

unacceptable adverse impacts due to dredged material disposal, so that decisions about the need for changes in management practices may be made in a timely manner. Depending on the results of the periodic monitoring, EPA may at any tier determine that one or more of the following types of site management actions is required: Continue existing site use; implement higher tier monitoring; modify some or all site use 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 be 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 proposed designation of the HOODS complies with the general and specific criteria used for site evaluation. EPA is, therefore, proposing to designate the HOODS as an EPA-approved Ocean Dumping Site in this proposed rulemaking. Management of this proposed 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 will be described in a SMMP prepared by EPA and incorporated in the Draft and Final EIS, with the opportunity for public review. 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 proposed action will not have a significant impact on a substantial number of small entities since the proposed site designation will only have the effect of providing a disposal option for dredged material. Consequently, this Proposed Rule does not necessitate preparation of a Regulatory Flexibility Analysis.

This proposed 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 Proposed Rule does not necessitate preparation of a Regulatory Impact Analysis.

**G. Responses to Comments on the Site Designation Proposed Rule**

Comment period for this Proposed Rule will end June 6, 1995. Comments will be considered and revisions, as appropriate, will be incorporated into the Final EIS and Final Rule.

**List of Subjects in 40 CFR Part 228**

Environmental protection water pollution control.

Dated: April 12, 1995.

**Felicia A. Marcus,**

*Regional Administrator, EPA Region IX.*

In consideration of the foregoing, subchapter H of chapter 1 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 amended by adding paragraph (1)(10) to read as follows:

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

\* \* \* \* \*  
(1) \* \* \*

(10) Humboldt Open Ocean Disposal Site (HOODS) Ocean Dredged Material Disposal Site—Regional 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 (1)(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 Draft and Final EIS.<sup>1</sup> 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.

\* \* \* \* \*

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[MM Docket No. 95-46, RM-8594]

**Radio Broadcasting Services; Edenton, Columbia, Pine Knoll Shores, NC**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by

<sup>1</sup> The Draft and Final EIS are available at the following locations: EPA Public Information Reference Unit (PIRU), Room 2904 (rear), 401 M Street, S.W., Washington, D.C. / EPA Region IX, Library, 75 Hawthorne Street, 13th Floor, San Francisco, California. / Humboldt Bay Harbor, Recreation and Conservation District, P.O. Box 1030, Eureka, California. / Humboldt County Library, 421 I Street, Eureka, California. / Humboldt State University Library, Arcata, California. / Arcata City Library, 500 7th Street, Arcata, California.

Lawrence F. and Margaret A. Loesch seeking the substitution of Channel 273C1 for Channel 273C2 at Edenton, NC, the reallocation of Channel 273C1 to Columbia, NC, as the community's second local FM service, and the modification of Station WERX-FM's license to specify Columbia as the station's community of license. To accommodate the allotment at Columbia, petitioners also request the substitution of Channel 290A for unoccupied but applied for Channel 272A at Pine Knoll Shores, NC. Channel 273C1 can be allotted to Columbia with a site restriction of 24.7 kilometers (15.3 miles) south-southeast at coordinates 35-42-48 North Latitude; 76-08-34 West Longitude, to avoid short-spacings to Station WOLC, Channel 273B, Princess, MD, and Station WHLQ, Channel 273A, Louisburg, NC. Channel 290A can be allotted to Pine Knoll Shores at the transmitter site specified in the pending WMBL, Inc. application (BPH-920720MA), at coordinates 34-42-38 North Latitude; 76-37-52 West Longitude.

**DATES:** Comments must be filed on or before June 12, 1995, and reply comments on or before June 27, 1995.

**ADDRESSES:** Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Mark J. Prak, Esq., Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P., P.O. Box 1800, 209 Fayetteville Street Mall, Raleigh, NC 27602 (Counsel to petitioners).

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-46, adopted April 7, 1995, and released April 18, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International

Transcription Services, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### **List of Subjects in 47 CFR Part 73**

Radio broadcasting.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

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