	7212120711 2	654,458	77
IL	AMOCO CHEMICALS CORP—WILLOW SPRINGS PL	7210022200 2	188,219	22
IL	QUANTUM—USI DIVISION	7212120711 0	654,458	77
IL	QUANTUM—USI DIVISION	7212120710 9	654,458	77
IL	QUANTUM—USI DIVISION	7212120710 8	615,960	72
IL	MARATHON OIL CO ILLINOIS REFINING DIV	7211129105 6	271,265	32
IL	MARATHON OIL CO ILLINOIS REFINING DIV	7211129105 5	271,265	32
IL	K-FIVE SOUTH PLANT	8610004500 2	62,027	7
IL	NATURAL GAS PIPELINE CO OF AMERICA	7302022100 4	703,800	82
IL	QUANTUM—USI DIVISION	7212120711 1	654,458	77
IN	LTV STEEL COMPANY	023	577,936	104
IN	LTV STEEL COMPANY	024	1,178,381	213
IN	LTV STEEL COMPANY	022	611,423	110
IN	IPALCO—PERRY K	001	949,685	171
IN	INLAND STEEL COMPANY	320	2,437,729	440
IN	IPALCO—PERRY K	002	959,398	173
IN	GMC-DELPHI INTERIOR AND LIGHTING SYSTEMS	002	16,166	3
IN	LTV STEEL COMPANY	021	531,747	96
IN	INLAND STEEL COMPANY	330	2,245,925	405
IN	INLAND STEEL COMPANY	321	3,811,376	688
IN	INLAND STEEL COMPANY	285	311,774	56
IN	IPALCO—PERRY K	003	506,874	91
IN	A.E. STALEY MAN. CO. SOUTH PLANT	040	1,412,496	255
IN	INLAND STEEL COMPANY	322	9,116,363	1,645
IN	IPALCO—PERRY K	004	629,974	114
IN	INDIANA GIRLS SCHOOL	003	2,031,840	367
IN	GENERAL ELECTRIC CO	001	7,506	1
IN	PANHANDLE EASTERN PIPELINE CO	016	6,282,041	1,133
IN	NATIONAL STEEL CORP	001	719,591	130
IN	NATIONAL STEEL CORP	003	124,132	22
IN	NATIONAL STEEL CORP	004	370,664	67
IN	INLAND STEEL COMPANY	284	315,815	57
IN	NEW ENERGY COMPANY OF INDIANA	003	8,648,738	1,560
IN	PFIZER INC	004	503,457	91
IN	WESTON PAPER & MFG	002	325,584	59
IN	APPLIED EXTRUSION TECHNOLOGIES, INC.	005	23,672	4
IN	JEFFERSON SMURFIT CORPORATION	001	643,824	116
IN	PRAXAIR, INC.	002	44,457	8
IN	E.W.I. INC.	001	18,475	3
IN	U S STEEL CO GARY WORKS	108	360,272	65
IN	ALLISON TRANSMISSION DIV PLANT 3	008	2,623	0
IN	FRITO-LAY, INC.	001	12,702	2
IN	JOSEPH SEAGRAM & SONS	009	700,650	126
IN	SUPERIOR LAMINATING, INC.	002	163,392	29
IN	KIEFFER PAPER MILLS INC.	001	38,683	7
IN	AMOCO OIL COMPANY, WHITING REFINERY	001	5,430,169	980
IN	AMOCO OIL COMPANY, WHITING REFINERY	002	153,577	28
IN	U S STEEL CO GARY WORKS	014	6,928	1
IN	U S STEEL CO GARY WORKS	028	122,400	22
IN	U S STEEL CO GARY WORKS	105	133,947	24

TABLE A.2.—ALLOCATIONS TO NON-EGUS BY MMBTU—Continued

State	Plant	Point ID	Unit 1995, Summer HI	Unit allocations by HI
IN	U S STEEL CO GARY WORKS	301	393,181	71
IN	U S STEEL CO GARY WORKS	405	103,925	19
IN	U S STEEL CO GARY WORKS	701	950,909	172
IN	U S STEEL CO GARY WORKS	714	405,306	73
IN	INLAND STEEL COMPANY	254	217,664	39
IN	INLAND STEEL COMPANY	282	297,917	54
IN	INLAND STEEL COMPANY	281	289,834	52
IN	U S STEEL CO GARY WORKS	104	138,566	25
IN	INLAND STEEL COMPANY	256	217,664	39
IN	U S STEEL CO GARY WORKS	718	101,038	18
IN	INLAND STEEL COMPANY	252	217,664	39
IN	INLAND STEEL COMPANY	217	1,013,264	183
IN	U S STEEL CO GARY WORKS	720	660,762	119
IN	AMERICAN MAIZE PRODUCTS COMPANY	007	944,559	170
IN	COLGATE-PALMOLIVE	003	101,636	18
IN	U S STEEL CO GARY WORKS	726	301,958	54
IN	INLAND STEEL COMPANY	283	297,917	54
IN	INLAND STEEL COMPANY	206	203,808	37
IN	INLAND STEEL COMPANY	280	289,834	52
KY	GENERAL TIRE INC	001	395,491	35
KY	WILLAMETTE INDUSTRIES INC	009	320,706	28
KY	ROHM & HAAS KENTUCKY INC	001	3,253,549	286
KY	G E APPLIANCES BOILER PLANT	001	1,072,019	94
KY	B F GOODRICH CO	007	898,370	79
KY	B F GOODRICH CO	018	344,106	30
KY	AIR PRODUCTS & CHEMICALS	0AB	976,162	86
KY	E I DUPONT INC	001	3,177,045	280
KY	AGE INTERNATIONAL, INC	011	196,879	17
KY	AIR PRODUCTS & CHEMICALS	0AA	831,963	73
KY	ARMCO STEEL CORP	0G5	329,901	29
KY	OWENSBORO GRAIN COMPANY	032	797,119	70
KY	PROTEIN TECHNOLOGIES INT	001	559,368	49
KY	ARMCO STEEL CORP	0G4	329,901	29
KY	ARMCO STEEL CORP	0G6	329,901	29
KY	ARMCO INC	020	200,390	18
KY	ARMCO INC	021	200,390	18
KY	ASHLAND OIL INC	067	801,951	71
KY	ARMCO INC	022	200,390	18
KY	TEXAS GAS TRANSMISSION	003	618,954	54
KY	DOW CORNING CORP	059	2,292,113	202
KY	ARMCO STEEL CORP	0G3	329,901	29
MA	BAY STATE STERLING	002	1,542,240	64
MA	TRIGEN-BOSTON ENERGY	001	678,388	28
MA	NATICK PAPERBOARD	002	279,072	12
MA	MEDICAL AREATOTALENG	005	155,448	6
MA	MEDICAL AREATOTALENG	004	168,912	7
MA	TRIGEN-BOSTON ENERGY	002	558,873	23
MA	WELLESLEY COLLEGE	001	58,416	2
MA	BAKER COMMODITIES	004	117,749	5
MA	G E AIRCRAFT ENGINES	003	412,488	17
MA	TRIGEN-BOSTON ENERGY	004	678,388	28
MA	G E AIRCRAFT ENGINES	007	630,125	26
MD	CHESAPEAKE PAPERBOARD COMPANY	002	402,696	45
MD	NAVAL SURFACE WARFARE CNTR-INDIAN HD	005	603,947	68
MD	NAVAL SURFACE WARFARE CNTR-INDIAN HD	004	603,947	68
MD	BETHLEHEM STEEL	009	904,230	102
MD	BETHLEHEM STEEL	008	904,230	102
MD	WESTVACO	002	1,701,768	192
MD	WESTVACO	001	1,647,393	185
MI	STEELCASE INC	0033	448,750	50
MI	WILLIAM BEAUMONT HOSPITAL	0010	0	0
MI	GENERAL MOTORS CORP	0510	46,245	5
MI	GENERAL MOTORS CORP	0506	265,585	30
MI	S D WARREN CO	0011	403,240	45
MI	S D WARREN CO	0003	142,030	16
MI	WILLIAM BEAUMONT HOSPITAL	0011	0	0
MI	DOW CHEMICAL USA	0084	192,838	21
MI	NATIONAL STEEL CORP	0205	241,913	27
MI	DOW CHEMICAL USA	0401	60,045	7
MI	STONE CONTAINER CORP	0001	1,386,384	154
MI	THE REGENTS OF THE UNIVERSITY OF MICHIGA	0001	402,996	45
MI	THE REGENTS OF THE UNIVERSITY OF MICHIGA	0002	374,706	42
MI	NATIONAL STEEL CORP	0202	165,702	18
MI	DSC LTD	0006	261,543	29
MI	ROUGE STEEL CO	0219	536,366	60
MI	ROUGE STEEL CO	0218	302,536	34
MI	DETROIT EDISON CO	0003	316,392	35
MI	GEORGIA PACIFIC CORP	0005	1,164,554	130
MI	NATIONAL STEEL CORP	0201	213,623	24
MI	CHAMPION INTERNATIONAL CORP	0002	92,198	10

TABLE A.2.—ALLOCATIONS TO NON-EGUS BY MMBTU—Continued

State	Plant	Point ID	Unit 1995, Summer HI	Unit allocations by HI
MI	GEORGIA PACIFIC CORP	0004	83,717	9
MI	MARATHON OIL COMPANY	0001	320,543	36
MI	MENASHA CORP	0024	754,568	84
MI	MENASHA CORP	0025	729,532	81
MI	ROCK TENN COMPANY	0001	275,413	31
MI	ROCK TENN COMPANY	0002	275,413	31
MI	MEAD PAPER CO	0310	1,927,800	214
MI	MEAD PAPER CO	0340	1,680,893	187
MI	CHAMPION INTERNATIONAL CORP	0015	54,272	6
MI	GENERAL MOTORS CORP	0501	747,102	83
MI	MICHIGAN STATE UNIVERSITY	0054	1,203,801	134
MI	JAMES RIVER PAPER CO INC	0003	957,583	107
MI	GREAT LAKES GAS TRANSMISSION	0005	854,018	95
MI	MEAD PAPER CO	0320	949,177	106
MI	MICHIGAN STATE UNIVERSITY	0055	803,812	89
MI	GENERAL MOTORS CORP	0502	558,883	62
MI	MICHIGAN STATE UNIVERSITY	0053	1,211,151	135
MI	GREAT LAKES GAS TRANSMISSION	0001	1,201,050	134
MI	GREAT LAKES GAS TRANSMISSION LTD	0003	943,732	105
MI	GENERAL MOTORS CORP	0507	231,521	26
MI	MICHIGAN STATE UNIVERSITY	0056	1,508,240	168
MO	THE DOE RUN COMPANY—SMELTING	002	454,182	58
MO	SCHUYLKILL METALS CORPORATION	001	59,317	8
MO	ANHEUSER BUSCH, INC., ST.LOUIS	003	46,189	6
MO	CHRYSLER CORP. NORTH PLANT	015	88,944	11
MO	MONSANTO COMPANY	001	577	0
MO	FORD MOTOR CO.	018	82,562	11
MO	BLUE RIVER TREATMENT PLANT	003	1,732	0
MO	DOE RUN COMPANY	017	0	0
MO	ASARCO	001	28,916	4
MO	CONTINENTAL BAKING COMPANY	007	2,309	0
MO	ASARCO	019	215,453	28
NC	INTERNATIONAL PAPER: REIGELWOOD	004	304,251	40
NC	R.J. REYNOLDS TOBACCO CO.—0745	004	1,230,528	164
NC	R.J. REYNOLDS TOBACCO CO.—0745	003	1,230,528	164
NC	R.J. REYNOLDS TOBACCO CO.—0745	002	1,230,528	164
NC	R.J. REYNOLDS TOBACCO CO.—0745	001	1,230,528	164
NC	R.J. REYNOLDS TOBACCO—0405	004	394,888	53
NC	R.J. REYNOLDS TOBACCO—0405	003	394,888	53
NC	R.J. REYNOLDS TOBACCO—0405	002	394,888	53
NC	WEYERHAUSER COMPANY, NEW BERN MILL	005	1,699,090	226
NC	INTERNATIONAL PAPER: REIGELWOOD	003	334,736	45
NC	FIELDCREST-CANNON PLT 1, KANNAPOLIS	001	745,416	99
NC	CHAMPION INT CORP	003	1,952,688	260
NC	FMC CORP-LITHIUM DIV. HWY 161	030	631,584	84
NC	R.J. REYNOLDS TOBACCO—0405	001	395,544	53
NC	CHAMPION INTERNATIONAL CORP. ROANOKE RAP	001	1,260,555	168
NC	CHAMPION INT CORP	002	860,880	115
NC	CHAMPION INT CORP	001	955,128	127
NC	CHAMPION INT CORP	004	1,713,192	228
NC	WEYERHAEUSER PAPER CO. PLYMOUTH	001	2,458,162	327
NC	WEYERHAEUSER PAPER CO. PLYMOUTH	007	1,888,305	251
NC	P. H. GLATFELTER CO.—ECUSTA	006	1,753,584	233
NC	CONE MILLS CORP-WHITE OAK PLANT	004	342,210	46
NJ	CHEVRON U.S.A., INC.	43	496,897	28
NJ	DUPONT DE NEMOURS, E.I., & CO.	10	750,245	42
NJ	HOFFMAN LAROCHE INC. C/O ENVIR	7	102,729	6
NJ	INTERNATIONAL VEILING CORPORAT	1	199,993	11
NJ	OWENS-BROCKWAY GLASS CONTAINER	1	1,116,375	62
NJ	NESTLE CO., INC., THE	7	120,697	7
NJ	NESTLE CO., INC., THE	6	120,697	7
NJ	DEGUSSA CORPORATION-METZ DIVIS	9	146,443	8
NJ	NEW JERSEY STEEL CORPORATION	1	169,934	9
NJ	DUPONT DE NEMOURS, E.I., & CO.	7	220,757	12
NJ	FORD MOTOR COMPANY	13	1,551,857	86
NJ	MERCK & CO., INC.	2	532,593	30
NJ	CHEVRON U.S.A., INC.	1	149,721	8
NJ	HERCULES INCORPORATED	2	325,380	18
NJ	HERCULES INCORPORATED	1	333,540	19
NJ	STONY BROOK REGIONAL SEWERAGE	2	441,660	25
NJ	BALL-INCON GLASS PACKAGING COR	1	456,814	25
NJ	PSE & G CO. ATTN ENVIRONMETAL	6	3,963,652	220
NJ	STONY BROOK REGIONAL SEWERAGE	1	441,660	25
NJ	GARDEN STATE PAPER CO., INC.	2	304,980	17
NJ	PSE & G CO. ATTN ENVIRONMETAL	1	5,505,816	306
NJ	PSE & G CO. ATTN ENVIRONMETAL	2	5,458,897	303
NJ	PSE & G CO. ATTN ENVIRONMETAL	3	4,606,176	256
NJ	PSE & G CO. ATTN ENVIRONMETAL	4	2,946,636	164
NJ	EXXON CORPORATION	7	199,993	11
NJ	MERCK & CO., INC.	6	902,273	50

TABLE A.2.—ALLOCATIONS TO NON-EGUS BY MMBTU—Continued

State	Plant	Point ID	Unit 1995, Summer HI	Unit allocations by HI
NJ	EXXON CORPORATION	14	887,400	49
NJ	MERCK & CO., INC.	5	775,912	43
NJ	HOFFMAN LAROCHE INC.	34	396,707	22
NJ	MERCK & CO., INC.	4	651,642	36
NJ	MERCK & CO., INC.	3	487,689	27
NJ	MERCK & CO., INC.	1	576,469	32
NJ	EXXON CORPORATION	15	130,050	7
NJ	PSE & G CO. ATTN ENVIRONMETAL	5	2,946,636	164
NJ	GARDEN STATE PAPER CO., INC.	1	701,369	39
NJ	HOMASCTE COMPANY	2	2,673,335	149
NJ	DUPONT DE NEMOURS, E.I., & CO.	9	2,569,307	143
NJ	GARDEN STATE PAPER CO., INC.	4	766,675	43
NJ	ANHEUSER-BUSCH INCORPORATED	2	324,360	18
NJ	GEORGIA-PACIFIC CORPORATION	1	148,629	8
NJ	COASTAL EAGLE POINT OIL COMPAN	38	102,729	6
NJ	GARDEN STATE PAPER CO., INC.	3	287,640	16
NJ	COASTAL EAGLE POINT OIL COMPAN	123	331,136	18
NJ	SCOTT PAPER COMPANY	4	846,536	47
NJ	SCOTT PAPER COMPANY	3	644,590	36
NJ	SCOTT PAPER COMPANY	2	759,028	42
NJ	MARINA ASSOCIATES	3	1,208,661	67
NJ	MARINA ASSOCIATES	2	2,143,093	119
NJ	MARINA ASSOCIATES	1	2,143,093	119
NJ	MALT PRODUCTS CORPORATION	1	242,614	13
NJ	PETROLEUM RECYCLING, INC.	20	1,536,557	85
NJ	HOMASCTE COMPANY	1	2,486,646	138
NJ	KAMINE MILFORD LIMITED PARTNER	1	775,710	43
NJ	COGEN TECHNOLOGIES—NEW JERSE	2	365,670	20
NJ	COGEN TECHNOLOGIES—NEW JERSE	1	362,610	20
NJ	DUPONT DE NEMOURS, E.I., & CO.	10	2,569,307	143
NJ	BEST FOODS CPC INTERNATIONAL I	3	251,555	14
NJ	COASTAL EAGLE POINT OIL COMPAN	39	102,729	6
NJ	MOBIL OIL CORPORATION	6	953,835	53
NJ	MOBIL OIL CORPORATION	5	143,149	8
NJ	MOBIL OIL CORPORATION	4	445,797	25
NJ	MOBIL OIL CORPORATION	3	492,776	27
NJ	MOBIL OIL CORPORATION	270	127,709	7
NJ	MOBIL OIL CORPORATION	2	492,776	27
NJ	MOBIL OIL CORPORATION	1	492,776	27
NJ	COASTAL EAGLE POINT OIL COMPAN	64	343,157	19
NJ	COASTAL EAGLE POINT OIL COMPAN	40	102,729	6
NY	GEORGIA PACIFIC CORP PLATTS	001	231,568	27
NY	GENERAL ELECTRIC	00C	405,181	47
NY	GENERAL ELECTRIC	02Z	393,942	46
NY	CAMPUS PWR PLANT OGS	006	289,170	33
NY	KODAK PARK DIV ROCHES	001	1,280,644	148
NY	HOLBROOK GENERATING STA	001	64,121	7
NY	HOLBROOK GENERATING STA	008	64,121	7
NY	HOLBROOK GENERATING STA	007	64,121	7
NY	HOLBROOK GENERATING STA	006	64,121	7
NY	HOLBROOK GENERATING STA	005	64,121	7
NY	HOLBROOK GENERATING STA	004	64,121	7
NY	LEDERLE LABORATORIES	04Y	265,593	31
NY	HOLBROOK GENERATING STA	002	64,121	7
NY	HOLBROOK GENERATING STA	00B	29,835	3
NY	AKZO SALT—WATKINS GLEN REFIN.	00F	320,027	37
NY	HUDSON RIVER MILL	007	2,361,664	273
NY	SILICONE PRODUCTS DIVISION	0ZZ	240,744	28
NY	SILICONE PRODUCTS DIVISION	02F	458,291	53
NY	PAPYRUS NEWTON FALLS, INC	001	297,730	34
NY	ALCOA MASSENA OPERATIONS	002	148,958	17
NY	HOLBROOK GENERATING STA	003	64,121	7
NY	HOLBROOK GENERATING STA	00J	29,835	3
NY	INDECK-YERKES ENERGY SERVICES TONAWAND	004	1,622,421	188
NY	IONDECK SILVER SPRINGS ENERGY	004	305,561	35
NY	IONDECK SILVER SPRINGS ENERGY	001	1,092,372	126
NY	MORTON SALT COMPANY	00E	209,984	24
NY	REFINED SUGARS, INC	00K	174,420	20
NY	SCOTT PAPER CO	001	69,283	8
NY	HOLBROOK GENERATING STA	009	64,121	7
NY	HOLBROOK GENERATING STA	00K	29,835	3
NY	HOLBROOK GENERATING STA	00A	64,121	7
NY	HOLBROOK GENERATING STA	00I	29,835	3
NY	HOLBROOK GENERATING STA	00G	29,835	3
NY	HOLBROOK GENERATING STA	00E	29,835	3
NY	HOLBROOK GENERATING STA	00D	29,835	3
NY	HOLBROOK GENERATING STA	00C	29,835	3
NY	HOLBROOK GENERATING STA	00F	29,835	3
NY	FINCH PRUYN & CO	006	462,437	53
NY	TICONDEROGA MILL TICOND	016	1,818,536	210

TABLE A.2.—ALLOCATIONS TO NON-EGUS BY MMBTU—Continued

State	Plant	Point ID	Unit 1995, Summer HI	Unit allocations by HI
NY	KODAK PARK DIV ROCHES	004	4,956,513	573
NY	KODAK PARK DIV ROCHES	003	3,716,404	430
NY	KODAK PARK DIV ROCHES	002	3,510,348	406
NY		002	104,229	12
NY	BURROWS PAPER CORP LYONSD	001	344,043	40
NY	EAST 60TH STREET	001	644,130	74
NY	CHAMPION INTERNATIONAL CORP DEFERI	008	1,000,960	116
NY		0ZZ	305,235	35
NY	CHEVY MOTOR PLT TONAWA	0ZZ	604,888	70
NY	GENERAL MILLS INC BUFFAL	06V	700,740	81
NY	BSC BAR PRODUCTS DIV. LACKAW	00E	153,000	18
NY	BETHENERGY LACK COKE LA	018	338,130	39
NY	LEDERLE LABORATORIES	032	265,593	31
NY	HOLBROOK GENERATING STA	00H	29,835	3
NY		0ZZ	800,101	93
NY	NESTLE FOODS CORP.	001	65,105	8
NY	BASF–WYANDOTTE CORP	0ZZ	150,691	17
NY	R. P. I.	003	276,021	32
NY	CHAMPION INTERNATIONAL CORP DEFERI	007	1,133,560	131
NY	OCCIDENTAL CHEMICAL CORP (HOOKER CHEM	006	2,448	0
NY	RAVENSWOOD—A—HOUSE	002	417,384	48
NY	RAVENSWOOD—A—HOUSE	001	417,384	48
NY	MILLER EASTERN BREWERY	00L	298,781	35
NY	A–B INC BALDWINSVILLE BREWERY LYSAND	002	175,196	20
NY	HOOKER EFW PLANT NIAGARA	0D1	690,409	80
NY	BRISTOL–MYERS COMPANY DEWITT	022	114,079	13
NY	OCCIDENTAL CHEMICAL CORP (HOOKER CHEM	007	27,061	3
NY	ROME MFG CO DIV ROME	002	299,384	35
NY	A–B INC BALDWINSVILLE BREWERY LYSAND	001	175,196	20
NY	HOOKER EFW PLANT NIAGARA	00C	4,896	1
NY	OSWEGO ENERGY CENTER	001	172,982	20
NY	HOOKER EFW PLANT NIAGARA	00D	965,861	112
OH	JEFFERSON SMURFIT (FRMLY CONTAINER CORP)	B004	788,542	89
OH	PORTSMOUTH GASEOUS DIFFUSION PLANT	B001	591,272	67
OH	PORTSMOUTH GASEOUS DIFFUSION PLANT	B002	591,272	67
OH	PORTSMOUTH GASEOUS DIFFUSION PLANT	B003	591,272	67
OH	GREAT LAKES SUGAR COMPANY	B004	172,630	20
OH	MIAMI PAPER CORPORATION	B001	644,232	73
OH	GIBSONBURG CANNING CO., INC.	B001	4,265,918	484
OH	USS/KOBE STEEL CO.—LORAIN WORKS	B001	957,838	109
OH	MEAD CORPORATION	B002	1,778,323	202
OH	MEAD CORPORATION	B003	2,144,090	243
OH	MEAD CORPORATION	B001	1,579,838	179
OH	APPLETON PAPERS INC.	B003	716,174	81
OH	APPLETON PAPERS INC.	B002	541,955	61
OH	CARGILL,INC.	B004	834,821	95
OH	USS/KOBE STEEL CO.—LORAIN WORKS	B013	771,928	88
OH	USS/KOBE STEEL CO.—LORAIN WORKS	B009	574,472	65
OH	USS/KOBE STEEL CO.—LORAIN WORKS	B005	143,185	16
OH	ARISTECH CHEMICAL CORPORATION	B004	261,312	30
OH	GEORGIA PACIFIC ROOFING FELT PLANT	B004	553,860	63
OH	SOUTH POINT ETHANOL	B007	862,912	98
OH	SOUTH POINT ETHANOL	B004	862,912	98
OH	USS/KOBE STEEL CO.—LORAIN WORKS	B007	379,902	43
OH	TIMKEN COMPANY CANTON PLANT NO 5	B003	402,996	46
OH	ARMCO STEEL COMPANY, L.P.	B005	898,729	102
OH	SOUTH POINT ETHANOL	B003	862,912	98
OH	LOF CO ROSSFORD PLANT 6	B003	273,700	31
OH	SHELL CHEMICAL CO	B007	313,620	36
OH	SHELL CHEMICAL CO	B005	313,620	36
OH	FRANKLIN BOXBOARD CORPORATION	B001	1,138,897	129
OH	W C I STEEL, INC.	B001	1,323,261	150
OH	GOODYEAR TIRE & RUBBER CO THE PLANT 11	B002	751,128	85
OH	W C I STEEL, INC.	B004	260,389	30
OH	TIMKEN COMPANY CANTON PLANT NO 5	X001	640,291	73
OH	ARISTECH CHEMICAL CORPORATION	B005	384,754	44
OH	TIMKEN COMPANY, THE	P014	285,215	32
OH	TIMKEN COMPANY, THE	P013	285,215	32
OH	TIMKEN COMPANY GAMBRINUS PLANT	X002	169,166	19
OH	TIMKEN COMPANY GAMBRINUS PLANT	X001	802,528	91
OH	ASHLAND PETROLEUM COMPANY	B029	167,434	19
OH	CANTON DROP FORGING & MFG CO	X001	649,528	74
OH	ARISTECH CHEMICAL CORPORATION	B010	530,775	60
OH	ARISTECH CHEMICAL CORPORATION	B009	503,485	57
OH	ARISTECH CHEMICAL CORPORATION	B006	385,401	44
OH	GOODYEAR TIRE & RUBBER CO THE PLANT 11	B001	826,200	94
OH	ARMCO STEEL COMPANY L.P.	P010	1,035,705	118
OH	ARMCO STEEL COMPANY, L.P.	B004	838,287	95
OH	ARMCO STEEL COMPANY, L.P.	B003	838,287	95
OH	ARMCO STEEL COMPANY, L.P.01	860,643	98	

TABLE A.2.—ALLOCATIONS TO NON-EGUS BY MMBTU—Continued

State	Plant	Point ID	Unit 1995, Summer HI	Unit allocations by HI
OH	ARMCO STEEL COMPANY L.P.	P009	1,035,705	118
OH	ARMCO STEEL COMPANY L.P.	B010	511,020	58
OH	ARMCO STEEL COMPANY L.P.	B009	511,020	58
OH	ARMCO STEEL COMPANY L.P.	B008	818,504	93
OH	ARMCO STEEL COMPANY L.P.	B007	818,504	93
OH	BP CHEMICALS, INC.	B003	3,729,736	423
OH	BP CHEMICALS, INC.	B002	532,325	60
OH	BP CHEMICALS, INC.	B001	599,876	68
OH	BP OIL COMPANY—LIMA REFINERY	P010	1,224,000	139
OH	GENERAL ELECTRIC CO	B004	166,309	19
OH	PROCTER & GAMBLE CO	B021	932,754	106
OH	WHEELING PITTSBURGH STEEL STEUBENVILLE S	B004	125,864	14
OH	ARMCO STEEL COMPANY L.P.	P012	1,035,705	118
OH	PROCTER & GAMBLE CO	B022	5,348,925	607
OH	HENKEL CORP.—EMERY GROUP	B027	3,846,420	436
OH	HENKEL CORP.—EMERY GROUP	B015	681,360	77
OH	HENKEL CORP.—EMERY GROUP	B014	317,220	36
OH	ANHEUSER-BUSCH COLUMBUS BREWERY	X001	302,149	34
OH	FAIRFIELD RECYCLED PAPER, INC.	B003	192,697	22
OH	GENERAL ELECTRIC CO	B002	1,240,166	141
OH	LTV STEEL COMPANY, INC.	B905	87,181	10
OH	LTV STEEL COMPANY, INC.	B009	707,842	80
OH	LTV STEEL COMPANY, INC.	B005	473,434	54
OH	LTV STEEL COMPANY, INC.	B007	527,014	60
OH	LTV STEEL COMPANY, INC.	B004	632,208	72
OH	LTV STEEL COMPANY, INC.	B010	192,838	22
OH	LTV STEEL COMPANY, INC.	B001	575,218	65
OH	LTV STEEL COMPANY, INC.	B002	931,161	106
OH	LTV STEEL COMPANY, INC.	B003	437,625	50
OH	LTV STEEL COMPANY, INC.	B004	1,008,422	114
OH	LTV STEEL COMPANY, INC.	B005	259,811	29
OH	LTV STEEL COMPANY, INC.	B006	202,653	23
PA	INTERNATIONAL PAPER CO.	040	662,852	68
PA	ALLIED CHEMICAL CORP	052	844,191	87
PA	TEXAS EASTERN GAS PIPELINE CO	032	753,026	77
PA	GENERAL ELECTRIC CO.	035	627,589	65
PA	MERCK SHARP & DOHME	039	532,174	55
PA	BETHLEHEM STEEL CORP.	041	639,151	66
PA	BETHLEHEM STEEL CORP.	042	835,995	86
PA	BETHLEHEM STEEL CORP.	067	1,333,002	137
PA	BETHLEHEM STEEL CORP.	147	3,110,558	320
PA	GENERAL ELECTRIC CO.	032	1,000,620	103
PA	SUN REFINING AND MARKETING 1 O	006	450,087	46
PA	SUN REFINING AND MARKETING 1 O	007	740,245	76
PA	SUN REFINING AND MARKETING 1 O	038	549,423	57
PA	SUN REFINING AND MARKETING 1 O	039	549,423	57
PA	PROCTER & GAMBLE PAPER PRODUCTS CO.	932	5,618,055	578
PA	ALLIED CHEMICAL CORP	051	175,625	18
PA	JEFFERSON SMURFIT (FRMLY CONTAINER CORP)	001	724,340	75
PA	MONESSEN INC.	031	252,039	26
PA	PROCTER & GAMBLE PAPER PRODUCTS CO.	035	2,522,800	259
PA	INTERNATIONAL PAPER CO.	037	1,029,159	106
PA	ALLIED CHEMICAL CORP	050	100,620	10
PA	LTV STEEL COMPANY—PITTSBURGH WORKS	17	114,361	12
PA	GLATFELTER, P. H. CO.	031	1,030,727	106
PA	LTV STEEL COMPANY—PITTSBURGH WORKS	15	114,361	12
PA	LTV STEEL COMPANY—PITTSBURGH WORKS	19	157,590	16
PA	LTV STEEL COMPANY—PITTSBURGH WORKS	21	95,486	10
PA	SHENANGO IRON & COKE WORKS	06	168,766	17
PA	SHENANGO IRON & COKE WORKS	09	137,678	14
PA	BMG ASPHALT CO.	101	30,943	3
PA	ZINC CORPORATION OF AMERICA	034	1,498,461	154
PA	ZINC CORPORATION OF AMERICA	035	1,759,488	181
PA	UNITED STATES STEEL CORP., THE	043	999,098	103
PA	BP OIL, INC.	033	1,234,200	127
PA	PENNTECH PAPERS, INC.	041	1,063,116	109
PA	UNITED STATES STEEL CORP., THE	045	1,172,194	121
PA	PENNTECH PAPERS, INC.	040	978,703	101
PA	SUN REFINING & MARKETING CO.	090	2,212,658	228
PA	SCOTT PAPER CO.	035	2,173,948	224
PA	SCOTT PAPER CO.	034	858,330	88
PA	INTERNATIONAL PAPER COMPANY	034	1,099,800	113
PA	INTERNATIONAL PAPER COMPANY	033	1,100,520	113
PA	BETHLEHEM STEEL CORP.	132	981,509	101
PA	UNITED STATES STEEL CORP., THE	046	982,367	101
TN	EASTMAN, TENN. CO	002	540,192	64
TN	EASTMAN, TENN. CO	001	540,192	64
TN	KRAFT FOOD INGREDIENTS CORP	003	621,815	74
TN	HUMKO-DIV WITCO CHEM	010	453,804	54
TN	HUMKO-DIV WITCO CHEM	009	468,815	55

TABLE A.2.—ALLOCATIONS TO NON-EGUS BY MMBTU—Continued

State	Plant	Point ID	Unit 1995, Summer HI	Unit allocations by HI
TN	ARCADIAN CORPORATION	007	1,274,808	151
TN	E.I. DUPONT DE NEMOURS & INTERMEDIATES	011	3,364,846	398
TN	E.I. DUPONT DE NEMOURS & INTERMEDIATES	016	612,000	72
TN	E.I. DUPONT DE NEMOURS & INTERMEDIATES	013	1,453,211	172
TN	EASTMAN, TENN. CO	003	618,528	73
TN	TEXAS EASTERN GAS PIPELINE GLADEVILLE	001	1,373,523	162
TN	E.I. DUPONT DE NEMOURS & INTERMEDIATES	015	1,019,615	121
TN	EASTMAN, TENN. CO	004	618,528	73
TN	EASTMAN, TENN. CO	005	673,200	80
TN	EASTMAN, TENN. CO	006	673,200	80
TN	EASTMAN, TENN. CO	013	881,816	104
TN	EASTMAN, TENN. CO	014	881,816	104
TN	EASTMAN, TENN. CO	015	2,913,528	345
TN	EASTMAN, TENN. CO	016	2,913,528	345
TN	EASTMAN, TENN. CO	017	2,913,528	345
TN	EASTMAN, TENN. CO	019	2,913,528	345
TN	TENN EASTMAN CO PO BOX 511 KINGSPOR	037	3,607,944	427
TN	E.I. DUPONT DE NEMOURS & INTERMEDIATES	010	3,849,249	455
TN	MEAD CORP	009	1,916,449	227
TN	EASTMAN, TENN. CO	018	2,913,528	345
TN	E I DUPONT DE NEMOURS & CO INC	0P3	328,104	39
TN	PROCTER & GAMBLE CELLULOSE COMPANY, THE	003	2,345,808	277
TN	TN EASTMAN INC	059	786,362	93
TN	ARNOLD ENGINEERING DEV CTR	006	10,751	1
TN	E I DUPONT DE NEMOURS & CO INC	0P2	1,000,824	118
TN	BASF FIBERS HWY 160 LOWLAND	008	869,725	103
TN	BASF FIBERS HWY 160 LOWLAND	009	869,725	103
TN	CENTRAL SOYA	042	1,051,978	124
TN	E I DUPONT	001	325,022	38
TN	E I DUPONT	003	463,154	55
TN	VELSICOL CHEMICAL	018	342,389	40
TN	PACKAGING CORPORATION OF AMERICA	017	224,205	27
TN	PACKAGING CORPORATION OF AMERICA	018	3,522,121	416
TN	CARGILL CORNSTARCH	003	1,487,976	176
TN	E I DUPONT DE NEMOURS & CO INC	0P1	403,704	48
TN	TENNECO GAS/ENVIRONMENTAL DEPARTMENT	001	481,255	57
TN	PROCTER & GAMBLE CELLULOSE COMPANY, THE	002	2,462,434	291
TN	PROCTER & GAMBLE CELLULOSE COMPANY, THE	001	617,774	73
TN	CARGILL CORNSTARCH	002	1,280,108	151
TN	BRIDGESTONE (U.S.A.), INC	001	363,659	43
TN	US DEPARTMENT OF ENERGY (ORNL)	003	58,562	7
TN	GOODYEAR TIRE & RUBB	004	1,095,940	130
TN	BOWATERS PAPER CO	012	1,087,729	129
TN	BOWATERS PAPER CO	011	1,086,881	129
TN	A.E. STALEY MANUFACTURING COMPANY	035	1,189,514	141
TN	A.E. STALEY MANUFACTURING COMPANY	034	1,189,514	141
VA	BEAR ISLAND PAPER CO	001	2,206,643	201
VA	JAMES RIVER COGENERATION (COGE	002	3,761,847	342
VA	SMITHFIELD PACKING	001	96,591	9
VA	DUPONT DE NEMOURS E I & CO	004	285,120	26
VA	DUPONT DE NEMOURS E I & CO	005	406,080	37
VA	UNION CAMP CORP/FINE PAPER DIV	003	1,703,400	155
VA	UNION CAMP CORP/FINE PAPER DIV	005	384,182	35
VA	UNION CAMP CORP/FINE PAPER DIV	017	632,549	58
VA	DUPONT DE NEMOURS E I & CO	001	360,720	33
VA	CHESAPEAKE PAPER PDTS CO	003	1,950,681	178
VA	CHESAPEAKE PAPER PDTS CO	004	487,946	44
VA	STONE CONTAINER CORP	004	5,141,951	468
VA	ALLIED–SIGNAL INC	002	5,140,799	468
VA	ALLIED–SIGNAL INC	016	7,509,947	684
VA	JAMES RIVER COGENERATION (COGE	001	3,761,847	342
VA	HOECHST CELANESE CORP	007	911,520	83
VA	UNION CAMP CORP/FINE PAPER DIV	004	2,379,652	217
VA	ALLIED–SIGNAL INC	017	595,170	54
VA	WESTVACO CORP	002	1,076,877	98
VA	UNION CAMP CORP/FINE PAPER DIV	016	380,432	35
VA	HOECHST CELANESE CORP	006	877,200	80
VA	WESTVACO CORP	001	1,413,167	129
VA	WESTVACO CORP	003	1,545,951	141
VA	WESTVACO CORP	004	2,616,233	238
VA	DUPONT, EI DENEMOURS & CO	001	401,760	37
VA	DUPONT, EI DENEMOURS & CO	002	532,691	48
VA	DUPONT, EI DENEMOURS & CO	003	373,553	34
VA	GEORGIA-PACIFIC	002	673,368	61
VA	E I DUPONT DE NEMOURS & CO	004	1,344,182	122
VA	HOECHST CELANESE CORP	003	885,360	81
VA	E I DUPONT DE NEMOURS & CO	006	1,281,074	117
VA	E I DUPONT DE NEMOURS & CO	007	978,350	89
VA	HOECHST CELANESE CORP	005	656,880	60
VA	E I DUPONT DE NEMOURS & CO	008	1,272,956	116

TABLE A.2.—ALLOCATIONS TO NON-EGUS BY MMBTU—Continued

State	Plant	Point ID	Unit 1995, Summer HI	Unit allocations by HI
VA	HOECHST CELANESE CORP	002	612,000	56
VA	E I DUPONT DE NEMOURS & CO	005	1,202,326	109
VA	HOECHST CELANESE CORP	004	226,800	21
WV	ELKEM METALS COMPANY—ALLOY P	016	435,240	58
WV	DU PONT—BELLE	0ZD	844,340	113
WV	BASF CORPORATION HUNTINGTON WO	003	312,814	42
WV	WEIRTON STEEL CORPORATION	030	1,209,426	161
WV	WEIRTON STEEL CORPORATION	088	500,915	67
WV	WEIRTON STEEL CORPORATION	089	305,643	41
WV	WEIRTON STEEL CORPORATION	090	585,781	78
WV	WEIRTON STEEL CORPORATION	091	580,467	77
WV	WEIRTON STEEL CORPORATION	092	721,698	96
WV	WEIRTON STEEL CORPORATION	093	702,068	94
WV	QUAKER STATE REFINING CORP. —	001	693,049	92
WV	QUAKER STATE REFINING CORP. —	002	709,589	95
WV	QUAKER STATE REFINING CORP. —	004	743,213	99
WV	DU PONT—BELLE	0ZA	1,046,722	140
WV	WEIRTON STEEL CORPORATION	087	413,954	55
WV	DU PONT—BELLE	0ZC	380,180	51
WV	DU PONT WASHINGTON WORKS	0P6	803,015	107
WV	DU PONT—BELLE	0ZE	1,079,138	144
WV	FMC CORPORATION—STEAM PLANT	003	4,423,563	590
WV	UNION CARBIDE—SOUTH CHARLEST	0B1	737,843	98
WV	PPG INDUSTRIES, INC	001	1,402,296	187
WV	PPG INDUSTRIES, INC	002	824,976	110
WV	PPG INDUSTRIES, INC	003	2,445,280	326
WV	BAYER CORPORATION	022	206,694	28
WV	COLUMBIAN CHEMICALS CO	032	296,762	40
WV	CYTEC INDUSTRIES	OWA	362,304	48
WV	CYTEC INDUSTRIES	OWB	362,304	48
WV	DU PONT WASHINGTON WORKS	OP4	351,654	47
WV	DU PONT WASHINGTON WORKS	OP5	608,426	81
WV	DU PONT—BELLE	OZB	898,968	120

Appendix B to Part 97—NO_x Allowance Allocation Tables for Affected Sources Under Section 110 of the Act in Georgia, South Carolina, and Wisconsin

TABLE B.1.—ALLOCATIONS TO FOSSIL FUEL-FIRED EGUS BY MMBTU AND MWH

State	Plant ID	Point ID	Plant	Unit average of two highest of 1995, 1996, or 1997 summer HI	Unit average of two Highest of 1995, 1996, or 1997 summer MWh	Unit allocations by HI	Unit allocation s by MWh
GA	699	1	ARKWRIGHT	576,855	55,467	45	42
GA	699	2	ARKWRIGHT	586,172	56,363	46	43
GA	699	3	ARKWRIGHT	699,177	67,229	55	51
GA	699	4	ARKWRIGHT	629,120	60,492	49	46
GA	700	A2	ATKINSON	906,420	85,511	71	65
GA	700	A3	ATKINSON	817,568	62,880	64	48
GA	700	A4	ATKINSON	754,261	58,199	59	44
GA	703	1BLR	BOWEN	21,604,980	2,244,673	1,696	1,713
GA	703	2BLR	BOWEN	22,900,012	2,406,980	1,798	1,837
GA	703	3BLR	BOWEN	28,660,178	3,033,144	2,250	2,314
GA	703	4BLR	BOWEN	26,354,043	2,794,110	2,069	2,132
GA	708	1	HAMMOND	2,110,931	210,861	166	161
GA	708	2	HAMMOND	2,040,405	191,336	160	146
GA	708	3	HAMMOND	2,025,655	192,480	159	147
GA	708	4	HAMMOND	10,921,707	1,088,470	858	831
GA	709	1	HARLLEE BRANCH	6,718,809	684,684	528	522
GA	709	2	HARLLEE BRANCH	8,055,215	830,949	632	634
GA	709	3	HARLLEE BRANCH	13,120,649	1,392,407	1,030	1,062
GA	709	4	HARLLEE BRANCH	13,892,588	1,492,864	1,091	1,139
GA	54538	MAG1	HARTWELL ENERGY FACILITY	22,233	2,616	2	2
GA	54538	MAG2	HARTWELL ENERGY FACILITY	26,322	3,097	2	2
GA	710	MB1	JACK MCDONOUGH	6,978,996	702,254	548	536
GA	710	MB2	JACK MCDONOUGH	7,807,471	791,913	613	604
GA	733	1	KRAFT	1,099,803	97,856	86	75
GA	733	2	KRAFT	981,804	89,917	77	69
GA	733	3	KRAFT	1,950,273	184,023	153	140
GA	733	4	KRAFT	664,593	65,769	52	50
GA	6124	1	MCINTOSH	4,024,081	410,746	316	313
GA	6124	—CT3	MCINTOSH	345,688	26,942	27	21
GA	6124	—CT4	MCINTOSH	325,133	25,340	26	19
GA	6124	—CT5	MCINTOSH	341,543	26,619	27	20
GA	6124	—CT6	MCINTOSH	340,759	26,557	27	20
GA	6124	—CT7	MCINTOSH	315,416	32,195	25	25

TABLE B.1.—ALLOCATIONS TO FOSSIL FUEL-FIRED EGUS BY MMBTU AND MWH—Continued

State	Plant ID	Point ID	Plant	Unit average of two highest of 1995, 1996, or 1997 summer HI	Unit average of two Highest of 1995, 1996, or 1997 summer MWh	Unit allocations by HI	Unit allocation s by MWh
GA	6124	—CT8	MCINTOSH	328,841	33,565	26	26
GA	715	1	MCMANUS	589,903	55,651	46	42
GA	715	2	MCMANUS	954,370	94,027	75	72
GA	727	3	MITCHELL	3,043,908	306,784	239	234
GA	734	12	RIVERSIDE	193,852	17,000	15	13
GA	7348	CT1	ROBINS	268,614	31,602	21	24
GA	7348	CT2	ROBINS	292,814	34,449	23	26
GA	6257	1	SCHERER	23,234,939	2,383,804	1,824	1,819
GA	6257	2	SCHERER	24,621,510	2,553,039	1,933	1,948
GA	6257	3	SCHERER	25,671,808	2,581,378	2,016	1,970
GA	6257	4	SCHERER	29,025,526	2,918,605	2,279	2,227
GA	6052	1	WANSLEY	21,381,911	2,300,367	1,679	1,755
GA	6052	2	WANSLEY	21,242,550	2,283,163	1,668	1,742
GA	6052	—5A	WANSLEY	100,644	7,625	8	6
GA	728	Y1BR	YATES	1,867,410	161,164	147	123
GA	728	Y2BR	YATES	2,067,213	182,165	162	139
GA	728	Y3BR	YATES	1,867,344	156,630	147	120
GA	728	Y4BR	YATES	2,626,026	261,739	206	200
GA	728	Y5BR	YATES	2,296,410	221,000	180	169
GA	728	Y6BR	YATES	6,632,004	659,048	521	503
GA	728	Y7BR	YATES	6,805,284	689,632	534	526
SC	3280	CAN1	CANADYS STEAM	2,869,700	284,129	282	276
SC	3280	CAN2	CANADYS STEAM	3,511,752	347,698	345	338
SC	3280	CAN3	CANADYS STEAM	4,088,313	400,815	401	389
SC	7210	COP1	COPE	10,227,161	983,381	1,004	955
SC	130	1	CROSS	15,587,385	1,640,777	1,530	1,594
SC	130	2	CROSS	14,641,271	1,534,724	1,437	1,491
SC	3317	1	DOLPHUS M GRAINGER	1,668,846	160,899	164	156
SC	3317	2	DOLPHUS M GRAINGER	1,453,280	140,549	143	137
SC	3251	1	H B ROBINSON	4,576,700	469,984	449	457
SC	3285	—4	HAGOOD	195,876	15,853	19	15
SC	3318	—3	HILTON HEAD	96,373	7,301	9	7
SC	3319	1	JEFFERIES	87,283	8,234	9	8
SC	3319	2	JEFFERIES	95,610	9,020	9	9
SC	3319	3	JEFFERIES	3,609,158	356,460	354	346
SC	3319	4	JEFFERIES	3,821,882	385,309	375	374
SC	3287	MCM1	MCMEEKIN	4,125,180	438,849	405	426
SC	3287	MCM2	MCMEEKIN	3,928,408	417,916	386	406
SC	50806	ST__NER	STONE CONTAINER	1,347,859	127,157	132	124
SC	3295	URQ1	URQUHART	2,118,629	207,709	208	202
SC	3295	URQ2	URQUHART	2,190,221	214,728	215	209
SC	3295	URQ3	URQUHART	3,017,055	307,863	296	299
SC	3264	1	W S LEE	1,529,058	130,232	150	127
SC	3264	2	W S LEE	1,653,216	148,138	162	144
SC	3264	3	W S LEE	2,934,022	293,402	288	285
SC	3264	—4	W S LEE	50,719	3,559	5	3
SC	3297	WAT1	WATEREE	8,329,168	849,915	818	826
SC	3297	WAT2	WATEREE	10,033,636	1,023,840	985	995
SC	3298	WIL1	WILLIAMS	20,429,832	2,084,677	2,006	2,025
SC	6249	1	WINYAH	7,076,385	728,773	695	708
SC	6249	2	WINYAH	7,783,646	780,472	764	758
SC	6249	3	WINYAH	6,588,503	620,913	647	603
SC	6249	4	WINYAH	7,930,443	802,758	779	780
WI	4140	B4	ALMA	906,033	82,667	68	64
WI	4140	B5	ALMA	1,322,085	127,590	99	99
WI		2	ARCADIA MUNICIPAL ELECTRIC	359	25	0	0
WI		3	ARCADIA MUNICIPAL ELECTRIC	181	13	0	0
WI		4	ARCADIA MUNICIPAL ELECTRIC	78	5	0	0
WI		5	ARCADIA MUNICIPAL ELECTRIC	4,411	310	0	0
WI		CT1	BEACH	8,810	618	1	0
WI	3992	8	BLOUNT STREET	746,085	61,609	56	48
WI	3992	9	BLOUNT STREET	883,198	72,931	66	56
WI	8023	1	COLUMBIA	17,697,465	1,721,376	1,328	1,333
WI	8023	2	COLUMBIA	19,254,893	1,881,831	1,445	1,458
WI	7159	—1	CONCORD	234,673	19,126	18	15
WI	7159	—2	CONCORD	252,008	20,539	19	16
WI	7159	—3	CONCORD	222,583	16,862	17	13
WI	7159	—4	CONCORD	217,995	16,515	16	13
WI			CUMBERLAND MUNICIPAL UTILITY	193	14	0	0
WI			CUMBERLAND MUNICIPAL UTILITY	280	20	0	0
WI			CUMBERLAND MUNICIPAL UTILITY	374	26	0	0
WI			CUMBERLAND MUNICIPAL UTILITY	584	41	0	0
WI		1	DANBURY	65	5	0	0
WI		2	DANBURY	73	5	0	0
WI		3	DANBURY	158	11	0	0
WI	4050	3	EDGEWATER	1,632,111	139,963	122	108

TABLE B.1.—ALLOCATIONS TO FOSSIL FUEL-FIRED EGUS BY MMBTU AND MWH—Continued

State	Plant ID	Point ID	Plant	Unit average of two highest of 1995, 1996, or 1997 summer HI	Unit average of two Highest of 1995, 1996, or 1997 summer MWh	Unit allocations by HI	Unit allocation s by MWh
WI	4050	4	EDGEWATER	8,821,558	917,097	662	710
WI	4050	5	EDGEWATER	12,812,254	1,206,427	961	935
WI		1	FITCHBURG	93,659	6,573	7	5
WI		2	FITCHBURG	90,110	6,323	7	5
WI		CT1	FLAMBEAU	78,623	5,517	6	4
WI		2	FREDERIC	20	1	0	0
WI		3	FREDERIC	19	1	0	0
WI		4	FREDERIC	144	10	0	0
WI		5	FREDERIC	103	7	0	0
WI		6	FREDERIC	705	49	0	0
WI		7	FREDERIC	871	61	0	0
WI		CT1	FRENCH ISLAND	56,592	4,287	4	3
WI		CT2	FRENCH ISLAND	20,835	1,578	2	1
WI	4143	1	GENOA	9,095,142	1,001,668	682	776
WI	6253	—1	GERMANTOWN	107,413	8,137	8	6
WI	6253	—2	GERMANTOWN	107,413	8,137	8	6
WI	6253	—3	GERMANTOWN	107,413	8,137	8	6
WI	6253	—4	GERMANTOWN	107,413	8,137	8	6
WI	4271	B1	J P MADGETT	9,339,971	841,818	701	652
WI		CT1	MANITOWOC	21,524	1,510	2	1
WI		31	MARINETTE	76,764	5,387	6	4
WI		32	MARINETTE	22,262	1,562	2	1
WI		33	MARINETTE	383,016	29,016	29	22
WI	54851	GT__MSD	MMSD	22,263	1,562	2	1
WI	4054	1	NELSON DEWEY	2,969,241	276,363	223	214
WI	4054	2	NELSON DEWEY	3,141,352	301,995	236	234
WI		1	NINE SPRINGS	16,452	1,155	1	1
WI			Northwestern Wisconsin Electric Com	37	3	0	0
WI			Northwestern Wisconsin Electric Com	50	4	0	0
WI			Northwestern Wisconsin Electric Com	391	27	0	0
WI			Northwestern Wisconsin Electric Com	1,127	79	0	0
WI	7270	**1	PARIS	382,238	28,957	29	22
WI	7270	**2	PARIS	487,654	36,943	37	29
WI	7270	**3	PARIS	524,161	39,709	39	31
WI	7270	**4	PARIS	386,103	29,250	29	23
WI	6170	1	PLEASANT PRAIRIE	23,012,814	2,129,633	1,727	1,650
WI	6170	2	PLEASANT PRAIRIE	21,265,904	1,967,972	1,596	1,524
WI		AUX1	PLEASANT PRAIRIE	18,405	1,736	1	1
WI		AUX2	PLEASANT PRAIRIE	10,617	1,002	1	1
WI	4040	1	PORT WASHINGTON	1,295,715	124,588	97	97
WI	4040	2	PORT WASHINGTON	1,613,882	155,660	121	121
WI	4040	3	PORT WASHINGTON	1,719,476	167,362	129	130
WI	4040	4	PORT WASHINGTON	1,439,805	140,141	108	109
WI	4072	4	PULLIAM	395,870	38,064	30	29
WI	4072	5	PULLIAM	1,150,234	94,904	86	74
WI	4072	6	PULLIAM	1,994,261	167,726	150	130
WI	4072	7	PULLIAM	2,684,757	258,722	201	200
WI	4072	8	PULLIAM	4,610,833	453,020	346	351
WI		3	RIVER FALLS MUNICIPAL UTILITY	36	3	0	0
WI		5	RIVER FALLS MUNICIPAL UTILITY	2,527	177	0	0
WI		7	RIVER FALLS MUNICIPAL UTILITY	11,357	797	1	1
WI	4057	1	ROCK RIVER	1,999,193	168,666	150	131
WI	4057	2	ROCK RIVER	2,050,594	170,174	154	132
WI		3	ROCK RIVER	29,868	2,096	2	2
WI		4	ROCK RIVER	15,112	1,060	1	1
WI		5	ROCK RIVER	166,306	12,599	12	10
WI		6	ROCK RIVER	70,005	5,303	5	4
WI		30	SHEEPSKIN	124,716	8,752	9	7
WI	7203	**CT1	SOUTH FOND DU LAC	262,538	19,889	20	15
WI	7203	**CT2	SOUTH FOND DU LAC	275,481	18,992	21	15
WI	7203	**CT3	SOUTH FOND DU LAC	260,349	18,555	20	14
WI	4041	5	SOUTH OAK CREEK	5,906,838	667,439	443	517
WI	4041	6	SOUTH OAK CREEK	6,206,014	701,244	466	543
WI	4041	7	SOUTH OAK CREEK	8,697,896	978,611	653	758
WI	4041	8	SOUTH OAK CREEK	8,278,088	921,016	621	713
WI		1	SYCAMORE	33,342	2,340	3	2
WI		2	SYCAMORE	73,840	5,182	6	4
WI	4042	1	VALLEY	1,387,542	119,133	104	92
WI	4042	2	VALLEY	1,420,141	121,932	107	94
WI	4042	3	VALLEY	1,856,188	158,014	139	122
WI	4042	4	VALLEY	1,745,618	148,601	131	115
WI		CT1	WASHINGTON ISLAND ELECTRIC COOPERAT	75	5	0	0
WI		CT2	WASHINGTON ISLAND ELECTRIC COOPERAT	46	3	0	0
WI		CT3	WASHINGTON ISLAND ELECTRIC COOPERAT	3	0	0	0
WI		CT4	WASHINGTON ISLAND ELECTRIC COOPERAT	94	7	0	0
WI		CT5	WASHINGTON ISLAND ELECTRIC COOPERAT	153	11	0	0

TABLE B.1.—ALLOCATIONS TO FOSSIL FUEL-FIRED EGUS BY MMBTU AND MWH—Continued

State	Plant ID	Point ID	Plant	Unit average of two highest of 1995, 1996, or 1997 summer HI	Unit average of two Highest of 1995, 1996, or 1997 summer MWh	Unit allocations by HI	Unit allocation s by MWh
WI		CT6	WASHINGTON ISLAND ELECTRIC COOPERAT	270	19	0	0
WI	4076	—33	WEST MARINETTE	227,932	18,531	17	14
WI	4078	1	WESTON	1,706,613	143,124	128	111
WI	4078	2	WESTON	2,947,494	274,594	221	213
WI	4078	3	WESTON	12,197,388	1,197,819	915	928
WI		1	WHEATON	52,813	4,001	4	3
WI		2	WHEATON	58,350	4,420	4	3
WI		3	WHEATON	48,564	3,679	4	3
WI		4	WHEATON	40,981	3,105	3	2
WI		5	WHEATON	23,635	1,791	2	1
WI		6	WHEATON	17,227	1,305	1	1

TABLE B.2.—ALLOCATIONS TO NON-EGUS BY MMBTU

State	Plant	Point ID	Unit 1995 summer HI	Unit allocations by HI
GA	MERCK & CO INC	004	1,137,138	134
GA	FEDERAL PAPER BOARD CO INC	007	2,551,114	300
GA	DSM CHEMICALS NORTH AMERICA INC	001	1,137,974	134
GA	PACKAGING CORP OF AMERICA	015	1,239,138	146
GA	INTERSTATE PAPER CORP	006	771,395	91
GA	CARGILL	001	461,546	54
GA	BLUE	001	25,892	3
GA	INLAND-ROME	001	986,136	116
GA	GILMAN PAPER CO ST MARYS KRAFT BAG	003	1,715,895	202
GA	AUSTELL	001	1,507,475	177
GA	FEDERAL PAPER BOARD CO INC	008	3,189,139	375
GA	GILMAN PAPER CO ST MARYS KRAFT BAG	016	2,130,015	250
GA	UNION CAMP CORP	018	1,404	0
GA	UNION CAMP CORP	019	1,749,095	206
GA	UNION CAMP CORP	020	3,300,620	388
GA	UNION CAMP CORP	021	4,611,960	542
GA	SAVANNAH SUGAR REFINERY	017	370,056	44
SC	SPRINGS IND:GRACE	004	93,432	13
SC	HOECHST/CEL:ROCKHILL	005	1,284,708	175
SC	GOODYEAR:SPARTANBURG	001	5,196	1
SC	CAROLINA EASTMAN CO	005	823,637	112
SC	CAROLINA EASTMAN CO	006	348,861	48
SC	GASTON COPPER RECYCL	006	151,636	21
SC	WILLAMETTE:BNVL PULP	005	552,532	75
SC	UNION CAMP:EASTOVER	001	2,637,388	360
SC	CAROLINA EASTMAN CO	004	1,224,571	167
SC	TRANDCENTNTL PIPELINE	005	16,691	2
SC	BOWATER CAROLINA CO	001	66,597	9
SC	HOECHST/CEL:ROCKHILL	001	858,080	117
SC	HOECHST/CEL:ROCKHILL	002	858,080	117
SC	HOECHST/CEL:ROCKHILL	004	1,284,708	175
SC	HOECHST/CEL:ROCKHILL	006	1,352,714	185
SC	DUPONT,EI:MAY PLANT	015	1,058,715	145
SC	SPRINGS IND:GRACE	003	962,472	131
SC	HOECHST/CEL:ROCKHILL	003	858,080	117
SC	WESTVACO:KRAFT DIV	007	1,534,180	210
SC	CAROLINA EASTMAN CO	003	1,174,931	160
SC	DUPONT, EI:MAY PLANT	014	1,110,177	152
SC	SAVANNAH R PL:AREA D	001	322,804	44
SC	SAVANNAH R PL:AREA D	002	1,160,658	159
SC	SAVANNAH R PL:AREA D	003	270,000	37
SC	WESTVACO:KRAFT DIV	003	604,557	83
SC	SONOCO:HARTSVILLE	003	992,068	135
SC	SONOCO:HARTSVILLE	004	1,245,367	170
SC	STONE CONT:FLORENCE	002	699,348	96
SC	US AIRFORCE:MRTL BCH	007	1,246	0
SC	STONE CONT:FLORENCE	010	4,460,897	609
SC	US FINISHING	004	12,125	2
SC	US FINISHING	005	6,928	1
SC	US FINISHING	006	1,155	0
SC	CAROTELL PAPER BOARD	004	17,136	2
SC	US AIRFORCE:MRTL BCH	005	2,476	0
SC	STONE CONT:FLORENCE	004	1,736,541	237
SC	SAVANNAH R PL:AREA D	004	501,768	69
WI	LADISH MALTING CO	B28	79,675	12
WI	TENNECO PACKAGING INC	B30	8,660	1
WI	A.A. LAUN FURNITURE CO	B21	0	0
WI	MILLER BREWING COMPANY MILWAUKEE PLANT	B20	465,928	71

TABLE B.2.—ALLOCATIONS TO NON-EGUS BY MMBTU—Continued

State	Plant	Point ID	Unit 1995 summer HI	Unit allocations by HI
WI	PROCTER & GAMBLE PAPER PRODUCTS COMPANY	B06	193,276	30
WI	WIS DOA / UW-MILWAUKEE POWER PLANT	B20	32,909	5
WI	ST. JOSEPH'S HOSPITAL	T07	577	0
WI	WAUSAU PAPER MILLS COMPANY	B25	65,242	10
WI	WIS DOA / UW MADISON—CHARTER ST	B25	256,925	39
WI	WIS DOA / UW MADISON—CHARTER ST	B21	608,077	93
WI	FORT HOWARD CORPORATION	B26	1,448,966	222
WI	PROCTER & GAMBLE PAPER PRODUCTS COMPANY	B05	80,349	12
WI	PROCTER & GAMBLE PAPER PRODUCTS COMPANY	B07	116,626	18
WI	JAMES RIVER CORPORATION—GREEN BAY MILL	B01	419,007	64
WI	ST. JOSEPH'S HOSPITAL	T08	577	0
WI	ANDIS COMPANY	B10	577	0
WI	FORT HOWARD CORPORATION	B29	1,785,381	273
WI	FORT HOWARD CORPORATION	B27	2,670,322	409
WI	GREAT LAKES GAS TRANSMISSION-COMP STATIO	P01	716,318	110
WI	ANDIS COMPANY	B11	0	0
WI	BURNETT MEDICAL CENTER	B22	1,155	0
WI	CONSOLIDATED PAPERS INC-KRAFT DIV	B24	70,438	11
WI	CONSOLIDATED PAPERS INC-KRAFT DIV	B21	1,286,371	197
WI	NEKOOSA PAPERS INC NEKOOSA MILL	B24	848,238	130
WI	CONSOLIDATED PAPERS INC-KRAFT DIV	B20	1,566,432	240
WI	CONSOL PAPERS INC BIRON DIV	B24	1,538,813	236
WI	FLAMBEAU PAPER CORP	I50	9,815	2
WI	DELUXE CHECK PRINTERS	B20	1,732	0
WI	HYDRO-PLATERS, INC	B01	0	0
WI	BLOUNT INC. FORESTY & INDUSTRIAL EQUIP D	B20	1,155	0
WI	APPLETON PAPERS INC LOCKS MILL	B23	1,453,493	223
WI	APPLETON PAPERS INC LOCKS MILL	B05	35,796	5
WI	THILMANY PULP & PAPER COMPANY	B11	1,460,691	224
WI	RHINELANDER PAPER CO	B26	1,370,808	210
WI	QUAD/GRAPHICS, INC	B02	577	0
WI	QUAD/GRAPHICS, INC	B01	577	0
WI	PRINTWORKS INC	P33	577	0
WI	CONSOL PAPERS INC BIRON DIV	B23	1,274,336	195

Appendix C to Part 97-State-by-State Maximum Summer NO^X Emission Levels and Allocation Aggregates

State	EGU maximum summer NO^x Tons	EGU allocations (95% of maximum summer)	Non-EGU maximum summer NO^x tons	Non-EGU allocations (95% of maximum summer)
AL	28,884	27,440	3,347	3,179
CT	2,545	2,418	283	269
DC	207	196	18	17
DE	3,489	3,315	238	226
GA	30,061	28,558	3,328	3,161
IL	30,165	28,657	3,600	3,420
IN	46,627	44,296	11,325	10,758
KY	36,315	34,499	1,709	1,624
MA	14,619	13,888	232	220
MD	14,788	14,048	802	762
MI	26,344	25,027	2,844	2,702
MO	23,171	22,012	132	126
NC	29,967	28,468	3,277	3,113
NJ	7,898	7,503	3,882	3,688
NY	29,391	27,921	4,409	4,189
OH	45,776	43,487	8,693	8,258
PA	48,038	45,636	4,657	4,424
RI	1,115	1,059	0	0
SC	16,286	15,472	4,355	4,137
TN	25,386	24,117	8,085	7,681
VA	18,009	17,109	5,372	5,104
WI	16,751	15,913	3,204	3,043
WV	26,439	25,117	3,509	3,334
Total	522,271	496,157	77,300	73,436

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