

technology) and (2) tangentially fired boilers.

### 3. [RESERVED]

#### 4. REPORTING REQUIREMENTS

4.1 The following information is to be submitted by each designated representative of a Phase I affected unit subject to the reporting requirements of §76.14(c):

4.1.1 Schedule and dates for baseline testing, installation, and performance testing of low NO<sub>x</sub> burner technology.

4.1.2 Estimates of the annual average baseline NO<sub>x</sub> emission rate, as specified in section 3.1.1, and the annual average controlled NO<sub>x</sub> emission rate, as specified in section 3.1.2, including the supporting continuous emission monitoring or other test data.

4.1.3 Copies of pre-retrofit and post-retrofit performance test reports.

4.1.4 Detailed estimates of the capital costs based on actual contract bids for each component of the installed low NO<sub>x</sub> burner technology including the items listed in section 2.1. Indicate number of bids solicited. Provide a copy of the actual agreement for the installed technology.

4.1.5 Detailed estimates of the capital costs of system replacements or upgrades such as coal pipe changes, fan replacements/upgrades, or mill replacements/upgrades undertaken as part of the low NO<sub>x</sub> burner technology retrofit project.

4.1.6 Detailed breakdown of the actual costs of the completed low NO<sub>x</sub> burner technology retrofit project where low NO<sub>x</sub> burner technology costs (section 4.1.4) are disaggregated, if feasible, from system replacement or upgrade costs (section 4.1.5).

4.1.7 Description of the probable causes for significant differences between actual and estimated low NO<sub>x</sub> burner technology retrofit project costs.

4.1.8 Detailed breakdown of the burner and, if applicable, combustion air staging system annual operating and maintenance costs for the items listed in section 3.3 before and after the installation, shakedown, and/or optimization of the installed low NO<sub>x</sub> burner technology. Include estimates and a description of the probable causes of the incremental annual operating and maintenance costs (or savings) attributable to the installed low NO<sub>x</sub> burner technology.

4.2 All capital cost estimates are to be broken down into materials costs, construction and installation labor costs, and engineering and overhead costs. All operating and maintenance costs are to be broken down into maintenance materials costs, maintenance labor costs, operating labor costs, and fan electricity costs. All capital and operating costs are to be reported in dol-

lars with the year of expenditure or estimate specified for each component.

[60 FR 18761, Apr. 13, 1995, as amended at 61 FR 67164, Dec. 19, 1996; 62 FR 3464, Jan. 23, 1997]

## PART 77—EXCESS EMISSIONS

Sec.

77.1 Purpose and scope.

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77.5 Deduction of allowances to offset excess emissions of sulfur dioxide.

77.6 Penalties for excess emissions of sulfur dioxide and nitrogen oxides.

AUTHORITY: 42 U.S.C. 7601 and 7651, et seq.

SOURCE: 58 FR 3757, Jan. 11, 1993, unless otherwise noted.

### § 77.1 Purpose and scope.

(a) This part sets forth the excess emissions offset planning and offset penalty requirements under section 411 of the Clean Air Act, 42 U.S.C. 7401, *et seq.*, as amended by Public Law 101-549 (November 15, 1990). These requirements shall apply to the owners and operators and, to the extent applicable, the designated representative of each affected unit and affected source under the Acid Rain Program.

(b) Nothing in this part shall limit or otherwise affect the application of sections 112(r)(9), 113, 114, 120, 303, 304, or 306 of the Act, as amended. Any allowance deduction, excess emission penalty, or interest required under this part shall not affect the liability of the affected unit's and affected source's owners and operators for any additional fine, penalty, or assessment, or their obligation to comply with any other remedy, for the same violation, as ordered under the Act.

### § 77.2 General.

Part 72 of this chapter, including §§ 72.2 (definitions), 72.3 (measurements, abbreviations, and acronyms), 72.4 (Federal authority), 72.5 (State authority), 72.6 (applicability), 72.7 (new units exemption), 72.8 (retired units exemption), 72.9 (standard requirements), 72.10 (availability of information), and 72.11 (computation of time), shall apply to this part. The procedures for appeals