

an interim basis, the sufficiency of the monitoring plan accompanying the initial application for a NO<sub>x</sub> 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<sub>x</sub> emissions rate and heat input rate 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<sub>x</sub> 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 percent monitor data 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<sub>x</sub> Budget unit" prior to issuance of a NO<sub>x</sub> Budget opt-in permit covering the unit.

(c) Based on the information monitored and reported under paragraph (b) of this section, the Administrator will calculate the unit's baseline heat input, which will equal the unit's total heat input (in mmBtu) for the control period, and the unit's baseline NO<sub>x</sub> emissions rate, which will equal the unit's total NO<sub>x</sub> mass emissions (in lb) for the control period divided by the unit's baseline heat input.

(d) *Issuance of draft NO<sub>x</sub> Budget opt-in permit for public comment.* The permitting authority will issue a draft NO<sub>x</sub> Budget opt-in permit for public comment in accordance with §97.20.

(e) Notwithstanding paragraphs (a) through (d) of this section, if at any time before issuance of a draft NO<sub>x</sub> Budget opt-in permit for public comment for the unit, the Administrator or the permitting authority determines that the unit does not qualify as a NO<sub>x</sub> Budget opt-in unit under §97.80, the permitting authority will issue a draft

denial of a NO<sub>x</sub> Budget opt-in permit for public comment for the unit in accordance with §97.20.

(f) *Withdrawal of application for NO<sub>x</sub> Budget opt-in permit.* A NO<sub>x</sub> authorized account representative of a unit may withdraw its application for an initial NO<sub>x</sub> Budget opt-in permit under §97.83 at any time prior to the issuance of the initial NO<sub>x</sub> Budget opt-in permit. Once the application for a NO<sub>x</sub> Budget opt-in permit is withdrawn, a NO<sub>x</sub> authorized account representative wanting to re-apply must submit a new application for an initial NO<sub>x</sub> Budget permit under §97.83.

(g) The unit shall be a NO<sub>x</sub> Budget opt-in unit and a NO<sub>x</sub> Budget unit starting May 1 of the first control period starting after the issuance of the initial NO<sub>x</sub> Budget opt-in permit by the permitting authority.

#### §97.85 NO<sub>x</sub> Budget opt-in permit contents.

(a) Each NO<sub>x</sub> Budget opt-in permit will contain all elements required for a complete NO<sub>x</sub> Budget opt-in permit application under §97.22.

(b) Each NO<sub>x</sub> 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 or G of this part, every allocation, transfer, or deduction of NO<sub>x</sub> allowances to or from the compliance accounts of each NO<sub>x</sub> Budget opt-in unit covered by the NO<sub>x</sub> Budget opt-in permit or the overdraft account of the NO<sub>x</sub> Budget source where the NO<sub>x</sub> Budget opt-in unit is located.

#### §97.86 Withdrawal from NO<sub>x</sub> Budget Trading Program.

(a) *Requesting withdrawal.* To withdraw from the NO<sub>x</sub> Budget Trading Program, the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> Budget opt-in unit 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<sub>x</sub> Budget opt-in unit covered by a