DEPARTMENT OF DEFENSE
Office of the Secretary
32 CFR Part 199

DEPARTMENT OF DEFENSE
Department of the Army, Corps of Engineers
33 CFR Part 323

ENVIRONMENTAL PROTECTION AGENCY
40 CFR Part 232

FURTHER REVISIONS TO THE CLEAN WATER ACT
REGULATORY DEFINITION OF “DISCHARGE OF DREDGED MATERIAL”:
DELAY OF EFFECTIVE DATE

AGENCIES: Army Corps of Engineers, Department of the Army, DOD; and Environmental Protection Agency.

ACTION: Final Rule; Delay of Effective Date.


SUPPLEMENTARY INFORMATION: To the extent that 5 U.S.C. 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. 553(b)(A). Alternatively, the agencies’ implementation of this action without opportunity for public comment, effective immediately upon publication today in the Federal Register, is based on the good cause exceptions in 5 U.S.C. 553(b)(B) and 553(d)(3). Seeking public comment is impracticable, unnecessary and contrary to the public interest. The temporary 60-day delay in effective date is necessary to give EPA and Corps officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President’s memorandum of January 20, 2001. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations. The imminence of the effective date is also good cause for making this rule immediately effective upon publication.

Claudia L. Tornblom,
Deputy Assistant Secretary of the Army
(Management and Budget), Department of the Army.

Christine T. Whitman,
Administrator, Environmental Protection Agency.

ENVIRONMENTAL PROTECTION AGENCY
40 CFR Part 300

NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN; NATIONAL PRIORITIES LIST

AGENCY: Environmental Protection Agency (EPA)

ACTION: Partial direct final deletion of the California Gulch Superfund Site from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) Region 8 announces its intent to delete Operable Unit 10 (OU 10) of the California Gulch Superfund Site (Site) from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B of 40 CFR Part 300, the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response,