

§ 73.38

(e) *Excess emissions requirements.* The filing of a claim of error notification pursuant to paragraph (a) of this section, or the pendency of the Administrator's action pursuant to paragraph (b) of this section, shall not affect a unit's obligations under part 77 of this chapter.

(f) *Waiver of deadline.* The Administrator may, in his or her discretion, accept claim of error submissions made following the deadlines imposed in this section upon a demonstration by the authorized account representative of good cause for the delay. The finding of whether good cause exists shall be in the sole discretion of the Administrator. Appeals of a decision by the Administrator under this paragraph will be addressed pursuant to the administrative appeals process in part 78 of this chapter.

§ 73.38 Closing of accounts.

(a) *General account.* The authorized account representative of a general account may instruct the Administrator to close the general account by submitting an allowance transfer, pursuant to § 73.50 and § 73.52, requesting the transfer of all allowances held in the account to one or more other accounts in the Allowance Tracking System, and by submitting in writing, with the signature of the authorized account representative, a request to delete the general account from the Allowance Tracking System.

(b) *Inactive accounts.* If a general account shows no activity for a period of a year or more and does not contain any allowances in its subaccounts, the Administrator will notify the account's authorized account representative that the account will be closed and eliminated from the Allowance Tracking System following 20 business days from the date the notice is sent. The account will be closed following the 20-day period, unless the Administrator receives and records a request for the transfer of allowances into the account pursuant to § 73.52 before the end of the 20-day period, or the authorized account representative submits, in writing, demonstration of good cause as to why the inactive account should not be closed. The finding of whether good

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cause exists shall be in the sole discretion of the Administrator.

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, including, but not limited to, transfers of an allowance to and from contemporaneous future year subaccounts, and transfers of an allowance to and from compliance subaccounts and current year subaccounts, and transfers of all allowances allocated for a unit for each calendar year, in perpetuity.

(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 transferrer and transferee accounts;

(ii) A specification by serial number of each allowance to be transferred, or correct indication on the allowance transfer where a request involves the transfer of the unit's allowances in perpetuity;

(iii) Signatures of the authorized account representatives of both the transferrer 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 transferrer 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