

25. Clothing, footwear, headgear.
26. Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers; hair decorations; false hair.

27. Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (non-textile).

28. Games, toys and playthings; video game apparatus; gymnastic and sporting articles; decorations for Christmas trees.

29. Meat, fish, poultry and game; meat extracts; preserved, frozen, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs; milk and milk products; oils and fats for food.

30. Coffee, tea, cocoa and artificial coffee; rice; tapioca and sago; flour and preparations made from cereals; bread, pastries and confectionery; edible ices; sugar, honey, treacle; yeast, baking-powder; salt; mustard; vinegar, sauces (condiments); spices; ice (frozen water).

31. Raw and unprocessed agricultural, aquacultural, horticultural and forestry products; raw and unprocessed grains and seeds; fresh fruits and vegetables, fresh herbs; natural plants and flowers; bulbs, seedlings and seeds for planting; live animals; foodstuffs and beverages for animals; malt.

32. Beers; mineral and aerated waters and other non-alcoholic beverages; fruit beverages and fruit juices; syrups and other preparations for making beverages.

33. Alcoholic beverages (except beers).

34. Tobacco; smokers' articles; matches.

Services

35. Advertising; business management; business administration; office functions.

36. Insurance; financial affairs; monetary affairs; real estate affairs.

37. Building construction; repair; installation services.

38. Telecommunications.

39. Transport; packaging and storage of goods; travel arrangement.

40. Treatment of materials.

41. Education; providing of training; entertainment; sporting and cultural activities.

42. Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software.

43. Services for providing food and drink; temporary accommodation.

44. Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services.

45. Legal services; security services for the physical protection of tangible

property and individuals; personal and social services rendered by others to meet the needs of individuals.

Dated: November 27, 2017.

Joseph D. Matal,

Associate Solicitor, performing the functions and duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2017-25880 Filed 11-30-17; 8:45 am]

BILLING CODE 3510-16-P

LIBRARY OF CONGRESS

U.S. Copyright Office

37 CFR Parts 201 and 202

[Docket No. 2017-8]

Secure Tests: Extension of Comment Period

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Interim rule with request for comments; extension of comment period.

SUMMARY: The U.S. Copyright Office is extending the deadline for the submission of written comments in response to its June 12, 2017 and November 13, 2017 interim rules, regarding changes to the special procedure for examining secure tests, and the creation of a new group registration option for secure tests, respectively.

DATES: The comment period for the interim rules, published on June 12, 2017 (82 FR 26850), and November 13, 2017 (82 FR 52224), is extended. Comments must be made in writing and must be received in the U.S. Copyright Office no later than January 31, 2018.

ADDRESSES: For reasons of government efficiency, the Copyright Office is using the *regulations.gov* system for the submission and posting of public comments in this proceeding. All comments are therefore to be submitted electronically through *regulations.gov*. Specific instructions for submitting comments are available on the Copyright Office Web site at <https://www.copyright.gov/rulemaking/securetests/>. If electronic submission of comments is not feasible due to lack of access to a computer and/or the internet, please contact the Office for special instructions using the contact information below.

FOR FURTHER INFORMATION CONTACT: Robert J. Kasunic, Associate Register of Copyrights and Director of Registration Policy and Practice; Sarang Vijay Damle,

General Counsel and Associate Register of Copyrights; Erik Bertin, Deputy Director of Registration Policy and Practice; or Abioye Ella Mosheim, Attorney-Advisor, by telephone at 202-707-8040 or by email at rkas@loc.gov, sdam@loc.gov, ebertin@loc.gov, and abmo@loc.gov.

SUPPLEMENTARY INFORMATION: As detailed in a June 12, 2017 interim rule,¹ the U.S. Copyright Office memorialized its special procedures for examining secure tests. As detailed in a November 13, 2017 interim rule,² the Office established a new group registration option for secure test questions. The Office is extending the December 11, 2017 deadline for the submission of written comments to allow greater time for public comment following implementation of the November 13, 2017 interim rule.

Dated: November 27, 2017.

Sarang V. Damle,

General Counsel and Associate Register of Copyrights.

[FR Doc. 2017-25859 Filed 11-30-17; 8:45 am]

BILLING CODE 1410-30-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA-HQ-SFUND-2002-0001; FRL-9971-32-Region 1]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Hatheway & Patterson Superfund Site

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) Region 1 is publishing a direct final Notice of Deletion of the Hatheway & Patterson Superfund Site (Site), located in Mansfield and Foxborough, Massachusetts, 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). This direct final deletion is being published by EPA with the concurrence of the Commonwealth of Massachusetts, through Massachusetts Department of

¹ 82 FR 26850 (June 12, 2017).

² 82 FR 52224 (Nov. 13, 2017).

Environmental Protection (MassDEP), because EPA has determined that all appropriate response actions under CERCLA, other than operation, maintenance, monitoring, and five-year reviews, have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: This direct final deletion is effective January 30, 2018 unless EPA receives adverse comments by January 2, 2018. If adverse comments are received, EPA will publish a timely withdrawal of the direct final deletion in the **Federal Register** informing the public that the deletion will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-SFUND-2002-0001, at <http://www.regulations.gov>. Follow the online instructions for submitting comments. Comments may also be submitted by email or mail to Kimberly White, Remedial Project Manager for Hatheway & Patterson Superfund Site, Office of Site Remediation and Restoration, Mail Code: OSRR07-1, U.S. Environmental Protection Agency, Region 1, 5 Post Office Square, Suite 100, Boston, MA 02109-3912, email: white.kimberly@epa.gov or Emily Bender, Community Involvement Coordinator, Office of the Regional Administrator, Mail Code: ORA01-3, 5 Post Office Square, Suite 100, Boston, MA 02109-3912, email: bender.emily@epa.gov. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www2.epa.gov/dockets/commenting-epa-dockets>. 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. EPA Region 1, Superfund Records Center, 5 Post Office Square, Suite 100, Boston, MA 02109, Phone: 617-918-1440, Monday-Friday: 9:00 a.m.-5:00 p.m., Saturday and Sunday—Closed.

FOR FURTHER INFORMATION CONTACT: Kimberly White, Remedial Project Manager for Hatheway & Patterson Superfund Site, Office of Site Remediation and Restoration, Mail Code: OSRR07-1, U.S. Environmental Protection Agency, Region 1, 5 Post Office Square, Suite 100, Boston, MA 02109-3912, telephone number: 617-918-1752, email address: white.kimberly@epa.gov or Emily Bender, Community Involvement Coordinator, Office of the Regional Administrator, Mail Code: ORA01-3, 5 Post Office Square, Suite 100, Boston, MA 02109-3912, telephone number: 617-918-1037, email address: bender.emily@epa.gov.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
- II. NPL Deletion Criteria
- III. Deletion Procedures
- IV. Basis for Site Deletion
- V. Deletion Action

I. Introduction

EPA Region 1 is publishing this direct final Notice of Deletion of the Hatheway & Patterson Superfund Site (Site), from the National Priorities List (NPL). The NPL constitutes Appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, as amended. EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). As described in 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for Fund-financed remedial actions if future conditions warrant such actions.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Hatheway & Patterson Superfund Site and demonstrates how it meets the deletion criteria. Section V discusses EPA's action to delete the Site from the NPL unless adverse comments are received during the public comment period.

II. NPL Deletion Criteria

The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making such a determination pursuant to 40 CFR 300.425(e), EPA will consider, in consultation with the state, whether any of the following criteria have been met:

- i. Responsible parties or other persons have implemented all appropriate response actions required;
- ii. All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or
- iii. The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, the taking of remedial measures is not appropriate.

Pursuant to CERCLA section 121(c) and the NCP, EPA conducts five-year reviews to ensure the continued protectiveness of remedial actions where hazardous substances, pollutants, or contaminants remain at a site above levels that allow for unlimited use and unrestricted exposure. EPA conducts such five-year reviews even if a site is deleted from the NPL. EPA may initiate further action to ensure continued protectiveness at a deleted site if new information becomes available that indicates it is appropriate. 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.

III. Deletion Procedures

The following procedures apply to deletion of the Site:

(1) EPA consulted with the Commonwealth of Massachusetts (the "state") prior to developing this direct final Notice of Deletion and the Notice of Intent to Delete co-published today in the "Proposed Rules" section of the **Federal Register**.

(2) EPA has provided the state 30 working days for review of this notice and the parallel Notice of Intent to Delete prior to their publication today, and the state, through the Massachusetts Department of Environmental Protection (MassDEP), has concurred on the deletion of the Site from the NPL.

(3) Concurrently with the publication of this direct final Notice of Deletion, a notice of the availability of the parallel Notice of Intent to Delete is being published in a major local newspaper, *The Sun Chronicle*, Attleboro, MA. The

newspaper notice announces the 30-day public comment period concerning the Notice of Intent to Delete the Site from the NPL.

(4) The EPA placed copies of documents supporting the proposed deletion in the deletion docket and made these items available for public inspection and copying at the Site information repository identified above.

(5) If adverse comments are received within the 30-day public comment period on this deletion action, EPA will publish a timely notice of withdrawal of this direct final Notice of Deletion before its effective date and will 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.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Deletion of a site from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist EPA management. Section 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for future response actions, should future conditions warrant such actions.

IV. Basis for Site Deletion

The following information provides EPA's rationale for deleting the Site from the NPL:

Site Background and History

The Hatheway and Patterson Superfund Site (Site), known by EPA Site Identification Number: MAD001060805, is located in the towns of Mansfield and Foxborough, Massachusetts. Approximately 36 acres of the Site are located in the Town of Mansfield, which is zoned for commercial/industrial use. The remaining 1.77 acres are located in the Town of Foxborough, also zoned for commercial use. The Site is bisected by the Rumford River, which runs north to south, and by a railroad right-of-way, which runs east to west.

Prior to the 1950's, the property was reportedly used for various activities, including railroad operations, coal storage, bulk chemical transfer, and storage of electric/utility poles and railroad ties. Beginning in 1952, wood treatment operations by Hatheway & Patterson Co., Inc. (Hatheway & Patterson) began. Operations at the Site included the preservation of wood sheeting, planking, timber, piling, poles and other wood products and included the use of pentachlorophenol (PCP),

creosote, fluoro-chrome-arsenate-phenol (FCAP) salts, chromated copper-arsenate (CCA) salts, and fire retardants, including Dricon™ (boric acid and anhydrous sodium tetraborate).

Contamination was initially discovered in 1972, when a tar seep (approximately 62 feet long and 6 inches thick) was discovered on the banks of the Rumford River on the southern portion of the property.

Following the initial discovery of contamination, Hatheway & Patterson took steps to control the "oily seepage" from 1973 to 1991. Hatheway & Patterson filed for bankruptcy in 1993, leading to a removal action by EPA in 1993–1995 to address the imminent hazard posed by abandoned chemicals and waste at the Site. The Site was placed on the National Priorities List (NPL) by publication in the **Federal Register** on September 5, 2002, 67 FR 56757.

Remedial Investigation and Feasibility Study (RI/FS)

The Remedial Investigation and Feasibility Study were completed in 2005. As part of the investigation, soil, surface water, groundwater, sediments and fish tissue were evaluated. The primary contaminants identified at the Site were arsenic, dioxin, polycyclic aromatic hydrocarbons (PAHs), pentachlorophenol (PCP) and other semi-volatile organic compounds (SVOCs). Light Non-Aqueous Phase Liquid (LNAPL) hot spot areas/isolated pockets of free product and LNAPL-saturated subsurface soils were also detected throughout the Site.

The baseline human health risk assessment concluded that exposure to surface and subsurface soil was associated with an unacceptable human health risk outside EPA's acceptable risk range under current and future exposure scenarios. On-site overburden and bedrock groundwater was also associated with an unacceptable human health risk. The baseline ecological risk assessment concluded that there was not a substantial risk from exposure to site-related contaminants. The FS evaluated alternatives with various combinations of soil treatment technologies, excavation, off-site disposal of contaminants, consolidation of contaminated soil and sediments under a cap and institutional controls.

Selected Remedy

In September 2005, EPA issued a Record of Decision (ROD) that set forth the Selected Remedy at the Hatheway and Patterson Superfund Site to address current and future risks due to direct contact and incidental ingestion of soil

and risks to future users of groundwater. The Remedial Action Objectives (RAOs) for the Site outlined in the ROD were as follows:

Surface Soil—Prevent current and future users from ingesting or contacting surface soils contaminated with arsenic, dioxin, pentachlorophenol, benzo(a)pyrene, and other Site contaminants that pose a risk to human health.

Subsurface Soil—Prevent future users from ingesting or contacting subsurface soils contaminated with arsenic, dioxin, pentachlorophenol, benzo(a)pyrene, and other Site contaminants that pose a risk to human health.

LNAPL—Prevent further contaminant transfer from LNAPL to groundwater by reducing LNAPL source material in soil excavation/treatment areas. Prevent further migration of LNAPL to groundwater and surface water by removing free product "hotspots" to the extent feasible.

The Selected Remedy included: Demolition of buildings in and near Hatheway & Patterson's former manufacturing area; excavation and on-site consolidation of soils contaminated with arsenic and pentachlorophenol under a low-permeability cover, after being stabilized with cement to achieve leachability criteria; disposal of soil contaminated with dioxin and free product LNAPL at a licensed off-site facility; institutional controls to prohibit the use of Site groundwater and restrict land uses in a manner that ensures the protectiveness of the remedy as described in the ROD; long term monitoring of groundwater, surface water, sediment, as well as fish tissue analysis of specimens caught in the Rumford River; and Five-Year Reviews of the remedy.

Modifications to the remedy were documented in the 2011 Explanation of Significant Differences (ESD). Based on a zoning change for the Foxborough parcel from residential use to "Limited Industrial" use, and intended reuse of the parcel as a parking lot, EPA and MassDEP determined that the Foxborough parcel should be remediated to a Reasonably Anticipated Future Use of commercial/open space. Therefore, the cleanup level for arsenic was changed for this parcel, and it was then used as a consolidation area for soils contaminated with arsenic and covered with asphalt in order to facilitate the use of the parcel as a parking lot. The ESD also documented that PCP and arsenic-contaminated soils in the Mansfield portion of the Site were disposed at an off-site facility rather than consolidated on-site as described in the ROD. In addition, the ESD clarified the extent of institutional controls to be placed on the Site properties.

Response Actions

Through an Interagency Agreement with EPA Region 1, the U.S. Army Corps of Engineers New England District (USACE) performed the Selected Remedy. Remedial construction activities commenced in September 2009 and were substantially completed in September 2010. A total of 34,000 tons of soil was removed from the Northern Mansfield Property and the Foxborough Property and 9,500 tons of soil was removed from the eastern portion of the Southern Mansfield Property for off-site disposal to a RCRA subtitle C hazardous waste landfill, Envirosafe of Oregon, Ohio. Approximately 5,000 tons of soil exceeding arsenic cleanup levels were consolidated in the "Capped Consolidation Area" on the Foxborough Property under a multi-layer low-permeability barrier (i.e., the asphalt cover). A small portion of land along the western boundary of the Foxborough Property, approximately 30 feet wide, was left unpaved. All portions of the Foxborough Property that are not part of the Capped Consolidation Area are referred to as the "Unpaved Area". The Unpaved Area of the Foxborough Property was cleaned-up to the same level that was being used in the rest of the Site in Mansfield that was zoned open space/commercial.

The properties owned by the towns of Mansfield and Foxborough have institutional controls in the form of Notice of Activity and Uses Limitations (NAULs), to prevent uncontrolled access to the remaining contamination. Institutional controls were also placed on the railroad right-of way, owned by the Massachusetts Department of Transportation, in the form of signage to prevent the potential exposure to any future utility workers. The property owners are required comply with the institutional controls for the Site; this will be verified during the Five-Year Reviews.

Cleanup Levels

The source control remedy at the Site was performed in accordance with EPA-approved plans and specifications. No additional EPA construction is anticipated at the Site. The source control remedial cleanup levels (listed below) were set in the ROD based on commercial/open-space reuse:

Contaminant	Cleanup level (ppm)
Benzo(a)pyrene	2.1
Dioxin	0.001
Arsenic	16.0

Contaminant	Cleanup level (ppm)
Pentachlorophenol	90.0

During the remedial action, if contaminants of concern (COCs) were detected above the clean-up criteria listed above, excavation continued horizontally and vertically until either: (1) Post-excavation confirmatory samples met the clean-up criteria; (2) planned excavation limits along County Street and the railroad right of way were met, or (3) for vertical excavation, the water table was reached.

Post-excavation confirmatory sampling was performed in conjunction with excavation activities from the bottom of excavation and "clean" perimeter embankment and tested for the COCs. Generally, as excavation was completed in a grid cell area, confirmatory soil samples were collected from the bottom and sidewalls of the excavation. Bottom samples were comprised of a five-point composite sample collected from the center and four corners of the excavation cell. Sidewall samples were collected from the sidewalls of excavations when grids were adjacent to the Site perimeter. If excavation sidewalls were greater than three feet in depth, an additional sample was collected below this interval to the bottom of the excavation. All samples collected and analytical results are summarized in the Remedial Action Completion Report, dated August 2011.

Operation and Maintenance

Institutional Controls

Institutional controls in the form of enforceable Notices of Activity and Use Limitations (NAULs) were recorded with the deed on properties associated with the Site, as listed below:

Northern Mansfield Property, 35 County St., Mansfield, MA [Map 19 Lot 210, Book 6160 Page 89] (Northern Bristol County Registry of Deeds),

Southern Mansfield Property, Morrow St., Mansfield, MA [Map 18 Lot 230–235, Book 2164 Page 64] (Northern Bristol County Registry of Deeds), and

Foxborough Property, 41 County St., Foxborough, MA [Map 158 Lot 4060, Book 11412 Page 408] (Norfolk County Registry of Deeds).

The NAUL on each property specifies the current allowable and prohibited uses of the property, and establishes limits and conditions on the future uses of contaminated portions of the property. The restrictions are different for each property, but generally restrict the use of groundwater and subsurface soils where contamination remains on

the site. The NAUL provides information about the risks remaining at the Site for current and future owners and interest holders. The NAULs require that the site owner submit annual reports to EPA and MassDEP regarding the status of the ICs. EPA will also assess site conditions and interview town officials as part of the Five Year Review process to confirm that only the permitted uses have taken place on the restricted properties. Should there be violations of the restrictions contained in the NAUL, the state has the authority to take an enforcement action against any property owner.

In addition to NAULs, institutional controls in the form of signage were used along the railroad right-of-way that intersects the Site stating to contact the property owner before soils are disturbed. The signage along the railroad right-of-way will be inspected periodically at a minimum every five years as part of EPA's Five Year Review process and/or during regular operation and maintenance activities conducted by the state.

Long-Term Groundwater, Surface Water and Sediment Monitoring

The ROD required long-term monitoring of groundwater, surface water, fish tissue and sediment, and operation and maintenance of the low-permeability cover. As a result of changes to the remedy documented in the ESD, the Hatheway and Patterson Operation and Maintenance Manual, dated August 2017 requires semi-annual monitoring of groundwater following the first five-year review, and sampling of sediment and surface water at least once every five years following the second five-year review. The 2017 Operation and maintenance (O&M) Manual also provides an explanation for eliminating the fish tissue sampling requirement which is primarily due to the lack of fish in the Rumford River.

The ROD contains performance standards for on-site groundwater and for groundwater at the boundary of the Site. If monitoring indicates exceedances of the on-site groundwater performance standards, further evaluation of the impacts to surface water and sediments is needed. If monitoring indicates exceedances of the Site boundary groundwater performance standards, the ROD requires an evaluation of whether off-site receptors are at risk. MassDEP is the lead agency performing the O&M, including the groundwater, surface water and sediment monitoring for the Site.

Five-Year Review

Five-year reviews are required at the Site because hazardous substances will remain at the Site above concentration levels that would allow for unrestricted use and unrestricted exposure after the completion of all remedial actions. Pursuant to CERCLA Section 121(c), NCP Section 300.400(f)(4)(ii) and as provided in OSWER Directive 9355.7-03B-P, June 2001, Comprehensive Five-Year Review Guidance, EPA must conduct statutory five-year reviews at the Site. The purpose of these reviews is to evaluate whether the selected remedy remains protective of human health and the environment. These five-year reviews are required no less often than each five years after the initiation of the remedial action. EPA may terminate these reviews when no hazardous substances, pollutants, or contaminants remain at the Site above levels that allow for unrestricted use and unlimited exposure.

The first five-year review was conducted in 2014, and found that the remedy at the Hatheway & Patterson Superfund Site currently protects human health and the environment. Several issues were raised in the 2014 Five-Year Review and resolved as discussed below.

Institutional Controls: At the time of the 2014 Five-Year Review, institutional controls were not in place. Between 2015 and 2017, all institutional controls for the Site were implemented.

Sediment Sampling: An issue was noted with the sediment sampling locations. To address the issue additional sediment sampling was performed and the results showed contaminants concentrations in sediment at the Site remain protective of human health and the environment.

Fish Tissue and Surface Water Sampling: Fish tissue and surface water sampling were not performed as required by the ROD. To address this issue, the 2017 O&M Manual was written to reflect site conditions (a lack of fish in the Rumford River) and to require sediment and surface water monitoring at a minimum in conjunction with the five-year reviews.

Groundwater: Two issues related to groundwater were raised in the 2014 Five-Year review. First, to determine whether a detection of a contaminant of concern at an off-site well was site actual and persistent; and second, to evaluate whether the active irrigation wells outside the compliance boundary have impacted groundwater flow directions. To address the first issue, additional sampling was performed at the off-site well which showed the

contaminant was below state groundwater standards and was likely not site-related. To address the second issue, EPA compiled a technical memorandum documenting that the irrigations wells are not impacting groundwater flowpaths near the Site. Also, periodic groundwater monitoring will continue to confirm that off-site wells are not impacted.

The 2014 Five-Year Review found that the remedy at the Hatheway & Patterson Superfund Site protects human health and the environment because remediation of the soil (soil removal and on-site consolidation) has been completed to cleanup levels that are considered protective for the anticipated future use of the property, and there is no current use of on-site groundwater which is classified as non-potable. Institutional controls have been created and recorded to restrict inappropriate land uses (including use of groundwater) and protect the consolidation area cover. Operation and maintenance activities have been initiated and will ensure that the consolidation area and associated components of the remedy (e.g., groundwater monitoring wells) remain in good condition. In addition, monitoring of groundwater will continue to assess the protectiveness of the remedy.

Community Involvement

Throughout the Site's history, EPA has kept the community and other interested parties apprised of Site activities through informational meetings, fact sheets, press releases, and public meetings. A Community Relations Plan was established before remedial actions were performed at the Site to address issues of community concern and community relation activities conducted by EPA. Activities included providing information concerning the progress of remedial activities to interested citizens and allowing those individuals or groups an opportunity to provide comments as EPA conducts remedial activities at the Site. EPA also issued press releases announcing the start and conclusion of the five-year review and will continue to do so.

Determination That the Site Meets the Criteria for Deletion in the NCP

Remedial Design and Remedial Action (RD/RA) activities at the Site were consistent with the ROD and EPA RD/RA Statements of Work provided to USACE. RA plans for all phases of construction included a Quality Assurance Project Plan (QAPP) dated October 2009 and QAPP Revision 1,

dated March 2010. The QAPP incorporated all EPA and state quality assurance and quality control procedures and protocols (where necessary). All procedures and protocols were followed for soil, sediment, water, and air sampling during the RA. EPA analytical methods were used for all validation and monitoring samples during all RA activities. EPA has determined that the analytical results are accurate to the degree needed to assure satisfactory execution of the RA, and are consistent with the ROD and the RD/RA plans and specifications. All Institutional Controls are in place and currently EPA expects that no further Superfund response is needed to protect human health and the environment, except future Five Year Reviews.

Operation and maintenance (O&M) activities were agreed upon by EPA and the state following construction of the remedy. The operation and maintenance activities are documented in the 2017 O&M Manual. The state performs O&M at the Site and will follow state quality assurance/quality control plans associated with the 2017 O&M plan.

This Site meets all the site completion requirements as specified in OSWER Directive 9320.2-09-A-P, Close Out Procedures for National Priorities List Sites. All cleanup actions specified in the ROD and ESD have been implemented. Confirmatory groundwater monitoring and institutional controls provide further assurance that the Site no longer poses any threats to human health or the environment. The only remaining activity to be performed is O&M that the state has guaranteed. Five year reviews and monitoring will also be conducted at the Site. A bibliography of all reports relevant to the completion of this Site under the Superfund program is in the administrative record for this deletion.

V. Deletion Action

The EPA, with concurrence of the Commonwealth of Massachusetts through the Department of Environmental Protection, has determined that all appropriate response actions under CERCLA, other than operation and maintenance, monitoring, and five-year reviews have been completed. 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. This action will be effective January 30, 2018 unless EPA receives adverse comments by January 2, 2018. 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 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 substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: October 18, 2017.

Deborah Szaro,

Acting Regional Administrator, Region 1.

For the reasons set out in this document, 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(d); 42 U.S.C. 9601–9657; E.O. 13626, 77 FR 56749, 3 CFR, 2013 Comp., p. 306; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Appendix B to Part 300—[Amended]

■ 2. Table 1 of appendix B to part 300 is amended by removing “MA”, “Hatheway and Patterson Company”, “Mansfield”.

[FR Doc. 2017–25937 Filed 11–30–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 296

RIN 2133–AB85

Maritime Security Program

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: The Maritime Administration (“MARAD”) is amending its regulations to implement amendments to the Maritime Security Act of 2003 by the National Defense Authorization Act for Fiscal Year 2013 (“NDAA 2013”), the Consolidated Appropriations Act, 2016 (“CAA 2016”), and the National Defense

Authorization Act for Fiscal Year 2016 (“NDAA 2016”). The revisions to the regulations, among other things, make changes to vessel eligibility for participation in the Maritime Security Program (“MSP”), authorize the extension of current MSP Operating Agreements, amend the procedures for the award of new MSP Operating Agreements, extend the MSP through 2025, update the MSP Operating Agreement payments and schedule of payments, and eliminate the Maintenance and Repair Pilot Program.

DATES: This final rule becomes effective on January 2, 2018.

FOR FURTHER INFORMATION CONTACT:

William G. McDonald, Director, Office of Sealift Support, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone (202) 366–0688; Fax (202) 366–5904, electronic mail to *William.G.McDonald@dot.gov*.

SUPPLEMENTARY INFORMATION:

Background

Section 3508 of the NDAA 2013 authorized the extension of the Maritime Security Program through fiscal year 2025. Under section 3508, the Secretary of Transportation, acting through the Maritime Administrator, is authorized to offer to extend the existing 60 MSP Operating Agreements through fiscal year 2025. Section 3508 authorized a new payment schedule of increasing MSP Operating Agreement payments through fiscal year 2025. These payment amounts were subsequently updated by the CAA 2016 and the NDAA 2016. Section 3508 of the NDAA 2013 also provided a new procedure for awarding MSP Operating Agreements, including a new priority system for the award of operating agreements. Under the new priority, award will be first based on vessel type as determined by military requirements and then based on the citizenship status of the applicant. Section 3508 revised the procedure for the transfer of MSP Operating Agreements by eliminating the requirement to first offer an MSP Operating Agreement to a U.S. Citizen under 46 U.S.C. 50501. In addition, Section 3508 eliminated the procedure for early termination of MSP Operating Agreements based on the availability of replacement vessels. Section 3508 also eliminated the eligibility of Lighter Aboard Ship (LASH) vessels to participate in the MSP Fleet as a stand-alone category of vessel. The rule eliminates the Maintenance and Repair Pilot Program, which has sunset and was not extended by the NDAA 2013.

The rule also updates MARAD’s address for the purposes of submitting required reports and vouchers.

Rulemaking Analysis and Notices

Executive Orders 12866 (Regulatory Planning and Review), 13563 (Improving Regulation and Regulatory Review) and DOT Regulatory Policies and Procedures. Under E.O. 12866 (58 FR 51735, October 4, 1993), supplemented by E.O. 13563 (76 FR 3821, January 18, 2011) and DOT policies and procedures, MARAD must determine whether a regulatory action is “significant” and, therefore, subject to Office of Management and Budget (OMB) review and the requirements of the E.O.s. The Orders define “significant regulatory action” as one likely to result in a rule that may: (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal government 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; and (4) raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in the E.O.s.

A determination has been made that this rulemaking is not considered a significant regulatory action under section 3(f) of Executive Order 12866. This rulemaking will not result in an annual effect on the economy of \$100 million or more. It is also not considered a major rule for purposes of Congressional review under Public Law 104–121. This rulemaking is also not significant under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034, February 26, 1979). The costs and overall economic impact of this rulemaking do not require further analysis because the rulemaking will create no additional costs or new substantive burdens to participants in or applicants to the existing program as it addresses only new processing procedures.

Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs)

This rule is not an E.O. 13771 regulatory action because this rule is not significant under E.O. 12866.