

¹ 1st—Primary.² 2nd—Secondary:

a. Air designated as having air quality levels presently below the primary standards or area is unclassifiable. b. Area designated as having air quality levels presently below secondary standards or area is unclassifiable. c. May, 1975. d. May 31, 1976. e. Dec. 31, 1982. f. Dec. 31, 1986. g. Later than Dec. 31, 1982 but before Dec. 31, 1987. h. Dec. 31, 1985. i. Dec. 31, 1987. j. Dec. 31, 1984. k. Dec. 31, 2000.

§ 52.1983 [Removed and Reserved]

4. Section 52:1983 is removed and reserved.

[FR Doc. 87-1100 Filed 2-12-87; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-8 FRL-3155-7]

Approval and Promulgation of State Implementation Plans; Colorado Prevention of Significant Deterioration Regulation

AGENCY: Environmental Protection Agency.

ACTION: Final rule; correction.

SUMMARY: The purpose of this notice is to make corrections to final rulemaking published for the Colorado Prevention of Significant Deterioration (PSD) Regulation on September 2, 1986 (51 FR 31125). Some language in 40 CFR 52.343(a) now being revised inadvertently disapproved the Colorado PSD Regulation for whole categories of sources when EPA intended to disapprove only for sources which would not otherwise be required to obtain a Colorado PSD permit. In addition, 40 CFR 52.343(b) is being revised to clarify that EPA's PSD regulations at 40 CFR 52.21 are incorporated into the Colorado State Implementation Plan only as to those sources for which the Colorado PSD regulation had previously been found to be inadequate, and sources on Indian Reservations (where State regulations do not apply).

FOR FURTHER INFORMATION CONTACT: Dale Wells, Air Programs Branch, Environmental Protection Agency, One Denver Place, Suite 500, 999 18th Street, Denver, Colorado 80202, (303) 293-1773.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, and Hydrocarbons; Incorporation by reference:

Dated: January 14, 1987.

Alexandra B. Smith,
Acting Regional Administrator.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart G—Colorado

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 52.343 is amended by revising paragraphs (a)(1) and (8) and (b) and adding (a)(9) to read as follows:

§ 52.343 Significant deterioration of air quality.

* * * * *

(a) * * *

(1) The following sources for which fugitive emissions are considered in calculating potential to emit under 40 CFR 52.21 unless the source is required to obtain a Colorado PSD permit pursuant to regulations identified in § 52.320(c) 36 and 37:

Kraft Pulp Mills
Primary Zinc Smelters
Primary Aluminum Ore Reduction Plants
Primary Copper Smelters
Municipal Incinerators (capable of charging more than 250 tons of refuse per day)
Hydrofluoric Sulfuric and Nitric Acid Plants
Phosphate Rock Processing Plants
Sulfur Recovery Plants
Carbon Black Plants (furnace process)
Primary Lead Smelters
Secondary Metal Production Plants
Chemical Process Plants
Taconite Ore Processing Plants
Glass Fiber Processing Plants
Charcoal Production Plants.

* * * * *

(8) Sources which were regulated under section 111 or 112 of the Clean Air Act as of August 7, 1980 with the exception of those sources for which fugitive emissions will be included in calculating potential to emit in the Colorado Regulation, and with the exception of sources which will be required to obtain a Colorado PSD permit pursuant to regulations identified in § 52.320(c) 36 and 37.

(9) Sources locating on Indian Reservations.

* * * * *

(b). Regulations for preventing significant deterioration of air quality. The provisions of § 52.21 (b) through (w) are hereby incorporated and made a part of the applicable state plan for the State of Colorado for the sources identified in paragraph (a) as not

meeting the requirements of sections 160-165 of the Clean Air Act.

[FR Doc. 87-3104 Filed 2-12-87; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 799

[OPTS-211021; FRL 3147-1]

Denial of Petition To Reconsider and Withdraw Test Rule for 1,2- and 1,4-Dichlorobenzene

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notice of denial of petition.

SUMMARY: The Chlorobenzene Producers Association (CPA) and the Chemical Manufacturers Association Chlorobenzenes Program Panel (CMA-CPP) petitioned EPA under section 21 of the Toxic Substances Control Act (TSCA) to reconsider and withdraw the final test rule for 1,2- and 1,4-dichlorobenzene (1,2- and 1,4-DCB; CAS Nos. 95-50-1 and 106-46-7, respectively). The test rule was issued under section 4 of TSCA and requires that 1,2- and 1,4-DCB be tested for reproductive effects. This notice announces the decision of EPA to deny the CPA and CMA-CPP petition.

ADDRESS: A copy of the petition and all related information, under docket number (OPTS-211021), is located at: Environmental Protection Agency, Rm. NE-G004, 401 M St. SW., Washington, DC 20460.

This material is available for viewing and copying from 9 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS-799); Office of Toxic Substances, Rm. E-543, 401 M St. SW., Washington, DC 20460; (202) 554-1404.

SUPPLEMENTARY INFORMATION: EPA is denying the CPA and CMA-CPP petition to reconsider and withdraw the testing requirements for 1,2- and 1,4-dichlorobenzene.

I. Introduction.

Section 21 of TSCA (15 U.S.C. 2620) provides that any person may petition the Administrator of EPA to initiate a proceeding for the issuance,

amendment, or repeal of a rule under various sections of the Act. The Administrator may hold a public hearing or may conduct such investigation or proceeding as he deems appropriate in order to determine whether or not the petition should be granted. If the Administrator grants the petition, the Agency must promptly commence an appropriate proceeding. If the Administrator denies the petition, the reasons for denial must be published in the Federal Register. The petitioner may commence a civil action in a district court of the United States to compel the Administrator to initiate a proceeding as requested in the petition. Any such civil action must be filed within 60 days after the Administrator's denial of the petition or, if the Administrator fails to grant or deny the petition within 90 days after the petition is filed, within 60 days following expiration of the 90-day response period.

In the Federal Register of July 8, 1986 (51 FR 24657), EPA published a final rule pursuant to TSCA section 4(a) requiring that manufacturers and processors of 1,2- and 1,4-DCB conduct reproductive effects testing. The Agency based these requirements on the findings that the manufacture, processing, use, and disposal of 1,2- and 1,4-DCB may present an unreasonable risk of adverse reproductive effects to humans, that there are insufficient data to reasonably determine or predict the effects of such activities on human health, and that testing is necessary to obtain these data. These findings were based on suggestive data on the reproductive effects of the structurally related monochlorinated benzene (MCB) and high occupational exposures to 1,2- and 1,4-DCB.

In the preamble to the final rule, EPA noted that a reproductive effects study for MCB was being conducted under the sponsorship of the chlorobenzene producers. The Agency stated that if the manufacturers believed that the results of the MCB study substantially altered the Agency's basis for requiring reproductive effects testing of 1,2- or 1,4-DCB, the manufacturers could petition EPA for reconsideration of the testing requirements.

On November 7, 1986, the CPA and CMA-CPP submitted a petition under TSCA section 21 to EPA requesting reconsideration and withdrawal of the July 8, 1986 test rule for 1,2- and 1,4-DCB (Ref. 1). The petitioners contended that (1) the reproductive effects study of MCB failed to demonstrate a biologically significant adverse reproductive effect; (2) other data demonstrate that trichlorobenzene poses

no reproductive hazard; and (3) the dichlorobenzenes do not affect reproductive organs, as evidenced in CMA teratology studies and National Toxicology Program (NTP) subchronic studies on the dichlorobenzenes. The petitioners contended that there is no longer a basis to support the finding that 1,2- or 1,4-DCB may present an unreasonable risk of reproductive effects. The MCB reproductive effects study was received by the Agency on November 14, 1986.

The petitioners also requested that, pending a decision on their petition, EPA grant an interim extension of the deadline for submission of test data. The petitioners said that in order to meet the deadline for submission of the final reports, the producers would have to begin the studies before the expiration of the 90 days allowed the Agency under section 21 to respond to a petition. The petitioners suggested that the Agency delay the deadline date for submission of final reports until a date 29 months after a decision is reached on the petition, thereby preserving the original period between the effective date of the rule and the deadline for final reports.

On December 10, 1986, the Agency responded by letter to CPA and CMA-CPP's request for an interim extension of the reporting deadline for submission of test data (Refs. 2 and 3). The Agency denied the petitioners' request for a specific extension in the interim; however, the Agency agreed that it would be reasonable for the test sponsors to delay the start of the testing until the Agency decided on the petition. The Agency stated that if EPA decided to retain the rule, it would at that time consider the petitioners' request for an extension and decide how much additional time, if any, may be needed to conduct the testing and submit the test data. (See Unit III of this preamble.)

II. EPA's Decision

EPA is denying this petition filed under section 21 of TSCA for the following reasons:

1. EPA disagrees with the petitioners' contention that the reproductive effects study of MCB failed to demonstrate a biologically significant adverse reproductive effect. The results of the two-generation reproductive study showed an increased incidence of degeneration of the germinal epithelium of the testes among rats in the F₀ and F₁ generations. The lowest observed effect level was 150 parts per million (ppm), and the no-observed-effect level was 50 ppm.

The petitioners contended that the degeneration of the testicular germinal epithelium observed in this study is not

biologically significant because (1) there were no statistically significant adverse effects on reproductive performance; (2) there was no increase in intensity and/or incidence of testicular lesions among the F₁ generation compared to the F₀ generation; and (3) the results from other studies failed to show any adverse effect on the testes.

EPA believes that the degeneration of the germinal epithelium of the testes observed in this study is a biologically significant adverse reproductive effect (Ref. 4). The presence of histopathological damage in excess of the level seen in control tissue of test animals provides sufficient evidence for considering an agent to be a potential human male reproductive toxicant. In general, histopathological evaluations are more sensitive indicators of adverse effects on the male reproductive organs than functional end points (e.g. fertility).

Fertility assessments are also limited by their insensitivity as measures of reproductive injury. For example, normal males of most test species produce sperm in numbers that greatly exceed the minimum requirements for fertility. That is, sperm production can be reduced by as much as 90 percent in some strains of mice and rats without compromising fertility. In humans, however, less severe reductions may have a dramatic effect on fertility, since humans produce numbers of sperm nearer to the threshold for the amount needed to ensure reproductive competence.

The biological significance of the effect is not mitigated by the fact that the toxicity did not increase in incidence or severity with succeeding generations. A review of the literature on multi-generation reproductive studies reported that only about half of the studies demonstrating effects exhibited an increasing toxicity with succeeding generations. The increased toxicity across generations was consistent for chemicals that bioaccumulate. Increasing vulnerability of subsequent generations is not always observed; effects may be static. This appears to be the case for MCB. This does not imply, however, that the findings are not of biological significance.

The results of other studies also do not negate the significance of the results of the MCB reproductive study. None of the chlorinated benzenes (MCB, 1,2-dichlorobenzene, and 1,4-dichlorobenzene) that were tested in 2-year bioassays and 13-week toxicity studies conducted by NTP reportedly produced adverse effects on the testes. However, histopathological evaluations at the end of the 2-year studies were

consistent with those of an aging testes, and tubular degeneration was noted in 80 to 90 percent of the males across all groups for both MCB and 1,2-DCB. For MCB there was a significant trend towards a decrease in testis weight at the end of the 13-week study. Histopathological evaluation was not included in the reports on the 13-week studies available to the Agency. Similarly, testicular weights were unavailable on the 2-year studies. Several factors were different between the reproductive study and the NTP studies. The NTP studies used a Fischer 344 strain of rat, and the reproductive study used a Sprague-Dawley. Perhaps, a more critical difference is the route of exposure. The NTP studies were conducted via gavage, whereas the reproductive study was conducted via inhalation. This difference may account for differences in response.

In conclusion, the Agency believes that the findings of the MCB reproductive study are biologically significant and are sufficient to support a continuing concern regarding the potential of MCB and the DCBs to produce adverse reproductive effects in human males.

2. EPA disagrees with the petitioners that results from the CMA teratology studies and the NTP subchronic studies are sufficient to reasonably predict that the dichlorobenzenes do not affect reproductive organs. The CMA teratology studies are not sufficient to alleviate concern for the potential reproductive effects of the DCBs because they do not examine all the reproductive effects and end points of concern. As discussed in the preceding paragraph, although the DCBs reportedly did not produce adverse effects in the testes in the 2-year bioassays and the 13-week toxicity studies conducted by NTP, histopathological evaluations at the end of the 2-year study were consistent with an aging testes, and tubular degeneration was noted in 80 to 90 percent of the males across all groups for MCB and 1,2-DCB. Histopathological evaluation was not included in the reports on the 13-week studies available to the Agency. In addition, the NTP studies were conducted by gavage, whereas the reproductive study on MCB which produced biologically significant adverse reproductive effects was conducted via inhalation. This difference may affect response.

In conclusion, in light of the biologically significant adverse reproductive effects observed in the reproductive study on MCB and the insufficiency of other studies to

reasonably predict the reproductive effects of the DCBs, EPA continues to find that there is concern for the potential reproductive effects of the DCBs. As stated in the July 1986 final rule for the DCBs, EPA believes that because the MCB data provide suggestive evidence on the reproductive effects of MCB which conflict with the suggestive negative data on TCB, testing of the DCBs is needed to address the potential of DCBs to cause adverse reproductive effects. EPA finds that the information provided by the petitioners does not alter the Agency's basis for requiring the reproductive effects testing of the dichlorobenzenes and is denying the petitioners' request to withdraw the final test rule for 1,2- and 1,4-dichlorobenzene.

III. Reporting Deadline

The Agency believes that there is sufficient time for conduct of the reproductive studies on the DCBs and submission of the final reports by the existing reporting deadline of January 21, 1989. The Agency is, therefore, not extending the reporting deadline for submission of test data for the reproductive effects studies on the DCBs at this time. The Agency is, however, waiving the requirement that the study plans must be submitted no later than 45 days before the start of the study in order to allow the test sponsors to begin the studies immediately. However, study plans must be submitted no later than the start of the studies. The Agency will issue an amendment to 40 CFR 799.1052(d) to incorporate this modification.

IV. Public Record

A. Supporting Documentation

EPA has established a record for its response to this petition under section 21 of TSCA (docket number OPTS-211021). The public record contains the basic information considered by the Agency in reaching this decision.

B. References

- (1) Chlorobenzene Producers Association and Chemical Manufacturers Association Chlorobenzenes Program Panel. Petition for reconsideration and partial withdrawal of final test rule for 1,2- and 1,4-dichlorobenzene. (November 7, 1986).
- (2) U.S. Environmental Protection Agency (EPA). Letter from Charles L. Elkins, Director, Office of Toxic Substances, Washington, DC 20460, to Geraldine Cox, Chemical Manufacturers Association Chlorobenzenes Program Panel, 2501 M St., NW., Washington, DC 20037. (December 10, 1986).
- (3) U.S. EPA. Letter from Charles L. Elkins, Director, Office of Toxic Substances, Washington, D.C. 20460, to Alan Rautio, Chlorobenzene Producers Association, 1330

Connecticut Avenue, NW., Suite 300, Washington, DC 20036 (December 10, 1986).

(4) U.S. EPA. Internal memorandum from Elaine Z. Francis, Toxic Effects Branch, Health and Environmental Review Division, Office of Toxic Substances (OTS), to Nancy Merrifield, Test Rules Development Branch, Existing Chemical Assessment Division, OTS. (December 29, 1986).

The public record is available for inspection in the OTS Public Information Office, Rm. NE-G004, 401 M St., SW., Washington, DC 20460, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

Authority: 15 U.S.C. 2620.

Dated: February 5, 1987.

Lee M. Thomas,

Administrator.

[FR Doc. 87-3105 Filed 2-12-87; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Part 96

Block Grant Programs

AGENCY: Office of the Secretary, HHS.

ACTION: Interim final rules.

SUMMARY: This interim final rule makes two changes to the Department's regulations governing administration of the low-income home energy assistance program (LIHEAP). First, the rules provide procedures to exempt grantees from having to meet the statutorily imposed time limits for responding to requests for energy crisis intervention assistance. Secondly, the rules clarify grantee use of the Federal government's official poverty income guidelines in establishing income criteria for LIHEAP.

DATES:

Effective Date: These regulations are effective beginning February 13, 1987.

Comment Date: Before adopting final regulations, we will consider any comments we receive by April 14, 1987.

ADDRESS: Send comments to: Robert C. Raymond, Deputy Director, Program Systems, Office of the Secretary/Assistant Secretary for Planning and Evaluation, Room 447-D, Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

The comments received in response to this interim final rule may be inspected or reviewed at the same address, Monday through Friday, between 8:00 am and 4:30 pm.

FOR FURTHER INFORMATION CONTACT: Robert C. Raymond, (202) 245-7316.