

§ 73.11

[58 FR 3687, Jan. 11, 1993, as amended at 58 FR 15650, Mar. 23, 1993; 58 FR 33770, June 21, 1993; 58 FR 40747, July 30, 1993; 62 FR 55486, Oct. 24, 1997; 63 FR 51714, Sept. 28, 1998]

§ 73.11 [Reserved]

§ 73.12 Rounding Procedures.

(a) *Calculation rounding.* All allowances under this part and part 72 of this chapter shall be allocated as whole allowances. All calculations for such allowances shall be rounded down for decimals less than 0.500 and up for decimals of 0.500 or greater.

(b) [Reserved]

[58 FR 3687, Jan. 11, 1993, as amended at 63 FR 51765, Sept. 28, 1998]

§ 73.13 Procedures for submittals.

(a) *Address for submittal.* All submittals under this subpart shall be made by the designated representative to the Director, Acid Rain Division, (6204J), 1200 Pennsylvania Ave., NW., Washington, DC 20460 and shall meet the requirements specified in 40 CFR 72.21.

(b) *Appeals procedures.* The designated representative may appeal the decision as to eligibility or allocation of allowances under §§ 73.18, 73.19, and 73.20, using the appeals procedures of part 78 of this chapter.

[58 FR 15708, Mar. 23, 1993 as amended at 63 FR 51765, Sept. 28, 1998]

§§ 73.14–73.17 [Reserved]

§ 73.18 Submittal procedures for units commencing commercial operation during the period from January 1, 1993, through December 31, 1995.

(a) *Eligibility.* To be eligible for allowances under this section, a unit shall commence commercial operation between January 1, 1993, and December 31, 1995, and have commenced construction before December 31, 1990.

(b) *Application for allowances.* No later than December 31, 1995, the designated representative for a unit expected to be eligible under this provision must submit a photocopy of a signed contract for the construction of the unit.

(c) *Commencement of commercial operation.* The Administrator will use EIA information submitted by the utility

40 CFR Ch. I (7–1–03 Edition)

for the boiler on-line date as commencement of commercial operation.

[58 FR 15710, Mar. 23, 1993]

§ 73.19 Certain units with declining SO₂ rates.

(a) *Eligibility.* A unit is eligible for allowance allocations under this section if it meets the following requirements:

(1) It is an existing unit that is a utility unit;

(2) It serves a generator with nameplate capacity equal to or greater than 75 MWe;

(3) Its 1985 actual SO₂ emissions rate was equal to or greater than 1.2 lb/mmBtu;

(4) Its 1990 actual SO₂ emissions rate is at least 50 percent less than the lesser of its 1980 actual or allowable SO₂ emissions rate;

(5) Its actual SO₂ emission rate is less than 1.2 lb/mmBtu in any one calendar year from 1996 through 1999, as reported under part 75 of this chapter;

(6) It commenced commercial operation after January 1, 1970;

(7) It is part of a utility system whose combined commercial and industrial kilowatt-hour sales increased more than 20 percent between calendar years 1980 and 1990; and

(8) It is part of a utility system whose company-wide fossil-fuel SO₂ emissions rate declined 40 percent or more from 1980 to 1988.

(b) [Reserved]

[58 FR 15710, Mar. 23, 1993, as amended at 63 FR 51765, Sept. 28, 1998]

§ 73.20 Phase II early reduction credits.

(a) *Unit eligibility.* Units listed in table 2 or 3 of § 73.10 are eligible for allowances under this section if:

(1) The unit is not a unit subject to emissions limitation requirements of Phase I and is not a substitution unit (under 40 CFR 72.41) or a compensating unit (under 40 CFR 72.43);

(2) The unit is authorized by the Governor of the State in which the unit is located;

(3) The unit is part of a utility system (which, for the purposes of this section only, includes all generators operated by a single utility, including generators that are not fossil fuel-fired) that has decreased its total coal-