necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12866, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action will not result in an annual effect on the economy of \$100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this rule does not necessitate preparation of a Regulatory Impact Analysis. This proposed rule does not contain any information collection requirements subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et sea.

List of Subjects in 40 CFR Part 228

Environmental protection, Water pollution control.

Approved by:

Patrick M. Tobin,

Acting Regional Administrator.

In consideration of the foregoing, subchapter H of chapter I of title 40 is proposed to be amended as set forth below.

PART 228—[AMENDED]

1. The authority citation for part 228 continues to read as follows:

Authority: 33 U.S.C. 1412 and 1418.

2. Section 228.15 is proposed to be amended by adding paragrpah (h)(18) to read as follows:

§ 228.15 Dumping sites designated on a final basis.

* * * * * * (h) * * *

(18) Tampa, Florida; Ocean Dredged Material Disposal Site Region IV. 83°06'02" (i) Lo-27°32′27" Ν W.; cation:. 27°32′27" 83°03'46" W.: 27°30′27" 83°06'02" W.; 83°03'46" 27°30′27" W.

Size: Approximately 4 square nautical miles.

Depth: Approximately 22 meters. Primary use: Dredged material. Period of use: Continuing use.

Restriction: Disposal shall be limited to suitable dredged material from the greater Tampa, Florida vicinity. Disposal shall comply with conditions set forth in the most recent approved Site Management and Monitoring Plan.

[FR Doc. 95–930 Filed 1–12–95; 8:45 am]

40 CFR Part 300

[FRL-5130-4]

Independent Nail Superfund Site Notice of Intent to Delete; National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of Intent to Delete the Independent Nail Company Site from the National Priorities List; Request for Comments.

SUMMARY: The Environmental Protection Agency (EPA) Region IV announces its intent to delete the Independent Nail (Site), located in Beaufort County, S.C., from the National Priorities List (NPL) and requests public comments on this action. The NPL constitutes Appendix B of 40 CFR Part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. It has been determined that all Fund-financed response actions taken at the Site under CERCLA have been implemented. EPA, in consultation with the State of South Carolina, has determined that remedial activities conducted at the Site to date remain protective of public health, welfare, and the environment.

DATES: Comments concerning the deletion of this Site from the NPL should be submitted on or before February 13, 1995.

ADDRESSES: Comments may be mailed to: Terry Tanner, RPM, EPA–Region IV, Waste Management Division, 345 Courtland Street, N.E., Atlanta, GA 30365.

The deletion docket, which contains supporting information on EPA's decision to delete this Site from the NPL, is available for inspection Monday through Friday from 8:00 a.m. to 4:30 p.m. at the following location: U.S. EPA Record's Center, 345 Courtland Street, N.E., Atlanta, GA 30365, (404) 347–0506.

An additional copy of the deletion docket is also available for viewing between 9:00 a.m. and 8:00 p.m. at the following location: Beaufort County Library, 710 Craven Street, Beaufort, SC 29902, (803) 525–7279.

FOR FURTHER INFORMATION CONTACT: Terry Tanner at 404–347–7791, X4117.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Environmental Protection Agency (EPA), Region IV, announces its intent to delete the Independent Nail Site, located in Beaufort, South Carolina, from the National Priorities List (NPL) and requests comments on this deletion. The NPL constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Response Trust Fund (Fund). Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the site warrant such action.

The EPA will accept comments concerning this Site for thirty days after publication of this notice in the **Federal Register**. Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Independent Nail Site and explains how the Site meets the deletion criteria.

II. NPL Deletion Criteria

Amendments to the NCP published in the Federal Register on March 8, 1990, establish the criteria the Agency uses to delete sites from the NPL. Section 300.425(e) of the NCP states that "Releases may be deleted or recategorized on the NPL where no further response is appropriate. EPA shall consult with the state on proposed deletion from the NPL prior to developing the notice of intent to delete. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the state, whether any of the following criteria have been met":

i. Responsible parties or other persons have implemented all appropriate response actions required; or

ii. All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

iii. The remedial investigation has shown that the release poses no significant threat to public health or the