

across 1st Avenue. Local public water supply is provided throughout the surrounding area by the Lemont Water Company.

The Site was placed on the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) National Priorities List (NPL) on September 8, 1983. Pursuant to CERCLA, as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), ROC and the United States Environmental Protection Agency (USEPA) entered into an Administrative Order of Consent (AOC, EPA Docket No. III-88-22-DC; USEPA, 1988) on November 7, 1988. The AOC stipulated that a Remedial Investigation (RI) and Feasibility Study (FS) be performed at the Site and specific off-Site areas including Thornton Spring and a portion of Spring Creek. The RI was conducted from 1990 through 1992 and the RI Report (Golder Associates, 1993), which included a Baseline Risk Assessment, was conditionally approved by USEPA on March 26, 1993. The FS was conducted in 1993 and the FS Report (Golder Associates, 1994) was conditionally approved by USEPA on September 27, 1994.

USEPA issued a Record of Decision for the Site dated April 21, 1995 (ROD; USEPA, 1995). The 1995 ROD addressed contaminated groundwater, surface water, soils, and sediments, together with source control measures for surface water discharges. A future ROD will address soils from the riparian areas of Spring Creek and the 15-acre former sprayfield area, and sediments from the lower portion of the freshwater drainage ditch, Thornton Spring, and Spring Creek beyond the Benner Fish Hatchery. USEPA amended the 1995 ROD in 2001 with the concurrence of the Commonwealth of Pennsylvania (ROD Amendment, USEPA, 2001) to select an alternative method of soil remediation at the main Site (enhanced soil vapor extraction and soil removal). A Consent Decree, whereby ROC agreed to implement the requirements of the OU-1 ROD, as amended, was signed by ROC on September 30, 1996 (Civil Action No. 03-23; USEPA, 1996b). Since 1999, contaminated groundwater extraction and treatment, soil and sediment removal, soil vapor extraction, and groundwater and surface water monitoring have been conducted at the Site pursuant to the ROD and Consent Decree.

No remedial actions are required by the ROD and Consent Decree for the Administration Parcel. There is some ambiguity as to whether the Administration Parcel was ever truly

part of the NPL Site since no manufacturing operations ever occurred thereon and the parcel is located upgradient from the remainder of the Site.

Sampling Results

Extensive sampling has been completed at the Site as part of the Remedial Investigation, the subsequent Remedial Design, and monitoring of remedial actions. Data collected from monitoring wells located within the Administration Parcel, which have been sampled for over ten years, indicates no contamination at or above clean-up levels either at or originating from the Administration Parcel. Therefore, response actions have not been required by the present ROD, nor are anticipated to be required by any future ROD for the Site. Therefore, EPA intends for this parcel to be officially removed from the NPL pursuant to 40 CFR 300.425(e).

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 partial deletion from the NPL, are available to the public in the information repositories.

V. Deletion Action

The EPA, with concurrence of the Commonwealth of Pennsylvania, has determined that all appropriate responses under CERCLA have been completed for the Administration Parcel, and that no further response actions, under CERCLA, are necessary. Therefore, EPA is deleting the Administration Parcel of the Site from the NPL.

Because EPA considers this action to be non-controversial and routine, EPA is taking it without prior publication of a notice of intent to delete. This direct final deletion will be effective sixty (60) days after publication of this document in the **Federal Register** unless EPA receives adverse comments within thirty (30) days after publication on this document. If adverse comments are received within the 30-day public comment period on this document, EPA will publish a timely withdrawal of this direct final deletion before the effective date of the deletion and the deletion will not take effect. EPA will, as appropriate, 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: September 14, 2004.

Andrew Carlin,

Acting Regional Administrator, Region III.

■ 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 adding a "P" in the Notes column in the entry for Centre County Kepone, State College Borough, Pennsylvania.

[FR Doc. 04-21493 Filed 9-24-04; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 040209049-4117-02; I.D. 091404G]

Pacific Halibut Fisheries; Oregon Sport Fisheries

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

ACTION: Inseason action; request for comments.

SUMMARY: NMFS announces changes to the regulations for the Area 2A sport halibut fisheries off the central coast of Oregon. This action would increase the daily bag limit and make additional potential season reopening dates available to halibut fishing in the Oregon central coast recreational fishing subarea. The purpose of this action is to allow increased access to Oregon's central coast recreational halibut quota. **DATES:** Effective September 22, 2004, through the 2005 annual management

measures which will publish in a later **Federal Register** document. Comments on this rule will be accepted through October 7, 2004.

ADDRESSES: You may submit comments on the inseason action, identified by I.D. 091404G, by any of the following methods:

- E-mail:

halibutinseason01.nwr@noaa.gov.

Include 091404G in the subject line of the message.

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.

- Fax: 206-526-6736, Attn: Jamie Goen.

- Mail: D. Robert Lohn, Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115-0070.

FOR FURTHER INFORMATION CONTACT: Jamie Goen (NMFS, Northwest Region), phone: 206-526-4646.

SUPPLEMENTARY INFORMATION:

International Pacific Halibut Commission (IPHC) annual management measures for the Pacific halibut fisheries were published on February 27, 2004 (69 FR 9231). The Area 2A Catch Sharing Plan for Pacific halibut off Washington, Oregon, and California was implemented subsequently at 69 FR 24524, May 4, 2004. Those regulations established the 2004 area quota for the central coast of Oregon (Cape Falcon, OR to Humbug Mountain, OR) all-depth fishery of 282,178 lb (128 mt) and the related management measures. The third all-depth sport fishery season in the central area is scheduled to be open 2 days per week (Friday and Saturday) on previously announced specific dates, and the nearshore fishery (shoreward of 40-fathoms) is scheduled for 7 days per week, both with a one-fish bag limit.

The pace of the all-depth halibut fishery has been slow off the Oregon central coast in recent years. Oregon Department of Fish and Wildlife (ODFW), the agency that directly monitors the sport halibut fishery off Oregon's coast, reports sport halibut catch in the 2004 fishery, as of September 1, 2004, to have 77,736 lb (35.3 mt) of quota remaining out of a 282,178 lb (128 mt) quota for the Oregon central coast fishery (Note: the remaining quota includes 20,858 lb (9.5 mt) remaining in the nearshore fishery). For the remainder of the year, this fishery is scheduled to be open, as quota allows, on September 17, 18 and October 1, 2, 15, 16, 29 and 30. In order to increase opportunity for participation in sport halibut fisheries in the Oregon central coast subarea, ODFW consulted with NMFS and the IPHC, and they together recommended that additional

potential season reopening dates be available for the all-depth fishery, that the fishery be changed from a 2-day per week (Friday and Saturday) fishery to a 3-day per week (Friday through Sunday) fishery, and that the fishery be changed from a one-fish bag limit to a two-fish bag limit. The increased bag limit would apply to the nearshore fishery, shoreward of 40-fathoms, in this subarea as well.

These changes would increase the days available that a vessel could fish for halibut in the all-depth area and allow the retention of an additional fish (up to two) in both the all-depth and nearshore areas, as quota allows. The additional potential reopening dates and increased bag limit announced in this document allow flexibility in scheduling the remainder of the season and increased opportunity to attain the 2004 sport halibut quota for this subarea. ODFW hopes that by adding potential reopening dates and increasing the bag limit, anglers will be able to access the full halibut quota for this subarea and not leave quota remaining, as in 2002 and in 2003, where about 50,000 lb (22.7 mt) and 80,000 lb (36.3 mt) of combined central coast quota remained unharvested, respectively.

Section 25 of the 2004 Pacific halibut regulations provides NMFS with the authority to make certain inseason management changes, provided that the action is necessary to allow allocation objectives to be met, and that the action will not result in exceeding the catch limit for the area. The Catch Sharing Plan's (CSP's) structuring objective for the Oregon central coast area is to provide two periods of fishing opportunity in Spring and in Summer in productive deeper water areas along the coast, principally for charterboat and larger private boat anglers, and to provide a period of fishing opportunity in the summer for nearshore waters for small boat anglers.

In consultation with the ODFW and the IPHC, NMFS has determined to increase the bag limit in this subarea to two-fish per day and to allow the following additional potential reopening dates to sport halibut fishing in the Oregon central coast all-depth subarea for the remainder of 2004: September 24, 25, 26, and October 1, 2, 3, 8, 9, 10, 15, 16, 17, 22, 23, 24, 29, 30 and 31, in order to meet the CSP's objectives. Additionally, this action is not expected to result in bycatch of overfished groundfish species above the amounts previously projected to be taken in Oregon sport fisheries in 2004, particularly the 3.2 mt for yelloweye rockfish.

NMFS Action

For the reasons stated above, NMFS announces the following change to the 2004 annual management measures (69 FR 24524, May 4, 2004) to read as follows:

1. On page 24526, in the third column, in section 24. Sport Fishing for Halibut, paragraphs (4)(b)(v)(A)(3) and (4)(b)(v)(B) in the third column are revised to read as follows:

24. Sport Fishing for Halibut

* * * * *

(4) * * *

(b) * * *

(v) * * *

(A) * * *

(3) If sufficient unharvested catch remains, the third season (summer season), which is for the "all-depth" fishery, will be open August 6, 7, 20, and 21, September 3, 4, 17, 18, 24, 25, and 26, and October 1, 2, 3, 8, 9, 10, 15, 16, 17, 22, 23, 24, 29, 30, and 31, or until the combined spring season and summer season quotas in the area between Cape Falcon and Humbug Mountain, OR, totaling 259,604 lb (117.8 mt), are estimated to have been taken and the area is closed by the Commission, whichever is earlier. NMFS will announce fishery openings and closures on the NMFS hotline.

(B) The daily bag limit is the first two halibut taken, per person, of 32 inches (81.3 cm) or greater in length.

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Classification

This action is authorized by section 25 of the IPHC regulations published at 69 FR 24524 (May 4, 2004). The determination to take these actions is based on the most recent data available. The Assistant Administrator for Fisheries, NOAA (AA), has determined that good cause exists for this document to be published without affording a prior opportunity for public comment under 5 U.S.C. 553(b)(3)(B) because doing so would be impracticable. Providing prior notice and opportunity for public comment would be impracticable because it might prevent fishers from achieving their recreational harvest opportunity for halibut within this subarea's quota for the season. NMFS has concluded, based on the slow rate of catch of halibut in Oregon's central coast recreational fishery in 2004, fishers may not have an opportunity to harvest the 2004 quota if they are limited to the season open dates and one-fish bag limit established pre-season. Thus, potential season reopening dates and an increased bag limit of two-fish per day are announced in this action for the Oregon central

coast all-depth sport halibut fishery. The additional potential reopening dates and increased bag limit are intended to allow anglers an opportunity to attain the Oregon central coast halibut quota for 2004 and flexibility in scheduling openings for any or all of those dates. However, there was not sufficient time between getting the information on the slow season catch for 2004 and the additional reopening dates to afford the public prior notice and opportunity for comment. NMFS received the information on September 1, 2004. The first new reopening date is September 24, 2003. NMFS needed time to write and review the changes to the regulations. In addition, this action relieves a restriction by providing additional opportunity for anglers to harvest halibut if sufficient quota remains. If there are no additional reopening dates added to the season or an increased bag limit, anglers may be restricted by not being able to harvest the full halibut quota for 2004. For the above reasons and because this action relieves a restriction, the AA has also determined that good cause exists to waive the delay of effectiveness of this action under 5 U.S.C. 553(d)(1) and (d)(3).

Public comments will be received for a period of 15 days after the publication in the **Federal Register**. This action is authorized by section 25 of the IPHC's annual management measures for Pacific halibut fisheries published on May 4, 2004 (69 FR 24524), and has been determined to be not significant for purposes of Executive Order 12866.

Authority: 16 U.S.C. 773–773k.

Dated: September 20, 2004.

John H. Dunnigan,

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

[FR Doc. 04–21553 Filed 9–22–04; 12:07 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 040122024–4105–02; I.D. 092104C]

Fisheries of the Northeastern United States; Tilefish Fishery; Quota Harvested for Part-time Category

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

ACTION: Closure.

SUMMARY: NMFS announces that the percentage of the tilefish annual total allowable landing (TAL) available to the Part-time category has been harvested. Commercial vessels fishing under the Part-time tilefish category may not harvest tilefish from within the golden tilefish management unit for the remainder of the 2004 fishing year (through October 31, 2004). Regulations governing the tilefish fishery require publication of this notification to advise the public of this closure.

DATES: Effective 0001 hrs local time, September 25, 2004, through 2400 hrs local time, October 31, 2004.

FOR FURTHER INFORMATION CONTACT: Brian R. Hooker, Fishery Policy Analyst, at (978) 281–9220.

SUPPLEMENTARY INFORMATION:

Regulations governing the tilefish fishery are found at 50 CFR part 648. The regulations require annual specification of a TAL for federally permitted tilefish vessels harvesting tilefish from within the golden tilefish management unit. The golden tilefish management unit is defined as an area of the Atlantic Ocean from the latitude of the VA and NC border (36°33.36' N. lat.), extending eastward from the shore to the outer boundary of the exclusive economic zone, and northward to the U.S.-Canada border. After 5 percent of the TAL is deducted to reflect landings by vessels issued an open-access incidental permit category, and after up to 3 percent of the TAL is set aside for research purposes, should research TAL be set aside, the remaining TAL is distributed among three tilefish limited access permit categories: Full-time tier 1 category (66 percent), Full-time tier 2 category (15 percent), and the Part-time category (19 percent).

The TAL for tilefish for the 2004 fishing year was set at 1.995 million lb (905,172 kg) and then adjusted downward by 5 percent to 1,895,250 lb (859,671 kg) to account for incidental catch. There was no research set-aside for the 2004 fishing year. Thus, the Part-time category quota for the 2004 fishing year, which is equal to 19 percent of the TAL, is 360,098 lb (163,338 kg). As a result of the decision in the *Hadaja v. Evans* lawsuit on May 15, 2003, the permitting and reporting requirements for the tilefish fishery were suspended for nearly a year. The decision rendered the subquotas for the various limited access permit categories inoperative. These requirements were reinstated on May 31, 2004, through a final rule (69 FR 22454, April 26, 2004). During the period that the permitting and reporting

requirements were vacated, it was impossible to attribute tilefish landings to a particular limited access permit category. Consequently, projected landings were used for the period November 1, 2003 - May 31, 2004. Based on this projection, the adjusted Part-time category quota for the remainder of the fishing year (June 1–October 31, 2004) was calculated to be 200,791 lb (91,077 kg).

The Administrator, Northeast Region, NMFS (Regional Administrator) monitors the commercial tilefish quota for each fishing year using dealer reports, vessel catch reports, and other available information to determine when the quota for each limited access permit category is projected to have been harvested. NMFS is required to publish notification in the **Federal Register** notifying commercial vessels and dealer permit holders that, effective upon a specific date, the tilefish TAL for the specific limited access category has been harvested and no commercial quota is available for harvesting tilefish by that category for the remainder of the fishing year, from within the golden tilefish management unit.

The Regional Administrator has determined, based upon dealer reports and other available information, that the 2004 tilefish TAL for the Part-time category has been harvested. Therefore, effective 0001 hrs local time, September 25, 2004, further landings of tilefish harvested from within the golden tilefish management unit by tilefish vessels holding Part-time category Federal fisheries permits are prohibited through October 31, 2004. The 2005 fishing year for commercial tilefish harvest will open on November 1, 2004. Federally permitted dealers are also advised that, effective September 25, 2004, they may not purchase tilefish from Part-time category federally permitted tilefish vessels who land tilefish harvested from within the golden tilefish management unit for the remainder of the 2004 fishing year (through October 31, 2004).

Classification

This action is required by 50 CFR part 648 and is exempt from review under E.O. 12866.

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

Dated: September 22, 2004.

Alan D. Risenhoover,

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

[FR Doc. 04–21590 Filed 9–22–04; 1:21 pm]

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