ENVIRONMENTAL PROTECTION AGENCY


Starmet CMI Superfund Site, Barnwell, Barnwell County, SC; Notice of Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice of settlement.

SUMMARY: Under section 122(h)(1) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the United States Environmental Protection Agency has entered into a settlement for reimbursement of past response costs concerning the Starmet CMI Superfund Site by one of the following or import under 40 CFR part 720.25.

FOR FURTHER INFORMATION CONTACT: Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7406M), 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.

For technical information contact: James Alwood, Chemical Control Division (7405M), Office Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 564–8974; e-mail address: alwood.jim@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you manufacture, import, process, or use CNTs that are chemical substances subject to the jurisdiction of TSCA. Potentially affected entities may include, but are not limited to:

- Chemical manufacturers (NAICS code 325), e.g., persons manufacturing, importing, processing, or using chemicals for commercial purposes.
- Petroleum refining and coal product industries (NAICS code 324), e.g., persons manufacturing, importing,
II. Background

   Pursuant to TSCA section 5(a)(1), any person manufacturing (including importing) a new chemical substance must file with EPA a PMN (or applicable exemption) at least 90 days prior to manufacture, unless the substance is excluded from PMN reporting. See 40 CFR part 720 regarding when reporting is required.

   CNTs are considered chemical substances subject to the jurisdiction of TSCA unless and to the extent they are within the classes of materials specified in TSCA section 3(2)(B) as outside the jurisdiction of TSCA, such as pesticides, foods, drugs, and cosmetics. For example, nanoscale materials used in drugs are subject to the jurisdiction of the U.S. Food and Drug Administration.

   EPA has taken steps to inform manufacturers that CNTs may require notification under TSCA section 5. EPA has made numerous public statements and responses to written inquiries indicating that CNTs are not necessarily identical to graphite or other allotropes of carbon. Manufacturers have been encouraged to submit a bona fide intent to manufacture or import, to submit a notice under TSCA section 5 (where required), or contact the Agency with additional questions. On July 12, 2007 (72 FR 38081) (FRL–8139–9) and January 28, 2008 (73 FR 4861) (FRL–8344–5), EPA issued Federal Register notices which reference a paper, TSCA Inventory Status of Nanoscale Substances—General Approach. EPA stated in that document that CNTs might not have the same molecular identity as non-nanoscale allotropes of carbon. EPA has received and is reviewing several PMNs for CNTs as new chemical substances.

   Despite these efforts, current pre-notice inquiries to the Agency and questions in public forums still indicate a lack of clarity on this issue. Some of the misunderstanding may be the result of an EPA communication to a chemical manufacturer a number of years ago pertaining to a substance the Agency now considers to be a carbon nanotube material. EPA’s initial response, which was specific to that inquiry and based upon the information presented at the time, was that the material was already on the TSCA Inventory. EPA has since notified that manufacturer that a PMN is required for that carbon nanotube material. Nonetheless, the Agency understands that the earlier communication may have been misunderstood by some companies as a possible indication that all CNTs may be equivalent to other allotropes of carbon for purposes of the TSCA Inventory.

   This document is intended to give notice of the potential TSCA requirements applicable to CNTs. If a particular CNT is not on the TSCA Inventory, anyone who intends to manufacture or import that CNT is required to submit a PMN (or applicable exemption) under TSCA section 5 at least 90 days before commencing manufacture. Manufacturers may submit a bona fide intent to manufacture or import under 40 CFR 720.25 to determine whether a specific CNT is on the TSCA Inventory. Companies may also contact the Agency with specific questions. EPA strongly recommends that persons who currently manufacture CNTs for commercial purposes determine whether their CNTs are on the TSCA Inventory and in compliance with the TSCA section 5 requirements. EPA continues to enforce TSCA consistent with its other priorities. Some time after March 1, 2009, EPA anticipates focusing its compliance monitoring efforts to determine if companies are complying with TSCA section 5 requirements for carbon nanotubes.

   If you have further questions regarding notification requirements for CNTs, consult the technical person listed under FOR FURTHER INFORMATION CONTACT.

List of Subjects

   Environmental protection, Carbon nanotubes, Chemicals, hazardous substances, Nanoscale materials.

Dated: October 27, 2008.

James B. Gulliford,
Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.

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FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting: Open Commission Meeting; Tuesday, November 4, 2008


The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Tuesday, November 4, 2008, which is scheduled to commence at 11 a.m. in Room TW–C305, at 445 12th Street, SW., Washington, DC. With respect only to item #5 listed below, the Commission is waiving the sunshine period prohibition contained in section 1.1203 of the Commission’s rules, 47 CFR 1.1203, until 5:30 pm, Friday, October 31, 2008. Thus, presentations with respect to item #5 will be permitted until that time.

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<td>1</td>
<td>Wireline Competition</td>
<td>High-cost Universal Service Support (WC Docket No. 05–337); Federal-State Joint Board on Universal Service (CC Docket No. 96–45); Lifeline and Link Up (WC Docket No. 03–109); Universal Service Contribution Methodology (WC Docket No. 06–122); Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities (CG Docket No. 03–123); Implementation of the Local Competition Provisions in the Telecommunications Act of 1996 (CC Docket No. 96–98); Developing a Unified Intercarrier Compensation Regime (CC Docket No. 01–92); Intercarrier Compensation for ISP-Bound Traffic (CC Docket No. 99–68); and IP-Enabled Services (WC Docket No. 04–36). Summary: The Commission will consider a Report and Order, Order on Remand, and Further Notice of Proposed Rulemaking addressing the comprehensive reform of intercarrier compensation and universal service.</td>
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<td>2</td>
<td>Wireless Telecommunications</td>
<td>Applications of Union Telephone Company; Cellico Partnership d/b/a Verizon Wireless For 700 MHz Band Licenses, Auction No. 73. Summary: The Commission will consider a Memorandum Opinion and Order addressing the Auction 73 applications of Cellico Partnership d/b/a Verizon Wireless and Union Telephone Company, and a Petition to Condition Grant filed by Google Inc. and Google Airwaves Inc.</td>
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