

IDAHO—PM—10 NONATTAINMENT AREAS

| Designated area | Designation | | Classification | |
|--|-------------|---------------------|----------------|-----------|
| | Date | Type | Date | Type |
| * * * * * | | | | |
| Shoshone County | | | | |
| a. Northwest quarter of the Northwest quarter, Section 8, Township 48 North, Range 2 East; Southwest quarter of the Northwest quarter, Section 8, Township 48 North, Range 2 East; Northwest quarter of the Southwest quarter, Section 8, Township 48 North, Range 2 East; Southwest quarter of the Southwest quarter, Section 48 North, Range 2 East, Boise Base (known as "Pinehurst expansion area"). | 1/20/94 | Nonattainment | 1/20/94 | Moderate. |
| b. City of Pinehurst | 11/15/90 | Nonattainment | 11/15/90 | Moderate. |
| * * * * * | | | | |

[FR Doc. 95-11505 Filed 5-10-95; 8:45 am]
BILLING CODE 6560-50-P

40 CFR Part 228

[FRL-5204-6]

Ocean Dumping; Final Site Designation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today designates an Ocean Dredged Material Disposal Site (ODMDS) in the Gulf of Mexico offshore Tampa, Florida, as an EPA-approved ocean dumping site for the disposal of suitable dredged material. This action is necessary to provide an acceptable ocean disposal site for consideration as an option for dredged material disposal projects in the greater Tampa, Florida vicinity. This site designation is for an indefinite period of time, but the site is subject to continuing monitoring to insure that unacceptable adverse environmental impacts do not occur.

EFFECTIVE DATE: This designation shall become effective on June 12, 1995.

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

FOR FURTHER INFORMATION CONTACT: Gary W. Collins, 404/347-1740 ext. 4286.

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 October 1, 1986, the Administrator delegated the authority to designate ocean disposal

sites to the Regional Administrator of the Region in which the sites are located. This designation of a site offshore Tampa, Florida, which is within Region IV, is being made pursuant to that authority.

The EPA Ocean Dumping Regulations promulgated under MPRSA (40 CFR chapter I, subchapter H, § 228.4) state that ocean dumping sites will be designated by promulgation in this part 228. A list of "Approved Interim and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2461 (January 11, 1977)). The list established two sites for Tampa, Site A and Site B, as interim sites. Subsequent legal action by Manatee County and extensive field efforts have resulted in the identification of the now proposed site. The details of these events can be found in the "Final Environmental Impact Statement for the Designation of an Ocean Dredged Material Disposal Site Located Offshore Tampa, Florida."

B. EIS Development

Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as amended, 42 U.S.C. 4321 *et seq.*, requires that federal agencies prepare an Environmental Impact Statement (EIS) on proposals for legislation and other major federal actions significantly affecting the quality of the human environment. The object of NEPA is to build into the Agency decision making process careful consideration of all environmental aspects of proposed actions. While NEPA does not apply to EPA activities of this type, EPA has voluntarily committed to prepare EISs in connection with ocean disposal site designations such as this (see 39 FR 16186 (May 7, 1974)).

EPA, in cooperation with the Jacksonville District of the U.S. Army Corps of Engineers (COE), has prepared a Final EIS (FEIS) entitled "Final Environmental Impact Statement for the Designation of An Ocean Dredged

Material Disposal Site Located Offshore Tampa, Florida." On September 23, 1994, the Notice of Availability (NOA) of the FEIS for public review and comment was published in the **Federal Register** (59 FR 48878 (September 23 1994)). Anyone desiring a copy of the EIS may obtain one from the address given above. The public comment period on the final EIS closed on October 24, 1994. The closing date was extended for 15 days due to a request by the State of Florida.

EPA received 1 comment letter on the Final EIS. The letter was from the State of Florida (dated November 18, 1994) and stated that the proposed designation was found to be consistent with the Florida Coastal Management Program.

This rule permanently designates the continued use of the previously designated Site 4 near Tampa, Florida. The purpose of the action is to provide an environmentally acceptable option for the ocean disposal of dredged material. The need for the permanent designation of the Tampa ODMDS is based on a demonstrated COE need for ocean disposal of maintenance dredged material from the Federal navigation projects in the greater Tampa Bay area. However, every disposal activity by the COE is evaluated on a case-by-case basis to determine the need for ocean disposal for that particular case. The need for ocean disposal for other projects, and the suitability of the material for ocean disposal, will be determined on a case-by-case basis as part of the COE's process of issuing permits for ocean disposal for private/federal actions and a public review process for their own actions.

For the Tampa ODMDS, the COE and EPA would evaluate all federal dredged material disposal projects pursuant to the EPA criteria given in the Ocean Dumping Regulations (40 CFR parts 220 through 229) and the COE regulations (33 CFR 209.120 and parts 335-338). The COE then issues Marine Protection, Research, and Sanctuaries Act (MPRSA)

permits after compliance with regulations is determined to private applicants for the transport of dredged material intended for ocean disposal. EPA has the right to disapprove any ocean disposal project if, in its judgment, the MPRSA environmental criteria (Section 102(a)) or conditions of designation (Section 102(c)) are not met.

The FEIS discusses the need for this site designation and examines ocean disposal site alternatives to this action.

Non-ocean disposal options have been examined and are discussed in the FEIS.

EPA proposed the designation of this site on January 13, 1995 (60 FR 3186). The public comment period expired on February 27, 1995. Only one letter was received on the proposed designation of the Tampa ODMDS. The letter, from the U. S. Department of the Interior (DOI), expressed concern that some of the material may come from portions of the channel that lie within the Federal Outer Continental Shelf (OCS) and the need to inform the DOI's Minerals Management Service (MMS) of such activities. The DOI also expressed concern that material coming from the OCS and used for activities such as beach nourishment could not be removed without a mineral lease issued by MSS. EPA believes that these comments are pertinent only to the COE's permitting action that is discussed previously and no response is needed.

C. Site Designation

The site is located west of Tampa, Florida, approximately 18 nautical miles (nmi) offshore. The ODMDS occupies an area of about 4 square nautical miles (nmi²), in the configuration of an approximate 2 nmi by 2 nmi square.

Water depths within the area average 22 meters (m). The coordinates of the Tampa site are as follows:

| | |
|-------------|------------------|
| 27°32'27" N | 83°06'02" W; |
| 27°32'27" N | 83°03'46" W; |
| 27°30'27" N | 83°06'02" W; and |
| 27°30'27" N | 83°03'46" W. |

D. Regulatory Requirements

Pursuant to the Ocean Dumping Regulations, 40 CFR 228.5, five general criteria are used in the selection and approval for continuing use of ocean disposal sites. Sites are selected so as to minimize interference with other marine activities, to prevent any temporary perturbations associated with the disposal from causing impacts outside the disposal site, and to permit effective monitoring to detect any adverse impacts at an early stage. Where feasible, locations off the Continental Shelf and other sites that have been

historically used are to be chosen. If, at any time, disposal operations at a site cause unacceptable adverse impacts, further use of the site can be restricted or terminated by EPA. The site conforms to the five general criteria.

In addition to these general criteria in § 228.5, § 228.6 lists the 11 specific criteria used in evaluating a disposal site to assure that the general criteria are met. Application of these 11 criteria constitutes an environmental assessment of the impact of disposal at the site. The characteristics of the site were reviewed in the proposed rule in terms of these 11 criteria (the EIS may be consulted for additional information).

E. Site Management

Site management of the Tampa ODMDS is the responsibility of EPA as well as the COE. The COE issues permits to private applicants for ocean disposal; however, EPA/Region IV assumes overall responsibility for site management.

The Site Management and Monitoring Plan (SMMP) for the Tampa ODMDS was developed as a part of the process of completing the EIS. This plan, the result of partnering of the federal, state and local authorities who have an interest in ocean disposal and the protection of marine resources, provides procedures for both site management and for the monitoring of effects of disposal activities. The SMMP Team will meet regularly to review the site activities and make recommendations to EPA and the COE on future management and monitoring of the ODMDS. This SMMP is intended to be flexible and may be modified by the responsible agency for cause. Copies of the SMMP are available either separately or as part of the EIS at the address given above.

F. Site Designation

The EIS concludes that the site may appropriately be designated for use. The site is compatible with the 11 specific and 5 general criteria used for site evaluation.

The designation of the Tampa site as an EPA-approved ODMDS is being published as Final Rulemaking. Overall management of this site is the responsibility of the Regional Administrator of EPA/Region IV.

It should be emphasized that, if an ODMDS is designated, such a site designation does not constitute EPA's approval of actual disposal of material at sea. Before ocean disposal of dredged material at the site may commence, the COE must evaluate a permit application according to EPA's Ocean Dumping Criteria. EPA has the right to disapprove

the actual disposal if it determines that environmental concerns under MPRSA have not been met.

The Tampa ODMDS is not restricted to disposal use by federal projects; private applicants may also dispose suitable dredged material at the ODMDS once relevant regulations have been satisfied. This site is restricted, however, to suitable dredged material from the greater Tampa, Florida vicinity.

G. 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 designation will only have the effect of providing a disposal option for dredged material. Consequently, this Rule does not necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12866, 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.

Patrick M. Tobin,

Acting Regional Administrator.

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 paragraph (h)(18) to read as follows:

§ 228.15 Dumping sites designated on a final basis.

* * * * *
(h) * * *

(18) Tampa, Florida; Ocean Dredged Material Disposal Site _____ Region IV.

(i) Location:
 27°32'27" N 83°06'02" W;
 27°32'27" N 83°03'46" W;
 27°30'27" N 83°06'02" W;
 27°30'27" N 83°03'46" W.

(ii) Size: Approximately 4 square nautical miles.
 (iii) Depth: Approximately 22 meters.
 (iv) Primary use: Dredged material.
 (v) Period of use: Continuing use.
 (vi) Restriction: Disposal shall be limited to suitable dredged material from the greater Tampa, Florida vicinity. Disposal shall comply with conditions set forth in the most recent approved Site Management and Monitoring Plan.

* * * * *
 [FR Doc. 95-11678 Filed 5-10-95; 8:45 am]
 BILLING CODE 6560-50-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43-CFR Public Land Order 7142

[NV-930-1430-01; NV-56315]

Withdrawal of Public Land for Administrative Site; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 40 acres of public land from surface entry and mining for a period of 20 years for the Bureau of Land Management to protect the Las Vegas Administrative Site in Clark County.

EFFECTIVE DATE: May 11, 1995.

FOR FURTHER INFORMATION CONTACT: Dennis Samuelson, BLM Nevada State Office, P.O. Box 12000, Reno, Nevada 89520, 702-785-6507.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Subject to valid existing rights, the following described public land is

hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C. Ch. 2 (1988)), to protect the Bureau of Land Management Las Vegas Administrative Site:

Mount Diablo Meridian

T. 20 S., R. 60 E.,
 Sec. 22, SE¼NW¼.

The area described contains 40 acres in Clark County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1988), the Secretary determines that the withdrawal shall be extended.

Dated: May 1, 1995.
Bob Armstrong,
Assistant Secretary of the Interior.
 [FR Doc. 95-11639 Filed 5-10-95; 8:45 am]
 BILLING CODE 4310-HC-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 675

[Docket No. 95026040-5040-01; I.D. 050595C]

Groundfish of the Bering Sea and Aleutian Islands Area; Pacific Cod by Vessels Using Hook-and-Line Gear

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is closing the entire Bering Sea and Aleutian Islands management area (BSAI) to directed fishing with hook-and-line gear for

Pacific cod. This action is necessary because U.S. fishing vessels participating in the Pacific cod hook-and-line fishery in the BSAI have caught the second seasonal bycatch allowance of Pacific halibut.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), May 7, 1995, until 12 noon, A.l.t., September 1, 1995.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 675.

The second seasonal 1995 Pacific halibut bycatch mortality allowance for the hook-and-line Pacific cod fishery, which is defined at § 675.21(b)(2)(ii)(A), is 40 metric tons (60 FR 12149, March 6, 1995).

The Director, Alaska Region, NMFS, has determined, in accordance with § 675.21(d), that U.S. fishing vessels participating in the Pacific cod hook-and-line fishery in the BSAI have caught the second seasonal bycatch allowance of Pacific halibut. Therefore, NMFS is closing the entire BSAI to directed fishing with hook-and-line gear for Pacific cod.

Directed fishing standards for applicable gear types may be found in the regulations at § 675.20(h).

Classification

This action is taken under 50 CFR 675.21 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*
 Dated: May 5, 1995.

Richard W. Surdi,
Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95-11578 Filed 5-5-95; 4:24 pm]
 BILLING CODE 3510-22-P