

on-Site surface soil by workers. On December 31, 1990, the EPA Regional Administrator signed the Record of Decision (ROD) identifying the remedial action to be taken to address the unacceptable risks to human health identified in the RI/FS process.

In December 1991, following unsuccessful efforts to negotiate a Consent Decree with MAWP, EPA issued a Unilateral Administrative Order (UAO) requiring MAWP to implement the selected remedy. The selected remedy, as described in the ROD and the UAO, consisted of the following:

- Excavation, stabilization and off-site disposal of "hot spots" of contaminated soils with arsenic concentrations greater than 1,000 mg/kg;

- Construction of an enlarged roofed drip pad that complies with the Resource Conservation and Recovery Act (RCRA) Subpart W wood treating regulations;

- Capping of those portions of the Treatment Yard that were not covered by the treatment plant, enlarged drip pad or paved parking area with an asphalt/concrete cap;

- Capping of soils in the Storage Yard contaminated with arsenic exceeding 10 mg/kg with an asphalt/concrete cap;

- Excavation of any off-Site soils containing arsenic at concentrations greater than 10 mg/kg (i.e., background concentration of arsenic in area soils) and consolidation of those soils on-Site prior to paving with the asphalt/concrete cap;

- Environmental monitoring to ensure the effectiveness of the remedy;

- Implementation of a deed restriction to preclude future land use which might compromise the effectiveness of the remedy.

Pre-design sampling performed in April and June 1992 indicated that no soil on- or off-site had concentrations of arsenic greater than 1,000 mg/kg and therefore, excavation, stabilization and off-site disposal was not necessary. Pre-design sampling did, however, indicate that surface soils on a portion of the adjacent Number One Supply property had been contaminated by runoff from the MAWP property. The sampling results indicated that the western portion of the Number One Supply property nearest the paved parking lot was not contaminated (i.e., levels of arsenic were less than 10 mg/kg), but the center portion and the eastern portions of the property did contain arsenic at concentrations greater than 10 mg/kg.

On February 4, 1993, MAWP informed EPA that it was ceasing the business operations and closing the facility. Because MAWP was ceasing its wood treating operations, there was no longer a need to expand the drip pad to prevent potential future releases from wood drying operations. The remedial

objectives were satisfied by extending the asphalt cap to all areas of the Treatment Yard not currently paved or covered by existing buildings, including those areas previously planned to be covered by the expanded drip pad.

The Remedial Action Work Plan and Remedial Design were approved by EPA on May 14, 1993. The scaled-back remedy included excavation and consolidation of contaminated soils from the Number One Supply property, paving of the MAWP property, implementation of institutional controls, long-term monitoring, and maintenance of the asphalt cap.

Construction activities were implemented from June to August 1993. In September 1993, EPA negotiated a Prospective Purchaser Agreement (PPA) with Gunther's Leasing Transport, Inc. (Gunther), which became effective January 24, 1994. In accordance with the PPA, Gunther agreed to implement the necessary institutional controls and perform operation and maintenance (O&M) activities, including environmental monitoring, as required by the EPA-approved O&M Plan. On July 5, 1994, Gunther filed EPA-approved "Restrictions on Land Use" for the MAWP site with the Clerk of Circuit Court, Anne Arundel County, Maryland.

Long-term environmental monitoring has been performed in accordance with the Post-Remedy Sampling and Analysis Plan contained in the RA Work Plan (ERM, April 1993). Monitoring and maintenance of the asphalt cap has been conducted with reports submitted to EPA on a biannual basis. A Five-Year Review dated August 26, 1998, confirmed that measures taken at the site remain effective, as do the results from long-term environmental monitoring completed on February 12, 1999.

The remedial action selected for the Site has been implemented in accordance with the Record of Decision. As a result, human health threats and potential environmental impacts arising from releases at the Site have been eliminated. Continued protection of human health and the environment will be achieved by maintenance activities and performance of the Five-Year Reviews, as required by CERCLA.

#### V. Action

The EPA, with concurrence from the State of Maryland, has determined that all appropriate response under CERCLA at the Site has been completed, and no further CERCLA response action is appropriate in order to provide protection of human health and

environment. Therefore, EPA is deleting the Site from the NPL.

This action will be effective July 18, 2000. However, if EPA receives dissenting comments by June 19, 2000, EPA will publish a document that withdraws this action. If, after reviewing such comments, EPA decides to proceed with the deletion, EPA will publish a notice of deletion in the **Federal Register** and place copies of the final deletion package, including a Responsiveness Summary, in the Site repositories.

#### 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, Water pollution control, Water supply.

Dated: April 5, 2000.

**Bradley M. Campbell,**

*Regional Administrator, Region III.*

Part 300, title 40 of the Code of Federal Regulations 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 1 of Appendix B to part 300 is amended by removing the Site "Mid-Atlantic Wood Preservers, Inc., Harmans, Maryland."

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#### GENERAL SERVICES ADMINISTRATION

#### 41 CFR Chapter 301

[FTR Amendment 87]

RIN 3090–AH18

#### Federal Travel Regulation; Maximum Per Diem Rates and Other Travel Allowances; Correction

**AGENCY:** Office of Governmentwide Policy, GSA.

**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects entries listed in the prescribed maximum per diem rates for locations within the continental United States

(CONUS) contained in a final rule appearing in Part III of the **Federal Register** of Thursday, December 2, 1999 (64 FR 67670). The rule, among other things, increased/decreased the maximum lodging amounts in certain existing per diem localities, added new per diem localities, and removed a number of previously designated per diem localities.

**EFFECTIVE DATE:** January 1, 2000.

**FOR FURTHER INFORMATION CONTACT:** Joddy P. Garner, Office of Governmentwide Policy (MTT),

Washington, DC 20405, telephone 202-501-4857.

**SUPPLEMENTARY INFORMATION:** In rule document 99-31215 beginning on page 67670 in the issue of Thursday, December 2, 1999, make the following corrections:

**Appendix A to Chapter 301 [Corrected]**

1. On page 67674, under the State of Colorado, city of Aspen, the seasonal dates, column one and lodging rates, column three are revised to read as follows: "January 1-March 31 \$163, April 1-May 31 \$68, June 1-December 31 \$140".

2. On page 67678, under the State of Louisiana, the names of cities of New Orleans/Plaquemine/St. Bernard, column two is revised to read as follows: "Orleans, Iberville, Jefferson Parish and St. Bernard".

Pages 67674 and 67678, as corrected, read as follows:

**Appendix A to Chapter 301—  
Prescribed Maximum Per Diem Rates  
for CONUS**

\* \* \* \* \*

**BILLING CODE 6820-34-P**

Per diem locality:	Maximum lodging amount (room rate only—no taxes) (a)	+	M&IE rate (b)	=	Maximum per diem rate <sup>4</sup> (c)
Key city <sup>1</sup>	County and/or other defined location <sup>2, 3</sup>				

(October 1-May 31)		69	38		107
San Mateo/Redwood City	San Mateo	99	42		141
Santa Barbara	Santa Barbara	99	38		137
Santa Cruz	Santa Cruz				
(June 1-September 30)		99	42		141
(October 1-May 31)		68	42		110
Santa Rosa	Sonoma	65	42		107
Santa Monica	City limits of Santa Monica (see Los Angeles)				
(June 1-September 30)		110	38		148
(October 1-May 31)		99	38		137
South Lake Tahoe	El Dorado (see also Stateline, NV)	108	42		150
Sunnyvale/Palo Alto/San Jose	Santa Clara	125	46		171
Tahoe City	Placer	128	42		170
Truckee	Nevada	69	42		111
Visalia	Tulare	58	38		96
West Sacramento	Yolo	64	30		94
Yosemite National Park	Mariposa				
(May 1-October 31)		100	46		146
(November 1-April 30)		76	46		122
COLORADO					
Aspen	Pitkin				
(January 1-March 31)		163	46		209
(April 1-May 31)		68	46		186
(June 1-December 31)		140	46		114
Boulder	Boulder				
(May 1-October 15)		90	42		132
(October 16-April 30)		79	42		121
Colorado Springs	El Paso				
(May 15-September 14)		73	38		111
(September 15-May 14)		59	38		97
Cortez	Montezuma	64	34		98
Crested Butte	City limits of Crested Butte (see Gunnison)	95	42		137
Denver	Denver, Adams, and Arapahoe	83	42		125
Durango	La Plata				
(June 1-October 31)		95	38		133
(November 1-May 31)		61	38		99
Fort Collins	Larimer (except Loveland)	59	34		93
Gunnison	Gunnison (except Crested Butte)				
(June 15-September 30)		69	34		103
(October 1-June 14)		60	34		94
Jefferson County	Jefferson County	69	34		103
Loveland	City limits of Loveland (see Larimer County)	69	30		99
Montrose	Montrose	59	34		93
Pueblo	Pueblo				
(June 1-September 30)		75	34		109
(October 1-May 31)		58	34		92
Silverthorne/Keystone	Summit				
(December 1-April 1)		170	38		208
(April 2-November 30)		130	38		168

Per diem locality:	Maximum lodging amount (room rate only—no taxes) (a)	+	M&IE rate (b)	=	Maximum per diem rate <sup>4</sup> (c)
Key city <sup>1</sup>	County and/or other defined location <sup>2, 3</sup>				

South Bend	St. Joseph	58	34	92
Valparaiso/Burlington Beach	Porter	69	34	103
IOWA				
Cedar Rapids	Linn	56	34	90
Des Moines	Polk	67	34	101
KANSAS				
Kansas City/Overland Park	Wyandotte and Johnson	85	38	123
Wichita	Sedgwick	58	38	96
KENTUCKY				
Covington	Kenton	80	38	118
Louisville	Jefferson	63	38	101
LOUISIANA				
Baton Rouge	East Baton Rouge Parish	65	38	103
Gonzales	Ascension Parish	59	34	93
Lake Charles	Calcasieu Parish	74	34	108
New Orleans/Plaquemine/St. Bernard	Orleans, Iberville, Jefferson Parish and St. Bernard	88	42	130
Shreveport	Caddo	60	38	98
St. Francisville	West Feliciana	75	38	113
MAINE				
Bangor	Penobscot	56	30	86
Bar Harbor	Hancock			
(July 1-September 15)		104	38	142
(September 16-June 30)		75	38	113
Bath	Sagadahoc			
(May 1-October 31)		61	34	95
(November 1-April 30)		55	34	89
Kennebunk	York	62	38	100
Kittery	Portsmouth Naval Shipyard (see York County)			
(May 1-October 31)		70	34	104
(November 1-April 30)		55	34	89
Portland	Cumberland			
(July 1-October 31)		80	38	118
(November 1-June 30)		70	38	108
Rockport	Knox	87	42	129
Wiscasset	Lincoln	59	38	97
MARYLAND				
(For the counties of Montgomery and Prince George's, see District of Columbia.)				
Annapolis	Anne Arundel	90	42	132
Baltimore	Baltimore	110	42	152
Columbia	Howard	109	42	151
Grasonville	Queen Annes	63	38	101

Dated: May 11, 2000.

**Peggy G. DeProspero,**

Acting Director, Travel Management Policy Division.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 000120016-0135-02; I.D. 112299C]

RIN 0648-AM70

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Gag, Red Grouper, and Black Grouper Management Measures

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule to implement a regulatory amendment prepared by the Gulf of Mexico Fishery Management Council (Council) in accordance with framework procedures for adjusting management measures in the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). This final rule increases the commercial and recreational minimum size limits for gag and black grouper; prohibits the commercial harvest and the sale or purchase of gag, black grouper, and red grouper from February 15 to March 15 each year; and establishes two areas in the eastern Gulf of Mexico that are closed to all fishing, except fishing for highly migratory species. The intended effect of this final rule is to protect the spawning aggregations for these species and to prevent overfishing.

**DATES:** This final rule is effective June 19, 2000.

**ADDRESSES:** Copies of the final regulatory flexibility analysis (FRFA) may be obtained from the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702, telephone: 727-570-5305, fax: 727-570-5583, email: Richard.Raulerson@noaa.gov.

**FOR FURTHER INFORMATION CONTACT:** Dr. Roy E. Crabtree, telephone: 727-570-5305, fax: 727-570-5583, e-mail: Roy.Crabtree@noaa.gov.

**SUPPLEMENTARY INFORMATION:** The reef fish fishery in the Gulf of Mexico EEZ is managed under the FMP. The FMP was prepared by the 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.

In accordance with the framework procedures of the FMP, the Council recommended, and NMFS published, a proposed rule (65 FR 4221, January 26, 2000) to increase the commercial and recreational minimum size limits for gag and black grouper; prohibit the commercial harvest and the sale or purchase of gag, black grouper, and red grouper harvested from the Gulf EEZ from February 15 to March 15 each year; and establish two areas in the eastern Gulf of Mexico (Madison and Swanson sites and Steamboat Lumps) that would be closed to all fishing, except fishing for highly migratory species (i.e., tunas, marlin, sailfish, swordfish, and oceanic sharks). The preamble to the proposed rule explained the need and rationale for these measures. Those descriptions are not repeated here.

After considering the comments received on the proposed rule, NMFS partially approved the regulatory amendment. The proposed additional increases in the recreational minimum size limit for gag and black grouper from 22 inches to 24 inches (55.9 cm to 61 cm), to be phased in over a 2-year period following implementation of this final rule, were disapproved (see Response to Comment 3 under "Comments and Responses" below).

#### Comments and Responses

*Comment 1:* Two Council members stated in their minority report that the proposed measures are insufficient to prevent overfishing and protect male gag. Specifically, they stated that the commercial 1-month closed season is too short to be effective. Several environmental groups also suggested that additional measures, including additional marine reserves, are needed to protect gag.

*Response:* NMFS agrees that additional measures to reduce fishing mortality will probably be required to achieve levels consistent with the Council's management objective. The Council's intent in preparing this amendment was to reduce overfishing to a level consistent with the 20-percent spawning potential ratio (SPR) management target in effect at the time it adopted final measures for the regulatory amendment. On November 17, 1999, NMFS approved a maximum fishing mortality threshold of 30-percent

SPR for gag and black grouper, as proposed by the Council under its Generic Sustainable Fisheries Act Amendment to the Fishery Management Plans of the Gulf of Mexico. Additional reductions in fishing mortality will probably be needed to prevent this threshold from being exceeded. To address this concern, and other problems in the grouper fishery, the Council is developing an FMP amendment. NMFS agrees that the effectiveness of the 1-month closure of the commercial fishery could be reduced if, in response to the closure, fishing effort increases immediately before or after the closure; however, the closure will provide some reduction in fishing mortality and provide some protection to spawning aggregations. NMFS believes that additional measures to protect spawning aggregations may be required in the future; however, the 1-month closure is an appropriate step at this time.

*Comment 2:* A for-hire fishing organization and two Council members stated that the proposal to close two areas to all fishing exceeds the most restrictive alternative presented and discussed at public hearings and should be disapproved. A commercial fishing organization and a for-hire fishing organization questioned the need for closing the two areas to all fishing. Nine individuals and seven environmental organizations expressed strong support for the two closed areas and suggested the closure period should be extended beyond the 4-year period.

*Response:* This rule closes the two areas only to fisheries under the jurisdiction of the Council. The Council has requested that NMFS' Highly Migratory Species Division (HMS Division), Office of Sustainable Fisheries, issue a compatible rule prohibiting fishing for all Atlantic highly migratory species in these two areas. The HMS Division is currently considering this request and expects to take appropriate action soon. Any HMS Division's rulemaking action will involve proposed and final rules and will provide the opportunity for public comment on proposed measures. The Council recommended closure of the two areas to all fishing in order to reduce bycatch mortality of gag and black grouper and to improve enforcement of the closure to fishing.

The closure to all fishing under the Council's jurisdiction is a logical extension of the Council's earlier proposal that was the subject of public hearings and a workshop involving affected fishery participants and is based on public comments. This earlier proposal would have closed areas to all