

*Rating*

Note: Evaluate complications of pernicious anemia, such as dementia or peripheral neuropathy, separately.

7702 Agranulocytosis, acute:  
 Requiring bone marrow transplant, or; requiring transfusion of platelets or red cells at least once every six weeks, or; infections recurring at least once every six weeks ..... 100  
 Requiring transfusion of platelets or red cells at least once every three months, or; infections recurring at least once every three months ..... 60  
 Requiring transfusion of platelets or red cells at least once per year but less than once every three months, or; infections recurring at least once per year but less than once every three months ..... 30  
 Requiring continuous medication for control ..... 10

Note: The 100 percent rating for bone marrow transplant shall be assigned as of the date of hospital admission and shall continue with a mandatory VA examination six months following hospital discharge. Any change in evaluation based upon that or any subsequent examination shall be subject to the provisions of § 3.105(e) of this chapter.

7703 Leukemia:  
 With active disease or during a treatment phase ..... 100  
 Otherwise rate as anemia (code 7700) or aplastic anemia (code 7716), whichever would result in the greater benefit.

Note: The 100 percent rating shall continue beyond the cessation of any surgical, radiation, antineoplastic chemotherapy or other therapeutic procedures. Six months after discontinuance of such treatment, the appropriate disability rating shall be determined by mandatory VA examination. Any change in evaluation based upon that or any subsequent examination shall be subject to the provisions of § 3.105(e) of this chapter. If there has been no recurrence, rate on residuals.

7704 Polycythemia vera:  
 During periods of treatment with myelosuppressants and for three months following cessation of myelosuppressant therapy ..... 100  
 Requiring phlebotomy ..... 40  
 Stable, with or without continuous medication ..... 10

Note: Rate complications such as hypertension, gout, stroke or thrombotic disease separately.

*Rating*

7705 Thrombocytopenia, primary, idiopathic or immune:  
 Platelet count of less than 20,000, with active bleeding, requiring treatment with medication and transfusions ..... 100  
 Platelet count between 20,000 and 70,000, not requiring treatment, without bleeding ..... 70  
 Stable platelet count between 70,000 and 100,000, without bleeding ..... 30  
 Stable platelet count of 100,000 or more, without bleeding ..... 0

7706 Splenectomy ..... 20

Note: Rate complications such as systemic infections with encapsulated bacteria separately.

7707 Spleen, injury of, healed.  
 Rate for any residuals.

7709 Hodgkin's disease:  
 With active disease or during a treatment phase ..... 100

Note: The 100 percent rating shall continue beyond the cessation of any surgical, radiation, antineoplastic chemotherapy or other therapeutic procedures. Six months after discontinuance of such treatment, the appropriate disability rating shall be determined by mandatory VA examination. Any change in evaluation based upon that or any subsequent examination shall be subject to the provisions of § 3.105(e) of this chapter. If there has been no local recurrence or metastasis, rate on residuals.

7710 Adenitis, tuberculous, active or inactive.  
 Rate under §§ 4.88c or 4.89 of this part, whichever is appropriate.

7714 Sickle cell anemia:  
 With repeated painful crises, occurring in skin, joints, bones or any major organs caused by hemolysis and sickling of red blood cells, with anemia, thrombosis and infarction, with symptoms precluding even light manual labor ..... 100  
 With painful crises several times a year or with symptoms precluding other than light manual labor ..... 60  
 Following repeated hemolytic sickling crises with continuing impairment of health ..... 30  
 Asymptomatic, established case in remission, but with identifiable organ impairment ..... 10

Note: Sickle cell trait alone, without a history of directly attributable pathological findings, is not a ratable disability. Cases of symptomatic sickle cell trait will be forwarded to the Director, Compensation and Pension Service, for consideration under § 3.321(b)(1) of this chapter.

*Rating*

7715 Non-Hodgkin's lymphoma:  
 With active disease or during a treatment phase ..... 100

Note: The 100 percent rating shall continue beyond the cessation of any surgical, radiation, antineoplastic chemotherapy or other therapeutic procedures. Six months after discontinuance of such treatment, the appropriate disability rating shall be determined by mandatory VA examination. Any change in evaluation based upon that or any subsequent examination shall be subject to the provisions of § 3.105(e) of this chapter. If there has been no local recurrence or metastasis, rate on residuals.

7716 Aplastic anemia:  
 Requiring bone marrow transplant, or; requiring transfusion of platelets or red cells at least once every six weeks, or; infections recurring at least once every six weeks ..... 100  
 Requiring transfusion of platelets or red cells at least once every three months, or; infections recurring at least once every three months ..... 60  
 Requiring transfusion of platelets or red cells at least once per year but less than once every three months, or; infections recurring at least once per year but less than once every three months ..... 30  
 Requiring continuous medication for control ..... 10

Note: The 100 percent rating for bone marrow transplant shall be assigned as of the date of hospital admission and shall continue with a mandatory VA examination six months following hospital discharge. Any change in evaluation based upon that or any subsequent examination shall be subject to the provisions of § 3.105(e) of this chapter.

[FR Doc. 95-23515 Filed 9-21-95; 8:45 am]  
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**ENVIRONMENTAL PROTECTION AGENCY**  
**40 CFR Part 228**  
**[FRL-5300-4]**  
**Ocean Dumping; Site Modifications and Site Dedesignation; Charleston, South Carolina**  
**AGENCY:** Environmental Protection Agency (EPA).  
**ACTION:** Final rule.

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**SUMMARY:** EPA today modifies the designation of an Ocean Dredged Material Disposal Site (ODMDS) and dedesignates another ODMDS in the

Atlantic Ocean offshore Charleston, South Carolina. The modifications are to extend the period of use and to provide for improved management of the Charleston Harbor Deepening Project ODMDS. The dedesignation is for the smaller Charleston ODMDS. These actions are necessary to provide an environmentally acceptable ocean disposal site for projects in the Charleston area.

**EFFECTIVE DATE:** This final rule is effective on October 23, 1995.

**ADDRESSES:** Wesley B. Crum, Chief, Coastal Programs Section, Water Management Division, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365.

**FOR FURTHER INFORMATION CONTACT:** Gary W. Collins, 404/347-1740 ext. 4287.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1972, as amended, 33 U.S.C. 1401 *et seq.*, gives the Administrator of EPA the authority to designate sites where ocean disposal may be permitted. On December 23, 1986, the Administrator delegated the authority to the Regional Administrator of the Region in which sites are located. The EPA Ocean Dumping Regulations promulgated under MPRSA (40 CFR Chapter I, Subchapter H, Section 228.11) state that use of disposal sites may be modified.

The Charleston Harbor Deepening Project ODMDS was designated on August 3, 1987 along with a smaller Charleston ODMDS. A decision to designate a small site for permanent use at Charleston was based on projected future disposal volumes and the ease of monitoring. The larger Harbor Deepening Project site, which was the interim site, was designated for a seven-year period and restricted to use for Harbor Deepening material only. The smaller, permanent Charleston ODMDS lies within the boundaries of, and completely in the western portion of, the larger Charleston Harbor Deepening Project ODMDS. The sites are defined by the following coordinates:

Charleston Harbor Deepening Project ODMDS:

32°38'06" N, 79°41'57" W;  
32°40'42" N, 79°47'30" W;  
32°39'04" N, 79°49'21" W;  
32°36'28" N, 79°43'48" W.

Charleston ODMDS:

32°40'27" N, 79°47'22" W;  
32°39'04" N, 79°44'25" W;  
32°38'07" N, 79°45'03" W;  
32°39'30" N, 79°48'00" W.

Recent on-site investigations have revealed the presence of significant live bottom resources within and around both Charleston ODMDSs. These resources are located primarily in the western half of the smaller site and along the southern boundary of the larger site. While the effects of burial by dredged material disposal are apparent, the effects of nearby disposal (particularly of fine material) on these resources is yet to be determined. Ongoing studies are being conducted to determine whether recently disposed fine materials are impacting these resources. Until these studies are complete, further disposal of all fine material will be limited to the eastern portion of the Charleston Harbor Deepening Project ODMDS to prevent interference with these studies and to minimize further potential impacts.

On March 5, 1991 final rulemaking was issued to modify the Charleston Harbor Deepening ODMDS to allow non-harbor deepening projects access to this site. Since the smaller ODMDS was the only site available at that time for such projects, and the resources of concern were located within that site, it was determined that such a modification was necessary for continued disposal of Charleston Harbor area projects in an environmentally-acceptable manner.

In March 1993, the EPA and the Charleston District of the U.S. Army Corps of Engineers (COE) entered into an agreement concerning the management and monitoring of the Charleston Harbor Deepening ODMDS. This Site Management Plan (the Plan) was the result of partnering of the federal, state and local authorities who have an interest in ocean disposal and the protection of marine resources. The Site Management and Monitoring Team (the Team) jointly developed the Plan which outlines specific management and monitoring objectives for the Charleston ODMDS. The Team meets regularly to review the progress and results of monitoring and makes recommendations to EPA and the COE on the management and regulation of ocean disposal at the site. The current five year monitoring effort has entered its third year. Copies of the Plan, which is scheduled for review in 1997, may be obtained for review and comment from either the EPA regional office or the COE District office.

The Proposed Rule for these actions was published in the Federal Register on May 11, 1995 [60 FR 25192]. Only one letter of comment was received during the 45 day comment period. This letter was from the U.S. Department of the Interior and expressed their

concerns that the live bottoms of interest went undetected during the site evaluation studies. The EPA acknowledges this concern and has reviewed the way in which these studies were approached in the late 1970's to avoid any repetition on future site evaluations.

**B. EIS Determination**

EPA has voluntarily committed to prepare Environmental Impact Statements (EIS) in connection with the designation of ocean disposal sites [39 FR 16186 (May 7, 1974)]. The need for an EIS in the case of modifications is addressed in 39 FR 37420 (October 21, 1974), Section 1(a)(4). If the change is judged sufficiently substantial by the responsible official, an EIS is needed.

The continued use of the Charleston Harbor Deepening ODMDS is vital to the management goals of the Plan. The existence of natural resources within the smaller ODMDS, by itself, should preclude any further use of that site. By allowing the larger ODMDS to receive material on a continued basis, the need for the smaller ODMDS no longer exists, thereby allowing for disposal to occur in a more environmentally-acceptable location. In addition, disposal within the larger site will have to proceed in accordance with the Plan. Strict adherence to the disposal placement as specified in the Plan is necessary to prevent wasted monitoring efforts, which were designed based on the disposal of fine-grained materials within a specific location. Because monitoring results may cause management objectives to change, the Plan was designed so that appropriate changes could be made with the concurrence of EPA and the COE. EPA believes these changes do not warrant the preparation of an Environmental Impact Statement (EIS).

Once studies are complete, EPA may redefine the boundaries of the Charleston Harbor Deepening Project ODMDS through further rulemaking. Such rulemaking could modify disposal activities in the vicinity of the area's resources and reduce the potential for adverse impacts or allowing greater utilization of the site. EPA's primary concern is to provide an environmentally acceptable ocean disposal site for Charleston Harbor area dredging projects on a continued basis.

**C. Site Modifications**

The site modifications for the Charleston Harbor Deepening Project ODMDS are the extension of the period of use and to adjust certain restrictions on site use. The present period of use on the site is for seven years from the

initiation of the Charleston Harbor deepening project. EPA changes the period of use to 'continued use.' EPA also adds to the present restriction of site use the following language: 'and in accordance with all provisions of material placement as specified by the Site Management Plan.'

D. Site DEDesignation

The dedesignation of the smaller Charleston ODMDS is due to the presence of natural resources within its boundaries. Disposal of material within this site, particularly fine-grained materials, could directly and indirectly affect the survival of these resources. The modification on the larger ODMDS to allow for continued use will provide a suitable location for the disposal of all materials from the Charleston area that meet the ocean disposal criteria. Additionally, the boundaries of the smaller ODMDS lie totally within the larger ODMDS. Therefore, this action does not, at this time, actually remove any ocean bottom from potentially being used, if appropriate.

E. Regulatory Assessments

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules that 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 small entities since the modifications and dedesignation will only have the effect of providing an environmentally acceptable disposal option for dredged material on a continued basis. Consequently, this Rule does not necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12291, 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 Final 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 seq.

List of Subjects in 40 CFR Part 228

Environmental protection, Water pollution control.

John H. Hankinson, Jr.,  
Regional Administrator.

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 revising paragraphs (h)(5) (v) and (vi) and by removing and reserving paragraph (h)(4) to read as follows:

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

\* \* \* \* \*

(h) \* \* \*

(5) \* \* \*

(v) Period of use: Continued use.

(vi) Restriction: Disposal shall be limited to dredged material from the Charleston Harbor area. All dredged materials, except entrance channel materials, shall be limited to that part of the site east of the line between coordinates 32°39'04" N, 79°44'25" W and 32°37'24" N, 79°45'30" W unless the material can be shown by sufficient testing to contain 10% or less of fine material (grain size of less than 0.074 mm) by weight and shown to be suitable for ocean disposal. Additionally, all disposals shall be in accordance with all provisions of material placement as specified by the Site Management Plan.

\* \* \* \* \*

[FR Doc. 95-23577 Filed 9-21-95; 8:45 am]

BILLING CODE 6560-50-P

**40 CFR Part 300**

[FRL-5299-1]

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

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of deletion of the Brown Wood Preserving Site from the National Priorities List.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) announces the deletion of the Brown Wood Preserving Site (Site) in Live Oak, Suwannee County, Florida, from the National Priorities List (NPL). The NPL is codified as 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 of 1980 (CERCLA). EPA and the State of Florida (State) have determined that all appropriate responses under CERCLA have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the State have determined that the remedial actions conducted at the Site to date have been protective of public health, welfare, and the environment.

**EFFECTIVE DATE:** September 22, 1995.

**FOR FURTHER INFORMATION CONTACT:** Randall Chaffins, U.S. Environmental Protection Agency, Region IV, Waste Management Division, South Superfund Remedial Branch, 345 Courtland Street, N.E., Atlanta, GA 30365, (404) 347-2643 ext. 6260.

**SUPPLEMENTARY INFORMATION:** The Brown Wood Preserving Superfund Site in Live Oak, Florida will be deleted from the NPL. A Notice of Intent to Delete this Site from the NPL was published in the Federal Register on July 6, 1995 (60 FR 35160). The closing date for comments on the Notice of Intent to Delete was August 7, 1995. EPA received no comments and therefore did not prepare a Responsiveness Summary.

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 Response Trust Fund (Fund). Pursuant to Section 300.425(e)(3) of the NCP, 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. 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

Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Superfund.

Dated: September 5, 1995.

John H. Hankinson, Jr.,  
Regional Administrator, USEPA Region IV.

40 CFR part 300 is amended as follows:

**PART 300—[AMENDED]**

1. The authority citation for part 300 continues to read as follows: