

the landfill and the long-term groundwater monitoring in accordance with the Unilateral Administrative Order. The primary activities associated with the O & M include the following:

- Routine mowing of the landfill cover;
- Visual inspection of the landfill cover for damage due to erosion, washouts, settling, growth of trees or large plants, growth of noxious weeds and burrowing animals;
- Inspection of monitoring wells for well casing damage, surface seal damage, missing or broken locks, vandalism, well screen damage and sediment;
- Inspection of the landfill storm water control system which consists of perimeter swales, roadside swales, culverts, and the storm water retention pond. The inspection includes inspecting for damage from erosion, sediment accumulation in swales or culverts, settlement, riprap integrity, distressed vegetation, growth of trees or large plants, growth of noxious weeds and burrowing animals;
- Inspection of perimeter fence for damage from cuts or sagging, bent or damaged fence gates and posts, excessive gaps between ground and fence bottom, missing locks and signs, cut barbed wire and tree branches encroaching on the fence and;
- Inspection of the site access road for damage due to erosion, settlement or grading activities.

#### *Five-Year Review*

A second five-year review for the Wheeler Pit was conducted on September 18, 2002. The report recommended that manganese should be deleted from the site contaminants of concern. An Explanation of Significant Differences (ESD) to the ROD decision document was signed on June 16, 2003. The ESD also established the extent and frequency of future groundwater monitoring to be performed at the site.

#### *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 of this Site from the NPL are available to the public in the information repositories.

#### **V. Deletion Action**

The EPA, with concurrence of the State of Wisconsin, has determined that all appropriate responses under CERCLA have been completed, and that no further response actions, under

CERCLA are necessary. Therefore, EPA is deleting the Site from the NPL.

Because EPA considers this action to be non-controversial and routine, EPA is taking it without prior publication. This action will be effective April 20, 2004 unless EPA receives adverse comments by March 22, 2004. 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. EPA will prepare a response to comments and, as appropriate, 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: February 4, 2004.

**Thomas V. Skinner,**  
*Regional Administrator, Region V.*

- 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 under Wisconsin “WI” by removing the entry for “Wheeler Pit, La Prairie Township.”

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#### **DEPARTMENT OF COMMERCE**

#### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 679**

[Docket No. 030819206–4051–02; I.D. 020204A]

**RIN 0648 AR42**

#### **Fisheries of the Exclusive Economic Zone Off Alaska; Provisions of the American Fisheries Act**

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

**ACTION:** Final rule; effectiveness of collection-of-information requirements.

**SUMMARY:** NMFS announces approval by the Office of Management and Budget (OMB) of collection-of-information requirements contained in the following American Fisheries Act (AFA)-related amendments: Amendment 61 to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands (BSAI) Area, Amendment 61 to the FMP for Groundfish of the Gulf of Alaska, Amendment 13 to the FMP for BSAI King and Tanner Crab, and Amendment 8 to the FMP for the Scallop Fishery off Alaska (collectively referred to as Amendments 61/61/13/8), and issues a final rule to make effective the collections of information contained in those amendments. The intent of this final rule is to inform the public of the effective date of the collection of information requirements.

**DATES:** Sections 679.28(c)(3), 679.28(c)(4)(iii), 679.28(g), 679.61(b), and 679.63(c)(2) published at 67 FR 79692 (December 30, 2002) are effective on March 22, 2004.

**ADDRESSES:** Any comments regarding burden-hour estimates for collection-of-information requirements contained in this final rule should be sent to Lori Durall, NMFS, Alaska Region, P.O. Box 21668, Juneau, AK 99802, phone: (907)586–7247, e-mail: [lori.durall@noaa.gov](mailto:lori.durall@noaa.gov), and to David Rostker, OMB, e-mail: [DavidRostker@omb.eop.gov](mailto:DavidRostker@omb.eop.gov), or fax: (202)395–7285.

**FOR FURTHER INFORMATION CONTACT:** Patsy A. Bearden, NMFS, (907)586–7228 or e-mail at [patsy.bearden@noaa.gov](mailto:patsy.bearden@noaa.gov).

**SUPPLEMENTARY INFORMATION:** A final rule implementing the measures contained in Amendments 61/61/13/8 was published in the **Federal Register** on December 30, 2002 (67 FR 79692), and most of the measures were effective

January 29, 2003. However, because OMB approval of the reporting requirements contained in these amendments had not yet been received as of the effective date of the rule, the effective date of the collection of information requirements contained in the amendments was delayed.

OMB approval for some of the collection of information requirements was received on July 14, 2003, and NMFS announced their effective date in the **Federal Register** on August 25, 2003 (68 FR 51146). OMB approval for the remaining reporting requirements was received on December 29, 2003. Consequently, this rule makes the following requirements effective: *OMB 0648-0330, Scale and Catch Weighing Requirements*. Approval of this collection included: § 679.28(c)(3) printed scale weights, § 679.28(c)(4)(iii) certified test weights, § 679.28(g) catch monitoring and control plan requirements, and § 679.63(c)(2) notification of observer of offloading schedule. *OMB 0648-0393, American Fisheries Act (AFA) Vessel and Processor Permit Applications*. Approval of this collection included: § 679.61(b) fishery cooperative responsibility.

A complete explanation of the requirements imposed by these regulations and the rationale for them was provided in the proposed rule for

Amendment 61/61/13/8 (66 FR 65028, December 17, 2001) and the final rule for Amendment 61/61/13/8 (67 FR 79692, December 30, 2002).

#### Classification

This rule has been determined to be not significant for the purposes of Executive Order 12866.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA), unless that collection of information displays a currently valid OMB control number.

This rule contains collection-of-information requirements subject to the PRA that have been approved by OMB under control number 0648-0330. The estimated time per response to print scale weights is 45 minutes. A requirement to maintain certified test weights for use by NMFS when approving a scale is incorporated into the at-sea scale approval, which is estimated at 6 minutes. The estimated time per response to create an Inshore Processors Catch Monitoring and Control Plan (CMCP) is 40 hours. The requirement for the plant manager or plant liaison to notify the observer of the offloading schedule for each delivery of BSAI pollock is estimated to be 5 minutes.

This rule contains collection-of-information requirements subject to the PRA that have been approved by OMB under control number 0648-0393. The responsibility of the cooperative and individual members of the cooperative to comply with regulations at 50 CFR part 679 is included in the annual AFA inshore catcher vessel cooperative permit application, estimated at 20 hours.

The estimated response time includes the time needed for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding these reporting burden estimates or any other aspect of the collection-of-information, including suggestions for reducing the burden, to NMFS and OMB (see **ADDRESSES**).

**Authority:** 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*; Title II of Division C, Pub. L. 105 277; Sec. 3027, Pub. L. 106 31, 113 Stat. 57.

Dated: February 13, 2004.

**John Oliver,**

*Deputy Assistant Administrator for Operations, National Marine Fisheries Service.*

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