

The Small Business Administration (SBA) defines “small institution” using data on revenue, market dominance, tax filing status, governing body, and population. Most entities to which the

Office of Postsecondary Education’s (OPE) regulations apply are postsecondary institutions; however, many of these institutions do not report such data to the Department. As a result,

the Department defines “small entities” by reference to enrollment,<sup>43</sup> to allow meaningful comparison of regulatory impact across all types of higher education institutions.<sup>44</sup>

TABLE 1—SMALL INSTITUTIONS UNDER ENROLLMENT-BASED DEFINITION

Level	Type	Small	Total	Percent
2-year .....	Public .....	328	1,182	27.75
4-year .....	Public .....	56	747	7.50
Total .....	.....	384	1,929	19.91

Source: 2018–19 data reported to the Department.

**Paperwork Reduction Act of 1995**

These proposed regulations do not impose or remove information collection requirements for public institutions. Therefore, the Paperwork Reduction Act is not implicated.

**Intergovernmental Review**

These programs are not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

**Assessment of Education Impact**

In accordance with section 411 of GEPA, 20 U.S.C. 1221e–4, the Secretary particularly requests comments on whether these proposed regulations would require transmission of information that any other agency or authority of the United States gathers or makes available.

**Accessible Format:** On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

**Electronic Access to This Document:** The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at [www.govinfo.gov](http://www.govinfo.gov). At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF, you must

<sup>43</sup> Two-year postsecondary educational institutions with enrollment of less than 500 full-time equivalent (FTE) and four-year postsecondary educational institutions with enrollment of less than 1,000 FTE.

<sup>44</sup> In previous regulations, the Department categorized small businesses based on tax status. Those regulations defined “non-profit organizations” as “small organizations” if they were

have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

**List of Subjects**

*34 CFR Part 75*

Accounting, Copyright, Education, Grant programs—education, Indemnity payments, Inventions and patents, Private schools, Reporting and recordkeeping requirements, Youth organizations.

*34 CFR Part 76*

Accounting, Administrative practice and procedure, American Samoa, Education, Grant programs—education, Guam, Northern Mariana Islands, Pacific Islands Trust Territory, Prisons, Private schools, Reporting and recordkeeping requirements, Virgin Islands, Youth organizations.

**Nasser Paydar,**

*Assistant Secretary, Office of Postsecondary Education.*

For the reasons discussed in the preamble, the Secretary of Education proposes to amend parts 75 and 76 of title 34 of the Code of Federal Regulations as follows:

**PART 75—DIRECT GRANT PROGRAMS**

- 1. The authority citation for part 75 continues to read as follows:

independently owned and operated and not dominant in their field of operation, or as “small entities” if they were institutions controlled by governmental entities with populations below 50,000. Those definitions resulted in the categorization of all private nonprofit organization as small and no public institutions as small. Under the previous definition, proprietary institutions were considered small if they were independently

**Authority:** 20 U.S.C. 1221e–3 and 3474, unless otherwise noted.

**§ 75.500 [Amended]**

- 2. Section 75.500 is amended by removing paragraph (d) and redesignating paragraph (e) as new paragraph (d).

**PART 76—STATE-ADMINISTERED PROGRAMS**

- 3. The authority citation for part 76 continues to read as follows:

**Authority:** 20 U.S.C. 1221e–3 and 3474, unless otherwise noted.

**§ 76.500 [Amended]**

- 4. Section 76.500 is amended by removing paragraph (d) and redesignating paragraph (e) as new paragraph (d).

[FR Doc. 2023–03670 Filed 2–21–23; 8:45 am]

**BILLING CODE 4000–01–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 300**

[EPA–HQ–OLEM–2021–0486; EPA–HQ–OLEM–2022–0828; EPA–HQ–OLEM–2022–0854; EPA–HQ–OLEM–2022–0947; EPA–HQ–OLEM–2022–0948; EPA–HQ–OLEM–2022–0949; EPA–HQ–OLEM–2022–0964; EPA–HQ–OLEM–2022–0965; EPA–HQ–OLEM–2022–0966; EPA–HQ–OLEM–2022–0968; EPA–HQ–SFUND–2023–0021; FRL–10633–01–OLEM]

**Proposed Deletion From the National Priorities List**

**AGENCY:** Environmental Protection Agency (EPA).

owned and operated and not dominant in their field of operation with total annual revenue below \$7,000,000. Using FY 2017 IPEDs finance data for proprietary institutions, 50 percent of 4-year and 90 percent of 2-year or less proprietary institutions would be considered small. By contrast, an enrollment-based definition applies the same metric to all types of institutions, allowing consistent comparison across all types.

**ACTION:** Proposed rule; notice of intent.

**SUMMARY:** The Environmental Protection Agency (EPA) is issuing a Notice of Intent to delete three sites and partially delete eight sites from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to 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 states, through their designated state agency, have determined that all appropriate response actions under CERCLA have been completed. However, this deletion does not preclude future actions under Superfund.

**DATES:** Comments regarding this proposed action must be submitted on or before March 24, 2023.

**ADDRESSES:** EPA has established a docket for this action under the Docket Identification numbers included in Table 1 in the **SUPPLEMENTARY INFORMATION** section of this document. Submit your comments, identified by the appropriate Docket ID number, by one of the following methods:

- <https://www.regulations.gov>.

Follow on-line instructions for submitting comments. 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 <http://www2.epa.gov/dockets/commenting-epa-dockets>.

- **Email:** Table 2 in the

**SUPPLEMENTARY INFORMATION** section of this document provides an email address to submit public comments for the proposed deletion action.

**Instructions:** Direct your comments to the Docket Identification number

included in Table 1 in the **SUPPLEMENTARY INFORMATION** section of this document. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <https://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <https://www.regulations.gov> or email. The <https://www.regulations.gov> website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through <https://www.regulations.gov>, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**Docket:** EPA has established a docket for this action under the Docket Identification included in Table 1 in the **SUPPLEMENTARY INFORMATION** section of this document. All documents in the docket are listed on the <https://www.regulations.gov> website. The Final Close-Out Report (FCOR, for a full site deletion) or the Partial Deletion Justification (PDJ, for a partial site deletion) is the primary document which summarizes site information to support the deletion. It is typically written for a broad, non-technical audience and this document is included in the deletion docket for each of the sites in this rulemaking. 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. Docket materials are available through <https://www.regulations.gov> or

at the corresponding Regional Records Center. Location, address, and phone number of the Regional Records Centers follows.

**Regional Records Center:**

- Region 2 (NJ, NY, PR, VI), U.S. EPA, 290 Broadway, New York, NY 10007–1866; 212/637–4308.
- Region 3 (DE, DC, MD, PA, VA, WV), U.S. EPA, Library, 1600 John F. Kennedy Boulevard, Mail code 3MD50, Philadelphia, PA 19103; 215/814–5382.
- Region 4 (AL, FL, GA, KY, MS, NC, SC, TN), U.S. EPA, 61 Forsyth Street, SW, Mail code 9T25, Atlanta, GA 30303.
- Region 5 (IL, IN, MI, MN, OH, WI), U.S. EPA Superfund Division Records Manager, Mail code SRC–7J, Metcalfe Federal Building, 7th Floor South, 77 West Jackson Boulevard, Chicago, IL Federa 60604; 312/886–4465.
- Region 7 (IA, KS, MO, NE), U.S. EPA, 11201 Renner Blvd., Mail code SUPRSTAR, Lenexa, KS 66219; 913/551–7956.
- Region 8 (CO, MT, ND, SD, UT, WY), U.S. EPA, 1595 Wynkoop Street, Mail code Records Center, Denver, CO 80202–1129; 303/312–7273.
- EPA Headquarters Docket Center Reading Room (deletion dockets for all states), William Jefferson Clinton (WJC) West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004, 202/566–1744.

EPA staff listed below in the **FOR FURTHER INFORMATION CONTACT** section may assist the public in answering inquiries about deleted sites and accessing deletion support documentation, determining whether there are additional physical deletion dockets available, or if COVID restrictions affect deletion docket access.

The EPA continues to carefully and continuously monitor information from the Centers for Disease Control and Prevention (CDC), local area health departments, and our federal partners so that we can respond rapidly as conditions change regarding COVID.

**FOR FURTHER INFORMATION CONTACT:**

- Mabel Garcia, U.S. EPA Region 2 (NJ, NY, PR, VI), [garcia.mabel@epa.gov](mailto:garcia.mabel@epa.gov), 212/637–4356.
- Andrew Hass, U.S. EPA Region 3 (DE, DC, MD, PA, VA, WV), [hass.andrew@epa.gov](mailto:hass.andrew@epa.gov), 215/814–2049.
- Leigh Lattimore, U.S. EPA Region 4 (AL, FL, GA, KY, MS, NC, SC, TN), [lattimore.leigh@epa.gov](mailto:lattimore.leigh@epa.gov), 404/562–8768.
- Karen Cibulskis, U.S. EPA Region 5 (IL, IN, MI, MN, OH, WI), [cibulskis.karen@epa.gov](mailto:cibulskis.karen@epa.gov), 312/886–1843.
- Maria Morey, U.S. EPA Region 7 (IA, KS, MO, NE), [morey.maria@epa.gov](mailto:morey.maria@epa.gov), 913/551–7079.

- Linda Kiefer, U.S. EPA Region 8 (CO, MT, ND, SD, UT, WY), [kiefer.linda@epa.gov](mailto:kiefer.linda@epa.gov), 303/312-6689.
- Charles Sands, U.S. EPA Headquarters, [sands.charles@epa.gov](mailto:sands.charles@epa.gov), 202/566-1142.

#### SUPPLEMENTARY INFORMATION:

#### Table of Contents

- I. Introduction
- II. NPL Deletion Criteria
- III. Deletion Procedures
- IV. Basis for Intended Full Site or Partial Site Deletion

#### I. Introduction

EPA is issuing a proposed rule to delete three sites and partially delete eight sites from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL constitutes Appendix B of 40 CFR part 300 which is the NCP, which EPA created under section 105 of the CERCLA statute of 1980, as amended. EPA maintains the NPL as those 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). These partial deletions are proposed in accordance with 40 CFR 300.425(e) and is consistent with the Notice of Policy Change: Partial Deletion of Sites Listed on the National Priorities List. 60 FR 55466, (November 1, 1995). As described in 40 CFR 300.425(e)(3) of the NCP, a site or portion of a site deleted from the NPL remains eligible for Fund-financed remedial action if future conditions warrant such actions.

EPA will accept comments on the proposal to delete or partially delete these sites for thirty (30) days after publication of this document in the **Federal Register**.

Section II of this document explains the criteria for deleting sites from the NPL. Section III of this document discusses procedures that EPA is using for this action. Section IV of this document discusses the site or portion of the site proposed for deletion and demonstrates how it meets the deletion criteria, including reference documents with the rationale and data principally relied upon by the EPA to determine that the Superfund response is complete.

#### 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 the deletion or partial deletion of the sites in this proposed rule:

(1) EPA consulted with the respective state before developing this Notice of Intent for deletion.

(2) EPA has provided the state 30 working days for review of site deletion documents prior to publication of it today.

(3) In accordance with the criteria discussed above, EPA has determined that no further response is appropriate.

(4) The state, through their designated state agency, has concurred with the proposed deletion action.

(5) Concurrently, with the publication of this Notice of Intent for deletion in the **Federal Register**, a notice is being published in a major local newspaper of general circulation near the site. The newspaper announces the 30-day public comment period concerning the proposed action for deletion.

(6) The EPA placed copies of documents supporting the proposed deletion in the deletion docket, made these items available for public inspection, and copying at the Regional Records Center identified above.

If comments are received within the 30-day comment period on this document, EPA will evaluate and respond accordingly to the comments before making a final decision to delete or partially delete the site. If necessary, EPA will prepare a Responsiveness Summary to address any significant public comments received. After the public comment period, if EPA determines it is still appropriate to delete or partially delete the site, the EPA will publish a final Notice of Deletion or Partial Deletion in the **Federal Register**. Public notices, public submissions and copies of the Responsiveness Summary, if prepared, will be made available to interested parties and included in the site information repositories listed above.

Deletion of a site or a portion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Deletion of a site or a portion 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 Full Site or Partial Site Deletion

The site to be deleted or partially deleted from the NPL, the location of the site, and docket number with information including reference documents with the rationale and data principally relied upon by the EPA to determine that the Superfund response is complete are specified in Table 1. The NCP permits activities to occur at a deleted site, or that media or parcel of a partially deleted site, including operation and maintenance of the remedy, monitoring, and five-year reviews. These activities for the site are entered in Table 1, if applicable, under Footnote such that; 1= site has continued operation and maintenance of the remedy, 2= site receives continued monitoring, and 3= site five-year reviews are conducted.

TABLE 1

Site name	City/county, state	Type	Docket No.	Footnote
Haviland complex	Town of Hyde Park, NY	Full	EPA-HQ-OLEM-2022-0968.	
Smithtown Ground Water Contamination.	Smithtown, NY	Full	EPA-HQ-OLEM-2022-0964.	
Jackson Ceramix	Falls Creek, PA	Partial	EPA-HQ-OLEM-2022-0854.	
Fort Hartford Coal Co. Stone Quarry.	Olaton, KY	Full	EPA-HQ-OLEM-2022-0948.	1, 2, 3
Marine Corps Logistics Base.	Albany, GA	Partial	EPA-HQ-OLEM-2021-0486.	
Redstone Arsenal (USARMY/NASA).	Huntsville, AL	Partial	EPA-HQ-OLEM-2022-0949.	1, 3
Tyndall Air Force Base	Panama City, FL	Partial	EPA-HQ-OLEM-2022-0947.	
Aircraft Components (D & L Sales).	Benton Harbor, MI	Partial	EPA-HQ-OLEM-2022-0828.	
Omaha Lead	Omaha, NE	Partial	EPA-HQ-SFUND-2023-0021.	1, 3
Anaconda Co. Smelter	Anaconda, MT	Partial	EPA-HQ-OLEM-2022-0965.	1, 3
Eagle Mine	Minturn/Redcliff, CO	Partial	EPA-HQ-OLEM-2022-0966.	1, 3

Table 2 includes information concerning whether the full site is proposed for deletion from the NPL or a description of the area, media or

Operable Units (OUs) of the NPL site proposed for partial deletion from the NPL, and an email address to which public comments may be submitted if

the commenter does not comment using <https://www.regulations.gov>.

TABLE 2

Site name	Full site deletion (full) or media/parcels/description for partial deletion	E-mail address for public comments
Haviland Complex	Full	<i>duda.damian@epa.gov.</i>
Smithtown Ground Water Contamination	Full	<i>henry.sherrel@epa.gov.</i>
Jackson Ceramix	Soils and unsaturated subsurface vadose zones from OU 1 Baseball Field.	<i>debonis.michael01@epa.gov.</i>
Fort Hartford Coal Co. Stone Quarry	Full	<i>jackson.brad@epa.gov.</i>
Marine Corps Logistics Base	OU 3 Soils	<i>martin.anna@epa.gov.</i>
Redstone Arsenal (USARMY/NASA)	Soils and pipeline sediments from OU-26	<i>jackson.brad@epa.gov.</i>
Tyndall Air Force Base	13 specified operable units	<i>jackson.brad@epa.gov.</i>
Aircraft Components (D & L Sales)	OU 1 radiological cleanup	<i>cibulskis.karen@epa.gov.</i>
Omaha Lead	13 residential properties	<i>morey.maria@epa.gov.</i>
Anaconda Co. Smelter	OU 15 Mill Creek	<i>coleman.charles@epa.gov.</i>
Eagle Mine	5.31 acres of soils in the OU 3 North Property Redevelopment—Trestle Area.	<i>chan.sydney@epa.gov.</i>

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 substances, Hazardous waste, Intergovernmental relations, Natural resources, Oil pollution, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

**Authority:** 33 U.S.C. 1251 *et seq.*; 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.

**Larry Douchand,**

*Office Director, Office of Superfund Remediation and Technology Innovation.*

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