(11) Selikoff, I.J., Hammond, E.C., Seidman H., "Mortality Experience of Insulation Workers in the U.S. and Canada, 1943–1976." *Annals of the New York Academy of Science*, 330 (1979): 91–116.

(12) USDOL, OSHA. "Occupational Exposure to Asbestos; Emergency Temporary Standard." (November 4, 1983; 48 FR 51086).

(13) USDOL, OSHA. "Occupational Exposure to Asbestos; Proposed Rule and Notice of Hearing" (April 10, 1984; 49 FR 14116).

(14) USEPA, OPTS, OTS. Asbestos Substitutes and Related Materials. April 24, 1985.

XIII. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA has determined that this proposed rule is a "Major Rule" and has developed an RIA. The RIA estimates that this proposed rule would cost about $1.90 billion over 15 years. However, the RIA also estimated that this proposed rule, if promulgated, would avoid approximately 1,930 cases of cancer. As shown in Unit V above, EPA believes that these costs are reasonable and that this proposed action is a cost-effective way of reducing the unreasonable risks related to asbestos.

This proposed rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

B. Regulatory Flexibility Act

EPA has analyzed the economic impact of this proposed rule on small businesses. A summary of EPA's analysis appears in Unit III.

C. Paperwork Reduction Act

The reporting and recordkeeping provisions in this proposed rule will be submitted to the Office of Management and Budget (OMB) for approval under the Paperwork Reduction Act. Comments on these requirements should be submitted to the Office of Information and Regulatory Affairs at OMB and marked Attention: Desk Officer for EPA. Any final rule will explain EPA's response to OMB and public comments on the proposed reporting and recordkeeping requirements.

List of Subjects in 40 CFR Part 763

Environmental protection, Hazardous substances, Recordkeeping and reporting requirements, Asbestos.

Dated: January 22, 1986.

Lee M. Thomas,

Administrator.

PART 763—[Amended]

Therefore, it is proposed that 40 CFR Part 763 be amended as follows:

1. The authority citation for Part 763 is revised to read as follows:

Authority: 15 U.S.C. 2605 and 2607(c).

2. By adding new Subpart H to read as follows:

Subpart H—Asbestos Mining and Import Restrictions

Sec.

763.140 Scope.
763.143 Definitions.
763.145 Mining and import restrictions.
763.147 Permits to mine or import asbestos.
763.148 Issuance of permits.
763.149 Appeals concerning permits.
763.150 Transfer of permits.
763.151 Banking of permits.
763.153 Recordkeeping.
763.154 Reporting.
763.156 Enforcement.
763.157 Inspections.
763.159 Confidentiality and public access to information.

Subpart H—Asbestos Mining and Import Restrictions

§ 763.140 Scope.

This Subpart prohibits the mining or importation of asbestos, including asbestos in certain asbestos products, unless authorized by a permit issued by EPA.

§ 763.143 Definitions.

The definitions in section 3 of TSCA, 15 U.S.C. 2602, apply to this Subpart. In addition, the following definitions apply:

(a) The terms "act," "article," "byproduct," "customs territory of the United States," "EPA," "importer," "manufacturer," "persons," and "United States" have the same meanings as in § 720.3 of this chapter.

(b) "Asbestos" means the asbestiform varieties of: chrysotile (serpentine); crocidolite (riebeckite); amosite, (cummingtonite-grunerite); tremolite; anthophyllite, and actinolite that are mined or milled.

(c) "Asbestos product" means any mixture or article containing asbestos.

(d) "Consumer" means a natural person who uses a product for personal rather than business purposes.

(e) "Import" means to bring into customs territory of the United States for any purpose except (1) for shipment through the customs territory of the United States for export without any domestic use or processing; or

(2) entering the customs territory of the United States as part of a product during normal personal or business activities involving use of the product.

(f) "Milled" means the separation of asbestos fibers from asbestos ore, the grading and sorting of asbestos fibers, or the fiberizing of asbestos ore.

(g) "Mine" means to produce asbestos other than as an unintended contaminant or impurity by extracting asbestos-containing ore so that the ore may be (1) distributed in commerce or (2) milled for distribution in commerce.

(h) "Miner" means a person who mines asbestos.

§ 763.145 Mining and import restrictions.

(a) Beginning the first day of the calendar year after this rule becomes effective, or if this rule becomes effective during the last 6 months of a calendar year, beginning the first day of the second calendar year after this rule becomes effective, no person other than a person authorized by a permit issued by EPA as provided in this part may:

(1) Mine asbestos in the United States *or*

(2) Import asbestos, including asbestos in an asbestos product listed in this section, except in small quantities solely for personal consumer use, into the customs territory of the United States.

(b) The following asbestos products may not be imported into the customs territory of the United States except in small quantities by a consumer solely for his or her personal use unless authorized by a permit issued by EPA as provided in this Subpart:

(1) Appliances.

(2) Pipeline wrap.

(3) Thread, yarn, lap, roving, cord, rope, or wick.

(4) Sheet gasketing, rubber encapsulated compressed.

(5) Disc brake pads (light-medium vehicles).

(6) Cloth, other than asbestos clothing.

(7) Brake blocks.

(8) Millboard.

(9) Packing.

(10) Mixed or repackaged asbestos fiber.

(11) Thermoplugs.

(12) Tape.

(13) Roof coatings.

(14) Clutch facings.

(15) Automotive gasket kit.

(16) Drum brake linings.

(17) Yarn.

(18) Automobiles and other motor vehicles.

§ 763.147 Permits to mine or import asbestos.

(a) Persons may mine in the United States or import into the customs

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