

§ 73.21

40 CFR Ch. I (7–1–10 Edition)

2016 subaccount (up to the amount of allowances allocated to the unit for the year 2016) shall be deducted contemporaneously, such that the sum of the allowances deducted from the subaccounts equals the number of allowances required to be deducted under paragraph (f)(3)(ii) of this section.

(iv) Notwithstanding paragraph (f)(3)(ii) of this section, the procedure in paragraph (f)(3)(iii) shall be applied as follows to each year after 2015 (year-by-year in numerical order) for which the number of allowances to be deducted from that year's subaccount exceeds the number allocated to the unit for that year: allowances equal to the number allocated for that year shall be deducted from that year's subaccount and the remainder (up to the amount allocated) necessary to equal the number of allowances required to be deducted under paragraph (f)(3)(ii) of this section shall be deducted from the next year's subaccount.

(v) The owners and operators of the unit shall ensure that sufficient allowances are available to make the full de-

ductions required under paragraphs (f)(3)(ii), (iii), and (iv) of this section. The designated representative may specify the serial number of each allowance to be deducted.

(4) *ERC Units.* Any unit to which allowances are allocated under paragraph (f)(3)(i) of this section shall be considered an ERC unit for purposes of applying the restrictions in paragraph (e)(6) of this section.

[58 FR 15711, Mar. 23, 1993, as amended at 62 FR 34150, June 24, 1997]

§ 73.21 Phase II repowering allowances.

(a) *Repowering allowances.* In addition to allowances allocated under § 73.10(b), the Administrator will allocate, to each existing unit (under § 72.44(b)(1) of this chapter) with an approved repowering extension plan, allowances for use during the repowering extension period approved under § 72.44(f)(2)(ii) of this chapter (including a prorated allocation for any fraction of a year) equal to:

$$\text{Unit's Repowering Allowances} = \frac{\text{Unit's Baseline} \times \text{the lesser of } \left[\begin{array}{l} \text{1995 SIP} \\ \text{or} \\ \text{1995 Actual Rate} \end{array} \right]}{2000} - \text{Unit's Adjusted Basic Allowances}$$

where:

1995 SIP = Most stringent federally enforceable State implementation plan SO₂ emissions limitation for 1995.

1995 Actual Rate = 1995 actual SO₂ emissions rate

Unit's Adjusted Basic Allowances are as listed in the following table

Unit	Year 2000 adjusted basic allowances
RE Burger 1	1273
RE Burger 2	1245
RE Burger 3	1286
RE Burger 4	1316
RE Burger 5	1336
RE Burger 6	1332
New Castle 1	1334
New Castle 2	1485
New Castle 3	2935
New Castle 4	2686
New Castle 5	5481

(b) Upon commencement of commercial operation of a new unit (under § 72.44(b)(2) of this chapter) with an approved repowering extension plan, allowances for use during the repowering extension period approved will end and allocations under § 73.10(b) for the existing unit will be transferred to the subaccounts for the new unit.

(c)(1) If the designated representative for a repowering unit terminates the repowering extension plan in accordance with § 72.44(g)(1) of this chapter, the repowering allowances allocated to that unit by paragraph (a) of this section will be terminated and any necessary allowances from that unit's account forfeited, calculated in the following manner:

$$\text{Forfeited Repowering Allowances} = \text{Forfeiture Period} \times \left[\frac{\text{Unit's Baseline} \times \text{the lesser of}}{2000} \left[\begin{array}{c} 1995 \text{ SIP} \\ \text{or} \\ 1995 \text{ Actual Rate} \end{array} \right] - \text{Unit's Adjusted Basic Allowances} \right]$$

where:

Forfeiture Period = difference (as a portion of a year) between the end of the approved repowering extension and the end of the repowering extension under § 72.44(g)(1)(ii)

1995 SIP = Most stringent federally enforceable State implementation plan SO₂ emissions limitation for 1995.

1995 Actual Rate = 1995 actual SO₂ emissions rate

Unit's Adjusted Basic Allowances are as listed in the table in paragraph (a) of this section.

(c)(2) The Administrator will reallocate any allowances forfeited in paragraph (c)(1) of this section with a compliance use date of 2000 or any allowances remaining in the repowering reserve to all Table 2 units' years 2000 through 2009 subaccounts in the following manner:

$$\text{Reallocation} = \text{Forfeited Repowering Allowances} \times \frac{\text{Unit's Deductions at Table 2 Column B}}{27124}$$

[53 FR 15713, Mar. 23, 1993, as amended at 63 FR 51765, Sept. 28, 1998]

§§ 73.22-73.24 [Reserved]

§ 73.25 Phase I extension reserve.

The Administrator will initially allocate 3.5 million allowances to the Phase I Extension Reserve account of the Allowance Tracking System. Allowances from this Reserve will be allocated to units under § 72.42 of this chapter. Allowances remaining in the Phase I Extension Reserve account following allocation of all extension allowances under § 72.42 of this chapter will remain in the Reserve.

[58 FR 3687, Jan. 11, 1993]

§ 73.26 Conservation and renewable energy reserve.

The Administrator will allocate 300,000 allowances to the Conservation and Renewable Energy Reserve subaccount of the Acid Rain Data System. Allowances from this Reserve will be allocated to units under subpart F of this part. Termination of this Reserve and reallocation of allowances will be made under § 73.80(c).

[53 FR 15714, Mar. 23, 1993]

§ 73.27 Special allowance reserve.

(a) Establishment of Reserve. (1) The Administrator will allocate 150,000 al-

lowances annually for calendar years 1995 through 1999 to the Auction Subaccount of the Special Allowance Reserve.

(2) The Administrator will allocate 250,000 allowances annually for calendar year 2000 and each year thereafter to the Auction Subaccount of the Special Allowance Reserve.

(b) Distribution of proceeds. (1) Monetary proceeds from the auctions and sales of allowances from the Special Allowance Reserve (under subpart E of this part) for use in calendar years 1995 through 1999 will be distributed to the designated representative of the unit according to the following equation:

$$\text{unit proceeds} = (\text{Column B of table 1 of section 73.10/150,000}) \times \text{total proceeds}$$

(2) Until June 1, 1998, monetary proceeds from the auctions of allowances from the Special Allowance Reserve (under subpart E of this part) for use in calendar years 2000 through 2009 will be distributed to the designated representative of each unit listed in Table 2 according to the following equation: