

On August 20, 1999 an Explanation of Significant Differences was issued which revised the remedy. The ROD anticipated that the bulk of the consolidated wastes at the Site would be incorporated into the on-site landfill and capped in place. During the design of the cap, the volume of the waste to be consolidated was determined to exceed the capacity of the cap being designed for the designated landfill area. Therefore, the ESD required excavation, characterization, and offsite disposal of the excess waste materials. Then the on-site landfill could be capped as described in the ROD.

#### Operation and Maintenance

The first round of surface water and groundwater monitoring occurred in October 2002. After this sampling event, sampling the surface water and springs was discontinued because no contaminants were detected in the seeps and creek north of the landfill and upgradient from the Site. Sampling the leachate seep from the landfill was also discontinued because the cover eliminated the seep.

Operation and Maintenance (O&M) activities were transferred to the Pennsylvania Department of Environmental Resources (PADEP) after this sampling event since there was no responsible party capable of performing the work for the Site. URS Corporation (URS) was contracted in June 2003 by the PADEP to complete the post-closure operations and maintenance. Quarterly site inspections and monitoring were initiated in 2003.

A number of monitoring wells are located at the Site and between the landfill and the residential wells. There are approximately 14 residential wells that are also monitored under the O&M plan.

Groundwater monitoring and sampling was conducted during the spring of 2004, the fall of 2004, the spring of 2005 and the spring of 2006. Activities performed by URS also include inspections of both sediment basins.

Mowing the vegetation on the cap is conducted under a separate contract issued by PADEP on a yearly basis.

#### Five Year Review

CERCLA requires a five-year review of all sites where hazardous substances remain above health-based levels which prevents unlimited use and unrestricted exposure. The first five-year review for the Site was completed in August 2005. The five-year review found that the objectives of the ROD and ESD were met by the implemented remedy. Periodic monitoring conducted by EPA and

PADEP indicate that the selected remedies have been effective in eliminating the environmental threats posed by the landfill to the surrounding environment and human populations. Five-year reviews will continue to be conducted.

#### Institutional Controls

The institutional controls to restrict new well installation in the contaminated zone were established on June 8, 2001 by an Access Order issued during the construction phase of the remedial action and are still in effect. The Access Order required that the property owner shall not interfere with the operation, alter or disturb the integrity, of any structures or devices now or hereinafter built, installed or otherwise placed by EPA and/or its Representatives on the Site or Property. This effectively prevents any well installation through the cap, which covers the contaminated zone. Maintenance of the institutional control is part of the O&M activities conducted by PADEP pursuant to the State Superfund Contract (SSC).

#### Community Involvement

Public participation activities have been satisfied as required by CERCLA Sections 113(k) and 117, 42 U.S.C. 9613(k) and 9617. Documents upon which EPA relied to make this recommendation to delete the Site from the NPL are available to the public in the information repositories.

#### V. Deletion Action

EPA, with the concurrence of the Commonwealth of Pennsylvania, has determined that all appropriate responses under CERCLA have been completed, and that no further response action, other than operation and maintenance and five-year reviews, are necessary. Therefore, EPA is deleting the Site from the NPL.

Because EPA considers this action to be noncontroversial and routine, EPA is taking it without prior publication of a notice of intent to delete. This action will be effective March 19, 2007 unless EPA receives adverse comments by February 20, 2007. If adverse comments are received within the 30-day public comment period, EPA will publish a timely withdrawal of this direct final notice of deletion before the effective date of the deletion and it will not take effect. EPA will also prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the comments already received. There will be no additional opportunity to comment.

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

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

Dated: November 16, 2006.

**Donald Welsh,**

*Regional Administrator, Region III.*

■ For the reasons set out in this document, 40 CFR part 300 is amended as follows:

#### PART 300—[AMENDED]

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

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 21777, 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 under Pennsylvania (“PA”) by removing the entry for “Berkley Products Co. Dump”.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 060216045–6045–01; I.D. 011107A]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notification of fishery assignments.

**SUMMARY:** NMFS is notifying the owners and operators of registered vessels of their assignments for the 2007 A season Atka mackerel fishery in harvest limit area (HLA) 542 and/or 543 of the Aleutian Islands subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to allow the harvest of the 2007 A season HLA limits established for area 542 and area 543 pursuant to the 2006 and 2007 harvest specifications for groundfish in the BSAI.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), January 12, 2007, until 1200 hrs, A.l.t., April 15, 2007.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Hogan, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

In accordance with § 679.20(a)(8)(iii)(A), owners and operators of vessels using trawl gear for directed fishing for Atka mackerel in the HLA are required to register with NMFS. Four vessels have registered with NMFS to fish in the A season HLA fisheries in areas 542 and/or 543. In order to reduce the amount of daily catch in the HLA by about half and to

disperse the fishery over time and in accordance with § 679.20(a)(8)(iii)(B), the Administrator, Alaska Region, NMFS, has randomly assigned each vessel to the HLA directed fishery for Atka mackerel for which they have registered and is now notifying each vessel of its assignment.

Vessels authorized to participate in the first HLA directed fishery in area 542 and/or in the second HLA directed fishery in area 543 in accordance with § 679.20(a)(8)(iii) are as follows: Federal Fishery Permit number (FFP) 3400 Alaska Ranger and FFP 2443 Alaska Juris.

Vessels authorized to participate in the first HLA directed fishery in area 543 and/or the second HLA directed fishery in area 542 in accordance with § 679.20(a)(8)(iii) are as follows: FFP 3835 Seafisher and FFP 3423 Alaska Warrior.

#### **Classification**

The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public

comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is unnecessary. This notice merely advises the owners of these vessels of the results of a random assignment required by regulation. The notice needs to occur immediately to notify the owner of each vessel of its assignment to allow these vessel owners to plan for participation in the A season HLA fisheries in area 542 and area 543.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: January 11, 2007.

**James P. Burgess,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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