

* * * * *

[FR Doc. 2013-24118 Filed 10-22-13; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR Part 300****[EPA-HQ-SFUND-1983-0002; FRL-9901-
75-Region 2]****National Oil and Hazardous
Substances Pollution Contingency
Plan; National Priorities List: Deletion
of the Hooker (Hyde Park) Superfund
Site****AGENCY:** Environmental Protection
Agency.**ACTION:** Final rule.

SUMMARY: The Environmental Protection Agency (EPA) Region 2 announces the deletion of the Hooker (Hyde Park) Superfund Site (Site) located in Niagara Falls, New York, 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, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of New York, through the Department of Environmental Conservation, have determined that all appropriate response actions under CERCLA, other than operation, maintenance, and five-year reviews, have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: This action is effective October 23, 2013.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA-HQ-SFUND-1983-0002. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, i.e., confidential business information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the site information repositories. Locations, contacts, phone numbers, and viewing hours are:

U.S. Environmental Protection Agency,
Region 2, Superfund Records Center,

290 Broadway, 18th Floor, New York,
NY 10007-1866, *Telephone:* (212)
637-4308. *Hours:* Monday to Friday
from 9:00 a.m. to 5:00 p.m.

U.S. EPA Western New York Public
Information Office, 86 Exchange
Place, Buffalo, NY 14204-2026.
Telephone: (716) 551-4410. *Hours:*
Monday to Friday from 8:30 a.m. to
4:00 p.m.

FOR FURTHER INFORMATION CONTACT:

Gloria M. Sosa, Remedial Project
Manager, U.S. Environmental Protection
Agency, Region 2, 290 Broadway, 20th
Floor, New York, NY 10007-1866,
telephone: (212) 637-4283, email:
sosa.gloria@epa.gov.

SUPPLEMENTARY INFORMATION: The Site
to be deleted from the NPL is the
Hooker (Hyde Park) Superfund Site,
located in Niagara Falls, New York. A
Notice of Intent to Delete for this Site
was published in the **Federal Register**
on August 20, 2012 (77 FR 50038-
50044).

The closing date for comments on the
Notice of Intent to Delete was
September 19, 2012. During the
comment period, EPA received
correspondence offering critical
comments. The comments reflected
concern that the Site is a continuing
source of contaminants to the Niagara
River and the deletion of the Site was
premature. As a result of the critical
comments, EPA published a Notice of
Withdrawal of Direct Final Deletion of
the Site in the **Federal Register** on
September 27, 2012 (77 FR 59338),
withdrawing the direct final deletion for
the Site and announcing it would
evaluate and respond to the significant
comments and, if appropriate, proceed
with the traditional two-step deletion
process.

After careful consideration of the
comments received, EPA concluded that
the deletion of the Site is still
appropriate. Following various lines of
evidence, EPA has concluded that the
performance objectives of the remedy
selected for the Site in 1984 continue to
be met and that the remedy selected for
the Site is protective of human health
and the environment. All response
activities selected in the remedy have
been implemented, and operation and
maintenance activities are ongoing. EPA
has the authority to respond
appropriately if a problem or situation
arises at a site after it is deleted. EPA
will continue to provide oversight,
review monitoring reports, and
routinely communicate with the
responsible party performing work at
the Site. Operation and maintenance of
the remedy will continue at the Site and
monitoring will continue to be

performed to confirm the effectiveness
of response actions performed at the
Site, including the maintenance of
hydraulic capture.

A responsiveness summary was
prepared which addresses all comments
received on the deletion and provides
rationale that the deletion is considered
appropriate. The responsiveness
summary and all comments on the
deletion action may be viewed in both
the docket, EPA-HQ-SFUND-1983-
0002, on www.regulations.gov, and in
the local repositories listed above.

EPA maintains the NPL as the list of
sites that appear to present a significant
risk to public health, welfare, or the
environment. Deletion from the NPL
does not preclude further remedial
action. Whenever there is a significant
release from a site deleted from the NPL,
the deleted site may be restored to the
NPL without application of the hazard
ranking system. Deletion of a site from
the NPL does not affect responsible
party liability in the unlikely event that
future conditions warrant further
actions.

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, Superfund, Water
pollution control, Water supply.

Dated: September 26, 2013.

Judith A. Enck,

Regional Administrator, EPA, Region 2.

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

**PART 300—NATIONAL OIL AND
HAZARDOUS SUBSTANCES
POLLUTION CONTINGENCY PLAN**

■ 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 1 of Appendix B to part 300
is amended by removing the entry under
“NY” for Hooker (Hyde Park), Niagara
Falls.

[FR Doc. 2013-24689 Filed 10-22-13; 8:45 am]

BILLING CODE 6560-50-P