

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]

BILLING CODE 6560–50–P

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. 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:

Appendix B to Part 300—National Priorities List

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TABLE 2.—FEDERAL FACILITIES SECTION

St	Site name	City/County	Notes (a)
PA	Tobyhanna Army Depot	Tobyhanna	P

(a) * * *

P=Sites with partial deletion(s).

[FR Doc. 01-28629 Filed 11-15-01; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 001226367-01; I.D. 110901A]

Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Closure for the Catcher/Processor Sector

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

ACTION: Fishing restrictions; request for comments.

SUMMARY: NMFS announces closure of the 2001 catcher/processor fishery for Pacific whiting (whiting) at 1800 hours local time (l.t.) November 13, 2001, because the allocation for the catcher/processor sector will be reached by that time. This action is intended to keep the harvest of whiting within the 2001 allocation levels.

DATES: Effective from 1800 hours l.t. November 13, 2001, until the start of the 2002 primary season for the catcher/processor sector, unless modified, superseded or rescinded. Comments will be accepted through December 3, 2001.

ADDRESSES: Submit comments to D. Robert Lohn, Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115-0070; or Rod McInnis, Acting Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

FOR FURTHER INFORMATION CONTACT: Becky Renko at 206-526-6110.

SUPPLEMENTARY INFORMATION: This action is authorized by regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California. On January 11, 2001 (66 FR 2338), the levels of allowable biological catch (ABC), the optimum yield (OY) and the commercial OY (the OY minus the tribal allocation) for U.S. harvests of whiting were announced in the **Federal Register**. For 2001 the whiting ABC and OY are 190,400 metric tons (mt) and the commercial OY is 162,900 mt.

Regulations at 50 CFR 660.323 (a)(4) divide the commercial OY into separate allocations for the non-tribal catcher/processor, mothership, and shore-based sectors of the whiting fishery. The catcher/processor sector is composed of vessels that harvest and process whiting. The mothership sector is composed of motherships, and catcher vessels that harvest whiting for delivery to motherships. Motherships are vessels that process, but do not harvest. The shoreside sector is composed of vessels that harvest whiting for delivery to shoreside processors. Each of these sectors receives a portion of the commercial OY. In 2001, the catcher/processors received 34 percent, motherships received 24 percent, and the shore-based sector received 42 percent. When applied to the commercial OY for 2001 this resulted in the following allocations: 55,386 mt for the catcher/processors, 39,096 mt for the motherships, and 68,418 mt for the shore-based sector.

On August 31, 2001, NMFS received notification from the treaty Indian participants indicating that 10,000 mt of the tribal whiting allocation was not expected to be harvested before the end of the fishing year. As a result, NMFS announced the reapportionment of that whiting, 3,400 mt of which was apportioned to the catcher/processor sector (66 FR 48370, September 20, 2001). Therefore, the allowable harvest for the catcher/processor sector in 2001 was 58,786 mt (55,386 mt + 3,400 mt).

Regulations at 50 CFR 660.323 (a)(3)(i) describe the primary season for catcher/processors as the period(s) when at-sea processing is allowed and the fishery is open for the catcher/processor sector. When each sector's allocation is reached, the primary season for that sector ends.

NMFS Action

This action announces achievement of the allocation for the catcher/processor sector only. The best available information on November 9, 2001, indicated that the 58,786 mt catcher/processor allocation would be reached by 1800 hours l.t., November 13, 2001, at which time the primary season for the catcher/processor sector ends.

For the reasons stated here and in accordance with the regulations at 50 CFR 660.323 (a)(4)(iii)(A), NMFS herein announces that effective 1800 hours l.t., November 13, 2001, further taking and retaining, receiving or at-sea processing of whiting by a catcher/processor is prohibited. No additional unprocessed whiting may be brought on board after at-sea processing is prohibited, but a catcher/processor may continue to process whiting that was on board before at-sea processing was prohibited.

Classification

This action is authorized by the regulations implementing the FMP. The determination to take this action is based on the most recent data available. The aggregate data upon which the determination is based are available for public inspection at the Office of the Regional Administrator (see **ADDRESSES**) during business hours. This action is taken under the authority of 50 CFR 660.323 (a)(4)(iii)(A) and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: November 13, 2001.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 01-28744 Filed 11-13-01; 3:43 pm]

BILLING CODE 3510-22-S