

not have substantial direct effects on tribal governments, on the relationship between the Federal government and the Indian tribes, as specified in Executive Order 13175. This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes state requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. This rule is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355 (May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

Under RCRA 3006(b), EPA grants a State's application for authorization as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides

that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this document and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This action will be effective January 15, 2002.

#### List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

**Authority:** This action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: October 29, 2001.

**William J. Muszynski,**

*Acting Regional Administrator, Region 2.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL-7103-9]

### National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List Update

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of deletion of the Aladdin Plating Superfund Site from the National Priorities List.

**SUMMARY:** The Environmental Protection Agency (EPA) Region III announces the deletion of the Aladdin Plating Superfund Site (Site), located in Scott and S. Abington Townships, Lackawanna County, Commonwealth of Pennsylvania, from the National Priorities List (NPL).

The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), is appendix B of 40 CFR part 300, which is the National Oil and Hazardous

Substances Pollution Contingency Plan (NCP). EPA and the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection, have determined that the site no longer poses a significant threat to public health or the environment and that all appropriate response actions under CERCLA have been completed. Semi-annual monitoring of nearby residential, annual monitoring of on-site wells, and five-year reviews to ensure that the site remains protective of public health and the environment will continue to be conducted.

**EFFECTIVE DATE:** November 16, 2001.

**ADDRESSES:** Comprehensive information on this site is available for viewing at the Site Information Repositories at the following locations: U.S. EPA, Region III, Regional Center for Environmental Information, 1650 Arch Street, Philadelphia, Pennsylvania, 19103, (215) 814-5254 or (800) 553-2509, Monday through Friday 8 a.m. to 4:30 p.m.; Scott Township Municipal Building, Route 437, Olyphant, PA 18447, (570) 254-6969; South Abington Township Building, 104 Shady Lane, Montdale, PA 18410, (570) 586-2111.

**FOR FURTHER INFORMATION CONTACT:** Patrick McManus (3HS21), Remedial Project Manager, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103-2029; (215) 814-3198 or 1-800-553-2509; e-mail address: [mcmamus.pat@epa.gov](mailto:mcmamus.pat@epa.gov).

**SUPPLEMENTARY INFORMATION:** The site to be deleted from the NPL is:

Aladdin Plating Site, Scott Township, Lackawanna County, Commonwealth of Pennsylvania.

A Notice of Intent to Delete for this site was published in the **Federal Register** on September 17, 2001 (66 FR 48018). The closing date for comments on the Notice of Intent to Delete was October 17, 2001. EPA received one comment from three residents that live adjacent to the site. This comment is addressed in the Responsiveness Summary which has been placed in the Deletion Docket. In response to this comment, EPA has agreed to increase the frequency of sampling of residential wells adjacent to the Site from annual to semi-annual.

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. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP states that Fund-financed actions may

be taken at sites deleted from the NPL. 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 control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Dated: November 7, 2001.

**James W. Newsom,**

*Acting Regional Administrator, U.S. EPA 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. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p.351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p.193.  
[Amended]

2. Table 1 of appendix B to part 300 is amended under Pennsylvania (“PA”) by removing the entry for “Aladdin Plating, Scott Township”.

[FR Doc. 01–28630 Filed 11–15–01; 8:45 am]

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#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 300

[FRL–7104–1]

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

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of partial deletion of the Tobyhanna Army Depot Superfund Site from the National Priorities List.

**SUMMARY:** The Environmental Protection Agency (EPA) Region 3 announces the deletion of all portions of the Tobyhanna Army Depot Site except for contaminated groundwater plumes at OU1 and OU5 (Excluded Areas), from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, 42 U.S.C. 9605, is codified at appendix B

of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300. This partial deletion is consistent with the EPA’s Notice of Policy Change: Policy Regarding Partial Deletion of Sites Listed on the National Priorities List. This partial deletion pertains to all portions of the Tobyhanna Army Depot Site except for the Excluded Areas, which are undergoing natural attenuation and long-term monitoring. These Excluded Areas will remain on the NPL until the performance standards specified in the Records of Decision are met. With the concurrence of the Commonwealth of Pennsylvania through the Pennsylvania Department of Environmental Protection (PADEP), the EPA has determined that responsible parties have implemented all appropriate response actions required at the Site, and that the portion to be deleted poses no significant threat to public health, welfare, or the environment; consequently, pursuant to CERCLA section 105, and 40 CFR 300.425(e), the Tobyhanna Army Depot Site, except for the Excluded Areas, is hereby deleted from the NPL.

**EFFECTIVE DATE:** November 16, 2001.

#### FOR FURTHER INFORMATION CONTACT:

Lorie Baker, Remedial Project Manager, (215) 814–3355, United States Environmental Protection Agency, Region 3, Mail Code: 3HS34, 1650 Arch Street, Philadelphia, PA, 19103–2029, e-mail: [baker.lorie@epa.gov](mailto:baker.lorie@epa.gov). Information on the Site is available at the local information repository located at Coolbaugh Township Municipal Building, Route 611, Tobyhanna, PA 18466, (570) 895–6552.

**SUPPLEMENTARY INFORMATION:** The site to be partially deleted from the NPL is the Tobyhanna Army Depot Superfund Site located near the town of Tobyhanna, in Coolbaugh Township, Monroe County, Pennsylvania. This partial deletion pertains to all portions of the Tobyhanna Army Depot except for the Excluded Areas, contaminated groundwater plumes at OU1 and OU5. This Partial Deletion is in accordance with 40 CFR 300.425(e) and the Notice of Policy Change: Partial Deletion of Sites Listed on the National Priorities List, 60 FR 55466 (Nov. 1, 1995). A Notice of Intent for Partial Deletion was published on June 12, 2001 (66 FR 31582).

The closing date for comments on the Notice of Intent for Partial Deletion was July 13, 2001. The EPA received two comments, both of which concerned OU4, the Powder Smoke Ridge Unexploded Ordnance (UXO) Area. The commentors were concerned that OU4

was being proposed for deletion from the NPL when there had been no site remediation for the area and that UXO was to remain onsite. The US Army (the responsible party) completed a removal action at OU4 which consisted of installing a barbed wire fence and posting warning signs in the area.

This action was selected based on the difficulty in undertaking a clearance due to the age of the range and the rocky and heavily forested terrain. The remedial action chosen was institutional controls which includes maintenance of the physical controls, increased security patrols, proprietary controls, public education, and periodic review.

EPA provided detailed responses to the comments in a Responsiveness Summary, which is contained in the Deletion Docket. The Responsiveness Summary and entries in the Deletion Docket may be reviewed at the EPA Region III office at 1650 Arch Street, Philadelphia, PA, or at the information repository listed above.

The EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts. Section 300.425(e)(3) of the NCP states that whenever there is a significant release from a site deleted from the NPL, the site may be restored to the NPL without application of the Hazard Ranking System.

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

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

Dated: October 24, 2001.

**Thomas C. Voltaggio,**

*Acting Regional Administrator, Region III.*

For the reasons set out in the preamble, 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. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p.351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

2. Table 2 of Appendix B to Part 300 is amended by revising the entry for “Tobyhanna Army Depot” under PA to read as follows: