restrictions; or discontinue disposal activities. EPA expects that the SMMP will be revised and updated from time to time based on monitoring results, scientific advancements, and experience gained. EPA is committed to considering public comments prior to implementing substantive updates to the SMMP. To ensure that interested parties have the opportunity to comment, proposed substantive updates to the SMMP will distributed in draft form via a Public Notice or similar means.

E. Action

EPA Region IX has determined that there is a need for an ocean dredged material disposal site in the vicinity of Humboldt Bay, California. Based on evaluation of alternatives, EPA Region IX has tentatively determined that the HOODS may appropriately be designated for use over a period of 50 years. The designation of the HOODS complies with the general and specific criteria used for site evaluation. EPA, therefore, designates the HOODS as an EPA-approved Ocean Dumping Site in this final rulemaking. Management of this site will be the responsibility of the Regional Administrator of EPA Region IX in cooperation with the Corps' South Pacific Division Engineer and the San Francisco District Engineer, based on requirements defined in the Final EIS and Final Rule. The required management and monitoring activities is described in a SMMP prepared by EPA and incorporated in the Final EIS. Subsequent substantive revisions of the SMMP will be published and subjected to public review.

It is emphasized that ocean dumping site designation does not constitute or imply EPA Region IX's or the Corps San Francisco District's approval of actual ocean disposal of dredged materials. Before ocean dumping of dredged material at the site may begin, EPA Region IX and the Corps San Francisco District must evaluate permit applications according to EPA's Ocean Dumping Criteria. Permits cannot be issued if either EPA Region IX or the Corps San Francisco District determines that the Ocean Dumping Criteria of MPRSA would not be met. The requirement for compliance with the Ocean Dumping Criteria of the MPRSA may not be superseded by the provisions of any future comprehensive regional management plan for dredged material.

F. Regulatory Assessments

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all Rules which may have a significant impact on a substantial number of small entities. EPA has determined that this action will not have a significant impact on a substantial number of small entities since the site designation will only have the effect of providing a disposal option for dredged material. Consequently, this Final Rule does not necessitate preparation of a Regulatory Flexibility 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 Final Rule does not necessitate preparation of a Regulatory Impact Analysis.

G. Comments on the Site Designation Proposed Rule and the Final EIS

The 45-day comment period for the Proposed Rule ended on June 6, 1995. The Final EIS was available for a 30-day public review which ended on September 5, 1995. No comments were received by EPA Region IX regarding the Proposed Rule or Final EIS.

List of Subjects in 40 CFR Part 228

Environmental protection, Water pollution control.

Dated: September 19, 1995. Felicia A. Marcus,

Regional Administrator, EPA Region IX.

In consideration of the foregoing, subchapter H of chapter I of title 40 is 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 amended by adding paragraph (l)(10) to read as follows:

§ 228.15 Dumping sites designated on a final basis.

* * * * * * (l) * * *

- (10) Humboldt Open Ocean Disposal Site (HOODS) Ocean Dredged Material Disposal Site—Region IX.
- (i) Location: The coordinates of the corners of the square site are: 40°48′25″ North latitude (N) by 124°16′22″ West longitude (W); 40°49′03″ N by 124°17′22″ W; 40°47′38″ N by 124°17′22″ N; and 40°48′17″ N by 124°18′12″ W (North American Datum from 1983).
- (ii) Size: 1 square nautical mile (3 square kilometers).

- (iii) Depth: Water depths within the area range between approximately 160 to 180 feet (49 to 55 meters).
- (iv) Use Restricted to Disposal of: Dredged materials.
- (v) Period of Use: Continuing use over 50 years from date of site designation, subject to restrictions and provisions set forth in paragraph (l)(10)(vi) of this section
- (vi) Restrictions/Provisions: Site management and monitoring activities shall be implemented during the period of site use and in accordance with the Site Management and Monitoring Plan (SMMP) for the HOODS as incorporated in the Final EIS, and summarized in Section D of this final rule. All disposal activities shall be terminated if monitoring, as described in the SMMP, is not implemented. The SMMP may be periodically revised as necessary; proposed substantive revisions to the SMMP shall be made following opportunity for public review and comment.

[FR Doc. 95–24039 Filed 9–27–95; 8:45 am]

40 CFR Part 300

[FRL-5304-1]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Pesses Chemical Company Site (Site) from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Pesses Chemical Company Site in Fort Worth, Tarrant County, Texas from the National Priorities List (NPL). The NPL is Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund), as amended, EPA and the State of Texas have determined that all appropriate Superfund-financed responses under CERCLA have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the State of Texas have determined that response activities conducted at the Site to date have been protective of public health, welfare, and the environment.

EFFECTIVE DATE: September 28, 1995.