

provide the public an opportunity to comment on its proposal to establish three lightering zones in the Gulf of Mexico. The proposed zones are more than 60 miles from the baseline from which the territorial sea of the United States is measured and will allow single hull tankers using these zones to conduct lightering operations until the year 2015. The views presented at this meeting together with written comments on the proposal will be considered by the Coast Guard in formulating a final rule.

**DATES:** The meeting will be held February 16, 1995, from 9 a.m. to 3 p.m.

**ADDRESSES:** The meeting will be held at the Best Western Landmark Hotel, Mardi Gras Ballroom, 2601 Severn Avenue, Metairie, LA. Comments become part of this docket (CGD 93-081) and are available for inspection or copying at room 3406, Coast Guard Headquarters, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LCDR Stephen Kantz, Oil Pollution Act (OPA 90) Staff (G-MS-A), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593, telephone (202) 267-6740. This telephone is equipped to record messages on a 24-hour basis.

**SUPPLEMENTARY INFORMATION:**

**Regulatory History**

In November 1993, the Coast Guard received several requests to establish lightering zoned in the Gulf of Mexico. On December 2, 1993, the Coast Guard published in the **Federal Register** a notice of these petitions for rulemaking and request for comment (58 FR 63544).

Currently, 33 CFR part 156 provides that the Coast Guard will consider various factors in designating lightering zones—traditional use of the area for lightering; weather and sea conditions; water depth; proximity to shipping lanes, vessel traffic schemes, anchorages, fixed structures, designated marine sanctuaries, fishing areas, and designated units of the National Park System, National Wild and Scenic Rivers System, National Wilderness Preservation System, properties included on the National Register of Historic Places and National Registry of Natural Landmarks, and National Wildlife Refuge System; and other relevant safety, environmental, or economic data (33 CFR 156.230).

On December 16, 1993, the Coast Guard published in the **Federal Register** a notice of public meeting to solicit opinions on whether lightering zones should be established and, if so, where they should be located and what

operating conditions should be mandated (58 FR 65683). A public meeting was held in Houston, Texas, on January 18, 1994. At that time, the Oil Spill Coordinator from the State of Louisiana requested that a public meeting be held in Louisiana after there was an opportunity to review any proposal by the Coast Guard to designate lightering zones.

On January 5, 1995, the Coast Guard published the notice of proposed rulemaking in the **Federal Register** (60 FR 1958). The coordinates of the three lightering zones proposed to be established are set forth in the proposed rulemaking.

**Summary of the Rulemaking**

By using these proposed designated lightering zones more than 60 miles from the baseline, single hull tank vessels contracted for after June 20, 1990, and older single hull tank vessels phased out by OPA 90, would be able to lighter in the U.S. Economic Exclusive Zone (EEZ) until January 1, 2015. In addition to establishing the first lightering zones designated by the Coast Guard, the proposed rulemaking would also incorporate the use of recognized industry guidelines, impose certain weather and sea state restrictions, and require compliance with U.S. work hour limitations. It would also designate three other areas within the vicinity of the ecologically sensitive Flower Garden Banks National Marine Sanctuary in which all lightering will be prohibited.

In the NPRM, the Coast Guard specifically requested comments on the practicality of also designating a smaller northern area as an additional, fourth lightering zone. The boundaries of this northern area, which would be called "South Sabine Point," would consist of the waters bounded by a line connecting the following points beginning at:

Latitude N.	Longitude W.
28°30'00" .....	92°38'00", thence to
28°44'00" .....	93°24'00", thence to
28°33'00" .....	94°00'00", thence to
28°18'00" .....	94°00'00", thence to
28°18'00" .....	92°38'00", and thence to the point of beginning.

This rulemaking has been determined to be a significant regulatory action under established criteria of the Department of Transportation and the Office of Management and Budget.

**Meeting Procedure**

Members of the public planning to make oral presentations during the meeting should call the number listed in **FOR FURTHER INFORMATION CONTACT** no

later than the day before the meeting, and state their intention to speak about docket number 93-081, provide their name, and the approximate duration of their presentation. Persons making oral presentations are also encouraged to submit a copy of their remarks in writing during the meeting.

Dated: January 9, 1994.

**J.C. Card,**

*Rear Admiral, U.S. Coast Guard Chief, Office of Marine Safety, Security and Environmental Protection.*

[FR Doc. 95-947 Filed 1-12-95; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 228**

[FRL-5138-2]

**Ocean Dumping; Proposed Site Designation**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA today proposes to designate 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 proposed 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 proposed 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.

**DATES:** Comments must be received on or before February 27, 1995.

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

The file supporting this proposed designation is available for public inspection at the following locations: EPA Public Information Reference Unit (PIRU), Room 2904 (rear), 401 M Street, SW., Washington, DC 20460 EPA/Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Department of the Army, Jacksonville District Corps of Engineers, 400 West Bay Street, P.O. Box 4970, Jacksonville, FL 32232-0019

**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 proposed 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." Interested persons may participate in this proposed rulemaking by submitting written comments within 45 days of the date of this publication to the address given above.

##### 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 addresses 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 proposes the permanent designation for continuing use of the previously designated Site 4 near Tampa, Florida. The purpose of the proposed 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 220-229) and the COE regulations (33 CFR 209.120 and 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 the proposed action. Non-ocean disposal

options have been examined and are discussed in the FEIS.

##### C. Proposed Site Designation

The proposed site is located west of Tampa, Florida, approximately 18 nautical miles (nmi) offshore. The proposed ODMDS occupies an area of about 4 square nautical miles (nmi<sup>2</sup>), 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 proposed for final designation 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 proposed 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 proposed 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 proposed site are reviewed below in terms of these 11 criteria (the EIS may be consulted for additional information).

1. *Geographical position, depth of water, bottom topography, and distance from coast (40 CFR 228.6(a)(1)).* The boundary of the proposed site is given above. The western boundary of the proposed site is located about 18 nmi offshore of Tampa, Florida. The site is an approximate 2 nmi by 2 nmi square configuration. Water depth in the area averages 22 m.

2. *Location in relation to breeding, spawning, nursery, feeding, or passage areas of living resources in adult or juvenile phases (40 CFR 228.6(a)(2)).* Many of the area's species spend their adult lives in the offshore region, but are

estuary-dependent because their juvenile stages use a low salinity estuarine nursery region. Specific migration routes are not known in the Tampa area. The site is not known to include any major breeding or spawning area. Due to the motility of finfish, it is unlikely that disposal activities will have any significant impact on any of the species found in the area.

3. *Location in relation to beaches and other amenity areas (40 CFR 228.6(a)(3)).* The proposed site is located approximately 18 nautical miles from the coast. Amenity areas for recreational fishing and diving are present throughout the nearshore region, particularly at scattered hard-bottom reefs. Some diving and fishing may occur near the site, although less frequently than at sites closer to shore. Considering the distance that the proposed disposal site is offshore of beach areas, dredged material disposal at the site is not expected to have an effect on the recreational uses of these beaches. Modelling performed by the EPA indicates that disposed material will not impact these areas.

4. *Types and quantities of wastes proposed to be disposed of, and proposed methods of release, including methods of packing the waste, if any (40 CFR 228(a)(4)).* It is anticipated that the proposed site will be used primarily for disposal of maintenance material from the federal channels leading into Tampa Bay. Maintenance dredging of the entrance channel has not occurred since it was deepened in 1985. Estimated volumes for this maintenance is expected to be about 2 million cubic yards. For each future dredging project, each disposal plan must be evaluated on a case-by-case basis to ensure that ocean disposal is the best alternative and that the material meets the Ocean Dumping Criteria in 40 CFR part 227.

5. *Feasibility of surveillance and monitoring (40 CFR 228.6(a)(5)).* Due to the relative proximity of the site to shore and its depth, surveillance will not be difficult. The Site Management and Monitoring Plan (SMMP) for the Tampa ODMDS has been developed and was included as an appendix in the FEIS. This SMMP establishes a sequence of monitoring surveys to be undertaken to determine any impacts resulting from disposal activities. The SMMP may be modified for cause by the responsible agency. A copy of the SMMP may be obtained at the any of the addresses given above.

6. *Dispersion, horizontal transport and vertical mixing characteristics of the area including prevailing current direction and velocity, if any (40 CFR 228.6(a)(6)).* Prevailing currents parallel

the coast and are generally oriented along a north-south axis. Southerly flow predominates. A dredged material dispersion study conducted by the EPA for the short-term fate of material disposed at the proposed site indicates little possibility of disposed material affecting nearby habitats. Measures as discussed in the Site Management and Monitoring Plan will be instituted during disposal operations to minimize the possibility of material being transported to any habitats of concern.

7. *Existence and effects of current and previous discharges and dumping in the area (including cumulative effects) (40 CFR 228.6(a)(7)).* The proposed site has only been used to dispose of the material from the Tampa Harbor Deepening project. Subsequent monitoring of this disposal and the long-term effects show that no adverse impacts have, or are likely to occur to the area.

8. *Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance and other legitimate uses of the ocean (40 CFR 228.6(a)(8)).* While shipping is heavy in the Tampa area, the infrequent use of this site and its distance from shore should assure that no significant disruption of either commercial shipping or recreational boating will occur. Commercial and recreational fishing activities are concentrated in inshore and nearshore waters. No mineral extraction, desalination, or mariculture activities occur in the immediate area. Scientific resources present throughout this area are not geographically limited to the proposed Tampa ODMDS or nearby waters.

9. *The existing water quality and ecology of the site as determined by available data or by trend assessment or baseline surveys (40 CFR 228.6(a)(9)).* Appropriate water quality and ecological assessments have been performed at the site. Site-specific information concerning the water quality and ecology at the proposed ODMDS is presented in the FEIS. A copy of the FEIS may be obtained at any of the addresses given above.

10. *Potentiality for the development or recruitment of nuisance species in the disposal site (40 CFR 228.6(a)(10)).* The disposal of dredged materials should not attract or promote the development of nuisance species. No nuisance species have been reported to occur at previously utilized disposal sites in the vicinity.

11. *Existence at or in close proximity to the site of any significant natural or cultural features of historical importance (40 CFR 228.6(a)(11)).* No

known natural or cultural features of historical importance occur at or in close proximity to the site.

#### 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 proposed Tampa ODMDS was developed as a part of the process of completing the EIS. This plan provides procedures for both site management and for the monitoring of effects of disposal activities. This SMMP is intended to be flexible and may be modified by the responsible agency for cause.

#### F. Proposed Action

The EIS concludes that the proposed site may appropriately be designated for use. The proposed 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 Proposed 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 proposed 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 proposed 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.

Approved by:

**Patrick M. Tobin,**

*Acting Regional Administrator.*

In consideration of the foregoing, subchapter H of chapter I 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 proposed to be 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.

Size: Approximately 4 square nautical miles.

Depth: Approximately 22 meters.

Primary use: Dredged material.

Period of use: Continuing use.

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. 95-930 Filed 1-12-95; 8:45 am]

BILLING CODE 6560-50-P

**40 CFR Part 300**

[FRL-5130-4]

**Independent Nail Superfund Site Notice of Intent to Delete; National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of Intent to Delete the Independent Nail Company Site from the National Priorities List; Request for Comments.

**SUMMARY:** The Environmental Protection Agency (EPA) Region IV announces its intent to delete the Independent Nail (Site), located in Beaufort County, S.C., from the National Priorities List (NPL) and requests public comments on this action. The NPL constitutes Appendix B of 40 CFR 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), as amended. It has been determined that all Fund-financed response actions taken at the Site under CERCLA have been implemented. EPA, in consultation with the State of South Carolina, has determined that remedial activities conducted at the Site to date remain protective of public health, welfare, and the environment.

**DATES:** Comments concerning the deletion of this Site from the NPL should be submitted on or before February 13, 1995.

**ADDRESSES:** Comments may be mailed to: Terry Tanner, RPM, EPA-Region IV, Waste Management Division, 345 Courtland Street, N.E., Atlanta, GA 30365.

The deletion docket, which contains supporting information on EPA's decision to delete this Site from the NPL, is available for inspection Monday through Friday from 8:00 a.m. to 4:30 p.m. at the following location: U.S. EPA Record's Center, 345 Courtland Street, N.E., Atlanta, GA 30365, (404) 347-0506.

An additional copy of the deletion docket is also available for viewing between 9:00 a.m. and 8:00 p.m. at the following location: Beaufort County

Library, 710 Craven Street, Beaufort, SC 29902, (803) 525-7279.

**FOR FURTHER INFORMATION CONTACT:** Terry Tanner at 404-347-7791, X4117.

**SUPPLEMENTARY INFORMATION:**

**I. Introduction**

The Environmental Protection Agency (EPA), Region IV, announces its intent to delete the Independent Nail Site, located in Beaufort, South Carolina, from the National Priorities List (NPL) and requests comments on this deletion. The NPL constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The 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 Superfund Response Trust Fund (Fund). Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the site warrant such action.

The EPA will accept comments concerning this Site for thirty days after publication of this notice in the **Federal Register**. Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Independent Nail Site and explains how the Site meets the deletion criteria.

**II. NPL Deletion Criteria**

Amendments to the NCP published in the **Federal Register** on March 8, 1990, establish the criteria the Agency uses to delete sites from the NPL. Section 300.425(e) of the NCP states that "Releases may be deleted or recategorized on the NPL where no further response is appropriate. EPA shall consult with the state on proposed deletion from the NPL prior to developing the notice of intent to delete. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the state, whether any of the following criteria have been met":

- i. Responsible parties or other persons have implemented all appropriate response actions required; or
- ii. All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or
- iii. The remedial investigation has shown that the release poses no significant threat to public health or the