

would protect the public health and is established set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the Federal Register, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: March 17, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.249 is amended by adding and alphabetically inserting the commodity sunflower seed to read as follows:

§ 180.249 Alachlor; tolerances for residues.

Commodities	Parts per million
Sunflower seed	0.25

[FR Doc. 83-7861 Filed 3-29-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 1E2576/R523; PH-FRL 2330-6]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Ametryn

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the herbicide ametryn in or on the raw agricultural commodities taniers and yams. This regulation to establish maximum permissible levels for residues of the herbicide in or on the commodities was requested, pursuant to a petition, by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: Effective on March 30, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Emergency Response Section, Process Coordination Branch, Registration Division (TS-767C), Environmental Protection Agency, Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA. 22202 (703-557-1192)

SUPPLEMENTARY INFORMATION: EPA issued a notice of proposed rulemaking published in the Federal Register of February 2, 1983 (48 FR 4678) that announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition 1E2576 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Puerto Rico proposing to amend 40 CFR 180.258 by establishing tolerances for residues of the herbicide ametryn (2-(ethylamino)-4-(isopropylamino)-6-(methylthio)-s-triazine) in or on the raw agricultural commodities taniers and yams at 0.1 part per million (ppm). The petition was later amended increasing the tolerance level to 0.25 ppm.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and discussed in the notice of proposed rulemaking. The pesticide is considered useful for the purpose for which the tolerances are sought. It is

concluded that the tolerances would protect the public health and are established set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the Federal Register, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: March 17, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.258 is amended by adding and alphabetically inserting the raw agricultural commodities taniers and yams to read as follows:

§ 180.258 Ametryn; tolerances for residues.

Commodities	Parts per million
Taniers	0.25
Yams	0.25

[FR Doc. 83-7861 Filed 3-29-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2E2759/R531; PH-FRL 2332-6]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; N,N-Diethyl-2-(1-Naphthalenyloxy) Propionamide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the herbicide N,N-diethyl-2-(1-naphthalenyloxy) propionamide (Napropamide) in or on the raw agricultural commodities marjoram, rosemary, and summer and winter savory. This regulation to establish maximum permissible levels for residues of the herbicide in or on the commodities was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: Effective on March 30, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Emergency Response Section, Process Coordination Branch, Registration Division (TS-767C), Environmental Protection Agency, Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-1192).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule published in the Federal Register of February 9, 1982 (48 FR 5966) that announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 2E2759 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of California.

The petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for residues of the herbicide N,N-diethyl-2-(1-naphthalenyloxy)propionamide (Napropamide) in or on the raw agricultural commodities marjoram, rosemary, and summer and winter savory at 0.1 part per million (ppm).

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and discussed in the proposed rule. The pesticide is considered useful for the purpose for which the tolerances are sought. It is concluded that the tolerances would protect the public health and are established set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the Federal Register, file written objections with the

Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

List of Subjects in 49 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: March 18, 1983.

Edwin L. Johnson,
Director Office of Pesticide Programs.

Therefore, 40 CFR 180.328 is amended by adding and alphabetically inserting the raw agricultural commodities marjoram, rosemary, and summer and winter savory to read as follows:

§ 180.328 N,N-Diethyl-2-(1-naphthalenyloxy) propionamide; tolerances for residues.

Commodities	Parts per million
Marjoram	0.1
Rosemary	0.1
Savory, Summer	0.1
Savory, winter	0.1

(FR Doc. 83-8050 Filed 3-29-83; 8:45 am)

BILLING CODE 6560-50-M

40 CFR Part 180

[OPP-300074A; PH-FRL 2334-2]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Phenolic Resins

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for phenolic resins when used as an inert ingredient binding agent in pesticide formulations. This regulation was requested by the Union Carbide Agricultural Products Company.

EFFECTIVE DATE: Effective on March 30, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Rm. 3708, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Roland D. Blood, Process Coordination Branch, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 716H, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (793) 557-7700.

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal Register of February 9, 1983 (48 FR 6023) that announced that the Union Carbide Agricultural Products Company, Inc., P.O. Box 12014, T. W. Alexander Drive, Research Triangle Park, NC 27709, had submitted a request that residues of phenolic resins, as defined by 21 CFR 175.300(b)(vi)(a), be exempted from the requirement of a tolerance when used as an inert ingredient binding agent in pesticide formulations applied to growing crops only. This exemption would be granted under 40 CFR 180.1001(d) and would be limited to soil applications.

Inert ingredients are ingredients which are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term inert is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

The bases for the exemption are:

1. Safety of the phenolic resins is inferred from its current listing as an indirect food additive under 21 CFR 300(b)(iv)(a), resinous and polymeric coatings in continual contact with foodstuffs.

2. Since application of formulations containing phenolic resins will be limited to soil use only, no toxicological residues are expected on raw agricultural commodities at time of harvest.

The pesticide is considered useful for the purpose for which the exemption is sought. It is concluded that the exemption from the requirement of a tolerance will protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the Federal Register, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 180

Administrative practice and procedures, Raw agricultural commodities, Pesticides and pests.

(Sec. 408(d)(92), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

Dated: March 22, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.1001(d) is amended by adding and alphabetically inserting the inert ingredient phenolic resins to read as follows:

§ 180.1001 Exemption from the requirement of a tolerance.

(d) * * *

Inert ingredients	Limits	Uses
Phenolic resins	Soil applications	Binding agent

[FR Doc. 83-8204 Filed 3-29-83; 6:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 430 and 431

[WH-FRL 2333-1]

Pulp, Paper, and Paperboard and the Builders' Paper and Board Mills; Point Source Categories; Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards: Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: EPA is correcting coding and typographical errors that appeared in the final regulations for the pulp, paper, and paperboard and the builders' paper and board mills point source categories. These regulations were published on November 18, 1982 (47 FR 52006). The purpose of this action is to ensure that the final regulations are properly applied in issuing permits and pretreatment requirements applicable to wastewater discharges from the pulp, paper, and paperboard industry.

FOR FURTHER INFORMATION CONTACT: Robert W. Dellinger or Wendy D. Smith, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, or by calling (202) 382-7137.

SUPPLEMENTARY INFORMATION:

I. Preamble

In the preamble to the regulation published in the Federal Register on November 18, 1982 (47 FR 52006-52019), the following corrections are required:

1. On page 52006, column 1, line 53; change: "December 2, 1983" to "December 2, 1982".

2. On page 52009, column 3,
(a) Line 25; change: "33.6" to "29.8".
(b) Line 26; change: "39.3" to "35.9".
(c) Line 29; change: "9.1" to "12.5".
(d) Line 30; change: "21.6" to "21.8".

3. On page 52010, column 1, line 24; change: "NSPA" to "NSPS".

4. On page 52012, column 2, line 23; change: "\$28,000" to "\$32,400".

5. On page 52013, column 1, line 15 from the bottom; change: "\$28,000" to "\$32,400".

6. On page 52016, column 1, line 30; change: "34" to "29".

7. On page 52016, column 1, lines 46-49; change: "Responses to Public Comments, Proposed Pulp, Paper, and Paperboard Industry Effluent Guidelines and Standards," to "Summary of Comments and Responses on the January 1981 Proposed Regulations for the Pulp, Paper, and Paperboard Industry,".

8. On page 52016, column 1, line 56; change: "NSP" to "NSPS".

9. On page 52016, column 2, line 29; change: "implemtenation" to "implementation".

10. On page 52018, column 2, line 9; change: "sulfitemarket" to "sulfite market".

11. On page 52018, column 2, line 58; change: "wastpaper" to "wastepaper".

II. Regulations

In 40 CFR Parts 430 and 431, as published on November 18, 1982 (47 FR 52006) the following corrections are made:

1. On page 52021, column 1, § 430.132; change: "rest" to "best".

2. On page 52021, column 1, Subpart N; change: "Pages" to "Papers".

3. On page 52022, column 1, § 430.227; change: "sources (PSNS).(PSNS)" to "sources (PSNS)".

4. On page 52022, column 2, § 430.245; change: "(NSP)" to "(NSPS)".

5. On page 52022, column 3, § 430.255; change: "(SNPS)" to "(NSPS)".

6. On page 52022, column 3, § 430.01(a); change: "Paper and paperboard production shall be measured at the off-the-machine moisture content whereas market pulp shall be measured in air-dry-tons (10% moisture)." to "Paper and paperboard production shall be measured at the off-the-machine moisture content, except for subpart A, B, D, and E where paper and paperboard production shall be measured in air-dry-tons (10% moisture content). Market pulp shall be measured in air-dry-tons (10% moisture).".

7. On page 52023, column 2, § 430.12, in the table; change: "Within the range of 5.0 to 9.0 at all times." to "Within the range of 6.0 to 9.0 at all times.".

8. On page 52023, column 3, § 430.14, in the table; for Pentachlorophenol; change: "(0.011)(12.6)/y" to "(0.011)(12.6)/y".

9. On page 52024, column 3, § 430.17, in the table; change: "Subpart A" to "[Facilities where bag paper and other mixed products are produced]".

10. On page 52024, column 3, § 430.22, in the table; change: "Within the range of 5.0 to 9.0 at all times." to "Within the range of 6.0 to 9.0 at all times.".

11. On page 52025, column 1, § 430.22, in the table; change: "Within the range of 5.0 to 9.0 at all times." to "Within the range of 6.0 to 9.0 at all times.".

12. On page 52025, column 1, § 430.24; change: "best technology" to "best available technology".

13. On page 52026, column 1, § 430.42, in the table; change: "Within the range of 5.0 to 9.0 at all times." to "Within the range of 6.0 to 9.0 at all times.".

14. On page 52026, column 3, § 430.52, in the tables for the [Noncorrugating

medium furnish subdivision] and the [Corrugating medium furnish subdivision]; change: "Within the range of 5.0 to 9.0 at all times." to "Within the range of 6.0 to 9.0 at all times."

15. On page 52026, column 3, § 430.52, in the table for the [Corrugating medium furnish subdivision]; for BOD₅ and TSS; change: "5.5" to "5.7" and "7.1" to "9.2".

16. On page 52027, column 1, § 430.55; change: (a) "[Noncorrugating medium furnished subdivision]" to "[Noncorrugating medium furnish subdivision]".

(b) the table format from:

NSPS	Maximum for any 1 day
	Average of daily values for 30 consecutive days

to:

NSPS	
Maximum for any 1 day	Average of daily values for 30 consecutive days

17. On page 52027, column 2, § 430.56(b); change: "necessary" to "necessary".

18. On page 52031, column 2, § 430.82(a), in the table; (a) change: "BPT effluent limitations" to "Pollutant or pollutant property" and "Pollutant or pollutant property" to "BPT effluent limitations" (b) for BOD₅ and TSS; change: "7/1" to "7.1" and "24.00" to "24.0".

19. On page 52033, column 2, § 430.92(c), change the table format from:

BPT effluent limitations	Maximum for any 1 day
	Average of daily values for 30 consecutive days

to:

BPT Effluent Limitations	
Maximum for any 1 day	Average of daily values for 30 consecutive days

20. On page 52035, column 1, in the table for Subpart J, [Acid sulfite liquor/ barometric condensers]; for BOD₅; change: "35.5" to 35.55".

21. On page 52036, column 1, § 430.105, make the following table changes:

(a) Insert the title "Subpart J" above the table.

(b) Change: "Subpart J" to "Pollutant or pollutant property".

(c) change "NSPS Pollutant or pollutant property" to "NSPS".

(d) for TSS, change: "3.03exp(0.017x)" to "5.81exp(0.017x)" and "5.81exp(0.017x)" to "3.03exp(0.017x)".

(e) for Pentachlorophenol, change: "0.00058exp(0.107x)" to "0.00058exp(0.017x)".

(f) change the table format from:

Maximum for any 1 day	Kg/kg (pounds per/1,000 lb) of product
	Milligrams/liter

to:

Maximum for any 1 day	
Kg/kg (pounds/1,000 lb) of product	Milligrams/liter

22. On page 52037, column 1, § 430.112, in the tables; (a) for [Facilities where nitration grade pulp is produced]; change the table format from:

BPT effluent limitations	Maximum for any 1 day
	Average of daily values for 30 consecutive days

to:

BPT Effluent Limitations	
Maximum for any 1 day	Average of daily values for 30 consecutive days

(b) for [Facilities where nitration grade pulp is produced], for BOD₅; change: "21.55" to "21.5"

(c) for [Facilities where cellophane grade pulp is produced], for BOD₅; change: "25.0" to "24.95".

23. On page 52037, column 1, § 430.112; change: "(c)" to "(b)".

24. On page 52037, column 3, § 430.114, line 9 of the first paragraph; change: "economically" to "economically".

25. On page 52038, column 2, § 430.115,

(a) In the table for [Facilities where nitration grade pulp is produced]; for Pentachlorophenol and Trichlorophenol; change: "(0.012)(59.7)/y" to "(0.012)(59.0)/y" and "(0.076)(59.7)/y" to "(0.012)(59.0)/y".

(b) In the table for [Facilities where viscose grade pulp is produced]; for Pentachlorophenol and Trichlorophenol; change: "(0.012)(59.7)/y" to "(0.012)(59.0)/y" and "(0.076)(59.7)/y" to "(0.012)(59.0)/y".

(c) In the table for [Facilities where

cellophane grade pulp is produced]; for Trichlorophenol; change: "(0.076)(59.0)/y" to "(0.076)(59.0)-y".

26. On page 52038, column 3, § 430.116(a), in the first table;

(a) Change: "[Facilities where acetate grade pulp is produced]" to "[Facilities where nitration, viscose, or cellophane grade pulps are produced]".

(b) For Pentachlorophenol and Trichlorophenol; change: "oi0 (0.011)(72.7)/y" to "(0.011)(66.0)/y" and "0(0.082)(72.7)/y" to "(0.082)(66.0)/y".

27. On page 52040, column 1, § 430.122(e), lines 13 and 14; change: "consecutive effluent limitations by" to "consecutive days effluent limitations, but shall be subject to annual average effluent limitations determined by".

28. On page 52041, column 2, § 430.132(e), lines 5 and 6; change: "consecutive effluent limitations by" to "consecutive days effluent limitations, but shall be subject to annual average effluent limitations determined by".

29. On page 52041, column 3, § 430.134, in the table; for Trichlorophenol; change: "0.0060" to "0.00088" and "(0.068)(21.1)/y" to "(0.010)(21.1)/y".

30. On page 52041, column 3, § 430.135, in the table; for TSS; change: "6.8" to "8.7".

31. On page 52042, column 1, § 430.135, in the table; for Trichlorophenol; change: "0.0060" to "0.00088" and "(0.104)(13.8)/y" to "(0.015)(13.8)/y".

32. On page 52042, column 1, § 430.136(a), in the table; for Trichlorophenol; change: "(0.082)(21.1)/y" to "(0.010)(21.1)/y".

33. On page 52042, column 1, § 430.136(b), in the table; for Trichlorophenol; change: "0.0072" to "0.00088".

34. On page 52042, column 2, § 430.137(a), in the table; for Trichlorophenol; change: "(0.125)(13.8)/y" to "(0.015)(13.8)/y".

35. On page 52042, column 2, § 430.137(b), in the table; for Trichlorophenol; change: "0.0072" to "0.00088".

36. On page 52043, column 2, § 430.142(e), lines 13 and 14; change: "consecutive effluent limitations by" to "consecutive days effluent limitations, but shall be subject to annual average effluent limitations determined by".

37. On page 52043, column 3, § 430.144, in the table; for Trichlorophenol; change: "0.0068" to "0.00099" and "(0.068)(23.8)/y" to "(0.010)(23.8)/y".

38. On page 52044, column 1, § 430.145, in the table; for Trichlorophenol; change:

"0.0068" to "0.00099" and "(0.096)(16.8)/y" to "(0.014)(16.8)/y".

39. On page 52044, column 1, § 430.146(a), in the table; for Trichlorophenol; change: "(0.082)(23.8)/y" to "(0.010)(23.8)/y".

40. On page 52044, column 2, § 430.146(b), in the table; for Trichlorophenol; change: "0.0061" to "0.00099".

41. On page 52044, column 2, § 430.147(a), in the table; for Trichlorophenol; change: "(0.116)(16.8)/y" to "(0.014)(16.8)/y".

42. On page 52044, column 2, § 430.147(b), in the table; for Trichlorophenol; change: "0.0081" to "0.00099".

43. On page 52045, column 2, § 430.152(e), lines 13 and 14; change: "consecutive effluent limitations by" to "consecutive days effluent limitations, but shall be subject to annual average effluent limitations determined by".

44. On page 52045, column 2, § 430.153, in the title; ge: "pullutant" to "pollutant".

45. On page 52045, column 3, § 430.154: (a) in line 15; change: "beaching" to "bleaching" (b) in the table; for Trichlorophenol; change: "0.0062" to "0.00092" and "(0.068)(21.9)/y" to "(0.010)(21.9)/y".

46. On page 52046, column 1, § 430.155, in the table; for Trichlorophenol; change: "0.0062" to "0.00092" and "(0.097)(15.4)/y" to "(0.014)(15.4)/y".

47. On page 52046, column 1, § 430.156(a), in the table; (a) change: "PSPS" to "PSES" (b) for Trichlorophenol; change: "(0.082)(21.9)/y" to "(0.010)(21.9)/y".

48. On page 52046, column 2, § 430.156(b), in the table; for Trichlorophenol; change: "0.0075" to "0.00092".

49. On page 52046, column 2, § 430.157(a), in the table; for Trichlorophenol; change: "(0.117)(15.4)/y" to "(0.014)(15.4)/y".

50. On page 52046, column 2, § 430.157(b), in the table; for Trichlorophenol; change: "0.0075" to "0.00092".

51. On page 52047, column 1, line 3; change: "1983" to "1.83".

52. On page 52050, column 1, § 430.181(a); change: "403.01" to "430.01".

53. On page 52051, column 1, § 430.185, in the table for the [Wood fiber furnish subdivision]; for Trichlorophenol; change: "(0.0118)(9.4)/y" to "(0.016)(9.4)/y".

54. On page 52051, column 1, § 430.186(a), line 10; change: "chlorophenolic-containing" to "chlorophenolic-containing".

55. On page 52051, column 1, § 430.186(a), in the table; change: "Wood fiber furnich" to "Wood fiber furnish".

56. On page 52051, column 3, § 430.187(a), in the table for the [Wood fiber furnish subdivision]; for Pentachlorophenol and Trichlorophenol; change: "(0.054)(9.0)/y" to "(0.052)(9.4)/y" and "(0.017)(9.0)/y" to "(0.016)(9.4)/y".

57. On page 52051, column 3, § 430.187(a), in the table for the [Cotton fiber furnish subdivision]; for Pentachlorophenol; change: "oi0(0.044)(31.1)/y" to "(0.044)(31.1)/y".

58. On page 52052, column 3, § 430.196(b), in the table; for Trichlorophenol; change: "0.00095" to "0.00098".

59. On page 52053, column 1, § 430.197(b), in the table; for Trichlorophenol; change: "0.00095" to "0.00098".

60. On page 52053, column 3, § 430.205, in the table; change: "DOD5" to "BOD5".

61. On page 52055, column 3, § 430.214, in the table; for Pentachlorophenol; change: "((0.011)(12.67)exp(0.017))/y" to "((0.011)(12.67)exp(0.017x))/y".

62. On page 52055, column 2, § 430.215, in the table; for TSS; change: "3.03exp(0.017x)" to "5.81exp(0.017x)" and "5.81exp(0.017x)" to "3.03exp(0.017x)".

63. On page 52059, column 3, § 430.245, in both tables; change:

(a) "NSPS" to "Pollutant or pollutant property"

(b) "Pollutant or pollutant property" to "NSPS".

64. On page 52060, column 2, § 430.247(a), in the table; for Pentachlorophenol and Trichlorophenol; change: "oi0(0.037)(66.8)/y" to "(0.037)(66.8)/y" and "oi0(0.012)(66.8)/y" to "(0.012)(66.8)/y".

65. On page 52063, column 2, § 411.12; replace the table with:

SUBPART A

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Kg/kg (or pounds per 1,000 lb) of product	
BOD5	5.0	3.0
TSS	5.0	3.0
pH	(7)	(7)
Settleable Solids	(7)	(7)

¹ Within the range of 6.0 to 9.0 at all times.

² Not to exceed 0.2 ml/l.

Dated: March 11, 1983.

Rebecca W. Hanmer,
Acting Assistant Administrator for Water.

(FR Doc. 83-8007 Filed 3-29-83, 8:45 am)

BILLING CODE 5560-50-M

40 CFR Part 716

[OPTS-84003E; TSH FRL 2324-61]

Health and Safety Data Reporting; Submission of Lists and Copies of Health and Safety Studies

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule adds certain chemical substances to the list of substances and mixtures for which lists and copies of unpublished health and safety studies must be submitted under section 8(d) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2607(d) (40 CFR Part 716 Subpart A). The chemical substances to be added were designated for testing consideration by the Interagency Testing Committee (ITC), in its Sixth through Tenth Reports to EPA (45 FR 35897, 45 FR 78432, 46 FR 28138, 47 FR 5456, and 47 FR 22585).

EFFECTIVE DATE: April 29, 1983.

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 401 M St., SW., Washington, D.C. 20460, Toll free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: OMB Control Number: 2070-0004.

In the Federal Register of September 2, 1982 (47 FR 38780), EPA issued regulations under section 8(d) of TSCA to require submission of unpublished health and safety studies on specifically listed chemicals by chemical manufacturers and processors. The rule establishes standardized reporting requirements and provides for amending the list of chemicals subject to the rule. These chemicals have either been recommended by the Interagency Testing Committee for testing consideration under section 4 of the Toxic Substances Control Act (TSCA) or separately selected by the Environmental Protection Agency for evaluation.

The Interagency Testing Committee (ITC), established under section 4(e) of TSCA (15 U.S.C. 2603(e)), recommends chemical substances, categories of substances, and mixtures for priority

consideration by EPA in the issuance of testing rules under section 4(a) of TSCA (15 U.S.C. 2603(a)). Section 4(e) directs the ITC to revise its list of recommendations every six months as the ITC determines to be necessary.

In the Federal Register of September 2, 1982 (47 FR 38800), EPA proposed to amend 40 CFR 716.17 by adding the chemicals designated for priority testing consideration by the ITC in its Sixth through Tenth Reports. Comments were solicited from the public on this amendment and six comments were received. EPA's responses to the comments appear below. Chemicals designated by the ITC in subsequent reports will be made subject to the rule effective 30 days after publication of a rule amendment to that effect in the Federal Register (see 40 CFR 716.18(b)). A rule amendment adding to the section 8(d) reporting requirement the chemicals designated by the ITC in its Eleventh Report was published on December 3, 1982 (47 FR 54624) under the authority of § 716.18(b).

EPA is adding the following chemical substances and categories of chemical substances to 40 CFR 716.17(a)(3). The ITC report number in which the designation was made follows each chemical substance or category of substances listed below.

Chemicals and Categories Added to Rule

Categories of Chemical Substances

- Ethyltoluenes—10th Report.
- Fluoroalkenes—7th Report.
- Phenylenediamines—6th Report.

Chemical Substances

- Benzyl butyl phthalate—7th Report.
- Biphenyl—10th Report.
- Butyl glycolyl butyl phthalate—7th Report.
- Chlorendic acid—9th Report.
- 4-Chlorobenzotrifluoride—9th Report.
- 2-Chlorotoluene—8th Report.
- Diethylenetriamine—8th Report.
- Formamide—10th Report.
- Hexachloroethane—8th Report.
- 1,2,4-Trimethylbenzene—10th Report.
- Tris (2-chloroethyl) phosphite—9th Report.

Although the ITC designated ethyltoluene (mixed isomers) for testing consideration, the Agency believes that it is necessary to acquire health and safety studies on the individual isomers to characterize adequately the mixed isomer product. For instance, a study cited by the ITC under "III. C. Other effects (physiological/behavioral/ecosystem processes)" presents data on p-ethyltoluene and o-ethyltoluene respectively. Thus, the Agency believes

that it is necessary, as the ITC did, to examine data developed on the individual isomers. Therefore, the Agency is requiring reporting of health and safety studies for the individual isomers as well as for the mixed ethyltoluenes.

Under the rule implementing section 8(d) of TSCA, manufacturers and processors of listed chemicals must submit unpublished health and safety studies on the chemicals. The Agency will use the studies to support its investigations of the risks posed by the chemicals and to support its decisions whether to require industry to test these chemicals under section 4 of TSCA.

Public Comments

EPA received comments from six persons in response to the proposed rule. EPA's responses are provided below.

Comment 1. The Agency indicated that it would not initiate rulemaking on hexachloroethane (HCE) under section 4(a) because of the small amounts of the substance which will be released into the environment. Therefore, hexachloroethane should not be made subject to the section 8(d) rule.

Response. The decision by EPA not to require testing of hexachloroethane (see 47 FR 18175) was based on the limited release of HCE to the environment, and on regulatory action in progress under the Resource Conservation and Recovery Act (RCRA).

However, because the human and environmental effects of HCE are not well characterized, the Agency has decided that unpublished health and safety studies should be acquired from manufacturers and processors of the substance. The information acquired will be used by EPA to characterize further the risks associated with the handling and disposal of HCE-containing wastes. The use of the section 8(d) rule is not limited to the support of test rule decisions under section 4 of TSCA. The Agency will use the rule to support its investigations of the risks posed by chemicals.

Comment 2. The Agency should rely on a program of section 4 Advance Notice of Proposed Rulemaking (ANPR) publications in lieu of the automatic listing of ITC-designated chemicals under 40 CFR 716.18(b). EPA would thus obtain timely and responsible assistance from interested parties. For example, the Agency's experience with voluntary submission of data in response to an ANPR on the phenylenediamine category of chemicals illustrates the value of this approach.

Response. At 47 FR 38784 EPA discusses its reasons why the automatic

addition to the rule of ITC-designated chemicals is warranted and why EPA will not rely solely on the voluntary submission of studies. Since the chemicals being added through this final rule were subject to public comment on the proposed rule amendment (47 FR 38800), the question of automatic addition of chemicals without notice and comment is not relevant to this action.

Comment 3. In response to the January 8, 1982, ANPR on the phenylenediamine category, industry submitted data on these chemicals. Subjecting phenylenediamines to this rule, many of which are of no commercial consequence whatsoever, illustrates the duplicative work and waste of resources which this rule will cause.

Response. EPA disagrees. The Agency has published an ANPR (47 FR 973) indicating its intention to initiate rulemaking under TSCA section 4(a) for 13 members of the phenylenediamine category. Full information on existing health and safety studies for the phenylenediamine category is needed by EPA to make further testing decisions and to determine if unreasonable risks are presented. Thus, EPA does not agree that reporting of such studies is unnecessary. Since there is interchangeability among the phenylenediamines for some uses, the Agency must take into account the possibility that if a particular commercial phenylenediamine is required to be tested, or found to be hazardous, it may be replaced by another phenylenediamine of little or no commercial importance that is poorly characterized toxicologically. Also, the section 8(d) rule does not require the submission of health and safety studies previously submitted to the Agency (see 40 CFR 716.11(b)). This rule is not duplicative of previous voluntary reporting of health and safety studies on these chemicals.

Comment 4. EPA should amend the final rule to exclude studies on mixtures which clearly do not reflect the effects of the listed substance. This is necessary so that manufacturers of complex mixtures marketed as consumer products are not required to undertake burdensome file searches for studies on mixtures that might contain a listed substance at very low levels, such as perfumes, colorants, etc. Rarely will useful conclusions be drawn from these studies, since they were neither designed nor conducted to address effects of the listed substance.

Response. During the October 4, 1982, to December 3, 1982, reporting period on the first five ITC lists and asbestos, EPA

became aware that for some companies searching for studies on mixtures containing listed substances posed a number of problems. These were mainly companies manufacturing and selling mixtures as consumer products. The primary problem was that companies were not always able to search their files with assurance that all the studies on mixtures containing listed substances would be found. This was because company indexing systems would retrieve studies by product name and possibly the major components, but not by each member of the mixture.

An additive which in turn contains a listed substance (a mixture containing a listed substance in a mixture), for instance, would not normally be found through company indexing systems. Thus, many companies believed that laborious, manual file searches would be necessary to comply with the rule. Agency guidance provided during the reporting period stated that such laborious searches were not necessary to comply with the rule. See "Questions and Answers about Reporting Under the TSCA Section 8(d) Health and Safety Reporting Rule" (November 10, 1982), which is available from the Office of Toxic Substances Industry Assistance Office.

After initial reporting is complete, the Agency will examine the studies submitted on mixtures containing listed substances. When this examination is complete, the Agency will evaluate the results and determine whether the reporting requirements on mixtures should be changed.

Comment 5. The section 8(d) rule appears to imply that all files on a given section 8(d) chemical held by a company would be subject to search, retrieval and submission, if not specifically exempted. For a chemical used in a non-TSCA regulated product exempt under TSCA section 3(2)(B)(vi) but also used in a TSCA-regulated product, the rule would appear to require that the files for both uses be searched. This is clearly neither the intent nor the purpose of TSCA. Only those files pertaining to chemical uses subject to TSCA must be searched.

Response. Section 716.6 of the rule specifies that persons subject to the rule must send to EPA copies of any non-exempt health and safety studies in their possession for the substances and designated mixtures listed in § 716.17. Persons are, therefore, required to submit any unpublished studies in their possession, with the exception noted below, if they manufacture or process a listed substance or mixture as defined in section 3 of TSCA. For instance, if a person manufactures a listed substance for a TSCA and non-TSCA use, that

person would be required to search for and submit copies of studies on that substance even if the study was done to investigate the risks posed by a non-TSCA use of the substance and was located at the site that manufactures the chemical for the non-TSCA use. The file search would extend to any files that in the ordinary course of business would be expected to contain studies on the substance. Since health studies are studies of effects of a substance, any study of an effect would be reportable. Also, it is possible that a company has in its possession studies performed by a university researcher who was investigating the carcinogenicity of a chemical that at the time of the study was used only as a pesticide. However, the company in possession of the studies manufactures the chemical solely for a TSCA use. Obviously, the company has in its possession studies on a subject chemical which, under § 716.6 of the rule, must be submitted.

Section 716.12 of the rule specifies that persons should "limit their search for the required information to records in which such information is expected to be found in the ordinary course of their business." Thus, for purposes of the section 8(d) rule, persons are required to search only those files which can reasonably be expected to contain information relating to the chemical substances and mixtures listed in § 716.17 of the rule.

Comment 6. For categories of chemical substances subject to 40 CFR 716.17, EPA should list all the members of the categories for which EPA wants reporting. EPA should not use examples for chemical categories.

Response. EPA agrees. The members of each category will be listed in the rule, with the exception of confidential entries on the TSCA Chemical Substance Inventory and new chemicals added to the TSCA Inventory after publication of the list. Thus, for this rule, persons will be responsible for reporting on: (1) Any substance or member of a category listed in 40 CFR 716.17(a)(3); (2) any member of a listed category that the person reported as confidential for the TSCA Inventory; and (3) any new chemical substance that is a member of a listed category but was not on the TSCA Inventory when the category was added to the list.

Comment 7. Three of the chemical substances listed on the proposed rule amendment are already listed on the final section 8(d) rule and should be deleted from the proposed list as being unnecessary. These chemicals are:

- (1) p-Diaminobenzene CAS No. 106-50-3; (2) Vinylidene fluoride CAS No.

75-38-7; (3) Vinyl fluoride CAS No. 75-02-5.

Response. EPA agrees. The three substances have been removed from the rule amendment.

Economic Impact

EPA estimates that the total cost to industry of submitting lists and copies of health and safety studies under the present rule is approximately \$264,000. This consists of the following:

Corporate Rule Review	\$29,000
Corporate Review (site identification)	35,000
File Search	67,000
Title Listing	3,000
Photocopying (materials)	4,000
Photocopying (labor)	13,000
Managerial Review	99,000
Ongoing Reporting	14,000
Total	264,000

If we assume ± 30 percent margin of error in these estimates the range of probable cost varies from \$185,000 to \$343,000. If the studies submitted allow EPA to eliminate even one potential section 4 mandated test on a subject chemical, the cost avoided could exceed the total cost of this rule. In addition, the studies submitted may help EPA identify public health and environmental problems which may require action by EPA to control or mitigate. Thus, the cost of this rule is low compared to the potential benefits.

Public Record

EPA has established a public record (docket number OPTS-84003B) for this rulemaking document which, along with a complete index, is available for inspection in the OPTS Reading Room, Rm. E-107 from 8:00 a.m. to 4:00 p.m. on working days (401 M Street, SW., Washington, D.C. 20460). This record includes basic information considered by the Agency in developing this rule. Following is a list of the documents which constitute the record for this rulemaking. Public comments on the proposed rule are not individually listed, but will be available upon request in the OPTS Reading Room. EPA requests that it be notified of any additions or deletions to this record within the next 30 days.

1. Health and Safety Study Reporting Regulations (40 CFR Part 716), Public Record, Docket No. 84003.
2. Reports Impact Analysis for 40 CFR Part 716 and this rulemaking.
3. Sixth through Tenth Reports of the Interagency Testing Committee (ITC); 45 FR 35897 (Sixth Report), 45 FR 78432 (Seventh Report), 46 FR 28138 (Eighth Report), 47 FR 5456 (Ninth Report), and 47 FR 22585 (Tenth Report).
4. Proposed Amendment to 40 CFR Part 716 (47 FR 38800).
5. All comments on this amendment.

Regulatory Assessment Requirements: Paperwork Reduction Act, Executive Order 12291, and Regulatory Flexibility Act

The final section 8(d) rule (40 CFR Part 716), published in the *Federal Register* of September 2, 1982 (47 FR 38780) has been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* The OMB control number is 2070-0004.

This amendment was submitted to OMB for review as required by Executive Order 12291.

This amendment will not have a significant economic impact on a substantial number of small entities. Based on our experience with a previous section 8(d) rule, we expect that only about 1 percent of the respondents will have gross sales of less than \$20 million. Further, approximately 90 percent are expected to have gross sales over \$100 million. Thus, of the approximately 174 companies expected to report under this rule, 157 are expected to have sales greater than \$100 million. Only two companies are expected to have gross sales under \$20 million. Therefore, in accordance with the Regulatory Flexibility Act (Pub. L. 96-354), EPA has determined that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 716

Chemicals, Health and safety, Environmental protection, Hazardous materials, Reporting and recordkeeping requirements.

Dated: March 8, 1983.

John A. Todhunter,

Assistant Administrator for Pesticides and Toxic Substances.

PART 716—[AMENDED]

Therefore, Title 40, Chapter I, is amended by adding § 716.17(a)(3) to read as follows:

§ 716.17 Substances and designated mixtures to which this subpart applies.

(a) * * *

(3) As of April 29, 1983, the following chemical substances are subject to this subpart.

Substances and CAS numbers

Benzyl butyl phthalate, 85-68-7
Biphenyl, 92-52-4
Butyl glycolyl butyl phthalate, 85-70-1
Chlorendic acid, 115-28-6
4-Chlorobenzotrifluoride, 98-58-8
2-Chlorotoluene, 95-49-8
Diethylenetriamine, 111-40-0
Ethyltoluene

This category consists of ethyltoluene (mixed isomers) and the ortho-, meta-, and para-isomers.
Ethyltoluene (mixed isomers), 25550-14-5
o-Ethyltoluene, 611-14-3
m-Ethyltoluene, 620-14-4
p-Ethyltoluene, 622-96-8

Fluoroalkenes

This category is defined as fluoroalkenes of the general formula:



where n equals 2 or 3 and x equals 1 to 6.

As of March 30, 1983, this category includes, but is not limited to, the following four fluoroalkenes and any category members reported as confidential for the TSCA Inventory. Any substances fitting the category definition added to the TSCA Inventory after March 30, 1983, are also subject to this subpart.

Tetrafluoroethene, 116-14-3
Trifluoroethene, 359-11-5
Hexafluoropropene, 116-15-4
Trifluoromethylethene, 677-21-4

Formamide 75-12-7

Hexachloroethane 67-72-1

Phenylenediamines

This category is defined as all nitrogen-unsubstituted phenylenediamines and their salts with zero to two substituents on the ring selected from the same or different members of the group of halo, nitro, hydroxy, hydroxy-lower alkoxy, lower-alkyl, and lower alkoxy. For this purpose, the term "lower" is defined as a group containing between one and four carbons.

As of March 30, 1983, this category includes, but is not limited to, the following phenylenediamines and any category members reported as confidential for the TSCA Inventory. Any substances fitting the category definition added to the TSCA Inventory after March 30, 1983, are also subject to this subpart.

o-Diaminobenzene, 95-54-5
2,5-Diaminotoluene, 95-70-5
1,3-Diamino-4-methylbenzene, 95-80-7
o-Phenylenediamine, 4-chloro- 95-83-0
o-Phenylenediamine, 4-nitro- 99-56-9
m-Diaminobenzene 108-45-2
3,5-Diaminotoluene 108-71-4
2,4-Diaminophenol dihydrochloride 137-09-7
1,2-Diamino-4-methylbenzene 496-72-0
m-Phenylenediammonium dichloride 541-69-5
m-Phenylenediamine, sulfate (1:1) 541-70-8
m-Phenylenediamine, 4-methoxy-dihydrochloride 614-94-8
m-Phenylenediamine, 4-methoxy- 615-05-4
1,2-Phenylenediamine dihydrochloride 615-28-1
1,4-Benzenediamine, 2-methyl-, dihydrochloride, 615-45-2
p-Phenylenediamine, 2-chloro-, dihydrochloride, 615-46-3
2,5-Diaminotoluene sulfate, 615-50-9
p-Phenylenediamine dihydrochloride, 624-18-0
2,6-Diamino-1-methylbenzene, 623-40-5
o-Phenylenediamine, 4-ethoxy- 1197-37-1
1,2-Diamino-3-methylbenzene 2687-25-4
o-Phenylenediamine, 4-butyl- 3663-23-8

m-Phenylenediamine, 5-nitro- 5042-55-7
m-Phenylenediamine, 4-nitro- 5131-58-8
m-Phenylenediamine, 4-chloro- 5131-60-2
p-Diaminoanisole, 5307-02-8
p-Phenylenediamine, 2-nitro- 5307-14-2
m-Phenylenediamine, 2-nitro- 6219-67-6
p-Phenylenediamine, 2-chloro-, sulfate, 6219-71-2
o-Phenylenediamine, 4-nitro-, sulfate, 6219-77-8
1,4-Benzenediamine, 2-methyl-, sulfate, 6369-59-1
4,6-Diamino-o-cresol, 15872-73-8
p-Phenylenediamine sulfate, 16245-77-5
p-Phenylenediamine, 2-nitro-, dihydrochloride, 18266-52-9
p-Phenylenediamine, 2,5-dichloro- 20103-09-7
Diaminotoluene, 25376-45-8
2,4-Diaminoanisole sulfate, 39156-41-7
1,2-Benzenediamine, 5-chloro-3-nitro- 42389-30-0
1,4-Benzenediamine, ethanedioate (1:1), 62654-17-5
4,6-Diamino-2-methylphenol, hydrochloride, 65879-44-6
Ethanol, 2-[2,4-diaminophenoxy]-, dihydrochloride, 66422-95-5
1,3-Benzenediamine, 4-ethoxy-, dihydrochloride, 67801-06-3
1,3-Benzenediamine, 4-ethoxy-, sulfate (1:1), 68015-98-5
m-Phenylenediamine, 4-chloro-, sulfate, 68239-80-5
1,2-Benzenediamine, 4-nitro-, sulfate (1:1), 68239-82-7
1,4-Benzenediamine, 2-nitro-, sulfate (1:1), 68239-83-8
1,2-Benzenediamine, 4-chloro-, sulfate (1:1), 68459-98-3
1,3-Benzenediamine, ar-ethyl-ar-methyl, 69066-84-7
1,2,4-Trimethylbenzene, 95-63-6
Tris (2-chloroethyl) phosphite, 140-08-9
* * * * *

[FR Doc. 83-6203 Filed 3-29-83; 8:45 am]

BILLING CODE 6560-60-M

40 CFR Part 761

[OPTS-62028; TSH-FRL 2242-2]

Polychlorinated Biphenyls (PCBs); Procedural Amendment of the Approval Authority for PCB Disposal Facilities and Guidance for Obtaining Approval

AGENCY: Environmental Protection Agency (EPA).

ACTION: Procedural Rule Amendment and Statement of Policy.

SUMMARY: This procedural rule change gives the Assistant Administrator for Pesticides and Toxic Substances (Assistant Administrator) authority to approve certain PCB disposal facilities which previously have required approval from each Regional Administrator. The Assistant Administrator will be the approval authority for facilities which will be

operated in more than one region. The Regional Administrators will continue to have the authority to approve all unique, site-specific facilities such as landfills and stationary incinerators. The Regional Administrators also will continue to have the authority to approve all research and development (R and D) on PCB disposal methods involving less than 500 pounds of material, regardless of whether the disposal facility will be operated in more than one region. This amendment should provide better responsiveness to the needs of the public and industry. It does not change any standards for approving PCB disposal activities. In addition, EPA is providing supplemental guidance to assist persons applying for approval of PCB disposal technologies that are alternatives to incinerators and high efficiency boilers.

EFFECTIVE DATE: These amendments shall be effective on April 29, 1983.

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-509, 401 M St., SW., Washington, D.C. 20460, Toll free: (800-424-9065), In Washington, D.C.: (554-1404). Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Recodification of 40 CFR Part 761

Title 40 of the Code of Federal Regulations, Part 761, which regulates polychlorinated biphenyls (PCBs), has been reorganized and recodified. Notice of the reorganization and recodification appears in the Federal Register of May 6, 1982 (47 FR 19527). This rule amendment uses the following new designations:

Old designation	New designation
Subpart B, § 761.10	Subpart D, § 761.60
Subpart D, § 761.31	Subpart B, § 761.30
Subpart E, § 761.40	Subpart D, § 761.70
Subpart E, § 761.41	Subpart D, § 761.75
Subpart E, § 761.42	Subpart D, § 761.65

II. Background

Section 6(e)(1)(A) of the Toxic Substances Control Act (TSCA) requires that EPA promulgate rules for the disposal of polychlorinated biphenyls (PCBs). The rules implementing section 6(e)(1)(A) were published in the Federal Register of May 31, 1979 (44 FR 31514) and recodified in the Federal Register of May 6, 1982 (47 FR 19527). (See Unit 1 of this preamble.) Those rules, among other things, generally require that various types of PCBs and PCB Articles be

disposed of in landfills or destroyed in incinerators, or in high efficiency boilers approved by EPA Regional Administrators in accordance with standards set forth in the rules. (See 40 CFR 761.60, 761.70, 761.75). The rules also provide that persons may obtain approval from the Regional Administrators for alternative methods of destroying PCBs if the alternative methods can achieve a level of performance equivalent to EPA approved incinerators or high efficiency boilers. (See 40 CFR 761.60(e)).

Regional Administrators were given sole authority to approve PCB disposal facilities. At that time site-specific technologies, such as incinerators, boilers or landfills, were the only available means of disposing of PCBs or destroying them. During the past year, in particular, EPA has been receiving applications for mobile and other types of destruction technologies that require approval in more than one region.

To improve management of permit procedures for PCB disposal activities, the Administrator has decided to transfer the review and approval authority of mobile and other PCB disposal techniques that are used in more than one region to the Office of Pesticides and Toxic Substances in Washington D.C. This transfer of approval authority should provide better responsiveness to the needs of the public and industry. The purpose of this amendment is to reduce the resource burden on EPA and affected parties by eliminating duplication of effort in the regional offices and to unify the Agency's approach to PCB disposal.

This procedural rule amendment does not change the Agency standards for approval of PCB disposal methods. It merely substitutes the Assistant Administrator for Pesticides and Toxic Substances for the Regional Administrators as an approval authority for certain facilities. Since this procedural amendment makes no substantive change to the existing PCB rule, no comment period is required or necessary for this rulemaking. The notice and comment procedures under 5 U.S.C. 553 are not applicable to procedural rules. Therefore, this amendment becomes effective on April 29, 1983.

The preamble to this rule also presents general notice of supplemental guidance for judging whether an alternative PCB destruction method should be approved under 40 CFR 761.60(e). This guidance has been generally used by regional administrators in the past and is

presented to assist applicants in submitting useful information.

III. Approval Authorities for PCB Disposal Activities

The following paragraphs specify the approval authority for various disposal activities. However, at the discretion of the Assistant Administrator, an application for approval may be assigned to another office if the application appears more suited for review in an office other than the one suggested below.

A. Landfills

Landfills for PCB materials will continue to be approved by the Regional Administrators.

B. Stationary and Mobile Incinerators

The operation of stationary incinerators will be approved by the Regional Administrators. Mobile incinerators and stationary incinerators of identical design that are intended to be used in more than one region will be approved by the Assistant Administrator, except for research and development involving less than 500 pounds of PCB material (see Part D of this unit). The Assistant Administrator may issue an approval that will be effective in all ten EPA regions.

C. Alternate Methods

The existing PCB regulations provide for the approval of methods which are alternatives to incineration. Alternate methods that are stationary and unique (site-specific design) will be approved by the appropriate Regional Administrator. Alternate methods that are mobile or will be used in more than one region will be approved by the Assistant Administrator, except for research and development involving less than 500 pounds of PCB material (see Part D of this unit). The Assistant Administrator may issue an approval which is effective in all ten EPA regions.

D. Research and Development

The EPA Regional Administrators will be the approval authority for R and D into PCB disposal methods, regardless of the type of method, that use 500 pounds total or less of PCB-contaminated material. Disposal of more than 500 pounds of total PCB or PCB-contaminated material for R and D purposes will be reviewed and approved by either the Assistant Administrator or an appropriate Regional Administrator based on the principles set out in A, B, C, and E of this unit of the preamble. EPA notes that R and D on PCB disposal is regulated using the disposal sections

of the PCB rule. See unit V of this preamble, "Research and Development" for a more complete explanation.

E. Others

Requests for approval of disposal facilities that are not covered under A, B, C, or D above should be sent to the Assistant Administrator. If an applicant is unsure about where to submit a request, it should be sent to the Assistant Administrator. The Assistant Administrator will assign the review and approval authority for these disposal facilities to the Office of Pesticides and Toxic Substances or the appropriate Regional Administrator.

IV. Supplemental Guidance

Section 40 CFR 761.70 of the PCB rule provides criteria and procedures for the approval of incinerators. 40 CFR 761.60(a)(2)(iii) provides criteria for the approval of high efficiency boilers. Thermal destruction technologies which do not comply exactly with the provisions of 40 CFR 761.70 may be approved under the waiver provision of that section [40 CFR 761.70(d)(5)]. In addition, destruction technologies may also be approved under the alternative technologies section of the PCB regulation (40 CFR 761.60(e)).

Section 40 CFR 761.60(e) does not provide specific guidance concerning the types of information that EPA requires to review alternative disposal methods. Therefore, EPA is taking this opportunity to provide this guidance.

The following guidance is applicable to most alternate PCB disposal activities, including R and D, but may be modified as appropriate to the specific activity at the discretion of the Regional Administrators or the Assistant Administrator. Although not noted here, site-specific considerations may also be involved in any PCB disposal facility approval.

1. The owner or operator of any alternate method should submit an application which contains the following (if applicable):

- (i) Name, address and phone number of the unit's principal manager.
- (ii) The location of the facility where the unit will be tested and the location where the unit will be stored and serviced when not engaged in testing.
- (iii) A detailed description of the unit including general plans and design drawings.
- (iv) An engineering report or other information on the anticipated performance of the unit.
- (v) A sampling plan and quality assurance plan, including sampling and monitoring equipment and available facilities.

(vi) Waste volumes expected to be handled, process design capacity, process control, reagent-to-waste feed ratios, and safety features.

(vii) Any local, State or Federal permits or approvals.

(viii) Schedules and plans for complying with the approval requirements.

(ix) A contingency plan which describes steps taken in case of process failure, spill or overflow.

(x) Environmental impact, including process emissions, toxicity and disposal of process products, site relationships, and steps taken to protect the health of operators.

2. Following receipt of the application, EPA may determine that a process demonstration is required and will notify the person who submitted the report. The Assistant Administrator or Regional Administrator may require the submission of any other information that the EPA finds to be reasonably necessary to determine the need for a process demonstration. Such other information shall be restricted to the types of information required in the initial application. All pages containing proprietary information should be labeled "CONFIDENTIAL." Documents marked accordingly must be treated by the EPA as Confidential Business Information, unless a determination to deny the claim of confidentiality has been made by the General Counsel. In addition, a non-confidential version of the submission is required so that a copy of the application is available, if needed, for public review.

The following information should be submitted by persons who are asked to demonstrate their process for the Agency. EPA may request any additional testing or analysis which will help the reviewing officials determine the safety and efficiency of the process.

- (i) The time, date, and location of the process demonstration.
- (ii) The quantity and type of PCBs and PCB items to be processed.
- (iii) The parameters to be monitored and location of sampling points.
- (iv) A sampling plan and quality assurance plan, including sampling frequency and methods and schedules for sample analysis.
- (v) The name, address and qualifications of persons who will review the analytical results and other pertinent data, and who will perform a technical evaluation of the effectiveness of the process demonstration.

3. At least thirty (30) days prior to conducting the process demonstration, the owner or operator of the process should give written notice of the demonstration to the state and local

governments within whose jurisdiction the demonstration is to take place.

4. Following receipt of the process demonstration plan, the Assistant Administrator or Regional Administrator will approve the plan, require additions or modifications to the plan, or disapprove the plan. If the plan is disapproved, the EPA will notify the person who submitted the plan of such disapproval, together with the reasons why it is disapproved. That person may, thereafter, submit a new plan in accordance with paragraph 2, above. If the new plan is approved (with any additions or modifications which EPA may prescribe), the EPA will notify the person who submitted the plan of the approval. Thereafter, the process demonstration, if necessary, shall take place at a date, time, and location to be agreed upon between the EPA and the person(s) who submitted the plan. The demonstration must satisfy all applicable requirements of 40 CFR Part 761, and supply any other pertinent data that aids EPA in reviewing these processes.

5. The Assistant Administrator or Regional Administrator will grant or deny approval for full scale operation based on a comprehensive review of the application package, demonstration results, and other submitted information. Approvals for operation will contain special conditions, if EPA finds them necessary to provide sufficient protection to human health or the environment.

6. Requests for approval must be sent to the Assistant Administrator for Pesticides and Toxic Substances or the appropriate Regional Administrator. The proper official can be determined under 40 CFR 761.60(e), and 761.70 (a) and (b) or under A, B, C, D, and E in unit II of this preamble. Addresses for these officials are listed as follows:

Document Control Officer (TS-793),
Office of Toxic Substances,
Environmental Protection Agency,
Room E-401, 401 M Street, SW.,
Washington, D.C. 20460

Region 1

(Connecticut, Maine, Massachusetts,
New Hampshire, Rhode Island,
Vermont)

Regional Administrator, Region 1,
Environmental Protection Agency,
John F. Kennedy Federal Building,
Boston, Massachusetts 02203

Region 2

(New Jersey, New York)

Regional Administrator, Region 2,
Environmental Protection Agency, 26

Federal Plaza, New York, New York
10278

Region 3

(Delaware, District of Columbia,
Maryland, Pennsylvania, Virginia, West
Virginia)

Regional Administrator, Region 3,
Environmental Protection Agency, 6th
and Walnut Streets, Philadelphia,
Pennsylvania 19106

Region 4

(Alabama, Florida, Georgia, Kentucky,
Mississippi, North Carolina, South
Carolina, Tennessee)

Regional Administrator, Region 4,
Environmental Protection Agency, 345
Courtland Street, NE., Atlanta,
Georgia 30365

Region 5

(Illinois, Indiana, Michigan, Minnesota,
Ohio, Wisconsin)

Regional Administrator, Region 5,
Environmental Protection Agency, 230
South Dearborn Street, Chicago,
Illinois 60604

Region 6

(Arkansas, Louisiana, New Mexico,
Oklahoma, Texas)

Regional Administrator, Region 6,
Environmental Protection Agency,
First International Building, 1201 Elm
Street, Dallas, Texas 75270

Region 7

(Iowa, Kansas, Missouri, Nebraska)

Regional Administrator, Region 7,
Environmental Protection Agency, 324
East 11th Street, Kansas City,
Missouri 64106

Region 8

(Colorado, Montana, North Dakota,
South Dakota, Utah, Wyoming)

Regional Administrator, Region 8,
Environmental Protection Agency,
1860 Lincoln Street, Denver, Colorado
80295

Region 9

(Arizona, California, Hawaii, Nevada)

Regional Administrator, Region 9,
Environmental Protection Agency, 215
Fremont Street, San Francisco,
California 94105

Region 10

(Alaska, Idaho, Oregon, Washington)

Regional Administrator, Region 10,
Environmental Protection Agency,
1200 6th Avenue, Seattle, Washington
98101

V. Research and Development

Research is an investigation to discover or revise facts or theories. The present PCB rule authorizes the use of PCBs for R and D activities if the PCBs are packaged in 5.0 ml containers and used for scientific experimentation or analysis (40 CFR 761.30(j)). Therefore, R and D on disposal methods using PCBs in any other form constitutes disposal and is regulated using the disposal section of the PCB rule (40 CFR 761.60). In some cases, companies have conducted R and D on PCB disposal without the appropriate EPA region's awareness of their activities. Failure to obtain prior approval from EPA is a violation of the PCB disposal regulations. Persons already engaged in PCB disposal research that is not permitted pursuant to 40 CFR 761.30(j) and not approved by the appropriate EPA Regional Administrator must cease that research and obtain approval from the Regional Administrator before recommencing their research.

EPA recognizes that R and D for new methods of PCB disposal is desirable. To obtain approval to use PCB materials in quantities sufficient to develop new disposal methods (i.e. over 5.0 ml PCBs), researchers must apply to EPA and receive a letter of authorization before beginning their research. To the extent possible, all applications should contain the types of information required in unit III of this preamble and 40 CFR 761.70 of the PCB rule for approval of PCB disposal facilities.

VI. TSCA and RCRA Permits

PCB disposal facility permits are granted under the authority of the Toxic Substances Control Act (TSCA). The majority of the hazardous waste disposal permits are granted under the Resource Conservation and Recovery Act (RCRA). Although many facilities are capable of destroying wastes controlled under each of these statutes, the regulations presently require two individual permits. EPA anticipates integrating these regulations and is currently making an internal effort to assure that hazardous and toxic waste disposal permits contain the same essential conditions.

The TSCA rules for waste PCBs have been in place since 1978 and they are well understood by the regulated community. As of this writing, the RCRA rules are the subject of pending litigation. In addition, the RCRA rules are undergoing comprehensive regulatory impact analyses that may result in a number of regulatory amendments. Efforts to integrate the rules will resume after the major RCRA

litigation issues are resolved and the RCRA regulatory impact analyses are completed.

VII. Executive Order 12291, Paperwork Reduction Act, and Regulatory Flexibility Act

Under Executive Order 12291, issued February 17, 1981, EPA has determined that this amendment to the PCB rule is not a "major rule" as the term is defined in section 1(b) of the Executive Order. Therefore, no Regulatory Impact Analysis has been prepared for this amendment. This final rule amendment was submitted to the Office of Management and Budget (OMB) prior to publication in the Federal Register.

EPA has determined that the application requirements for the approval of PCB disposal activities constitute a "collection of information," as defined in the Paperwork Reduction Act (PRA) of 1980, 44 U.S.C. 3501. These requirements are set out in 40 CFR 761.60, 761.70, and 761.75 of the PCB rule. These sections of the PCB rule require the submission of information to EPA that is necessary to determine the capabilities and risks associated with PCB disposal activities. This information is necessary to insure proper disposal of PCBs without posing an unreasonable risk to human health or the environment.

Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* and have been assigned OMB control number 2070-0011.

The Regulatory Flexibility Act does not apply to rules that do not undergo "notice and comment" under section 553(b) of the Administrative Procedure Act, or any other law.

VIII. Statutory Authority

Under section 6(e) of TSCA (15 U.S.C. 2605), the Administrator must promulgate rules to prescribe methods for the disposal of PCBs. The Administrator also has the authority to amend or modify the existing PCB disposal rules (40 CFR Part 761), published in the Federal Register of May 31, 1979 (44 FR 31514), and issue procedural rules and policy statements regarding the disposal regulations.

List of Subjects in 40 CFR Part 761

Hazardous materials, Labeling, Polychlorinated biphenyls, Reporting and recordkeeping requirements, Environmental protection.

Dated: March 21, 1983.

John W. Hernandez, Jr.,
Acting Administrator.

Therefore, 40 CFR Part 761 is amended as follows:

PART 761—POLYCHLORINATED BIPHENYLS (PCBs) MANUFACTURING, PROCESSING, DISTRIBUTION IN COMMERCE, AND USE PROHIBITIONS

1. In § 761.60 paragraph (e) is revised and paragraphs (i) (1) and (2) are added to read as follows:

Subpart D—Storage and Disposal

§ 761.60 Disposal requirements.

(e) Any person who is required to incinerate any PCBs and PCB Items under this subpart and who can demonstrate that an alternative method of destroying PCBs and PCB Items exists and that this alternative method can achieve a level of performance equivalent to § 761.70 incinerators or high efficiency boilers as provided in paragraph (a)(2)(iv) and (a)(3)(iv) of this section, may submit a written request to either the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances for an exemption from the incineration requirements of § 761.70 or § 761.60. Requests for approval of alternate methods that will be operated in more than one region must be submitted to the Assistant Administrator for Pesticides and Toxic Substances except for research and development involving less than 500 pounds of PCB material (see paragraph (i)(2)). Requests for approval of alternate methods that will be operated in only one region must be submitted to the appropriate Regional Administrator. The applicant must show that his method of destroying PCBs will not present an unreasonable risk of injury to health or the environment. On the basis of such information and any available information, the Regional Administrator or Assistant Administrator for Pesticides and Toxic Substances may, in his discretion, approve the use of the alternate method if he finds that the alternate disposal method provides PCB destruction equivalent to disposal in a § 761.70 incinerator or a § 761.60 high efficiency boiler and will not present an unreasonable risk of injury to health or the environment. Any approval must be stated in writing and may contain such conditions and provisions as the Regional Administrator or Assistant Administrator for Pesticides and Toxic Substances deems appropriate. The person to whom such waiver is issued

must comply with all limitations contained in such determination.

(i) *Approval authority for disposal methods.* (1) The officials (the Assistant Administrator for Pesticides and Toxic Substances and the Regional Administrators) designated in §§ 761.60 (e) and 761.70 (a) and (b) to receive requests for approval of PCB disposal activities are the primary approval authorities for these activities. Notwithstanding, the Assistant Administrator for Pesticides and Toxic Substances may, at his/her discretion, assign the authority to review and approve any aspect of a disposal system to the Office of Pesticides and Toxic Substances or to a Regional Administrator.

(2) Except for activity authorized under § 761.30(j), research and development (R and D) into PCB disposal methods using a total of less than 500 pounds of PCB material (regardless of PCB concentration) will be reviewed and approved by the appropriate EPA Regional Administrator and research and development using 500 pounds or more of PCB material (regardless of PCB concentration) will be reviewed by the approval authorities set out in §§ 761.60(e) and 761.70 (a) and (b).

2. In § 761.60 by revising the introductory text of paragraphs (a) and (a)(8), paragraphs (a)(7) and (9), the introductory text of paragraphs (b), (d) and (d)(1), paragraph (d)(2) (i) and (iii), the introductory text of paragraph (d)(2)(ii), and paragraph (d) (3), (4), (5) and (7) to read as follows:

§ 761.70 Incineration.

(a) *Liquid PCBs.* An incinerator used for incinerating PCBs shall be approved by an EPA Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances pursuant to paragraph (d) of this section. Requests for approval of incinerators to be used in more than one region must be submitted to the Assistant Administrator for Pesticides and Toxic Substances, except for research and development involving less than 500 pounds of PCB material (see section 761.60(i)(2)). Requests for approval of incinerators to be used in only one region must be submitted to the appropriate Regional Administrator. The incinerator shall meet all of the requirements specified in paragraph (a) (1) through (9) of this section, unless a waiver from these requirements is obtained pursuant to paragraph (d)(5) of this section. In addition, the incinerator shall meet any other requirements which

may be prescribed pursuant to paragraph (d)(4) of this section.

(7) At a minimum monitoring and recording of combustion products and incineration operations shall be conducted for the following parameters whenever the incinerator is incinerating PCBs: (i) O₂; (ii) CO; and (iii) CO₂. The monitoring for O₂ and CO shall be continuous. The monitoring for CO₂ shall be periodic, at a frequency specified by the Regional Administrator or Assistant Administrator for Pesticides and Toxic Substances.

(8) The flow of PCBs to the incinerator shall stop automatically when any one or more of the following conditions occur, unless a contingency plan is submitted by the incinerator owner or operator and approved by the Regional Administrator or Assistant Administrator for Pesticides and Toxic Substances. The contingency plan indicates what alternative measures the incinerator owner or operator would take if any of the following conditions occur:

(9) Water scrubbers shall be used for HCl control during PCB incineration and shall meet any performance requirements specified by the appropriate EPA Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances. Scrubber effluent shall be monitored and shall comply with applicable effluent or pretreatment standards, and any other State and Federal laws and regulations. An alternate method of HCl control may be used if the alternate method has been approved by the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances. (The HCl neutralizing capability of cement kilns is considered to be an alternate method.)

(b) *Nonliquid PCBs.* An incinerator used for incinerating nonliquid PCBs, PCB Articles, PCB Equipment, or PCB Containers shall be approved by the appropriate EPA Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances pursuant to paragraph (d) of this section. Requests for approval of incinerators to be used in more than one region must be submitted to the Assistant Administrator for Pesticides and Toxic Substances, except for research and development involving less than 500 pounds of PCB material (see section 761.60(i)(2)). Requests for approval of incinerators to be used in only one region must be submitted to the appropriate Regional Administrator. The

incinerator shall meet all of the requirements specified in paragraph (b) (1) and (2) of this section unless a waiver from these requirements is obtained pursuant to paragraph (d)(5) of this section. In addition, the incinerator shall meet any other requirements that may be prescribed pursuant to paragraph (d)(4) of this section.

(d) *Approval of incinerators.* Prior to the incineration of PCBs and PCB Items the owner or operator of an incinerator shall receive the written approval of the Agency Regional Administrator for the region in which the incinerator is located, or the Assistant Administrator for Pesticides and Toxic Substances. Approval from the Assistant Administrator for Pesticides and Toxic Substances may be effective in all ten EPA regions. Such approval shall be obtained in the following manner:

(1) *Application.* The owner or operator shall submit to the Regional Administrator or the Assistant Administrator an application which contains:

(2) *Trial burn.* (i) Following receipt of the application described in paragraph (d)(1) of this section, the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances shall determine if a trial burn is required and notify the person who submitted the report whether a trial burn of PCBs and PCB Items must be conducted. The Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances may require the submission of any other information that the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances finds to be reasonably necessary to determine the need for a trial burn. Such other information shall be restricted to the types of information required in paragraph (d)(1) (i) through (vii) of this section.

(ii) If the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances determines that a trial burn must be held, the person who submitted the report described in paragraph (d)(1) of this section shall submit to the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances a detailed plan for conducting and monitoring the trial burn. At a minimum, the plan must include:

(iii) Following receipt of the plan described in paragraph (d)(2)(ii) of this section, the Regional Administrator or

the Assistant Administrator for Pesticides and Toxic Substances will approve the plan, require additions or modifications to the plan, or disapprove the plan. If the plan is disapproved, the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances will notify the person who submitted the plan of such disapproval, together with the reasons why it is disapproved. That person may thereafter submit a new plan in accordance with paragraph (d)(2)(ii) of this section. If the plan is approved (with any additions or modifications which the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances may prescribe), the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances will notify the person who submitted the plan of the approval. Thereafter, the trial burn shall take place at a date and time to be agreed upon between the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances and the person who submitted the plan.

(3) *Other information.* In addition to the information contained in the report and plan described in paragraph (d)(1) and (2) of this section, the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances may require the owner or operator to submit any other information that the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances finds to be reasonably necessary to determine whether an incinerator shall be approved.

Note.—The Regional Administrator will have available for review and inspection an Agency manual containing information on sampling methods and analytical procedures for the parameters required in § 761.70(a) (3), (4), (6), and (7) plus any other parameters he/she may determine to be appropriate. Owners or operators are encouraged to review this manual prior to submitting any report required in § 761.70.

(4) *Contents of Approval.* (i) Except as provided in paragraph (d)(5) of this section, the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances may not approve an incinerator for the disposal of PCBs and PCB Items unless he finds that the incinerator meets all of the requirements of paragraphs (a) and/or (b) of this section.

(ii) In addition to the requirements of paragraphs (a) and/or (b) of this section, the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances may include in an approval any other requirements that

the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances finds are necessary to ensure that operation of the incinerator does not present an unreasonable risk of injury to health or the environment from PCBs. Such requirements may include a fixed period of time for which the approval is valid.

(5) *Waivers.* An owner or operator of the incinerator may submit evidence to the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances that operation of the incinerator will not present an unreasonable risk of injury to health or the environment from PCBs, when one or more of the requirements of paragraphs (a) and/or (b) of this section are not met. On the basis of such evidence and any other available information, the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances may in his/her discretion find that any requirement of paragraphs (a) and (b) of this section is not necessary to protect against such a risk, and may waive the requirements in any approval for that incinerator. Any finding and waiver under this paragraph must be stated in writing and included as part of the approval.

(7) *Final Approval.* Approval of an incinerator will be in writing and signed by the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances. The approval will state all requirements applicable to the approved incinerator.

[FR Doc. 83-8262 Filed 3-29-83; 8:45 am]

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INTERSTATE COMMERCE COMMISSION

49 CFR Part 1137

[Ex Parte No. 322 (Sub-No. 1)]

Revised Procedures for Divisions of Revenue Cases; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Final rules; correction.

SUMMARY: At 48 FR 12105, March 23, 1983, the Commission modified its regulations governing the processing of division of revenue proceedings. That notice incorrectly refers to the section being revised as § 1137.1. This notice corrects that number to read § 1137.5.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275-7278.