

Subpart D—Allowance Transfers

SOURCE: 58 FR 3694, Jan. 11, 1993, unless otherwise noted.

§ 73.50 Scope and submission of transfers.

(a) *Scope of transfers.* Except as provided in § 73.51 and § 73.52, the Administrator will record transfers of an allowance to and from Allowance Tracking System accounts.

(b) *Submission of transfers.* (1) Authorized account representatives seeking recordation of an allowance transfer shall request such transfer by submitting to the Administrator, in a format to be specified by the Administrator, an Allowance Transfer Form. To be considered correctly submitted the request for transfer shall include:

- (i) The numbers identifying both the transferor and transferee accounts;
- (ii) A specification by serial number of each allowance to be transferred;
- (iii) Signatures of the authorized account representatives of both the transferor and transferee accounts;
- (iv) The dates of the signatures of the authorized account representatives;
- (v) The numbers identifying the authorized account representatives for both the transferor and transferee account; and
- (vi) Where the transferee account has not been established, information as required pursuant to § 73.31 (b) or (c).

(2)(i) The authorized account representative for the transferee account can meet the requirements in paragraphs (b)(1)(iii) and (iv) of this section by submitting, in a format prescribed by the Administrator, a statement signed by the authorized account representative and identifying each account into which any transfer of allowances, submitted on or after the date on which the Administrator receives such statement, is authorized. Such authorization shall be binding on any authorized account representative for such account and shall apply to all transfers into the account that are submitted on or after such date of receipt, unless and until the Administrator receives a statement in a format prescribed by the Administrator and signed by the authorized account rep-

resentative retracting the authorization for the account.

(ii) The statement under paragraph (b)(2)(i) of this section shall include the following: "By this signature, I authorize any transfer of allowances into each account listed herein, except that I do not waive any remedies under State or federal law to obtain correction of any erroneous transfers into such accounts. This authorization shall be binding on any authorized account representative for such account unless and until a statement signed by the authorized account representative retracting this authorization for the account is received by the Administrator."

[58 FR 3694, Jan. 11, 1993, as amended at 63 FR 68404, Dec. 11, 1998; 70 FR 25336, May 12, 2005]

§ 73.51 [Reserved]**§ 73.52 EPA recordation.**

(a) *General recordation.* Except as provided in this paragraph (a), the Administrator will record an allowance transfer by no later than five business days (or longer as necessary to perform a transfer in perpetuity of allowances allocated to a unit) following receipt of an allowance transfer request pursuant to § 73.50, by moving each allowance from the transferor account to the transferee account as specified by the request pursuant to § 73.50, provided that:

- (1) The transfer is correctly submitted under § 73.50;
- (2) The transferor account includes each allowance identified by serial number in the transfer; and
- (3) If the allowances identified by serial number specified pursuant to § 73.50(b)(1)(ii) are subject to the limitation on transfer imposed pursuant to § 72.44(h)(1)(i) of this chapter, § 74.42 of this chapter, or § 74.47(c) of this chapter, the transfer is in accordance with such limitation.

(b) To the extent an allowance transfer submitted for recordation after the allowance transfer deadline includes allowances allocated for any year before the year in which the allowance transfer deadline occurs, the transfer of such allowance will not be recorded