

TABLE 2.—WASTE EXCLUDED FROM SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		(C) If Bayer fails to submit the information described in paragraphs (5), (6)(A) or (6)(B) or if any other information is received from any source, EPA will make a preliminary determination as to whether the reported information requires action to protect human health and/or the environment. Further action may include suspending, or revoking the exclusion, or other appropriate response necessary to protect human health and the environment.
		(D) If EPA determines that the reported information requires action, EPA will notify the facility in writing of the actions it believes are necessary to protect human health and the environment. The notice shall include a statement of the proposed action and a statement providing the facility with an opportunity to present information explaining why the proposed EPA action is not necessary. The facility shall have 10 days from the date of EPA's notice to present such information.
		(E) Following the receipt of information from the facility described in paragraph (6)(D) or (if no information is presented under paragraph (6)(D)) the initial receipt of information described in paragraphs (5), (6)(A) or (6)(B), EPA will issue a final written determination describing the actions that are necessary to protect human health and/or the environment. Any required action described in EPA's determination shall become effective immediately, unless EPA provides otherwise.

* * * * *
4. In Table 2 of Appendix IX of part 261 add the following waste stream in

alphabetical order by facility to read as follows:

Appendix IX to Part 261—Waste Excluded Under §§ 260.20 and 260.22

TABLE 2.—WASTE EXCLUDED FROM SPECIFIC SOURCES

Facility	Address	Waste description
* WRB Refining LLC (formerly ConocoPhillips Company).	* Borger, TX	* Thermal desorber residual solids (Hazardous Waste No. F037, F038, K048, K049, K050, K051) generated at a maximum annual rate of 1,500 cubic yards per calendar year after [insert publication date of the final rule] and disposed in Subtitle D Landfill. ConocoPhillips must implement the testing program described in Table 1.—Waste Excluded From Non-Specific Sources for the petition to be valid.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 761

[EPA-HQ-RCRA-2008-0123; FRL-8567-2]

RIN 2050-AG42

Polychlorinated Biphenyls: Manufacturing (Import) Exemption for Veolia ES Technical Solutions, L.L.C.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of informal hearing.

SUMMARY: This **Federal Register** publication is providing notice that EPA will hold an informal public hearing on June 19, 2008, in Port Arthur, Texas, on the proposed rule entitled, Polychlorinated Biphenyls (PCBs): Manufacturing (Import) Exemption for Veolia ES Technical Solutions, L.L.C. published on March 6, 2008 (73 FR 12053). On November 14, 2006, Veolia ES Technical Solutions, L.L.C., (Veolia)

submitted a petition to EPA to import up to 20,000 tons of PCB waste from Mexico for disposal at Veolia's TSCA-approved facility in Port Arthur, Texas. As a result of that petition, on March 6, 2008, EPA proposed to grant the request and provided a 45-day public comment period. The Agency extended the comment period, based on a request from a commenter, by 45 days to June 5, 2008. In addition, the Agency also agreed to hold a public hearing on the proposed rule.

DATES: The hearing will take place on Thursday, June 19, 2008, from 3:30 p.m. to 8:30 p.m. All those wishing to provide oral comments at the hearing must send a written request to EPA. Requests must be received on or before June 12, 2008.

ADDRESSES: The hearing will be held at City Hall, 444 4th Street, Port Arthur, Texas 77640, telephone (409) 983-8105. The hearing will be on the 5th floor of City Hall in the Council Chambers.

Requests to Participate: A request to provide oral comments at the informal hearing must be submitted to the

Hearing Clerk by one of the following methods.

- *E-mail:* Requests may be sent by electronic mail to: noggle.william@epa.gov, Attention Docket ID No. EPA-HQ-RCRA-2008-0123.
- *Fax:* Requests may be faxed to (703) 308-0514, Attention: William Noggle; Docket ID No. EPA-HQ-RCRA-2008-0123.
- *Mail:* Requests may be sent to William Noggle, U.S. EPA, Office of Solid Waste, 5304P, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, Attention Docket ID No. EPA-HQ-RCRA-2008-0123. Request must be received by June 12, 2008. Note that mail is subject to significant delays due to security screening, so please plan for additional delivery time.
- *Hand Delivery:* Requests may be hand delivered to William Noggle, U.S. EPA, Office of Solid Waste, Two Potomac Yard, 2733 South Crystal Drive, 5th Floor, N5612, Arlington, VA 22202. Such deliveries are only accepted during business hours from 9 a.m. to 5 p.m. on Monday through Friday.

See **SUPPLEMENTARY INFORMATION** for the type of information that must be included in the request, who may participate, as well as the procedures that EPA will follow in conducting the hearing. Please note that oral comments will only be heard from people who have requested to participate in the hearing. Members of the public can attend without prior notification to the Hearing Clerk, but they will not be part of the hearing schedule to give presentations and/or oral comments. Also note that the advance participation requests will assist in planning for the hearing. Additionally, the time for individual presentations may be limited, depending on the number of requests received.

Requests for Accommodations: Individuals requiring special accommodation at this hearing, including wheelchair access or hearing impaired accommodations, should contact the Hearing Clerk by e-mail, noggle.william@epa.gov, or telephone, (703) 347-8769, at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

Docket: All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, such as CBI or other information, which 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 either electronically in <http://www.regulations.gov> or in hard copy at the RCRA Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC 20004. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m. Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the RCRA Docket is (202) 566-0270.

FOR FURTHER INFORMATION CONTACT: William Noggle, Office of Solid Waste, Hazardous Waste Identification Division, MC 5304P, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (703) 347-8769; e-mail: noggle.william@epa.gov.

SUPPLEMENTARY INFORMATION: EPA is granting a request from the public to

hold an informal public hearing to receive oral comments on the proposed regulation described in the **SUMMARY** above. As required by 40 CFR 750.18(a), the hearing will begin no sooner than seven (7) days after the close of the comment period.

The procedures for rulemaking under section 6 of the Toxic Substances Control Act (TSCA) are found at 40 CFR part 750. Specific procedures for manufacturing (import) exemptions are identified in 40 CFR part 750, subpart B, and the procedures for participation in and the conduct of informal hearings are found at 40 CFR 750.18-750.21. The remainder of this **Federal Register** publication summarizes the procedures and logistics for this informal hearing, which is being held pursuant to the regulations cited above. Participants and/or commenters are advised to see 40 CFR part 750 for additional details.

Each person or organization desiring to participate in the informal hearing must file a written request to participate with the Hearing Clerk identified above. (Participation in this context means providing oral comments or a presentation at the hearing.) This request must be received on or before June 12, 2008. The request must include: (1) A brief statement of the interest of the person or organization in the proceeding; (2) a brief outline of the points to be addressed; (3) an estimate of the time required; and (4) if the request comes from an organization, a nonbinding list of the persons to take part in the presentation. An organization that has not filed comments on the rulemaking will not be allowed to participate in the hearing, unless a waiver of this requirement is granted by the Hearing Clerk. Persons or organizations requesting a waiver must submit this request to the Hearing Clerk at the address listed above. The Hearing Clerk must receive the waiver request no later than June 12, 2008.

No later than three days prior to the hearing (June 16), the Hearing Clerk will make a hearing schedule publicly available on our Web site at <http://www.epa.gov/pcb/pubs/veolia.htm> and mail or deliver it to each of the persons who requested to appear at the hearing. We believe the most efficient and reliable means of delivery is by electronic mail, so we encourage all participants to provide their e-mail address. If correspondence through

regular mail is requested, the Hearing Clerk will mail the hearing schedule at least three days prior to the hearing, although due to delivery time, we can not be sure that the schedule will reach the participant prior to the hearing date. The schedule is subject to change during the hearing.

A panel of EPA employees will be present at the hearing, and one panel member will act as the Hearing Officer, who will conduct the hearing. Hearing participants may be asked to answer questions submitted by the audience (in writing, at the hearing), at EPA's discretion (40 CFR 750.19). Participants in the hearing may also submit additional material for the record. EPA will provide a verbatim transcript of the hearing.

After the close of the hearing, any participant in the hearing may submit written comments and questions concerning the factual nature of another hearing participant's presentation and/or ask questions of the participants. The submission should include information detailed under 40 CFR 750.8(1). The request must be provided to the Hearing Clerk using one of the methods identified in the **ADDRESSES** section for submitting requests to participate in the hearing. The request must be received by EPA no later than one week after a full transcript of the hearing is posted to the docket. EPA estimates that within two weeks of the hearing date, the transcript will be posted to the docket (around July 3, 2008). After the Hearing Clerk compiles all of the written questions, the Hearing Panel will review and decide which questions will be forwarded for the requested participants to answer. Any participant receiving question(s) will have one week to provide the Hearing Clerk with an answer.

Interested persons may file reply comments. Reply comments must be received no later than one week after the close of all informal hearings, which includes the question and answer procedure described in the previous paragraph. Reply comments should be restricted to comments on: (1) Other comments; (2) material in the hearing record; and (3) material which was not and could not reasonably have been available to the commenting party a sufficient time before comments were due on June 5, 2008 (40 CFR 750.4, as modified by 750.15).

TIMELINE OF RULEMAKING ACTIONS

Proposed Rule published	March 6, 2008.
Original main comment period ending	April 21, 2008.
Extended main comment period ending	June 5, 2008.

TIMELINE OF RULEMAKING ACTIONS—Continued

Requests to participate in hearing due	June 12, 2008.
Hearing Clerk distributes hearing schedule	June 16, 2008.
Informal hearing date	June 19, 2008.
Hearing transcript posted to the docket	July 3, 2008 (estimated).
Comments and questions on hearing presentations due to Hearing Clerk.	*July 10, 2008 (one week after hearing transcript is posted to the docket).
Hearing Clerk sends out questions to appropriate participants	*July 24, 2008 (two weeks after questions are due).
Answers received by Hearing Clerk from participants	*July 31, 2008 (one week after questions are sent).
Reply comments to Hearing Clerk due	*, **August 14, 2008 (two weeks after answers are due by participants).

* Estimated date for posting the hearing transcript will determine the timeline for the remaining actions. All dates are subject to change.

** Reply comments are due two weeks after participants' answers are received. If no questions on the hearing are received, then reply comments on the hearing testimony will be due on July 24, 2008 (giving EPA time to post a revised schedule and notice that no questions on the hearing testimony had been received by the Hearing Clerk).

This schedule will be posted on <http://www.epa.gov/pcb/pubs/veolia.htm> and revised, if necessary, to reflect the actual date that the hearing transcript has been posted to the docket.

Extensions of time for filing reply comments may be granted pursuant to 40 CFR 750.15, which references 40 CFR 750.4(c). Reply comments and requests for an extension of time for filing reply comments must be sent to the Hearing Clerk using one of the methods identified in the ADDRESSES section for submitting requests to participate in the hearing. Reply comments and a transcript of the hearing will be placed in the docket for the proposed rule (Docket ID No. EPA-HQ-RCRA-2008-0123). A full list of these materials is available for inspection and copying during the posted hours in the RCRA Docket as identified under ADDRESSES.

List of Subjects in 40 CFR Part 761

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

Dated: May 13, 2008.

Susan Parker Bodine,

Assistant Administrator for Solid Waste and Emergency Response.

[FR Doc. E8-11177 Filed 5-16-08; 8:45 am]

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DEPARTMENT OF DEFENSE

Office of the Secretary

[DOD-2008-DARS-0006; 0790-AI05]

48 CFR Part 5432

Transporter Proof of Delivery

AGENCY: Department of Defense.

ACTION: Proposed rule.

SUMMARY: This rule proposes to provide an additional method for documenting customer receipt of DLA supplies and services in support of the contract acceptance and payment process by allowing contractor input of receipt documentation into the Department of Defense Wide Area Workflow system.

DATES: Consideration will be given to all comments received July 18, 2008.

ADDRESSES: You may submit comments, identified by docket number and or Regulatory Information Number (RIN) number and title, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301-1160.

Instructions: All submissions received must include the agency name and docket number or RIN for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT:

Charlene Baez, (703) 767-1316, charlene.baez@dla.mil.

SUPPLEMENTARY INFORMATION:

Executive Order 12866, "Regulatory Planning and Review"

It has been determined that 48 CFR part 5432 is not a significant regulatory action. The rule does not:

- (1) Have an annual effect to the economy of \$100 million or more or adversely affect in a material way the economy; a section of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Section 202, Public Law 104-4, "Unfunded Mandates Reform Act"

It has been certified that this rule does not contain a Federal mandate that may result in the expenditure by State, local and tribal governments, in aggregate, or by the private sector, of \$100 million or more in any one year.

Public Law 96-354, "Regulatory Flexibility Act" (5 U.S.C. 601)

It has been certified that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities.

The implementation of this rule will facilitate the receipt documentation process and enhance the accountability of DLA-provided goods, as well as provide a basis for more efficient and expeditious payments to affected contractors. In this process, contractors input copies of signed delivery documents provided by the transporter of the supplies into the Wide Area Workflow system. Contractor use of the Wide Area Workflow (WAWF) system is being implemented throughout the Department of Defense for submission of invoices. Approximately 1 hour is needed to learn the new system. Use of the WAWF system does not require any additional reporting, recordkeeping, or compliance records from small entities. Therefore no additional capability or resource expenditure will be required and no significant impact is anticipated.

Public Law 96-511, "Paperwork Reduction Act" (44 U.S.C. Chapter 35)

It has been certified that this rule does impose reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995.