of an individual source, we are again inviting comment from interested stakeholders on the topic of how the NSR program overlays with emission guidelines established under CAA section 111(d). We are interested in actions that can be taken to harmonize and streamline the NSR applicability and/or the NSR permitting process with a potential new rule. We invite comment on the following questions:

1. Under what scenarios would EGU's be potentially subject to the requirements of the NSR program as a result of making physical or operational changes that are part of a strategy for regulating existing sources under CAA section 111(d)? Do the scenarios differ depending on site specific factors, such as the size or class of EGU, how the EGU operates (e.g., baseload, intermediate, load following), fuel[s] the EGU burns, or the EGU’s existing level of pollution control? If so, please explain the differences.

2. What are the flexibilities that can the EPA provide as part of the NSR program that would enable EGUs to implement projects required under a CAA section 111(d) plan and not trigger major NSR permitting while maintaining environmental protections?

3. What actions can sources take—e.g., through the minor NSR program, agreeing to a PAL—when making heat rate improvements or co-firing with a lower emitting fuel that would allow them to continue to serve the demand of the grid while not having excessive permitting requirements?

4. What approaches could be used in drafting CAA section 111(d) plans so as to reduce the number of existing sources that will be subject to NSR permitting? Do compliance measures, such as inter- and intra-state trading systems, rate-based or mass-based standards, or generation shifting to lower- or zero-emitting units, offer favorable solutions for air agencies and sources with regard to NSR permitting?

5. What other approaches would minimize the impact of the NSR program on the implementation of a performance standard for EGU sources under CAA section 111(d)?

B. New Source Performance Standards (NSPS)

The EPA solicits comment on whether there are any potential interactions between a state-based program under CAA section 111(d) covering existing fossil fuel-fired EGUs and a federal program under CAA section 111(b) covering newly constructed, reconstructed, and modified fossil fuel-fired EGUs. In particular, the EPA requests information on how an existing EGU covered under a CAA section 111(d) state plan might affect the state plan (or an interstate trading program) if the EGU undergoes a reconstruction or modification (as defined under CAA section 111(b)).
significantly reduce the amount” and ends with the phrase “in order to resolve potential compliance issues,” is corrected to read as follows:

“Our proposal to significantly reduce the amount of MLR data submitted to CMS would eliminate the need for CMS to continue to pay a contractor approximately $390,000 a year to perform initial analyses or desk reviews of the detailed MLR reports submitted by MA organizations and Part D sponsors. These initial analyses or desk reviews are done by our contractors in order to identify omissions and suspected inaccuracies and to communicate their findings to MA organizations and Part D sponsors in order to resolve potential compliance issues.”

B. Correction of Errors in the Regulations Text

§ 422.164 [Corrected]

1. On page 56498, third column, in § 422.164(f)(4)(vi), lines 4 through 6, the reference “§§ 422.166(a)(2)(ii) through (iv) and 423.186(a)(2)(ii)) through (iv)” is corrected to read “§§ 422.166(a)(2)(ii) through (iv) and 423.186(a)(2)(ii) through (iv)”.

§ 423.120 [Corrected]

2. On page 56509, first column—

a. Sixth paragraph, amendatory instruction 62e is corrected to read “e. In paragraph (b)(5)(i)(A), by removing the phrase “60 days” and adding in its place the phrase “30 days””.

b. Eighth paragraph, amendatory instruction 62z is corrected to read “f. In paragraph (b)(5)(i)(B), by removing the phrase “60 day supply” and adding in its place the phrase “month’s supply”.”

§ 423.128 [Corrected]

3. On page 56510, second column—

a. Third full paragraph, amendatory instruction 63 is corrected to read “63. Section 423.128 is amended by revising paragraphs (a)(3) and (d)(2)(iii) to reads as follows:”;

b. Following the third full paragraph, § 423.128, the text is corrected by adding the following text after the section heading and before line 1 (5 stars) to read as follows:

“(a) ** * *

(3) At the time of enrollment and at least annually thereafter, by the first day of the annual coordinated election period.”

§ 423.184 [Corrected]

4. On page 56516, third column, in § 423.184(f)(4)(vi), line 4, the reference “§ 423.186(a)(2)(ii)” is corrected to read “§ 423.186(a)(2)(iii)”. 