

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

AUG 28 1990

Toni K. Allen
 Piper & Marbury
 1200 Nineteenth Street, N.W.
 Washington, D.C. 20036

Dear Ms. Allen:

This is in response to your letter of June 5, 1990, in which you requested, on behalf of the Electric Apparatus Service Association (EASA), the Environmental Protection Agency (EPA) to stay the Polychlorinated Biphenyl (PCB) Exemption Rule, 55 Federal Register 21023 insofar as it requires entities, such as EASA members, to obtain an exemption to buy or sell PCB Transformers or PCB-Contaminated Transformers. On July 3, 1990, I sent you a letter granting your request for a stay.

EPA has reviewed the May 22, 1990 PCB Exemption Rule interpretation of 40 CFR §761.20(c)(1) and has decided not to maintain the interpretation stated in the preamble to the rule.

Accordingly, EPA agrees with the interpretation put forth by EASA in the June 5, 1990 letter to EPA that entities such as EASA do not need to obtain an exemption to buy or sell intact, nonleaking, PCB or PCB-Contaminated Transformers "if the unit was originally sold prior to July 1, 1979 for purposes other than resale." 40 CFR §761.20(c)(1).

Should you have any further questions regarding this response, please contact Tony Baney of my staff at (202) 382-3935.

Sincerely,

original signed by
 Charles L. Elkins

Charles L. Elkins, Director
 Office of Toxic Substances

JCANTERBURY:OPTS-OTS-EED-CRB/08-21-90/TS-798/NEI18/X23972/PC-DOC:Letter to Toni Allen
 PCB Exemption stay re:buy & sell PCB Transformers (55 FR 21023).

CONCURRENCES

SYMBOL	TS-798	LE-134P	LE-132P	TS-798	EN-342	EN-342	TS-798
SURNAME	Canterbury	Jasinski	Lewine	Canterbury	Canterbury	Canterbury	Baney
DATE	8-21-90	8/21/90	8/21/90	8/22/90	8/22/90	8/22/90	8/23/90