

**§ 73.53**

until after completion of the deductions pursuant to §73.35(b) for year before the year in which the allowance transfer deadline occurs.

(c) Where an allowance transfer submitted for recordation fails to meet the requirements of paragraph (a) of this section, the Administrator will not record such transfer.

[58 FR 3694, Jan. 11, 1993, as amended at 60 FR 17114, Apr. 4, 1995; 70 FR 25336, May 12, 2005]

**§ 73.53 Notification.**

(a) *Notification of recordation.* The Administrator will notify each party to an allowance transfer within five business days following the recordation of the transfer. Notice will be given in writing or in a format to be specified by the Administrator, to the authorized account representatives of both the transferrer and transferee accounts.

(b) *Notification of non-recordation.* By no later than five business days following receipt of an allowance transfer request by the Administrator, the Administrator will notify, in writing or in a format to be specified by the Administrator, the authorized account representatives of the accounts subject to the allowance transfer request submitted for recordation 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 an allowance transfer request for recordation following notification of non-recordation.

**Subpart E—Auctions, Direct Sales, and Independent Power Producers Written Guarantee**

SOURCE: 56 FR 65601, Dec. 17, 1991, unless otherwise noted.

**§ 73.70 Auctions.**

(a) *Allowances to be auctioned.* Every year the Administrator will auction allowances from the Auction Sub-account, established pursuant to subpart B of this part, according to the following schedule:

**40 CFR Ch. I (7–1–07 Edition)**

TABLE I—ALLOWANCE SCHEDULE FOR AUCTIONS

Year of purchase	Spot auction	Advance auction	Advance auction*
1993 .....	50,000 <sup>a</sup>	100,000 <sup>b</sup>	
1994 .....	50,000 <sup>a</sup>	100,000 <sup>b</sup>	25,000 <sup>c</sup>
1995 .....	50,000 <sup>a</sup>	100,000 <sup>b</sup>	25,000 <sup>c</sup>
1996 .....	150,000	100,000 <sup>b</sup>	25,000 <sup>c</sup>
1997 .....	150,000	125,000 <sup>b</sup>	25,000 <sup>c</sup>
1998 .....	150,000	125,000 <sup>b</sup>	
1999 .....	150,000	125,000 <sup>b</sup>	
2000 and after .....	125,000	125,000 <sup>b</sup>	

<sup>a</sup> Not usable until 1995.

<sup>b</sup> Not usable until 7 years after purchase.

<sup>c</sup> Not usable until 6 years after purchase.

\*These are unsold advance allowances from the direct sale program for 1993, 1994, 1995, and 1996 respectively.

In addition to the allowances listed above, the Administrator will auction allowances pursuant to paragraph (c) of this section and §73.72(q) in the amounts and at the times provided for therein.

(b) *Timing of the auctions.* The spot auction and the advance auction will be held on the same day, selected each year by the Administrator, but no later than March 31 of each year. The Administrator will conduct one spot auction and one advance auction in each calendar year.

(c) *Submittal for other allowances for auction.* Authorized account representatives may offer allowances for sale at auction, provided that allowances are dated for the year in which they are offered or for any previous year or for seven years following the year in which they are offered. Such authorized account representatives may specify a minimum price for the allowances offered at the auctions. The authorized account representative must notify the Administrator fifteen business days prior to the auctions, using the SO<sub>2</sub> Allowance Offer Form published by the Administrator, or by means of electronic communication if the Administrator, following public notice, so requires or permits at some future time. The notification shall include:

(1) The compliance use date of the allowances offered;

(2) The number of allowances to be sold and any other information identifying the allowances offered that may be required by subpart C of this part;

(3) Any minimum price; and

(4) Whether the authorized account representative is willing to sell fewer allowances than the number stated in paragraph (c)(2) of this section, if the