

1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Dated: March 23, 2001.

**Ira W. Leighton,**

*Acting Regional Administrator, U.S. EPA—  
New England.*

[FR Doc. 01–12708 Filed 5–21–01; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL–6947–2]

#### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The United States Environmental Protection Agency (EPA) proposes to delete Operable Unit 2 (OU2) of the California Gulch Superfund Site, located in Leadville, Colorado, from the National Priorities List (NPL). The NPL constitutes appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution and Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA). This action is being taken because EPA, with concurrence from the State of Colorado Department of Public Health and Environment (CDPHE), has determined that all appropriate response actions have been taken and that no further response at the Site is appropriate.

A detailed rationale for this Proposal to Delete is set forth in the direct final rule which can be found in the Rules and Regulations section of this **Federal Register**. The direct final rule is being published because EPA views this deletion action as a noncontroversial revision and anticipates no significant adverse or critical comments. If no significant adverse or critical comments are received, no further activity is contemplated. If EPA receives significant adverse or critical comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting should do so at this time.

**DATES:** Comments concerning this action must be received by EPA by June 21, 2001.

**ADDRESSES:** Comments may be mailed to Rebecca Thomas, Remedial Project Manager, Environmental Protection Agency, Region 8, Mail Code 8EPR–SR, 999 18th Street, Suite 300, Denver, Colorado 80202. Telephone: (303) 312–6552.

*Information Repositories:*

Comprehensive information on the California Gulch Site is available through the EPA, Region 8 public docket, which is located at the EPA, Region 8 Superfund Records Center. The address for the Region 8 Superfund Records Center is: U.S. Environmental Protection Agency, Region 8, Superfund Records Center, 999 18th Street, 5th Floor Denver, Colorado 80202, Telephone (303) 312–6473.

**FOR FURTHER INFORMATION CONTACT:** Rebecca Thomas (EPR–SR), Remedial Project Manager, Environmental Protection Agency, Region 8, Mail Code 8EPR–SR, 999 18th Street, Suite 300, Denver, Colorado 80202. Telephone: (303) 312–6552.

**SUPPLEMENTARY INFORMATION:** For additional information, see the direct final rule which is located in the Rules and Regulations section of this **Federal Register**.

**Authority:** 33 U.S.C. 1312(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.

Dated: February 12, 2001.

**Jack W. McGraw,**

*Acting Regional Administrator, Region 8.*

[FR Doc. 01–12711 Filed 5–21–01; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 226

[Docket No. 010501108–1108–01; I.D.  
040401A]

#### Endangered and Threatened Species; Finding for a Petition to Designate Critical Habitat for the Bering Sea Stock of Bowhead Whales

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

**ACTION:** Notice of receipt of petition and petition finding.

**SUMMARY:** The National Marine Fisheries Service (NMFS) announces the

receipt of a petition to designate critical habitat for the Western Arctic stock of bowhead whales, *Balaena mysticetus*, under the Endangered Species Act of 1973 (ESA), as amended. NMFS has determined that the petition presents substantial scientific information indicating that this action may be warranted, and is soliciting public comment and information on the petition.

**DATES:** NMFS is soliciting public comment on the action through August 20, 2001.

**ADDRESSES:** Written comments concerning this petition should be submitted to Donna Wieting, Chief, Marine Mammal Division, Office of Protected Resources, Silver Spring, MD, 20910. Comments will not be accepted if submitted via e-mail or internet.

**FOR FURTHER INFORMATION CONTACT:** Mr. Brad Smith, NMFS, Alaska Regional Office, 222 West 7th Avenue, Anchorage, Alaska 99517, telephone (907) 271–5006 or fax (907) 271–3030, or Mr. Michael Payne, NMFS, Alaska Regional Office, P.O. Box 21668, Juneau, Alaska 99802, telephone (907) 586–7235 or fax (907) 586–7012.

**SUPPLEMENTARY INFORMATION:**

#### Background

On February 22, 2000, the Center for Biological Diversity, Berkeley, CA, and the Marine Biodiversity Protection Center, Canyon, CA, petitioned NMFS to designate critical habitat for the Western Arctic stock of bowhead whales. The area petitioned for critical habitat includes the Beaufort Sea off Alaska's North Slope between Point Barrow and the Canadian border, from mean high tide to approximately 170 kilometers offshore. The petition was accepted under 5 U.S.C 553 (e).

The bowhead whale was listed as endangered on June 2, 1970, prior to the addition of critical habitat requirements in the ESA, on November 10, 1978. NMFS must evaluate petitions to designate critical habitat for pre-1978 listed species pursuant to 5 U.S.C. 553 (e) under the Administrative Procedure Act (APA). 5 U.S.C. 553 (e) provides that "each agency shall give an interested person the right to petition for the issuance, amendment or repeal of a rule".

NMFS initially responded to the petition on December 14, 2000, with a letter that, at that time, deferred determination on whether the subject action may be warranted pending completion of several on-going studies or scheduled research efforts. NMFS has now determined that the petition presents substantial information