

issuance of Interim Authorization, the State hazardous waste program must:

- (1) Have been in existence prior to August 17, 1980, and
- (2) Submit evidence to EPA showing that the existing State program is substantially equivalent to the Federal program.

A full description of the requirements and procedures for State Interim Authorization is included in 40 CFR Part 123 Subpart F, (45 FR 33479). As noted in the May 19, 1980 *Federal Register* copies of complete State submittals for Phase I Interim Authorization are to be made available for public inspection and comment. In addition, a Public hearing is to be held on the submittal, unless significant interest is not expressed.

Conduct of Hearing

The hearing is intended to provide an opportunity for interested persons to present their views and submit information for consideration by EPA in the decision whether to grant Pennsylvania Interim Authorization for Phase I of the RCRA program. A panel of EPA employees involved in relevant aspects of the decision will be present to receive the testimony.

The hearing will be informally structured. Individuals providing oral comments will not be sworn in, nor will formal rules of evidence apply. Questions may be posed by panel members to persons providing oral comments; however, no cross-examination by other participants will be allowed.

The State will testify first and present a short overview of the State program. Other commenters will then be called in the order in which their requests were received by EPA. As time allows, persons who did not sign up in advance, but who wish to comment on the State's application for Phase I Interim Authorization will also be given an opportunity to testify.

Each organization or individual will be allowed as much time as possible for oral presentation based on the number of requests to participate and the time available for the hearing. As a general rule, in order to ensure maximum participation and allotment of adequate time for all speakers, participants should limit the length of their statements to 10 minutes.

Preparation of Transcripts

A transcript of the comments received at the hearing will be prepared. To ensure accurate transcription, participants should provide written

copies of their statement to the hearing chairperson.

Jack J. Schramm,
Regional Administrator.

[FR Doc. 80-37681 Filed 12-3-80; 8:45 am]

BILLING CODE 6560-30-M

40 CFR Part 123

[SW-3-FRL 1691-6]

Maryland Application for Interim Authorization, Phase I; Hazardous Waste Management Program; Public Hearing

AGENCY: Environmental Protection Agency, Region III.

ACTION: Notice of Public Hearing and Public Comment Period.

SUMMARY: EPA regulations to protect human health and the environment from the improper management of hazardous waste were published in the *Federal Register* on May 19, 1980 (45 FR 33063). These regulations include provisions for authorization of State programs to operate in lieu of the Federal program. Today EPA is announcing the availability for public review of the Maryland application for Phase I Interim Authorization, inviting public comment, and giving notice of a public hearing to be held on the application.

DATE: Comments on the Maryland Interim Authorization application must be received by January 15, 1981.

PUBLIC HEARING: EPA will conduct a public hearing on the Maryland Interim Authorization application 7 P.M. on Thursday, January 8, 1981. EPA reserves the right to cancel the public hearing if significant public interest in a hearing is not expressed. The State of Maryland will participate in any public hearing held by EPA on this subject.

ADDRESSES: Copies of the Maryland Interim Authorization application are available at the following addresses for inspection and copying by the public:

Dept. of Health & Mental Hygiene, Waste Management Enforcement Program, 2nd Floor—O'Connor Building, 201 West Preston Street, Baltimore, Maryland 21201
Office of Environmental Programs, Failinger Complex, Rt. 8 & Naves Crossroad, Cumberland, Maryland 21502

Wicomico County Health Dept., 300 West Carrol Street, Salisbury, Maryland 21801

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street SW.

(Waterside Mall), Washington, D.C. 20460
U.S. EPA, Region III, Library, 2nd Floor, 6th and Walnut Streets, Philadelphia, Pa. 19106 (215) 597-0580

Written comments should be sent to: Robert L. Allen (3AH30) Air, Toxics & Hazardous

Materials Division, U.S. EPA, Region III, 6th and Walnut Streets, Phila., Pa. 19106
The public hearing will be held at: Loch Raven Senior High School Auditorium, Cromwell Bridge Road and Cowpens Road, Baltimore, Maryland 21234

FOR FURTHER INFORMATION CONTACT: Robert L. Allen (3AH30), U.S. EPA, Air, Toxics & Hazardous Materials Division, 6th and Walnut Streets, Philadelphia, Pa. 19106 (215) 597-0980.

SUPPLEMENTARY INFORMATION: In the May 19, 1980 *Federal Register* (45 FR 33063) the Environmental Protection Agency promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (as amended), to protect human health and the environment from the improper management of hazardous waste. These regulations included provisions under which EPA can authorize qualified State hazardous waste management programs to operate in lieu of the Federal program. The regulations provide for a transitional stage in which qualified State programs can be granted Interim Authorization. The Interim Authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect. In order to qualify for issuance of Interim Authorization, the State hazardous waste program must:

- (1) Have been in existence prior to August 17, 1980; and
- (2) Submit evidence to EPA showing that the existing State program is substantially equivalent to the Federal program.

A full description of the requirements and procedures for State Interim Authorization is included in 40 CFR Part 123 Subpart F, (45 33479). As noted in the May 19, 1980 *Federal Register* copies of complete State submittals for Phase I Interim Authorization are to be made available for public inspection and comment. In addition, a public hearing is to be held on the submittal, unless significant interest is not expressed.

Conduct of Hearing

The hearing is intended to provide an opportunity for interested persons to present their views and submit information for consideration by EPA in the decision whether to grant Maryland Interim Authorization for Phase I of the RCRA program. A panel of EPA employees involved in relevant aspects of the decision will be present to receive the testimony.

The hearing will be informally structured. Individuals providing oral comments will not be sworn in, nor will formal rules of evidence apply. Questions may be posed by panel

members to persons providing oral comments; however, no cross-examination by other participants will be allowed.

The State will testify first and present a short overview of the State program. Other commenters will then be called in the order in which their requests were received by EPA. As time allows, persons who did not sign up in advance, but who wish to comment on the State's application for Phase I Interim Authorization, will also be given an opportunity to testify.

Each organization or individual will be allowed as much time as possible for oral presentation based on the number of requests to participate and the time available for the hearing. As a general rule, in order to ensure maximum participation and allotment of adequate time for all speakers, participants should limit the length of their statements to 10 minutes.

Preparation of Transcripts

A transcript of the comments received at the hearing will be prepared. To ensure accurate transcription, participants should provide written copies of their statement to the hearing chairperson.

Jack J. Schramm,
Regional Administrator.

[FR Doc. 80-37686 Filed 12-3-80; 8:45 am]

BILLING CODE 6560-30-M

40 CFR Part 123

[SW-1-FRC 1690-1]

Maine Application for Interim Authorization, Phase I, Hazardous Waste Management Program

AGENCY: Environmental Protection Agency, Region I.

ACTION: Notice of public hearing and public comment period.

SUMMARY: EPA has promulgated regulations under Subtitle C of the Resource Conservation and Recovery Act (RCRA) (as amended) to protect human health and the environment from the improper management of hazardous waste. Phase I of the regulations were published in the *Federal Register* on May 19, 1980 (45 FR 33063).

These regulations include provisions for authorization of State programs to operate in lieu of the Federal program. Today EPA is announcing the availability for public review of the Maine application for Phase I interim authorization, inviting public comment, and giving notice of a public hearing to be held on the application.

DATE: Comments on the Maine interim authorization application must be received by January 10, 1981.

EPA will conduct a public hearing on the Maine interim authorization application at 9:00 a.m. on January 5, 1981. EPA reserves the right to cancel the public hearing if significant public interest in a hearing is not expressed.

ADDRESSES: The public hearing will be held at: Holiday Inn Downtown, 88 Spring Street, Portland, Maine 04111. Copies of the Maine interim authorization application are available at the following addresses for inspection and copying by the public:

Department of Environmental Protection, Bureau of Oil and Hazardous Material Control, Ray Building, Hospital Street, Augusta, Maine 04333 (telephone (207) 289-2251).

Department of Environmental Protection, Regional Offices at the following addresses:

634 Main Street, Presque Isle, Maine 04769 (telephone (207) 764-3737).

31 Central Street, Bangor, Maine 04401 (telephone (207) 947-6746).

17 Commercial Street, Portland, Maine 04101 (telephone (207) 773-0196).
Environmental Protection Agency, Region I Office Library, Room 2100 B, John F. Kennedy Federal Building, Boston, Massachusetts 02203 (telephone (617) 223-5791/4017).

EPA Headquarters Library, Room 2404, 401 M Street, S.W., Washington, D.C. 20460.

Written comments and requests to speak at the hearing should be sent to: Dennis P. Gagne, Maine State Coordinator, Waste Management Branch, U.S. EPA, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203 (telephone (617) 223-5775).

FOR FURTHER INFORMATION CONTACT:

Dennis P. Gagne, Maine State Coordinator, Waste Management Branch, U.S. EPA, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203 (telephone (617) 223-5775).

SUPPLEMENTARY INFORMATION: In the May 19, 1980 *Federal Register* (45 FR 33063), the Environmental Protection Agency promulgated Phase I of its regulations pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (as amended), to protect human health and the environment from the improper management of hazardous waste. EPA's Phase I regulations establish, among other things: The initial identification and listing of hazardous wastes; the standards applicable to generators and transporters of hazardous waste, including manifest

system; and the "interim status" standards applicable to existing hazardous waste management facilities before they receive permits.

The May 19 regulations also include provisions under which EPA can authorize qualified State hazardous waste management programs to operate in lieu of the Federal program. The regulations provide for a transitional stage in which qualified State programs can be granted interim authorization. The interim authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect. In order to qualify for interim authorization, the State hazardous waste program must, among other things:

- (1) Have had enabling legislation in existence prior to August 17, 1980, and,
- (2) Be "substantially equivalent" to the Federal program.

Conduct of Hearing

The hearing is intended to provide an opportunity for interested persons to present their views and submit information for consideration by EPA in the decision whether to grant Maine interim authorization for Phase I of the RCRA program. A panel of EPA employees involved in relevant aspects of the decision will be present to receive the testimony.

The hearing will be informally structured. Individuals providing oral comments will not be sworn in, nor will formal rules of evidence apply. Questions may be posed by panel members to persons providing oral comments; however, no cross-examination by other participants will be allowed.

Representatives from the State of Maine will testify first and present a short overview of the State program. Other commenters will then be called in the order in which their requests were received by EPA. As time allows, persons who did not sign up in advance but who wish to comment on the State's application for Phase I interim authorization will also be given an opportunity to testify. Each organization or individual will be allowed as much time as possible for oral presentation based on the number of requests to participate and the time available for the hearing. As a general rule, in order to ensure maximum participation and allotment of adequate time for all speakers, participants should limit the length of their statements to 10 minutes. The public hearing will be followed, as time permits, by a question and answer session during which participants may pose questions to members to the panel.

Preparation of Transcripts

A transcript of the comments received at the hearing will be prepared. To ensure accurate transcription, participants should provide written copies of their statements to the hearing chairperson. Transcripts will be available upon request from Dennis P. Gagne, Maine State Coordinator, Waste Management Branch, Region I, U.S. Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203 (telephone (617) 223-5775) approximately three days after the hearing at cost.

Major Issues of Interest to EPA

In order for the State program to receive interim authorization, it must be substantially equivalent to the Federal program. EPA is soliciting comments on all aspects of the substantial equivalence of the Maine program to the Federal hazardous waste management program.

Dated: November 25, 1980.

Leslie Carothers,

Acting Regional Administrator, Region I.

[FR Doc. 80-37728 Filed 12-3-80; 8:45 am]

BILLING CODE 6560-30-M

40 CFR Part 761

[OPTS 211001; TSH-FRL 1691-1]

Polychlorinated Biphenyls (PCB's); Denial of Citizens' Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule related notice.

SUMMARY: This notice announces the Administrator's decision to deny a citizens' petition submitted under section 21 of the Toxic Substances Control Act (TSCA). The petitioners requested that the Agency amend its PCB Prohibition Rule (40 CFR Part 761) to allow PCBs in concentrations as high as 10 parts per million (ppm) in floor sweep compounds.

ADDRESS: A copy of the petition and all related information is located in Rm. E-447, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, (202-755-6956). It is available for viewing and copying from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Pamela A. Moore, Office of Pesticides and Toxic Substances (TS-794), Environmental Protection Agency, Rm. E-516, 401 M St., SW., Washington, D.C. 20460, (202-755-1188).

I. Introduction

Regulation of PCBs under Section 6(e) of TSCA

The Toxic Substances Control Act (TSCA), 15 U.S.C. sec. 2601 *et seq.*, is a comprehensive statute lodging with the Environmental Protection Agency broad regulatory authority over chemical substances and mixtures. With the single exception of PCBs, TSCA leaves to EPA's discretion the selection of particular chemicals for regulation. Section 6(e) of TSCA, 15 U.S.C. sec. 2605(e), directs EPA to regulate PCBs and establishes specific procedures for their regulation.

At the time TSCA was enacted, Congress was aware that PCBs caused birth defects, miscarriages, and stillbirths as well as lesser effects such as skin eruption, pigmentation of skin and nails, and eye malfunction. Moreover, Congress was aware that PCBs were persistent and bioaccumulative and, therefore, that PCBs posed long-term risks to health and the environment.

Section 6(e) of TSCA establishes a sequential timetable for the regulation of PCBs. In general, the statute directs a phased end to the manufacture, processing and distribution of PCBs and to certain uses of PCBs. Section 6(e) thus dictates an end to the introduction of most new PCBs into the environment.

On May 31, 1979, EPA promulgated final regulations with respect to the manufacturing, processing, distribution in commerce of PCBs. These regulations, known as the "PCB Prohibition Rule", established a minimum PCB concentration of 50 parts per million (ppm) for most regulatory purposes. 40 CFR 761.1(b).

Waste oil (products primarily derived from petroleum) is an exception to the 50 ppm minimum concentration (40 CFR 761.30(d)). In promulgating the PCB Prohibition Rule, EPA banned the use of waste oil containing any detectable concentration of PCBs as sealants, coatings and dust control agents because these uses of PCBs "result in rapid, direct entry of PCB into the environment" (44 FR 31525). EPA noted that specific dangers of such uses warranted regulation at any concentration of PCBs; that is, direct entry of PCBs into the environment resulting from these uses could result in PCBs entering the food chain (44 FR 31525).

Floor sweep compounds containing PCBs were not the subject of a distinct risk analysis prior to promulgation of the PCB Prohibition Rule. In November, 1979, however, in response to an inquiry from the Oklahoma State Department of

Health, EPA confirmed that floor sweep compounds were among the category of products included as "dust control agents" for purposes of the PCB Prohibition Rule. This conclusion flowed from similarities in exposure potential between floor sweep compounds and other dust control agents. PCBs in floor sweep compounds may become attached to clothing, shoes, and unclothed portions of the human body such as hands or face. Even more than dust control agents used outdoors, floor sweep compounds can contaminate food directly if the compounds are used in indoor areas where food may be eaten or stored.

Since floor sweep compounds are "dust control agents" for purposes of the PCB Prohibition Rule, 40 CFR 761.30(d) prohibits the use of floor sweep compounds containing any detectable concentration of PCBs. Since the manufacture of floor sweep compounds involves coating sawdust with waste oil, such manufacture also is prohibited by 40 CFR 761.30(d) if the waste oil contains PCBs.

Summary of the Scoggins-Tak-less Petition and the Agency's Reasons for Denying the Petition

Section 21(a) of TSCA provides, in pertinent part:

In General—Any person may petition the Administrator to initiate a proceeding for the issuance, amendment, or repeal of a rule under sections 4, 6, or 8. . . .

Section 21(b) of TSCA provides, in pertinent part:

Procedures—(1) Such petition shall be filed in the principal office of the Administrator and shall set forth the facts which it is claimed establish that it is necessary to issue, amend, or repeal a rule under sections 4, 6, or 8. . . .

On April 28, 1980, the Agency received a petition, pursuant to section 21 of TSCA, 15 U.S.C. Section 2620 from the John Scoggins Floor Sweep Company (Scoggins) and the Tak-less Floor Sweep Company (Tak-less). The petitioners, who manufacture floor sweep compounds using waste oil which often contains PCBs at detectable levels, seek an amendment to 40 CFR 761.30(d) to permit floor sweep compounds to contain PCBs in concentrations as high as 10 ppm.

Petitioners have made a number of arguments in an effort to demonstrate that EPA should permit floor sweep compounds to contain PCBs in concentrations as high as 10 ppm. Petitioners' arguments fall into three broad categories: (1) The regulation of floor sweep compounds containing PCBs is inconsistent with other regulations

applicable to PCBs; (2) The rationale supporting regulation of PCBs in dust control agents at any concentration does not apply to floor sweep compounds because the use of floor sweep compounds does not cause harmful health and environmental effects; and (3) Unacceptable economic consequences flow from the regulation of PCBs in floor sweep compounds in any detectable concentration. There are several reasons for the Agency's conclusion that the petitioners did not establish the need for the amendment to PCB Prohibition Rule. These reasons are set forth below. The petitioner's arguments and the Agency's specific responses to these arguments are set forth in detail in unit II of this Notice.

Petitioners' arguments with respect to alleged inconsistencies between the regulation of floor sweep compounds containing PCBs and the regulation of other products or effluents containing PCBs suffer from several major flaws. First, petitioners fail to acknowledge that different statutory authorities demand different regulatory standards. Second, petitioners use only a few isolated examples in order to present a picture of broad inconsistency of regulations. Third, petitioners present the examples they use in a manner that overlooks important facts.

Petitioners' arguments which attempt to demonstrate that the use of PCBs in concentrations as high as 10 ppm in floor sweep compounds presents no serious health or environmental risks are unpersuasive. The PCB Prohibition Rule was promulgated after the Agency had devoted a considerable amount of time and resources to it and had solicited extensive public comment upon it. Petitioners did not comment on the rule at any point during the rulemaking process, and the rule governing the use of PCBs in dust control agents were based upon the best information the Agency had available to it at the time of the rulemaking. In order to establish that the Agency should now amend the PCB Prohibition Rule in the manner that petitioners desire, the burden is upon petitioners to present factual information of sufficient weight to demonstrate that the Agency's original rationale was unsupported. Rather than submit such specific factual information, petitioners have presented only unsupported assertions. Thus, petitioners have failed to meet their burden.

Petitioners' economic arguments reflect a misunderstanding about the regulation of PCBs under section 6(e) of TSCA. Unlike Section 6(a) of TSCA, which directs the Agency to conduct

risk/benefit analyses as part of the rulemaking process, Section 6(e) of TSCA gives the Agency little flexibility to consider economic factors when the Agency regulates PCBs.

Set forth below is a detailed analysis of petitioners' arguments and the Agency's responses to them.

II. Petitioners' Arguments and the Agency's Responses

A. *The Regulation of PCBs in Floor Sweep Compounds Is Not Inconsistent With the Regulation of PCBs Generally*

Petitioners allege that EPA allows the paper industry to produce finished paper products with 10 ppm of PCBs in part because the source of PCBs in the paper industry is decreasing over time. Petitioners claim that the concentration of PCBs in mineral oil transformer liquid (waste oil), too, is decreasing over time and, accordingly, that equity demands that floor sweep compounds be permitted to contain the PCBs in the same concentration as is permitted in finished paper products.

Petitioners present no facts to demonstrate that the PCB concentration in mineral oil transformer liquid (waste oil) is actually decreasing over time, and the Agency is unaware of data which would substantiate petitioners' claim.

It is true that paper products containing PCBs are regulated less stringently than floor sweep compounds containing PCBs. EPA's PCB Prohibition Rule allows paper products to contain PCBs in concentrations of up to 50 ppm, since the use of PCBs in most paper products does not result in the direct, rapid entry of PCBs into the environment. The 10 ppm PCB level petitioners referred to for paper products apparently refers to an "action level", applicable to paper products used for food packaging, established by the Food and Drug Administration (FDA), not EPA.

In 1973, FDA, recognizing that PCBs in the food chain presented a hazard, established temporary tolerances for PCBs in various human food items, animal feed, and paper packaging used for human food and animal feed. FDA granted only temporary tolerances for packaging for food and feed products to avoid disruption of the nation's food distribution; FDA may well lower these tolerances as soon as experience indicates that lower levels can be attained. In 1979, FDA did lower the tolerances for PCBs in milk, poultry and eggs. FDA has not yet established a permanent tolerance for PCBs in paper packaging. FDA has, however, announced an "action level" of 10 ppm for paper products used for food

packaging. (21 CFR 109.30) This means that FDA may seize any paper products used for food packaging which contain PCBs in concentrations of 10 ppm or greater.

PCBs in food packaging can migrate into the packaged food. Therefore, FDA considers food packaging containing PCBs to fall within the definition of "food" as set forth in Section 201 of the Federal Food, Drug and Cosmetic Act. Accordingly, under section 3(2)(B)(vi) of TSCA, EPA lacks the authority to regulate paper food packaging containing PCBs under TSCA.

FDA regulates paper food packaging containing PCBs under the Federal Food, Drug and Cosmetic Act, which confers a totally different statutory mandate upon FDA than the mandate section 6(e) of TSCA confers on EPA. Thus, petitioners are making an "apples-and-oranges" comparison. Section 6(e) of TSCA embodied Congress clear intention that EPA regulate PCBs stringently. Accordingly, EPA's PCB Prohibition Rule was designed to eliminate, to the greatest degree possible, the presence of PCBs in products whose use would result in direct human exposure to PCBs. EPA has determined that the use of waste oil, containing any detectable level of PCBs, used for sealants, coatings, and dust control agents would lead to rapid and direct entry of PCBs into the environment and might introduce PCBs into the food chain. In accordance with this determination, EPA concluded that prohibiting any detectable concentrations of PCBs in dust control agents was the appropriate method of implementing section 6(e) of TSCA with respect to these products.

Petitioners' second argument with respect to alleged regulatory inconsistency relates to regulation of the paper industry under the Federal Water Pollution Control Act (the Clean Water Act). Petitioners complain that Fort Howard Paper Company, located in Muskogee, Oklahoma, is permitted to discharge approximately one pound of PCBs per day at a concentration of 4 parts per billion (ppb) in its waste water, whereas petitioners' products can contain no PCBs.

Fort Howard Paper Company (Fort Howard) has a permit to discharge PCBs under the National Pollutant Discharge Elimination System (NPDES), administered under the Clean Water Act. Small concentrations of PCBs appear in Fort Howard's discharges as a result of recycling of certain types of paper which contain PCBs. Fort Howard does not manufacture PCBs. Fort Howard's permit is subject to a number of terms and conditions, including monitoring requirements. In the near

future, EPA and the State of Oklahoma will review the monitoring data which the company is gathering to determine if the PCB requirements of the permit should be made more stringent.

Even if it were logical to compare the regulation of PCBs under TSCA with their regulation under the Clean Water Act, petitioners' argument would be unpersuasive. Petitioners have overlooked the fact that the Agency regulates PCBs stringently under the Clean Water Act. Regulations promulgated by the Agency pursuant to section 307(a) of the Clean Water Act provide, generally, that PCBs may not be present in any discharge from any PCB manufacturer (40 CFR 129.105).

B. Petitioners Have Not Demonstrated That the Use of PCBs in Floor Sweep Compounds Causes No Serious Health or Environmental Hazards

Several of petitioners' arguments with respect to the regulation of the paper industry may be characterized as arguments that the use of PCBs in floor sweep compounds present little or no risk to health or the environment. Petitioners' belief that they are treated inequitably in comparison with the Fort Howard Paper Company is based, in part on petitioners' contentions that Scoggins and Tak-less use only six gallons of PCBs per year and that virtually all used floor sweep is buried in city landfills after use. Petitioners claim that only one pound of PCBs used by the Scoggins and Tak-less companies would reach the environment each year whereas pollution resulting from the leaching of PCBs from contaminated litter paper would be considerable.

Much more information would be needed before the Agency could determine whether the petitioners are correct in their statement that floor sweep compounds pose no serious threat to the environment because virtually all the used floor sweep compound is buried in city landfills. The Agency would consider concrete data with respect to, for example: the quantity of floor sweep compound that actually is landfilled and the quantity that goes elsewhere; where the remaining floor sweep compound goes; whether PCBs remain bound in the floor sweep compound indefinitely or whether the PCBs are released from the sawdust or oil during use or disposal.

In addition to providing no concrete data with respect to landfilling of floor sweep compounds, petitioners have ignored a critical question: What human exposure occurs prior to disposal as a result of the use of floor sweep compounds containing PCBs? The manner in which the floor sweep

compound is used makes it very likely that there would be direct human exposure during use. Another major concern of the Agency's over the use of PCBs in floor sweep compounds is that PCBs will enter the environment directly and be dispersed before the compounds can be disposed of.

Petitioners state that they estimate only one pound of PCBs would enter the environment from the floor sweep compound produced by their companies per year. The Agency is not able to rely on this statement because the petitioners did not explain how this amount was determined. The petitioners also state there would be "considerable" pollution resulting from the leaching of PCB-contaminated litter paper, but they do not state what is meant by the word "considerable". No information was supplied to support the claim that PCBs enter the environment through the leaching of contaminated litter paper, nor was any information supplied to support the implication that more PCBs would enter the environment through the leaching of littered paper than from floor sweep compounds. Even if these claims were supported, they would not justify amending the PCB Prohibition Rule to permit 10 ppm PCBs in floor sweep compounds—the petitioners have not shown that the Agency erred in its determination that waste oil used as sealants, coatings, and dust control agents leads to rapid and direct entry of PCBs into the environment.

Petitioners state that ground corrugated paper cartons may be used as the fiber base for floor sweep compounds and that these cartons may be contaminated with PCBs. According to petitioner, this proves that waste oil may not be the only source of PCBs in floor sweep compounds.

It is not clear whether corrugated paper cartons used in floor sweep compounds contain PCBs. Even if ingredients in floor sweep compounds other than waste oil do contain PCBs, this would not justify amending the PCB Prohibition Rule with respect to dust control agents. The prohibition of PCBs in waste oil was established to prevent the use of waste oil in three areas known to result in rapid and direct entry of PCBs into the environment. That waste oil may not be the only source of contamination of sealants, coatings, and dust control agents does not justify amending the PCB Prohibition Rule to permit waste oil in floor sweep compounds to contain detectable concentrations of PCBs.

Petitioners argue, in addition, that prohibiting the use of PCB contaminated waste oil will make it necessary to use five times as much dye to produce floor

sweep compounds of an acceptable color. Petitioners claim that the dye may pose a greater health risk to the workers than the PCBs and, therefore, that amendment of the rule to allow manufacture of floor sweep compounds with 10 ppm PCBs is justified. Although less dye may be required to obtain the desired color of floor sweep compounds made from mineral oil contaminated with PCBs than that made from mineral oil without PCBs, this is not a sufficient basis for amending the PCB Prohibition Rule, as requested by the petitioners. As previously stated, this prohibition was established because use of waste oil for sealants, coatings, and dust control agents results in rapid and direct entry of PCBs into the environment. Petitioners adduce no convincing evidence that dyes which petitioners use when they substitute uncontaminated mineral oil for mineral oil contaminated with PCBs present greater hazards to human health than PCBs.

Another argument petitioners raise to refute the Agency's belief that PCBs in floor sweep compounds present serious health hazards is that Mr. John Scoggins has had blood tests which showed that the level of PCBs in his blood were below average. Petitioners allege that this proves that even long-term exposure to PCBs in floor sweep compounds does not lead to increased PCB levels in the human body.

Reliance on the blood tests of one individual to prove that exposure to PCB-contaminated floor sweep compounds will not lead to increased levels of PCBs in the human body is misplaced for two reasons. First, blood tests are not necessarily representative of PCB concentration in other parts of the body, such as fat tissue. Although PCBs are circulated throughout the body by the blood, they accumulate in the adipose tissue and the organs. Second, different individuals react differently to the same exposure of the same toxic substance. Therefore, that one person does not have an adverse reaction when exposed to a particular toxic substance does not indicate that other individuals will react similarly.

Another argument petitioners make is that there have been no recorded cases of harmful effects caused by PCB-contaminated floor sweep compounds. The health hazards associated with exposure to PCBs are well established. Direct human exposure is inevitable during the use of floor sweep compounds containing PCBs. That petitioners may not be aware of any "recorded cases" of harmful effects resulting from the use of floor sweep compounds containing PCBs does not

establish that the use of floor sweep compounds containing PCBs is safe.

C. Economic Concerns Do Not Justify Amending the PCB Prohibition Rule as Petitioners Request

Petitioners state that the prohibition against manufacturing floor sweep compounds containing 10 ppm PCBs or less will result in a doubling of the price of the product produced by their companies. The contention that the current prohibition will result in a doubling of the price of floor sweep compounds is unsupported in the petition. Even if what the amendment petitioners seek would relieve them of a substantial economic burden, however, the Agency would not be justified in promulgating such an amendment. Section 6(e) of TSCA was a product of Congress' determination that PCBs created such serious risks to health and the environment that the benefits of eliminating PCBs outweighed the costs to society that would be incurred by the elimination. Congress recognized and accepted that the regulation of PCBs might be costly.

III. Conclusion

The Agency made the decision to prohibit any detectable concentrations of PCBs in waste oil for use as sealants, coatings, and dust control agents because such uses would result in rapid and direct entry of PCBs into the environment. The points raised in the Scoggins-Tak-less petition do not demonstrate that the facts and reasoning underlying the Agency's decision to prohibit detectable concentrations of PCBs in waste oil used for sealants, coatings, and dust control agents is deficient. Moreover, the Scoggins-Takless petition adduced no new facts or reasoning which warrant amending the rule in the manner requested. Accordingly, the petition is denied.

Dated: November 17, 1980.

Steven D. Jellinek,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 80-37733 Filed 12-3-80; 8:45 am]

BILLING CODE 6560-31-M

CONSUMER PRODUCT NOTICES
COMMISSION

[CPSC Docket No. 80-11]

Advance Machine Company, Inc., a Corporation Formerly Doing Business as Advance Machine Company, Inc., is the subject of a notice of proposed rulemaking under the Consumer Product Safety Act (CPSA), 15 U.S.C. 2051-2065, and the Consumer Product Safety Commission's (CPSC) implementing regulations, 16 CFR 1110.1-1110.10. The CPSA and the CPSC's implementing regulations require the CPSC to issue a notice of proposed rulemaking if it determines that a consumer product is defective and that corrective action is warranted. The CPSC has determined that the Advance Machine Company, Inc. (AMC) Model No. 1000 floor sweep compound is defective because it contains a concentration of PCBs in excess of 10 ppm.

COMMISSION ON CIVIL RIGHTS

New Jersey Advisory Committee Meeting

The Commission on Civil Rights is holding a public hearing on the proposed rulemaking under the Civil Rights Act of 1964, 42 U.S.C. 2000e-1-2000e-17, and the Commission's implementing regulations, 28 CFR 161.1-161.10. The hearing will be held on December 15, 1980, at 10:00 a.m. in the main auditorium of the New Jersey State House, Trenton, New Jersey. The purpose of the hearing is to discuss the proposed rulemaking and to receive comments from interested parties. The Commission is particularly interested in receiving comments from employers, employees, and unions. The Commission will also be holding a public hearing on the proposed rulemaking on December 16, 1980, at 10:00 a.m. in the main auditorium of the New Jersey State House, Trenton, New Jersey. The purpose of this hearing is to discuss the proposed rulemaking and to receive comments from interested parties. The Commission is particularly interested in receiving comments from employers, employees, and unions.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

The National Oceanic and Atmospheric Administration (NOAA) is holding a public hearing on the proposed rulemaking under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), 16 U.S.C. 1801-1818, and the MSA's implementing regulations, 50 CFR 17.1-17.10. The hearing will be held on December 15, 1980, at 10:00 a.m. in the main auditorium of the New Jersey State House, Trenton, New Jersey. The purpose of the hearing is to discuss the proposed rulemaking and to receive comments from interested parties. The Commission is particularly interested in receiving comments from fishermen, processors, and consumers.

New Jersey Advisory Committee Meeting

The New Jersey Advisory Committee is holding a public hearing on the proposed rulemaking under the Civil Rights Act of 1964, 42 U.S.C. 2000e-1-2000e-17, and the Commission's implementing regulations, 28 CFR 161.1-161.10. The hearing will be held on December 15, 1980, at 10:00 a.m. in the main auditorium of the New Jersey State House, Trenton, New Jersey. The purpose of the hearing is to discuss the proposed rulemaking and to receive comments from interested parties. The Commission is particularly interested in receiving comments from employers, employees, and unions.

Notices

Federal Register

Vol. 45, No. 235

Thursday, December 4, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

COMMISSION ON CIVIL RIGHTS

New Jersey Advisory Committee Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a press conference will be held beginning at 10 a.m., and ending at 12 p.m., on December 15, 1980, at the P. J. Rodino Building, Newark, New Jersey. The purpose of the press conference is to discuss domestic violence.

Persons desiring additional information should contact the Chairperson, Mr. Clyde C. Allen, 62 Sheridan Avenue, Plainfield, New Jersey 07060, (212) 572-7577 or the Eastern Regional Office, 26 Federal Office Building, Room 1639, New York, New York 10007, (212) 264-0543.

The press conference will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 28, 1980.

Thomas L. Neumann,
Advisory Committee Management Officer.

[FR Doc. 80-37691 Filed 12-3-80; 8:45 am]

BILLING CODE 6335-01-M

New Jersey Advisory Committee Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Jersey Advisory Committee to the Commission will convene at 6:30 p.m. and will end at 10:00 p.m., on December 18, 1980, at the P. J. Rodino Building, Newark, New Jersey. The purpose of the meeting is to discuss the coming and present projects.

Persons desiring additional information or planning a presentation to the committee, should contact the Chairperson, Mr. Clyde C. Allen, 62 Sheridan Avenue, Plainfield, New Jersey

07060, (212) 572-7577 or the Eastern Regional Office, 26 Federal Office Building, New York, New York 10007, (212) 264-0543.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 28, 1980.

Thomas L. Neumann,
Advisory Committee Management Officer.

[FR Doc. 80-37692 Filed 12-3-80; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Correction of Notice of Public Hearing

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Correction of notice of public hearing.

SUMMARY: On November 14, 1980, a notice in the *Federal Register* (45 FR 75252-75253) announced a public hearing on the Draft Fishery Management Plan for the Western Alaska King Crab and amendments for 1981 to the Tanner Crab Fishery Management Plan (FMP), the Bering Sea Groundfish FMP, and the High Seas Salmon FMP. The notice is amended as follows:

DATE: The correct date for the hearing is December 6, 1980. The address given under Further Information should read:

FOR FURTHER INFORMATION CONTACT: Mr. Robert McVey, Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802. Telephone (907) 586-7221.

Dated: December 1, 1980.

Robert K. Crowell,
Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 80-37720 Filed 12-3-80; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Import Restraint Levels for Certain Cotton and Man-Made Fiber Textile Products From the People's Republic of China, Effective January 1, 1981

November 28, 1980

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain cotton and man-made fiber textile products produced or manufactured in the People's Republic of China and exported to the United States during the twelve-month period beginning on January 1, 1981. (A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), and August 12, 1980 (45 FR 53506)).

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 17, 1980, between the Governments of the United States and the People's Republic of China establishes specific levels of restraint for Categories 331 (cotton gloves and mittens), 339 (women's, girls', and infants' cotton knit shirts and blouses), 340 (men's and boys' woven cotton shirts), 341 (women's, girls' and infants' woven cotton blouses), 347/348 (cotton trousers), and 645/646 (man-made fiber sweaters) during the agreement year which begins on January 1, 1981 and extends through December 31, 1981. The agreement also provides a consultation mechanism for categories of textile products which are not subject to specific ceilings and for which levels may be established during the year upon agreement between the two governments. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with the terms of the bilateral agreement, to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of textile products in Categories 331, 339, 340, 341, 347/348 and 645/646, produced or manufactured in the People's Republic of China and exported during the twelve-month period beginning on