

the remedy to containment of the groundwater plume. In 1992, a MCL of 5 μ g/L was established, for 1,2-DCP. This MCL is an Applicable or Relevant and Appropriate Requirement (ARAR) for the groundwater cleanup at the Site. However, given the conclusions reached about the status of the 1,2-DCP plume, EPA's 2000 ROD Amendment concluded that the 5,000 foot plume was not migrating and that it was technically impracticable to restore the 1,2-DCP plume to the 5 μ g/L MCL. The 2000 ROD Amendment therefore waived this ARAR on the basis of Technical Impracticability.

Operation and Maintenance

On March 6, 2002, a Consent Decree (CD) was entered among EPA, DTSC and Del Norte County, which provides that Del Norte County will continue to provide monitoring at the Site with oversight by DTSC. Semiannual groundwater monitoring will be ongoing at the Site until levels of 1,2-DCP have dropped below the MCL and EPA makes a determination that monitoring is no longer necessary. Sampling methodology and protocol can be found in the Del Norte County Pesticide Storage Area Superfund Site Groundwater Monitoring Plan, dated June 6, 2001.

Institutional controls were established in the 2000 ROD Amendment and will be implemented through the CD. Controls for the Site include: (1) Restricting access to the Site to protect existing groundwater monitoring wells and to prevent use of contaminated groundwater; (2) Prohibiting use of contaminated groundwater; (3) Prohibiting the use of the Site (which is currently zoned for industrial purposes) for residences, hospitals for humans, public or private schools for persons under 21 years of age, or for day care centers for children; (4) Restricting the use of the Site to industrial/commercial purposes that do not interfere with the containment and monitoring of the contaminated groundwater, and that do not damage, alter, destroy, or compromise the integrity of the existing groundwater monitoring wells at the Site; (5) Prohibiting the installation and/or pumping of water-producing wells, including but not limited to water supply, irrigation and private wells on the Site; and (6) Prohibiting the installation and operation of any groundwater extraction wells in the area extending one mile from the boundary of the Site that would cause the plume of contaminated groundwater under the Site to move or that would cause contaminated groundwater under the Site to be brought to the surface. For any

proposed groundwater extraction wells within the one mile area described above all, necessary information must be provided to the lead agency to demonstrate that the restrictions are met.

Five-Year Review

Because contaminants remain at the Site above the MCL, Five-Year Reviews are required by statute. A Five-Year Review was completed at the Site on December 27, 2000, and found the remedy to be protective of human health and the environment. Five-Year Reviews will continue to be conducted at this Site until contaminant levels are below cleanup levels. The next Five-Year Review will be completed by December 27, 2005.

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. Documents in the Deletion Docket which EPA relied on for recommendation of the deletion from the NPL are available to the public in the information repositories.

Applicable Deletion Criteria/State Concurrence

All the completion requirements for this Site have been met as described in the FCOR dated July 19, 2002. The NPL provides that a site is eligible for deletion where "all appropriate Fund-financed (Hazardous Substance Superfund Response Trust Fund) response under CERCLA has been implemented, and no further response action by responsible parties is appropriate," and where "responsible parties or other parties have implemented all appropriate response actions required." The FCOR documents that Site monitoring and institutional controls have been implemented and ensure the protectiveness of the remedy. Site monitoring will continue, conducted under the supervision of DTSC, until levels of 1,2-DCP reach below the MCL.

EPA, with the concurrence of the State of California through its Department of Toxic Substances Control on July 22, 2002, finds that these criteria for deletion of the Site have been met. Consequently, EPA is proposing deletion of the Del Norte County Pesticide Storage Area Superfund Site from the NPL.

Dated: July 26, 2002.

Keith Takata,

Acting Regional Administrator, Region IX.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AH33

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 226

[I.D. 052002A]

RIN 0648-AQ03

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Gulf Sturgeon

AGENCIES: Fish and Wildlife Service, Interior, and National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; notice of availability (NOA) of draft economic analysis, and correction on public hearing location.

SUMMARY: The U.S. Fish and Wildlife Service and the National Marine Fisheries Service, collectively "the Services" are announcing the availability of a draft economic analysis of the proposal to designate critical habitat for the Gulf sturgeon (*Acipenser oxyrinchus desotoi*). We are soliciting public comments on both the proposal and the draft economic analysis. We also are correcting the address of a public hearing to be held in Defuniak Springs, FL on August 20, 2002.

DATES: *Comments:* We are extending the comment period announced in the proposed rule, published at 67 FR 39106, to allow a 60-day comment period following this NOA. The revised comment period on both the proposed critical habitat designation and the draft economic analysis is now open and will close on October 7, 2002. We must receive comments from all interested parties by the closing date. Any comments that we receive after the closing date will not be considered. Comments previously submitted need not be resubmitted as they have already been incorporated into the public record and will be fully considered in the final rule.

Public Hearings: The Services have scheduled four public hearings from August 19 to 22, 2002, on the proposed critical habitat designation and the draft economic analysis. See **SUPPLEMENTARY INFORMATION** for details including locations, times and dates.

ADDRESSES: Draft Economic Analysis: Copies of the draft economic analysis are available on the Internet at <http://alabama.fws.gov/gs/> or by writing to or calling Patty Kelly, Panama City Field Office, U.S. Fish and Wildlife Service, 1601 Balboa Avenue, Panama City, FL 32405; telephone 850/769-0552.

Comments: If you wish to comment, you may submit your comments by any one of several methods:

1. You may submit written comments and information to the Project Leader, c/o Patty Kelly, Panama City Field Office, U.S. Fish and Wildlife Service, 1601 Balboa Avenue, Panama City, FL 32405.

2. You may hand-deliver written comments to our Panama City Field Office, at the above address or fax your comments to 850/763-2177.

3. You may send comments by electronic mail (e-mail) to gulfsturgeon@fws.gov. For directions on how to submit electronic filing of comments, see "Public Comments Solicited."

4. You may provide oral and/or written comments at any of the public hearings.

Comments and materials received, as well as supporting documentation used in preparation of this proposed rule, will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Patty Kelly, Fish and Wildlife Biologist, Panama City Field Office (see **ADDRESSES**) (telephone 850/769-0552, extension 228) with questions concerning units 1 to 7; or Stephanja Bolden, NOAA Fisheries, at 9721 Executive Center Drive North, St. Petersburg, FL 33702-2449 (telephone 727/570-5312; facsimile 727/570-5517) with questions concerning units 8 to 14.

SUPPLEMENTARY INFORMATION:

Background

The Services listed the Gulf sturgeon as a threatened species under the Endangered Species Act of 1973, as amended (Act), on September 30, 1991 (56 FR 49653). On June 6, 2002, we published in the **Federal Register** a proposal to designate critical habitat for this species (67 FR 39106). The proposed designation includes portions of the following Gulf of Mexico rivers and tributaries as critical habitat for the Gulf sturgeon: Pearl and Bogue Chitto

Rivers in Louisiana and Mississippi; Pascagoula, Leaf, Bowie (also referred to as Bouie), Big Black Creek and Chickasawhay Rivers in Mississippi; Escambia, Conecuh, and Sepulga Rivers in Alabama and Florida; Yellow, Blackwater, and Shoal Rivers in Alabama and Florida; Choctawhatchee and Pea Rivers in Florida and Alabama; Apalachicola and Brothers Rivers in Florida; and Suwannee and Withlacoochee River in Florida.

The proposal also includes portions of the following estuarine and marine areas: Lake Pontchartrain (east of the Lake Pontchartrain Causeway), Lake Catherine, Little Lake, The Rigolets, Lake Borgne, Pascagoula Bay and Mississippi Sound systems in Louisiana and Mississippi, and sections of the adjacent state waters within the Gulf of Mexico; Pensacola Bay system in Florida; Santa Rosa Sound in Florida; nearshore Gulf of Mexico in Florida; Choctawhatchee Bay system in Florida; Apalachicola Bay system in Florida; and Suwannee Sound and adjacent state waters within the Gulf of Mexico in Florida. These geographic areas encompass approximately 2,544 river kilometers (1,580 river miles) and 6,042 square kilometers (2,333 square miles) of estuarine and marine habitat.

Section 4(b)(2) of the Act requires that the Services designate or revise critical habitat based upon the best scientific data available and after taking into consideration the economic impact, and any other relevant impact, of specifying any particular area as critical habitat. We may exclude an area from critical habitat if we determine that the benefits of excluding the area outweigh the benefits of including the area as critical habitat, provided such exclusion will not result in the extinction of the species. Consequently, we have prepared a draft economic analysis concerning the proposed critical habitat designation, which is available for review and comment (see **ADDRESSES**).

Public Hearings

The Services have scheduled four public hearings on the proposed critical habitat designation and the draft economic analysis. We will hold public informational meetings prior to each public hearing at the hearing locations. The public information sessions will start at 5 p.m. and end at 6:30 p.m. The formal public hearings will start at 7 p.m. and end at 9 p.m. on the dates indicated.

(1) August 19, 2002, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, FL 32060.

(2) August 20, 2002, Chautauqua Building, Museum Room, 96 Circle Drive, Defuniak Springs, FL 32435

(3) August 21, 2002, J. L. Scott Marine Education Center and Aquarium, 115 Beach Boulevard, Biloxi, MS 39530.

(4) August 22, 2002, Hilton New Orleans Airport, 901 Airline Drive, Kenner, LA 70062.

Public Comments Solicited

We solicit comments on the draft economic analysis, as well as any other aspect of the proposed designation of critical habitat for the Gulf sturgeon. Anyone wishing to make an oral statement for the record at the public hearings is encouraged to provide a written copy of their statement to us at the start of the hearing. In the event there is a large attendance, the time allotted for oral statements may have to be limited. Oral and written statements receive equal consideration. There are no limits to the length of written comments presented at the hearings or mailed to us. Our final economic analysis and final designation of critical habitat will take into consideration comments and any additional information received by the date specified above. The comment period for both the proposed rule and the draft economic analysis closes on [insert date 60 days after date of publication in the **FEDERAL REGISTER**]. All previous comments and information submitted during the comment period need not be resubmitted. Written comments may be submitted to the Project Leader (see **ADDRESSES**).

Please submit electronic comments as an ASCII file format and avoid the use of special characters and encryption. Please also include "Attn: RIN 1018-A123" and your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, please contact us directly by calling our Panama City Field Office (see **ADDRESSES**).

Our practice is to make all comments, including names and home addresses of respondents, available for public review during regular business hours.

Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. In some circumstances, we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish for us to withhold your name and/or address, you must state this prominently at the beginning of your comments. However, we will not consider anonymous comments. We will make all submissions from

organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Correction

In the proposed rule, published at 67 FR 39106, June 6, 2002, we inadvertently published an incorrect

address for the location of the hearing to be held in Defuniak Springs, FL on August 20, 2002. The corrected address is provided in this notice under the heading "Public Hearings."

Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: July 29, 2002.

Donald R. Knowles,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

August 1, 2002.

Craig Manson

*Assistant Secretary for Fish, Wildlife and
Parks, Department of Interior.*

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