

### 9. National Technology Transfer Advancement Act

Section 12(d) of the National Technology Transfer Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note), directs EPA to use voluntary consensus standards in its regulatory activities unless doing so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This final rule does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

### 10. Executive Order 12898

Executive Order 12898 requires that, to the greatest extent practicable and permitted by law, each Federal agency must make achieving environmental justice part of its mission. Executive Order 12898 provides that each Federal agency must conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under such programs, policies, and activities because of their race, color, or national origin.

No action from this final rule would have a disproportionately high and adverse human health and environmental effect on any particular segment of the population. In addition, this rule does not impose substantial direct compliance costs on those communities.

### 11. The Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate,

the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Accordingly, the requirements of Executive Order 12898 do not apply.

### List of Subjects in 40 CFR Part 228

Environmental protection, Water pollution control.

Dated: September 14, 2005.

**J.I. Palmer, Jr.,**

*Regional Administrator for Region 4.*

■ In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is amended as follows:

### 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 (h)(23) to read as follows:

#### § 228.15 Dumping sites designated on a final basis.

\* \* \* \* \*

(h) \* \* \*

(23) Port Royal, SC; Ocean Dredged Material Disposal Site.

(i) Location (NAD83): 32°05.00' N., 80°36.47' W.; 32°05.00' N., 80°35.30' W.; 32°04.00' N., 80°35.30' W.; 32°04.00' N., 80°36.47' W.

(ii) Size: Approximately 1.0 square nautical miles.

(iii) Depth: Averages 36 feet.

(iv) Primary use: Dredged material.

(v) Period of use: Continuing use.

(vi) Restriction: Disposal shall be limited to suitable dredged material from the greater Port Royal, South Carolina, vicinity. Disposal shall comply with conditions set forth in the most recent approved Site Management and Monitoring Plan.

\* \* \* \* \*

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### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 300

[FRL-7973-9]

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

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of Deletion of the Nutmeg Valley Road Site from the National Priorities List.

**SUMMARY:** The Environmental Protection Agency ("EPA" or the "Agency") New England (Region 1) announces the deletion of the Nutmeg Valley Road Site ("Site") from the National Priorities List ("NPL"). The NPL constitutes appendix B of 40 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") of 1980, as amended. EPA and the Connecticut Department of Environmental Protection ("CT DEP") have determined that the Site poses no significant threat to public health or the environment and, therefore, no further remedial measures pursuant to CERCLA are appropriate.

**EFFECTIVE DATE:** September 23, 2005.

#### FOR FURTHER INFORMATION CONTACT:

Karen Lumino, Remedial Project Manager, at 617-918-1348, or, [lumino.karen@epa.gov](mailto:lumino.karen@epa.gov).

**SUPPLEMENTARY INFORMATION:** The site to be deleted from the NPL is:

Nutmeg Valley Road Site, Wolcott, New Haven County, Connecticut.

A Notice of Intent to Delete for this Site was published in the **Federal Register** on August 5, 2005 (70 FR 45334). The closing date for comments on the Notice of Intent to Delete was September 6, 2005. No comments were received therefore, EPA has not prepared a Responsiveness Summary.

EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Any site deleted from the NPL remains eligible for fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP states that fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

#### List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 15, 2005.

**Ira W. Leighton,**

*Acting Regional Administrator, U.S. EPA—  
New England.*

■ For the reasons set out in the preamble, 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 removing the entry for the “Nutmeg Valley Road Site in Wolcott, Connecticut.”

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### **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Part 300**

[FRL–7974–1]

#### **National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Deletion of the Jones Sanitation Superfund Site from the National Priorities List.

**SUMMARY:** The Environmental Protection Agency (EPA), Region 2 office, announces the deletion of the Jones Sanitation Superfund Site (Site), located in Hyde Park, New York, from the National Priorities List (NPL).

The NPL is appendix B to 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) of 1980, as amended.

EPA and the State of New York, through the New York State Department of Environmental Conservation (NYSDEC), have determined that potentially responsible parties have implemented all appropriate response actions required. Moreover, EPA and NYSDEC have determined that with proper monitoring, operation and maintenance, this Site poses no significant threat to public health or the environment.

**EFFECTIVE DATE:** September 23, 2005.

**FOR FURTHER INFORMATION CONTACT:** Ms. Isabel Rodrigues, Remedial Project Manager, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region 2, 290 Broadway, 20th Floor, New York, New York 10007–1866, phone (212) 637–4248; fax: (212) 637–4284; e-mail: [Rodrigues.Isabel@EPA.GOV](mailto:Rodrigues.Isabel@EPA.GOV).

**SUPPLEMENTARY INFORMATION:** The site to be deleted from the NPL is: Jones Sanitation Superfund Site, Town of Hyde Park, Dutchess County, New York. A direct final deletion and a notice of intent to delete of the Site were published in the **Federal Register** on July 7, 2005 (70 FR 30217 and 39180 to 39182). In these notices, EPA requested public comment on the proposed NPL deletion of the Site until August 8, 2005. During the 30-day comment period, EPA received correspondence offering critical comments. As a result of the critical comments, EPA published a Notice of Withdrawal of Direct Final Deletion of the Site on September 1, 2005. EPA evaluated the comments received and prepared a Responsiveness Summary and has concluded after a review of the comments that the Site does not pose a significant threat to public health or the environment. Copies of the Responsiveness Summary are available at the following repositories: U.S. Environmental Protection Agency, Superfund Records Center, 290 Broadway, Room 1828, New York, New York 10007–1866, (212) 637–4308; and,

Hyde Park Free Public Library, 2 Main Street, Hyde Park, NY 12538.

EPA identifies sites that appear to present a significant risk to public health or the environment, and it maintains the NPL as the active list of these sites. As described in 40 CFR 300.425(e)(3), any site deleted from the NPL remains eligible for remedial action in the unlikely event that conditions at a site warrant such action. Deletion of a site from the NPL does not affect the liability of potentially responsible parties nor does it impede EPA efforts to recover costs associated with response efforts.

#### **List of Subjects in 40 CFR Part 300**

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 9, 2005.

**Alan J. Steinberg,**

*Regional Administrator, Region II.*

#### **Authority**

■ For the reasons set out in the preamble Part 300 Title 40 of Chapter I of the Code of Federal Regulations 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 New York (NY) by removing the site name “Jones Sanitation” and the corresponding city/county designation “Hyde Park/Dutchess County.”

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