

The second comment voiced concerns about health issues for herself and others who lived or who continue to live near the O'Connor Site and stating a view that the number of cancers and other health issues suffered by residents nearby the Site concerned her. The comment also expressed dismay that she had not been contacted about the Site when she had lived nearby.

This comment did not address the substance of the proposed deletion nor question whether the remedial goals have been accomplished but speaks of health concerns. EPA completed a Five-Year Review of the Site in 2012 and determined that the remedy as implemented remains protective of human health and the environment. All potential exposure pathways have been controlled through the completed activities and institutional controls. The ongoing monitoring and five-year reviews ensure that EPA is able to confirm the protectiveness of the remedy.

A responsiveness summary was prepared and placed in both the docket, EPA-HQ-SFUND-1983-0002, on [www.regulations.gov](http://www.regulations.gov), and in the local repository listed above.

A Notice of Deletion for this Site was published in the **Federal Register** on March 12, 2014 (79 FR 13882). The Notice of Deletion summarized the deletion criteria, the deletion procedure, and the basis for deletion of the Site from the NPL.

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

Dated: July 2, 2014.

**H. Curtis Spalding**,  
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(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 to Part 300—[Amended]

■ 2. Table 1 of Appendix B to part 300 is amended by removing “ME”, “O'Connor Co”, “Augusta”.

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### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 1206013412–2517–02]

**RIN 0648–XD386**

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2014 Commercial Accountability Measure and Closure for South Atlantic Snowy Grouper

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS implements accountability measures (AMs) for commercial snowy grouper in the exclusive economic zone (EEZ) of the South Atlantic. Commercial landings for snowy grouper, as estimated by the Science and Research Director (SRD), are projected to reach the commercial annual catch limit (ACL) (commercial quota) on July 25, 2014. Therefore, NMFS closes the commercial sector for snowy grouper in the South Atlantic EEZ on July 25, 2014, and it will remain closed until the start of the next fishing season, January 1, 2015. This closure is necessary to protect the snowy grouper resource.

**DATES:** This rule is effective 12:01 a.m., local time, July 25, 2014, until 12:01 a.m., local time, January 1, 2015.

**FOR FURTHER INFORMATION CONTACT:** Catherine Hayslip, telephone: 727–824–5305, email: [Catherine.Hayslip@noaa.gov](mailto:Catherine.Hayslip@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The snapper-grouper fishery of the South Atlantic includes snowy grouper and is

managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The commercial ACL (equivalent to the commercial quota) for snowy grouper in the South Atlantic is 82,900 lb (37,603 kg), gutted weight, for the current fishing year, January 1 through December 31, 2014, as specified in 50 CFR 622.190(a)(1).

Under 50 CFR 622.193(b)(1), NMFS is required to close the commercial sector for snowy grouper when the commercial ACL (commercial quota) is reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. NMFS has determined that the commercial ACL for South Atlantic snowy grouper will have been reached by July 25, 2014.

Accordingly, the commercial sector for South Atlantic snowy grouper is closed effective 12:01 a.m., local time, July 25, 2014, until 12:01 a.m., local time, January 1, 2015.

The operator of a vessel with a valid commercial vessel permit for South Atlantic snapper-grouper having snowy grouper onboard must have landed and bartered, traded, or sold such snowy grouper prior to 12:01 a.m., local time, July 25, 2014. NMFS implemented a closure of the recreational sector for snowy grouper in the South Atlantic on June 7, 2014 (79 FR 32497, June 5, 2014). During the recreational closure, and thus, during this commercial closure, the bag and possession limit for snowy grouper in or from the South Atlantic EEZ is zero. Also during the commercial closure, the sale or purchase of snowy grouper taken from the EEZ is prohibited. The prohibition on sale or purchase does not apply to the sale or purchase of snowy grouper that were harvested, landed ashore, and sold prior to 12:01 a.m., local time, July 25, 2014, and were held in cold storage by a dealer or processor.

For a person on board a vessel for which a Federal commercial or charter vessel/headboat permit for the South Atlantic snapper-grouper fishery has been issued, the bag and possession limit and the sale and purchase provisions of the commercial closure for snowy grouper would apply regardless of whether the fish are harvested in state or Federal waters, as specified in 50 CFR 622.190(c)(1)(ii).

**Classification**

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of snowy grouper and the South Atlantic snapper-grouper fishery and is consistent with the Magnuson-Stevens Act, the FMP, and other applicable laws.

This action is taken under 50 CFR 622.193(b)(1) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

This action responds to the best available scientific information recently

obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds that the need to immediately implement this action to close the commercial sector for snowy grouper constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such procedures would be unnecessary and contrary to the public interest. Such procedures would be unnecessary because the rule itself has been subject to notice and comment, and all that remains is to notify the public of the closure.

Allowing prior notice and opportunity for public comment is contrary to the public interest because of the need to immediately implement this action to protect snowy grouper

since the capacity of the fishing fleet allows for rapid harvest of the commercial ACL (commercial quota). Prior notice and opportunity for public comment would require time and would potentially result in a harvest well in excess of the established commercial ACL (commercial quota).

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: July 17, 2014.

**Emily H. Menashes,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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