

## EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
<b>Missouri Department of Natural Resources</b>				
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*	*	*	*	*

**Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri**

10-6.061 .....	Construction Permit Exemptions ....	7/30/06	12/4/06 [insert FR page number where the document begins].	Section (3)(A)2.D. is not included in the SIP.
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[FR Doc. E6-20436 Filed 12-1-06; 8:45 am]  
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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 300**

[EPA-HQ-SFUND-1990-0011; FRL-8249-8]

**National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of partial deletion of the Ellsworth Air Force Base National Priorities List Site from the National Priorities List.

**SUMMARY:** The Environmental Protection Agency, Region 8 (EPA) announces the deletion of portions of the Ellsworth Air Force Base (AFB) Site located in Meade and Pennington Counties, South Dakota, from the National Priorities List (NPL). All areas originally proposed for deletion under the Notice of Intent to Partially Delete published in the **Federal Register** on June 28, 2006 (71 FR 36736) are being deleted. The NPL constitutes Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR Part 300, which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

EPA has determined, with the concurrence of the State of South Dakota through the Department of Environment and Natural Resources that the parcels pose no significant threat to public health, welfare or the environment and, therefore, no further

response action pursuant to CERCLA is appropriate. This partial deletion pertains to surface soil, unsaturated subsurface soil, surface water, and sediments at Operable Units 2, 3, 4, 5, 6, 7, 8, 9, 10 and 12, and excludes the ground water medium at these parcels. The ground water medium at the Ellsworth AFB Site (OU-11, Basewide Ground Water), and the soil medium (surface and unsaturated subsurface soils) at OU-1, Fire Protection Training Area, will remain on the NPL and response activities will continue for those OUs. Two additional areas not associated with an operable unit, the Gateway Lake Ash Study Area and the Pride Hangar Study Area, are currently under investigation and are also not part of this partial deletion.

**DATES: Effective Date:** This rule is effective on December 4, 2006.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jeff Mashburn, P.E., Remedial Project Manager (8EPR-F), U.S. EPA, Region 8, 999 18th Street, Suite 300, Denver, CO 80202-2466, Phone: (303) 312-6665.

**SUPPLEMENTARY INFORMATION:** Ellsworth AFB is a U.S. Air Force Air Combat Command installation located 12 miles east of Rapid City, South Dakota, and adjacent to the small community of Box Elder. The main Air Force Base covers approximately 4,858 acres within Meade and Pennington counties and includes runways, airfield operations, industrial areas, housing, and recreational facilities.

On June 28, 2006 EPA published a Notice of Intent of Partial Deletion in the **Federal Register** (71 FR 36736) and local newspapers which proposed to delete the surface soil, unsaturated subsurface soil, surface water and sediment media at OU-2, OU-3, OU-4, OU-5, OU-6, OU-7, OU-8, OU-9, OU-10 and OU-12 (approximately 542

acres) and the surface soil, unsaturated subsurface soil, surface water and sediment media of an additional 4,300 acres which are not associated with an operable unit and are not identified as posing a risk to human health or the environment. EPA received one comment from the State of South Dakota in support of the partial deletion. EPA agrees that the completion of the remedy requirements and ongoing monitoring programs adequately demonstrate that these parcels do not present a threat to the environment or human health and the deletion from the NPL is appropriate.

EPA identifies sites that appear to present a significant risk to public health, welfare and the environment and maintains the NPL as the list of those sites. Deletion from the NPL does not preclude further remedial action. If a significant release occurs at a facility deleted from the NPL, that facility is restored to the NPL without application of the Hazard Ranking System. Deletion of the site from the NPL does not affect responsible party liability for further remedial actions, in the unlikely event that future conditions warrant such actions.

**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: November 22, 2006.

**Kerrigan Clough,**

*Acting Regional Administrator, Region 8.*

■ For 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.

**Appendix B—[Amended]**

■ 2. Table 2 of Appendix B to part 300 is amended by revising the entry under

South Dakota for “Ellsworth Air Force Base” to read as follows:

**Appendix B to Part 300—National Priorities List****TABLE 2.—FEDERAL FACILITIES SECTION**

State	Site name	City/County	Notes (a)
SD .....	Ellsworth Air Force Base .....	Rapid City .....	P
*	*	*	*

\* \* \* \* \*

P = Sites with partial deletion(s).

[FR Doc. E6-20293 Filed 12-1-06; 8:45 am]

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 229**

[Docket No. 030221039-6317-36; I.D. 110806D]

**Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan**

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

**ACTION:** Temporary rule; extension of temporary area and gear restrictions.

**SUMMARY:** The Assistant Administrator for Fisheries (AA), NOAA, announces the extension of temporary restrictions consistent with the requirements of the Atlantic Large Whale Take Reduction Plan's (ALWTRP) implementing regulations. These restrictions will continue to apply to lobster trap and anchored gillnet fishermen in an area totaling approximately 1,809 nm<sup>2</sup> (6,204 km<sup>2</sup>), east of Portland, ME for an additional 15 days. The purpose of this action is to provide immediate protection to an aggregation of Northern right whales (right whales).

**DATES:** This notice extends the restricted period from 0001 hours December 3, 2006, through 2400 hours December 17, 2006.

**ADDRESSES:** Copies of the proposed and final Dynamic Area Management (DAM) rules, Environmental Assessments (EAs), Atlantic Large Whale Take Reduction Team (ALWTRT) meeting

summaries, and progress reports on implementation of the ALWTRP may also be obtained by writing Diane Borggaard, NMFS/Northeast Region, One Blackburn Drive, Gloucester, MA 01930.

**FOR FURTHER INFORMATION CONTACT:** Diane Borggaard, NMFS/Northeast Region, 978-281-9300 x6503; or Kristy Long, NMFS, Office of Protected Resources, 301-713-2322.

**SUPPLEMENTARY INFORMATION:****Electronic Access**

Several of the background documents for the ALWTRP and the take reduction planning process can be downloaded from the ALWTRP Web site at <http://www.nero.noaa.gov/whaletrp/>.

**Background**

The ALWTRP was developed pursuant to section 118 of the Marine Mammal Protection Act (MMPA) to reduce the incidental mortality and serious injury of three endangered species of whales (right, fin, and humpback) due to incidental interaction with commercial fishing activities. In addition, the measures identified in the ALWTRP would provide conservation benefits to a fourth species (minke), which are neither listed as endangered nor threatened under the Endangered Species Act (ESA). The ALWTRP, implemented through regulations codified at 50 CFR 229.32, relies on a combination of fishing gear modifications and time/area closures to reduce the risk of whales becoming entangled in commercial fishing gear (and potentially suffering serious injury or mortality as a result).

On January 9, 2002, NMFS published the final rule to implement the ALWTRP's DAM program (67 FR 1133). On August 26, 2003, NMFS amended the regulations by publishing a final rule, which specifically identified gear modifications that may be allowed in a DAM zone (68 FR 51195). The DAM

program provides specific authority for NMFS to restrict temporarily on an expedited basis the use of lobster trap/pot and anchored gillnet fishing gear in areas north of 40° 00' N. lat. to protect right whales. Under the DAM program, NMFS may: (1) Require the removal of all lobster trap/pot and anchored gillnet fishing gear for a 15-day period; (2) allow lobster trap/pot and anchored gillnet fishing within a DAM zone with gear modifications determined by NMFS to sufficiently reduce the risk of entanglement; and/or (3) issue an alert to fishermen requesting the voluntary removal of all lobster trap/pot and anchored gillnet gear for a 15-day period and asking fishermen not to set any additional gear in the DAM zone during the 15-day period.

A DAM zone is triggered when NMFS receives a reliable report from a qualified individual of three or more right whales sighted within an area (75 nm<sup>2</sup> (139 km<sup>2</sup>)) such that right whale density is equal to or greater than 0.04 right whales per nm<sup>2</sup> (1.85 km<sup>2</sup>). A qualified individual is an individual ascertained by NMFS to be reasonably able, through training or experience, to identify a right whale. Such individuals include, but are not limited to, NMFS staff, U.S. Coast Guard and Navy personnel trained in whale identification, scientific research survey personnel, whale watch operators and naturalists, and mariners trained in whale species identification through disentanglement training or some other training program deemed adequate by NMFS. A reliable report would be a credible right whale sighting.

On November 5, 2006, an aerial survey reported a sighting of 13 right whales in the proximity 43° 29' N. lat. and 68° 27' W. long. This position lies east of Portland, ME. After conducting an investigation, NMFS ascertained that the report came from a qualified individual and determined that the report was reliable. Thus, NMFS has