

In Section	In paragraph	Remove the term or phrase	Add in its place the term or phrase
180.607	(a)(1) table	Vegetable, brassica, leafy greens, subgroup 5B	Brassica, leafy greens, subgroup 5B
180.607	(a)(1) table	Vegetable, leafy greens, subgroup 4A	Leafy greens subgroup 4A
180.610	(a)(1) table	Aspirated grain fractions	Grain, aspirated fractions
180.610	(a)(2) table	Cattle, meat byproducts, excluding kidney	Cattle, meat byproducts, except kidney
180.610	(a)(2) table	Goat, meat byproducts, excluding kidney	Goat, meat byproducts, except kidney
180.610	(a)(2) table	Horse, meat byproducts, excluding kidney	Horse, meat byproducts, except kidney
180.610	(a)(2) table	Sheep, meat byproducts, excluding kidney	Sheep, meat byproducts, except kidney
180.613	(a)(1) table	Potato, granular/flakes	Potato, granules/flakes
180.613	(a)(1) table	Vegetable, cucurbit, group	Vegetable, cucurbit, group 9
180.613	(a)(1) table	Vegetable, fruiting, group	Vegetable, fruiting, group 8
180.613	(a)(1) table	Vegetable, leafy except Brassica group 4, except spinach	Vegetable, leafy, except brassica, group 4, except spinach
180.613	(a)(2) table	Sheep, meat by products	Sheep, meat byproducts
180.614	(a) table	Vegetable, fruiting group 8 <sup>1</sup>	Vegetable, fruiting, group 8 <sup>1</sup>
180.617	(b) table	Aspirated grain fractions	Grain, aspirated fractions

[FR Doc. E7-18159 Filed 9-17-07; 8:45 a.m.]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL-8469-6]

#### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of deletion for the Grand Street Mercury Superfund Site from the National Priorities List.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) Region II Office announces the deletion of the Grand Street Mercury Superfund Site from the National Priorities List (NPL). The Grand Street Mercury Site is located in the city of Hoboken, Hudson County, New Jersey. The NPL constitutes Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the State of New Jersey, through the Department of Environmental Protection (NJDEP) have determined that all appropriate response actions have been

implemented and no further response actions are required. In addition, EPA and the NJDEP have determined that the remedial action taken at the Grand Street Mercury Site is protective of public health, welfare, and the environment.

**DATES:** *Effective Date:* September 18, 2007.

#### FOR FURTHER INFORMATION CONTACT:

Farnaz Saghafi, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 290 Broadway, 19th Floor, New York, New York 10007-1866, (212) 637-4408.

**SUPPLEMENTARY INFORMATION:** To be deleted from the NPL is: The Grand Street Mercury Superfund site, City of Hoboken, Hudson County, New Jersey.

A Notice of Intent to Delete for the Grand Street Mercury Site was published in the **Federal Register** on June 28, 2007. The closing date for comments on the Notice of Intent to Delete was July 28, 2007. No comments were received by EPA on the proposed deletion during the public comment period. EPA's decision to propose the site for deletion is based on the successful implementation of the remedy which included demolition of the former industrial building and excavation and restoration of contaminated soils, thereby mitigating risks to human health and the environment. The monitoring data collected, since the construction of the remedy was completed in December 2004, confirmed that the remedy is

protective of human health and the environment. EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. As described in § 300.425(e)(3) of the NCP, any site or portion thereof deleted from the NPL remains eligible for remedial actions in the unlikely event that conditions at the site warrant such action in the future. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

#### List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution controls, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: August 17, 2007.

**Alan J. Steinberg,**

*Regional Administrator—Region II.*

■ For the reasons set out in the preamble, part 300, Chapter I of Title 40 of the Code of Federal Regulations, is amended as follows:

#### PART 300—[AMENDED]

■ 1. The authority citation for part 300 continues to read as follows:

**Authority:** 42 U.S.C. 9601-9675; 33 U.S.C. 1321(c)(2); E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

**Appendix B—[Amended]**

■ 2. Table 1 of Appendix B to part 300 is amended by removing “Grand Street Mercury, Hoboken, NJ.”

[FR Doc. E7-18363 Filed 9-17-07; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 761**

[EPA-HQ-OPPT-2005-0042; FRL-8143-4]

RIN 2070-AB20

**Polychlorinated Biphenyls; Manufacturing (Import) Exemption**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** With certain exceptions, section 6(e)(3) of the Toxic Substances Control Act (TSCA) bans the manufacture, processing, and distribution in commerce of polychlorinated biphenyls (PCBs). For purposes of TSCA, “manufacture” is defined to include import into the Customs Territory of the United States. One of these exceptions is TSCA section 6(e)(3)(B), which gives EPA authority to grant petitions to perform these activities for a period of up to 12 months, provided EPA can make certain findings by rule. On July 21, 2005, the United States Defense Logistics Agency (DLA), a component of the United States Department of Defense (DOD), submitted a petition to EPA to import foreign-manufactured PCBs that DOD currently owns in Japan for disposal in the United States. In this document, EPA is granting DLA’s petition. This decision to grant the petition allows DLA to manufacture (i.e., import) certain PCBs for disposal.

**DATES:** This final rule is effective January 7, 2008.

**ADDRESSES:** EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPPT-2005-0042. All documents in the docket are listed in the docket index available in [regulations.gov](http://www.regulations.gov). To access the electronic docket, go to <http://www.regulations.gov>, select “Advanced Search,” then “Docket Search.” Insert the docket ID number where indicated and select the “Submit” button. Follow the instructions on the [regulations.gov](http://www.regulations.gov) website to view the docket index or access available documents. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other

information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically at <http://www.regulations.gov>, or, if only available in hard copy, at the OPPT Docket. The OPPT Docket is located in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566-1744, and the telephone number for the OPPT Docket is (202) 566-0280. Docket visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor bags are processed through an X-ray machine and subject to search. Visitors will be provided an EPA/DC badge that must be visible at all times in the building and returned upon departure.

**FOR FURTHER INFORMATION CONTACT:** For general information contact: Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 554-1404; e-mail address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

For technical information contact: Tom Simons, National Program Chemicals Division (7404T), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 566-0517; e-mail address: [simons.tom@epa.gov](mailto:simons.tom@epa.gov).

**SUPPLEMENTARY INFORMATION:****I. Does this Action Apply to Me?**

This action primarily applies to the petitioner, the DLA. However, you may be potentially affected by this action if you process, distribute in commerce, or dispose of PCB waste generated by others, i.e., you are an EPA-permitted PCB waste handler. Potentially affected categories and entities include, but are not necessarily limited to:

- Waste treatment and disposal (NAICS code 5622), e.g., facilities that store or dispose of PCB waste.
- Materials recovery facilities (NAICS code 56292), e.g., facilities that process and/or recycle metals.
- Public administration (NAICS code 92), e.g., the petitioning agency (i.e., the DLA).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in 40 CFR part 761. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

**II. Background****A. What Action is the Agency Taking?**

In the **Federal Register** of April 30, 2007 (Ref. 1), the Agency proposed to grant DLA’s petition to import PCB waste for disposal. The Agency received no comments on that proposal. In this final rule, the Agency is granting a petition submitted by DLA to import PCB waste for disposal. In the absence of an exemption, import of this waste would be banned by section 6(e)(3) of TSCA. The petition, dated July 21, 2005, is for an exemption to import certain foreign-generated PCBs owned by DOD that are currently in use or storage in Japan. (The term “foreign-generated PCBs” is used to identify those PCBs that DOD acquired from foreign sources and that are subject to the TSCA ban on import.)

On April 16, 2001, DLA submitted a similar petition to import over four million pounds of foreign-generated PCB waste. EPA granted that petition in a final rule document published in the **Federal Register** of January 31, 2003 (Ref. 2).

**B. What is the Agency’s Authority for Taking this Action?**

Section 6(e) of TSCA, 15 U.S.C. 2605(e), generally prohibits the manufacture (which includes import) of PCBs after January 1, 1979, the processing and distribution in commerce of PCBs after July 1, 1979, and most uses of PCBs after October 11, 1977. Section 6(e)(3)(A) of TSCA prohibits the manufacture, processing, and distribution in commerce of PCBs except for the distribution in commerce of PCBs that were sold for purposes other than resale before July 1, 1979. Section 6(e)(1) of TSCA also authorizes EPA to regulate the disposal of PCBs consistent with the provisions in TSCA section 6(e)(2) and (3).