

completed soil areas. The EPA conducted a pre-certification inspection on November 8, 1999. In an April 21, 2000, letter to UTAS, the EPA indicated that the RA Report adequately demonstrated completion of the outstanding items noted during the pre-certification inspection and that the remedial action had been performed in accordance with the Consent Decree and RA Report on May 22, 2000. The RA Report was approved by EPA on September 25, 2000. Land use restrictions are a component of the remedy described in the ROD. In accordance with the Consent Decree, the property shall not be used for residential purposes and there shall be no disturbance of the surface or subsurface of the land. The Environmental Protection Declaration of Restrictive Covenants describes the land-use restrictions associated with the property and sets forth the procedures to enforce said restrictions. On September 12, 2000, this document was recorded at the Recorder's Office of Lee County, state of Iowa.

In September 1989, the Sheller-Globe Corporation Disposal Site (referred to as the Grimes Property Site) was listed on the state of Iowa's Registry of Confirmed Hazardous Waste or Hazardous Substance Disposal Sites. Inclusion on this registry provides that written approval by the Director of the Iowa Department of Natural Resources is necessary prior to substantially changing the manner in which the Site is used or selling, conveying, or transferring title of the Site.

Inspection and Maintenance

Routine field inspections by representatives of UTAS are planned to assure the integrity of the soil and vegetative covers. Inspections are scheduled for two times a year (spring and fall) for the first three years (2000, 2001, and 2002) and annually (fall) thereafter for an additional two years (2003 and 2004). The need to continue the inspection/maintenance program will be reassessed following the 2004 inspection. On behalf of UTAS, URS Greiner Woodward Clyde has conducted two post-remedial action inspections, in April 2000 and September 2000. These inspections verified that the ground surface has not been disturbed and the property remains vacant. In April 2000, the recommended maintenance actions included additional seeding and placement of erosion control material in limited areas. In September 2000, the Site inspection indicated that the soil and vegetative cover were in satisfactory condition and, therefore, repair and maintenance activities were not

necessary. Future inspection and maintenance activities will be conducted and the five-year review process is in place to assure that the remedial action remains protective of human health and the environment.

Five-Year Review

Section 121 (c) of CERCLA, as amended, and § 300.430(f)(4)(ii) of the National Oil and Hazardous Substances Pollution Contingency Plan require that periodic reviews (at least once every five years) be conducted for sites where hazardous substances, pollutants, or contaminants remain at the site above levels that allow for unlimited use or unrestricted exposure following the completion of all remedial actions for the site. This type of five-year review is referred to as a statutory review. The five year timetable typically begins with mobilization of contractors to start remedial action construction. For the Sheller-Globe Corporation Disposal Site, the first five-year review is scheduled for November 2004.

Community Involvement

Public participation activities have been satisfied as required in CERCLA section 113(k), 42 U.S.C. 9613(k), and CERCLA section 117, 42 U.S.C. 9617. A Community Relations Plan was prepared for the Site in 1989. An information repository was established for the Site at the Keokuk Public Library. The RI Report, FS Report, and Proposed Plan were made available for public comment from August 1, 1995, to August 31, 1995. Fact sheets providing site updates were distributed to individuals on the mailing list as established by the Community Relations Plan. Documents which EPA relied on for recommendation of the deletion from the NPL are available to the public in the information repositories.

V. Deletion Action

The EPA, with concurrence of the state of Iowa, has determined that all appropriate responses under CERCLA have been completed, and that no further response actions, under CERCLA, other than inspection and maintenance and five-year reviews, are necessary. Therefore, EPA is deleting the Site from the NPL. Because EPA considers this action to be noncontroversial and routine, EPA is taking it without prior publication. This action will be effective September 24, 2001 unless EPA receives adverse comments by August 24, 2001. If adverse comments are received within the 30-day public comment period, EPA will publish a timely withdrawal of this direct final notice of deletion before the

effective date of the deletion and it will not take effect; and EPA will prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the comments already received. There will be no additional opportunity to comment.

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 12, 2001.

William W. Rice,

Acting Regional Administrator, Region 7.

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.

Appendix B—[Amended]

2. Table 1 of appendix B to part 300 is amended by removing the site for “Sheller-Globe Corp. Disposal, Keokuk, IA.”

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 010718180-1180-01;062901A]

RIN 0648-AP01

Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Annual Specifications

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

ACTION: Final harvest guideline.

SUMMARY: NMFS announces the annual harvest guideline for Pacific mackerel in the exclusive economic zone (EEZ) off

the Pacific coast. The Coastal Pelagic Species Fishery Management Plan (FMP) and its implementing regulations require NMFS to set an annual harvest guideline for Pacific mackerel based on a formula in the FMP. The intended effect of this action is to establish allowable harvest levels for Pacific mackerel off the Pacific coast and to minimize the impact on other coastal pelagic fisheries.

DATES: Effective July 20, 2001.

FOR FURTHER INFORMATION CONTACT: James J. Morgan, Southwest Region, NMFS, (562) 980-4036.

SUPPLEMENTARY INFORMATION: The FMP, which was implemented by publication of the final rule in the **Federal Register** on December 15, 1999 (64 FR 69888), divides managed species into the categories of "actively managed" and "monitored." Harvest guidelines of actively managed species (Pacific sardine and Pacific mackerel) are based on formulas applied to current biomass estimates. Biomass estimates are not calculated for species that are only monitored (i.e., jack mackerel, northern anchovy, and market squid).

Each year at a Pacific Fishery Management Council (Council) public meeting, the biomass for each actively managed species is presented by the Council's Coastal Pelagic Species Management Team (Team) to the Council's Coastal Pelagic Species Advisory Subpanel (Subpanel). At that time, the biomass, the harvest guideline, and the status of the coastal pelagic fisheries are reviewed. Following review by the Council's Scientific and Statistical Committee (SSC) and after hearing all public comments, the Council makes a recommendation to NMFS. NMFS approves and publishes the annual harvest guideline in the **Federal Register** as soon as practicable before the beginning of the appropriate fishing season. The Pacific mackerel season began on July 1, 2001, and ends on June 30, 2002, or earlier if and when the harvest guideline is reached. All landings of Pacific mackerel from July 1, 2001, to the effective date of this rule will be counted toward the total harvest guideline of 13,740 (metric tons) mt.

On May 11, 2001, consistent with the procedures of the FMP, the biomass report and harvest guideline for Pacific mackerel were reviewed at a public meeting of the Team and Subpanel at the NMFS, Southwest Region in Long Beach, CA. A modified virtual population analysis stock assessment model is used to estimate the biomass of Pacific mackerel. The model employs both fishery dependent and fishery independent indices to estimate

abundance. The biomass was calculated through the end of 2000, then estimated for the fishing season that began July 1, 2001, based on (1) The number of Pacific mackerel estimated to comprise each year class at the beginning of 2001, (2) modeled estimates of fishing mortality during 2000, (3) assumptions for natural and fishing mortality through the first half of 2001, and (4) estimates of age-specific growth. Based on this approach, the biomass for July 1, 2001, is 84,090 metric tons (mt), and the harvest guideline derived from the formula in the FMP as described below is 13,837 mt.

Fishermen and members of the fishing industry were concerned about the low harvest guideline's potential negative effect on the harvest of Pacific sardine. In response, the Subpanel recommended a directed fishery for Pacific mackerel of 6,000 mt, followed by an incidental harvest of up to 45 percent of Pacific mackerel in landings of other coastal pelagic species. A 1-mt landing of Pacific mackerel per trip would also be allowed if no other species were landed during a trip. If a significant amount of the harvest guideline remains unused toward the end of the fishing season, the directed fishery would be reopened.

At its meeting on June 15, 2001, in Burlingame, CA, the Council heard reports on the mackerel fishery from the Team and Subpanel, its SSC, and from the public. The Council recommended that NMFS adopt the Subpanel's recommendation of a small directed fishery followed by an incidental landings restriction and a 1-mt landing of mackerel without landing any other species. Therefore, most of the harvest guideline would be used as incidental landings in fisheries for other coastal pelagic species.

The formula in the FMP uses the following factors to determine the harvest guideline:

1. *The biomass of Pacific mackerel.* For 2001, this estimate is 84,090 mt.

2. *The cutoff.* This is the biomass level below which no commercial fishery is allowed. The FMP established the cutoff level at 18,200 mt. This is subtracted from the biomass, leaving 65,890 mt.

3. *The portion of the Pacific mackerel biomass that is in U.S. waters.* For 2001, this estimate is 70 percent, based on the average of larval distribution obtained from scientific cruises and the distribution of the resource obtained from logbooks of fish-spotters. Therefore, the harvestable biomass in U.S. waters is 70 percent of 65,890 mt, which is 46,123 mt.

4. *The harvest fraction.* This is the percentage of the biomass above 18,200 mt that may be harvested. The FMP established the harvest fraction at 30 percent. This is multiplied by the harvestable biomass (46,123 mt) in U.S. waters and is 13,837 mt.

In view of the above, the following determinations have been made:

1. Based on the estimated biomass of 84,090 mt and the formula in the FMP, a harvest guideline of 13,837 mt was calculated and will be in effect for the fishery that began on July 1, 2001. This harvest guideline is available for harvest for the fishing season that began at 12:01 a.m. on July 1, 2001, and continues through June 30, 2002.

2. There will be a directed fishery of at least 6,000 mt, and 7,837 mt of the harvest guideline will be utilized for incidental landings following the closure of the directed fishery.

NMFS will announce in the **Federal Register** closure of the directed fishery, after which no more than 45 percent by weight of a landing of Pacific sardine, northern anchovy, jack mackerel, or market squid may consist of Pacific mackerel, except that up to 1-mt of Pacific mackerel may be landed without landing any other species. NMFS will monitor the fishery and if a sufficient amount of harvestable Pacific mackerel stock remains before June 30, 2002, NMFS will reopen the directed fishery.

Classification

This action is authorized by 50 CFR 660.508 and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA (AA) finds for good cause under 5 U.S.C. 553(b)(3)(B) that providing prior notice and an opportunity for public comment on this action is unnecessary because establishing the harvest guideline is a ministerial act, determined by applying a formula in the FMP. Accordingly, providing prior notice and an opportunity for public comment would serve no useful purpose.

Because this rule merely announces the result of harvest guideline calculations and does not require any participants in the fishery to take action or to come into compliance, the AA finds for good cause under 5 U.S.C. 553(d)(3) that delaying the effective date of this rule for 30 days is unnecessary.

Because prior notice and opportunity for public comment are not required for this action by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., are inapplicable.

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

Dated: July 19, 2001.

John Oliver,

*Acting Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

[FR Doc. 01-18529 Filed 7-20-01; 3:35 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 010502110-1110-01; I.D. 071601E]

Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Closure of the Commercial Fishery from U.S.-Canada Border to Leadbetter Pt., WA

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

ACTION: Closure; request for comments.

SUMMARY: NMFS announces that the commercial fishery for all salmon in the area from the U.S.-Canada Border to Leadbetter Pt., WA, was closed on July 9, 2001, at 2359 hours local time (l.t.). The Northwest Regional Administrator of NMFS (Regional Administrator) determined that the guideline of 7,000 chinook salmon had been reached. This action was necessary to conform to the 2001 annual management measures for ocean salmon fisheries.

DATES: Closure effective 2359 hours l.t., July 9, 2001. Comments will be accepted through August 9, 2001.

ADDRESSES: Comments on this action may be mailed to Donna Darm, Acting Regional Administrator, Northwest Region, NMFS, NOAA, 7600 Sand Point Way N.E., Bldg. 1, Seattle, WA 98115-0070; fax 206-526-6376; or Rebecca Lent, Regional Administrator, Southwest Region, NMFS, NOAA, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4132; fax 562-980-4018. Comments will not be accepted if submitted via e-mail or the Internet. Information relevant to this document is available for public review during business hours at the Office of the Regional Administrator, Northwest Region, NMFS.

FOR FURTHER INFORMATION CONTACT: Christopher Wright, 206-526-6140, Northwest Region, NMFS, NOAA.

SUPPLEMENTARY INFORMATION:

Regulations governing the ocean salmon fisheries at 50 CFR 660.409 (a)(1) state that, when a quota for any salmon

species in any portion of the fishery management area is projected by the Regional Administrator to be reached on or by a certain date, NMFS will, by notification issued under 50 CFR 660.411 (a)(2), close the fishery for all salmon species in the portion of the fishery management area to which the quota applies, as of the date the quota is projected to be reached.

In the 2001 annual management measures for ocean salmon fisheries (66 FR 23185, May 8, 2001), NMFS announced that the commercial fishery for all salmon in the area from the U.S.-Canada Border to Leadbetter Pt., WA, would open on July 1 through the earlier of July 27, a 7,000-chinook pre-season guideline, or a 12,000-marked coho guideline.

The Regional Administrator consulted with representatives of the Pacific Fishery Management Council, the Washington Department of Fish and Wildlife, and the Oregon Department of Fish and Wildlife. The best available information as of July 9, 2001, related to the catch and effort to date and projected catch for fish that were yet to be landed, indicated that the 7,000-chinook quota would likely be reached by 2359 hours l.t., July 9, 2001, and that a closure of the area was warranted. The State of Washington will manage the fishery in state waters adjacent to this area of the exclusive economic zone in accordance with this Federal action. As provided by the in-season notice procedures of 50 CFR 660.411, actual notice to fishermen of these actions was given prior to 2359 hours l.t. on July 9, 2001, by telephone hotline number 206-526-6667 and 800-662-9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 kHz.

NMFS has determined that the need for immediate action to close the fishery upon achievement of the quota is good cause for this notification to be issued without affording a prior opportunity for public comment. Such notification would be unnecessary, impracticable, and contrary to the public interest. Moreover, because of the immediate need to close the fishery upon achievement of the quota, the Assistant Administrator for Fisheries, NOAA, finds for good cause, under 5 U.S.C. 553 (d)(3), that delaying the effectiveness of this rule for 30 days is impracticable and contrary to public interest. This action does not apply to other fisheries that may be operating in other areas.

Classification

This action is authorized by 50 CFR 660.409 and 660.411 and is exempt from review under Executive Order 12866.

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

Dated: July 19, 2001.

Bruce C. Morehead,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 010112013-1013-01; I.D. 071901B]

Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish by Vessels Using Trawl Gear in the West Yakutat District of the Gulf of Alaska

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting retention of sablefish by vessels using trawl gear in the West Yakutat District of the Gulf of Alaska (GOA). NMFS is requiring that catch of sablefish by vessels using trawl gear in this area be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the allocation of the sablefish 2001 total allowable catch (TAC) assigned to trawl gear in this area has been reached.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 20, 2001, until 2400 hrs, A.l.t., December 31, 2001.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for the Groundfish Fishery of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and CFR part 679.

The 2001 TAC allocation of sablefish assigned to trawl gear for the West Yakutat District was established as 271 metric tons (mt) by the Final 2001 Harvest Specifications and Associated Management Measures for the Groundfish Fisheries Off Alaska (66 FR