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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:** Terrence Connelly, Remedial Project Manager, U.S. Environmental Protection Agency, Region 1, Mailcode OSRR07–1, 5 Post Office Square, Boston, MA 02109; (617) 918-1373; email: [connelly.terry@epa.gov](mailto:connelly.terry@epa.gov).

**SUPPLEMENTARY INFORMATION:** The site to be deleted from the NPL is: Union Chemical Co., Inc. Superfund Site, South Hope, Maine. A Notice of Intent to Delete for this Site was published in the **Federal Register** (83 FR 34508) on July 20, 2018.

The closing date for comments on the Notice of Intent to Delete was August 20, 2018. Two public comments were received. One commenter argued against deletion because they believe that groundwater contamination is being left behind inappropriately under EPA's 2013 technical impracticability determination and proposed Site deletion, and that the implementation of the Declaration of Environmental Covenant (deed restriction) on the Site properties was done without public oversight. The second commenter voiced the belief that the deletion was a political decision ultimately directed from the White House.

In response, EPA notes that the chain of events leading to the proposed deletion began several years ago, when after multiple remedial attempts from 1996 to 2005, EPA determined in 2013 that it was technically impracticable to restore groundwater at the Site to drinking water quality. In a 2013 Record of Decision Amendment (ROD Amendment), EPA waived the requirement to meet groundwater cleanup standards due to technical impracticability because (1) the original groundwater pump-and-treat remedy had reached the limits of its effectiveness, (2) three additional innovative *in situ* technologies had proven unsuccessful in attaining the groundwater cleanup standards, and (3) a technical evaluation of cleanup alternatives indicated that no technology was available for achieving

groundwater cleanup standards in a reasonable timeframe (in this case, under 300 years) due to Site-specific hydrogeological and contaminant conditions. The 2013 ROD Amendment also adjusted the institutional control requirements of the remedy selected in the 1990 Record of Decision (ROD) with more specifics on the land use controls to be included in the deed restriction for the Site properties. Before the ROD Amendment was finalized, EPA presented about the revised site remedy in several meetings to the Town of Hope community. EPA received concurrence from the State and only positive comments from the public on the ROD Amendment. Consistent with the requirements of the ROD and ROD Amendment, MEDEP, working with the Maine Attorney General's Office and EPA, drafted and recorded the Declaration of Environmental Covenants. Upon the recording of the deed restriction, the Site became eligible for deletion, leading EPA to issue the Notice of Intent to Delete the Site.

A responsiveness summary was prepared and placed in the docket, EPA-HQ-SFUND-1989-0011, on [www.regulations.gov](http://www.regulations.gov), and in the Superfund Records Center 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 substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 6, 2018.

**Alexandra Dunn,**  
Regional Administrator, Region 1.

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(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 the listing under Maine for “Union Chemical Co., Inc.”.

[FR Doc. 2018–20532 Filed 9–20–18; 8:45 am]

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 635

[Docket No. 150121066–5717–02]

RIN 0648–XG489

##### Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

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

**ACTION:** Temporary rule; General category September fishery for 2018; inseason bluefin tuna quota transfer and closure.

**SUMMARY:** NMFS transfers 60 metric tons (mt) of Atlantic bluefin tuna (BFT) quota from the Reserve category to the September 2018 subquota period and closes the General category fishery for large medium and giant BFT until the General category reopens on October 1, 2018. The quota transfer is intended to provide additional fishing opportunities based on consideration of the regulatory determination criteria regarding inseason adjustments and applies to Atlantic tunas General category (commercial) permitted vessels and Highly Migratory Species (HMS) Charter/Headboat category permitted vessels with a commercial sale endorsement when fishing commercially for BFT. Given that the adjusted quota is projected to be caught quickly, the closure is to prevent overharvest of the adjusted General category September 2018 BFT subquota.

**DATES:** The quota transfer is effective September 18, 2018 through September 30, 2018. The closure is effective 11:30 p.m., local time, September 23, 2018, through September 30, 2018.

**FOR FURTHER INFORMATION CONTACT:** Sarah McLaughlin or Brad McHale, 978–281–9260.

**SUPPLEMENTARY INFORMATION:**

Regulations implemented under the authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 subdivides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) and as implemented by the United States among the various domestic fishing categories, per the allocations established in the 2006 Consolidated Highly Migratory Species Fishery Management Plan (2006 Consolidated HMS FMP) (71 FR 58058, October 2, 2006), as amended by Amendment 7 to the 2006 Consolidated HMS FMP (Amendment 7) (79 FR 71510, December 2, 2014). NMFS is required under ATCA and the Magnuson-Stevens Act to provide U.S. fishing vessels with a reasonable opportunity to harvest the ICCAT-recommended quota.

NMFS is required, under regulations at § 635.28(a)(1), to file a closure notice for publication with the Office of the Federal Register when a BFT quota is reached or is projected to be reached. On and after the effective date and time of such notification, for the remainder of the fishing year or for a specified period as indicated in the notification, retaining, possessing, or landing BFT under that quota category is prohibited until the opening of the subsequent quota period or until such date as specified in the notice.

The current baseline General and Reserve category quotas are 466.7 mt and 24.8 mt, respectively. See § 635.27(a). Each of the General category time periods (January, June through August, September, October through November, and December) is allocated a “subquota” or portion of the annual General category quota. Although it is called the “January” subquota, the regulations allow the General category fishery under this quota to continue until the subquota is reached or March 31, whichever comes first. The subquotas for each time period are as follows: 24.7 mt for January; 233.3 mt for June through August; 123.7 mt for September; 60.7 mt for October through November; and 24.3 mt for December. Any unused General category quota rolls forward within the fishing year, which coincides with the calendar year, from one time period to the next, and is available for use in subsequent time periods. To date for 2018, NMFS has published three actions that have

adjusted the available 2018 Reserve category quota, leaving 78.5 mt currently available (83 FR 9232, March 5, 2018, 83 FR 17110, April 18, 2018, and 83 FR 38664, August 7, 2018).

Although NMFS has published a proposed rule (83 FR 31517, July 6, 2018) to increase the baseline U.S. bluefin tuna quota from 1,058.79 mt to 1,247.86 mt and subquotas for 2018 (including an expected increase in the General category September time period subquota from 123.7 mt to 147.3 mt, consistent with the annual bluefin tuna quota calculation process established in § 635.27(a)), NMFS does not anticipate that the final rule (the “quota rule”) will be effective until late September 2018.

#### **Transfer of 60 mt From the Reserve Category to the General Category**

Under § 635.27(a)(9), NMFS has the authority to transfer quota among fishing categories or subcategories, after considering regulatory determination criteria provided under § 635.27(a)(8). NMFS has considered all of the relevant determination criteria and their applicability to this inseason quota transfer. These considerations include, but are not limited to, the following:

Regarding the usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock (§ 635.27(a)(8)(i)), biological samples collected from BFT landed by General category fishermen and provided by bluefin tuna dealers continue to provide valuable data for ongoing scientific studies of bluefin tuna age and growth, migration, and reproductive status. Additional opportunity to land bluefin tuna in the General category would support the continued collection of a broad range of data for these studies and for stock monitoring purposes.

NMFS also considered the catches of the General category quota to date and the likelihood of closure of that segment of the fishery if no adjustment is made (§ 635.27(a)(8)(ii) and (ix)). As of September 17, 2018, the General category landed 145.6 mt. This represents 118 percent of the baseline September subquota (123.7 mt) and 79 percent of the September quota under the ICCAT quota rule, if finalized as proposed (147.3 mt). At the time of drafting of this inseason action, the General category subquota has not yet been exceeded, and commercial-sized bluefin tuna remain available in the areas where General category permitted vessels operate at this time of year. Given the lag between initiation of an inseason action and its implementation, however, this notice also closes the

fishery, as NMFS anticipates the transferred quota will be caught quickly. Transferring 60 mt of quota from the Reserve category would result in 183.7 mt being available for the September 2018 subquota period (207.3 mt if the ICCAT quota rule is finalized as proposed), thus effectively providing limited additional opportunities to harvest the U.S. bluefin tuna quota while avoiding exceeding it.

Regarding the projected ability of the vessels fishing under the particular category quota (here, the General category) to harvest the additional amount of BFT before the end of the fishing year (§ 635.27(a)(8)(iii)), NMFS anticipates that all of the 60 mt of quota will be used by September 23, based on current figures and the amount of quota being transferred, but this is also subject to weather conditions and bluefin tuna availability. In the unlikely event that any of this quota is unused by September 30, such quota will roll forward to the next subperiod within the calendar year (*i.e.*, the October through November period), and NMFS anticipates that it would be used before the end of the fishing year.

NMFS also considered the estimated amounts by which quotas for other gear categories of the fishery might be exceeded (§ 635.27(a)(8)(iv)) and the ability to account for all 2018 landings and dead discards. In the last several years, total U.S. BFT landings have been below the available U.S. quota such that the United States has carried forward the maximum amount of underharvest allowed by ICCAT from one year to the next. NMFS will need to account for 2018 landings and dead discards within the adjusted U.S. quota, consistent with ICCAT recommendations, and anticipates having sufficient quota to do that, even with the 60 mt transfer to the General category for the September fishery. Given the upcoming expected increases in available 2018 quota, from the ICCAT quota rule increase, the resulting recalculation of 2018 available Purse Seine category quota and transfer to the Reserve category, and carryover of 2017 underharvest, NMFS anticipates that the transfer in this action to the General category will have no deleterious effects on NMFS’ flexibility related to other categories for the remainder of the year.

This transfer would be consistent with the current quotas, which were established and analyzed in the 2015 BFT quota final rule (80 FR 52198, August 28, 2015), and with objectives of the 2006 Consolidated HMS FMP and amendments. (§ 635.27(a)(8)(v) and (vi)). Another principal consideration is the objective of providing opportunities to

harvest the full annual U.S. BFT quota without exceeding it based on the goals of the 2006 Consolidated HMS FMP and Amendment 7, including to achieve optimum yield on a continuing basis and to optimize the ability of all permit categories to harvest their full BFT quota allocations (related to § 635.27(a)(8)(x)). Specific to the General category, this includes providing opportunity equitably across all time periods.

Based on the considerations above, NMFS is transferring 60 mt of the available 78.5 mt of Reserve category quota to the General category for the September 2018 fishery, resulting in a subquota of 183.7 mt for the September 2018 fishery and 18.5 mt in the Reserve category.

#### **Closure of the September 2018 General Category Fishery**

Based on the best available bluefin tuna General category landings information (*i.e.*, 145.6 mt landed as of September 17, 2018) as well as average catch rates and anticipated fishing conditions, NMFS projects that the General category September subquota of 183.7 mt, as adjusted in this action, will be reached by September 23, 2018, and that the fishery should be closed to avoid exceedance of the adjusted quota. Through this action, we are closing the General category bluefin tuna fishery effective 11:30 p.m., September 23, 2018, through September 30, 2018. The fishery will reopen on October 1, 2018, with a baseline quota of 60.7 mt (72.2 mt under the ICCAT quota rule, if finalized as proposed) available for the October through November time period. Therefore, retaining, possessing, or landing large medium or giant BFT by persons aboard vessels permitted in the Atlantic tunas General and HMS Charter/Headboat categories must cease at 11:30 p.m. local time on September 23, 2018. The General category will reopen automatically on October 1, 2018, for the October through November 2018 subquota period. This action applies to those vessels permitted in the General category, as well as to those HMS Charter/Headboat permitted vessels with a commercial sale endorsement when fishing commercially for BFT fishing commercially for BFT. For information regarding the HMS Charter/Headboat commercial sale endorsement, see 82 FR 57543, December 6, 2017. The intent of this closure is to prevent overharvest of the available General category September BFT subquota.

Fishermen may catch and release (or tag and release) BFT of all sizes, subject to the requirements of the catch-and-

release and tag-and-release programs at § 635.26. All BFT that are released must be handled in a manner that will maximize their survival, and without removing the fish from the water, consistent with requirements at § 635.21(a)(1). For additional information on safe handling, see the "Careful Catch and Release" brochure available at [www.nmfs.noaa.gov/sfa/hms/](http://www.nmfs.noaa.gov/sfa/hms/).

#### **Monitoring and Reporting**

NMFS will continue to monitor the BFT fishery closely. Dealers are required to submit landing reports within 24 hours of a dealer receiving BFT. Late reporting by dealers compromises NMFS' ability to timely implement actions such as quota and retention limit adjustment, as well as closures, and may result in enforcement actions. Additionally, and separate from the dealer reporting requirement, General and HMS Charter/Headboat category vessel owners are required to report the catch of all BFT retained or discarded dead within 24 hours of the landing(s) or end of each trip, by accessing [hmspermits.noaa.gov](http://hmspermits.noaa.gov), using the HMS Catch Reporting app, or calling (888) 872-8862 (Monday through Friday from 8 a.m. until 4:30 p.m.).

Depending on the level of fishing effort and catch rates of BFT, NMFS may determine that additional action (*e.g.*, quota adjustment, daily retention limit adjustment, or closure) is necessary to ensure available subquotas are not exceeded or to enhance scientific data collection from, and fishing opportunities in, all geographic areas. If needed, subsequent adjustments will be published in the **Federal Register**. In addition, fishermen may call the Atlantic Tunas Information Line at (978) 281-9260, or access [hmspermits.noaa.gov](http://hmspermits.noaa.gov), for updates on quota monitoring and inseason adjustments.

#### **Classification**

The Assistant Administrator for NMFS (AA) finds that it is impracticable and contrary to the public interest to provide prior notice of, and an opportunity for public comment on, this action for the following reasons:

The regulations implementing the 2006 Consolidated HMS FMP and amendments provide for inseason quota transfers and fishery closures to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. These fisheries are currently underway and the currently available quota for the subcategory is projected to be reached

shortly. Affording prior notice and opportunity for public comment to implement the quota transfer is impracticable and contrary to the public interest as such a delay would likely result in exceedance of the General category September fishery subquota or earlier closure of the fishery while fish are available on the fishing grounds. Subquota exceedance may result in the need to reduce quota for the General category later in the year and thus could affect later fishing opportunities. Therefore, the AA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment. For all of the above reasons, there also is good cause under 5 U.S.C. 553(d) to waive the 30-day delay in effectiveness.

This action is being taken under §§ 635.27(a)(9) and 635.28(a)(1), and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: September 18, 2018.

**Margo B. Schulze-Haugen**,  
Acting Director, Office of Sustainable  
Fisheries, National Marine Fisheries Service.  
[FR Doc. 2018-20603 Filed 9-18-18; 4:15 pm]

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## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 648**

**[Docket No. 170828822-70999-02]**

**RIN 0648-XG475**

#### **Fisheries of the Northeastern United States; Scup Fishery; Adjustment to the 2018 Winter II Quota**

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

**ACTION:** Temporary rule; inseason adjustment.

**SUMMARY:** NMFS adjusts the 2018 Winter II commercial scup quota and per-trip Federal landing limit. This action is intended to comply with Framework Adjustment 3 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan that established the rollover of unused commercial scup quota from the Winter I to Winter II period. This document is intended to inform the public of this quota and trip limit change.

**DATES:** Effective October 1, 2018, through December 31, 2018.