

territory of the United States only the quantity of asbestos for which they hold permits issued under this Subpart.

(b) The amount of asbestos contained in imported product listed in § 763.145 will count toward the total amount of asbestos a person may mine or import during a year.

(c) Persons must estimate typical asbestos content of imported asbestos products covered by this rule. Persons may use EPA's estimate of typical asbestos content if they are not certain of the typical asbestos content of a product.

#### § 763.144 Issuance of permits.

(a)(1) EPA will issue permits for the mining or import of asbestos, including asbestos contained in the asbestos products listed in § 763.145.

(2) Applications for permits must be sent to the Office of Toxic Substances (TS-702), EPA, 401 M St. SW., Washington, D.C. 20460.

(b)(1) Persons must apply to EPA for permits by 30 days after the effective date of this rule.

(2) Persons must list in their application for permits the amount of asbestos, including asbestos contained in the asbestos products listed in § 763.145, that they imported or mined during 1981, 1982, and 1983.

(c) If an application is mailed to EPA, the application must be postmarked by 30 days after the effective date of this rule.

(d) EPA will allocate to persons who apply for permits a uniform percentage of the amount of asbestos those persons reported mining or importing during 1981, 1982, and 1983.

(e) Each permit will allow a person to mine or import the following percentages of the average amount of asbestos he or she mined or imported yearly during 1981, 1982, and 1983.

Year 1—30 percent.  
Year 2—25 percent.  
Year 3—21 percent.  
Year 4—18 percent.  
Year 5—16 percent.  
Year 6—15 percent.  
Year 7—12 percent.  
Year 8—10 percent.  
Year 9—8 percent.  
Year 10—5 percent.

#### § 763.149 Appeals concerning permits.

(a) A person may appeal EPA's initial disposition of his or her application for a permit.

(b) The person must appeal in writing to the Director of the Office of Toxic Substances (TS-702), EPA, 401 M St. SW., Washington, DC 20460, within 20 days after receipt of EPA's announcement of the disposition of his

or her application. If the appeal is mailed, the letter must be postmarked within 20 days after receipt of EPA's announcement of disposition.

(c) A person must indicate in an appeal why he or she should receive a permit or be allowed to mine or import additional asbestos under the permit.

(d) The Director of the EPA Office of Toxic Substances will either grant or deny the appeal within 60 days after its receipt. The disposition of the appeal will be announced by letter to the person making the appeal.

#### § 763.150 Transfer of permits.

(a) A person issued a permit by EPA to mine or import a quantity of asbestos may transfer that permit in whole or in part to another person.

(b) A person who transfers a permit to mine or import a quantity of asbestos and a person who receives such a transferred permit must report that transfer to the Office of Toxic Substances (TS-702), EPA, 401 M St. SW., Washington, DC 20460, within 10 days of the transfer.

(c) The parties involved in a transfer may report either jointly or separately.

(d) If a report is mailed to EPA, the report must be postmarked within 10 days of the transfer.

#### § 763.151 Banking of permits.

(a) Persons issued permits by EPA to mine or import a quantity of asbestos during one particular year may reserve or "bank" all or part of the permitted amount and use it to mine or import asbestos during a later year during the 10-year phase-down period.

(b) The amount of asbestos that a person is permitted to mine or import will decline from year to year when it is reserved or "banked" at a rate of 10 percent per year.

(c) A person who "banks" a permit in whole or in part must report that "banking" to the Office of Toxic Substances (TS-702), EPA, 401 M St. SW., Washington, DC 20460, within 60 days of the end of the year for which the permit was issued.

(d) If a report is mailed to EPA, the report must be postmarked within 60 days of the end of the year for which the "banked" permit was issued.

#### § 763.153 Recordkeeping.

(a) Any person who mines or imports asbestos or any asbestos product listed in § 763.145 must retain in one location documentation of information showing:

(1) The name of any person to whom he or she transferred permission to mine or import asbestos.

(2) The name of any person from whom he or she received permission to mine or import asbestos.

(3) The amount of asbestos mined or imported each year, including asbestos imported in any asbestos product listed in § 763.145.

(4) The typical asbestos content of any asbestos product listed in § 763.145.

(5) The number of individual asbestos products listed in § 763.145 imported each year.

(b) This information must be retained for 5 years from the end of the last year of the 10-year phase-down period covered by this rule.

#### § 763.154 Reporting.

(a) Any person who imports asbestos, including asbestos in an asbestos product listed in § 763.145, must report to the Office of Toxic Substances (TS-702), EPA, 401 M St. SW., Washington, DC 20460, within 2 days of the day of import indicating:

(1) The person's name.  
(2) The amount of asbestos imported.  
(3) The number of individual asbestos products listed in § 763.145 imported.

(4) A certification that the person was either issued a permit by EPA to import at least that amount of asbestos that year or obtained that permission from another person as provided in § 763.149.

(b) Within 60 days of the end of each year covered by this Subpart, each person who mines or imports asbestos, including asbestos in an asbestos product listed in § 763.145 must report to the Office of Toxic Substances (TS-702), EPA, 401 M St. SW., Washington, DC 20460:

(1) The total amount of bulk asbestos that person mined or imported that year.

(2) The total amount of asbestos that person imported to asbestos products listed in § 763.145 that year.

(3) The number of individual asbestos products listed in § 763.145 that person imported that year.

(4) The amount of asbestos that person had permission to mine or import that year.

(c) If a report is mailed to EPA, the report must be postmarked within 60 days of the end of each year covered by this Subpart.

#### § 763.156 Enforcement.

(a) Failure to comply with any provision of this Subpart is a violation of section 15 of the Act (15 U.S.C. 2614).

(b) Failure or refusal to establish and maintain records or to permit access to or copying of records, as required by the Act, is a violation of section 15 of the Act (15 U.S.C. 2614).

(c) Failure or refusal to permit entry or inspection as required by section 11 of the Act (15 U.S.C. 2610) is a violation of section 15 of the Act (15 U.S.C. 2614).

FMSI 02449