



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

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OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Elizabeth Megginson  
Chief Counsel  
Maritime Administration  
U.S. Department of Transportation  
400 Seventh Street, S.W.  
Washington, D.C. 20590

Dear Ms. Megginson:

I am writing in response to your letter of July 25, 2008, to Brenda Mallory, Associate General Counsel, regarding the regulatory status of certain cables containing Polychlorinated Biphenyls (PCBs) that are present on two tug boats the Maritime Administration (MARAD) is interested in donating to Seattle Maritime. The Office of General Counsel has asked me to respond to your inquiry.

In your July 25, 2008, letter you seek further clarification of an earlier May 29, 2008, letter from Ms. Mallory regarding two particular types of cables found on these tugs, specifically, cables where the non-liquid PCB-containing component of the cable is covered by an additional outer sheath or covering of rubber or braided metal that does not contain any PCBs. You wish to know whether the Environmental Protection Agency (EPA) considers the inner non-liquid PCB component of these sheathed cables to be "totally enclosed."

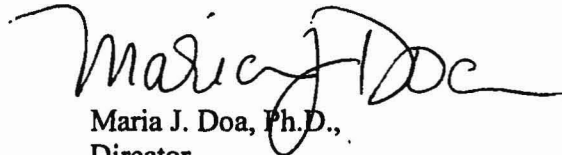
EPA's May 29, 2008, letter summarized the regulatory status of this cable. EPA's regulations at 40 CFR §761.20 and §761.30(m) only pertain to oil-filled cable, including cable constructed of lead-sheathed pipe containing oil-soaked kraft paper insulation. Because cable containing non-liquid PCB components is not authorized by those regulations, and since EPA has not determined it to be "totally enclosed" under TSCA §6(e)(2)(C), such cable can only be distributed in commerce for purposes of disposal per §761.20(c)(2). The location of the non-liquid PCB component in the cable construction does not affect its regulatory status. EPA has long been aware that braided armor cable and rubber-sheathed cable was commonly used in older Navy vessels, and does not believe its use on these tugs to be a novel situation requiring reexamination of its existing interpretation.



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If you have any additional questions about this matter, please contact me at (202) 566-0718 or Peter Gimlin at (202) 566-0515.

Sincerely,

A handwritten signature in black ink, appearing to read "Maria J. Doa". The signature is fluid and cursive, with a long horizontal stroke at the end.

Maria J. Doa, Ph.D.,  
Director  
National Program Chemicals Division

cc: Brenda Mallory, OGC  
Andrea Medici, OGC  
Frank McAlister, OSW