

B. Executive Order 12866

(b) [Reserved]

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

[FR Doc. 95-11677 Filed 5-10-95; 8:45 am]

BILLING CODE 6560-50-P

C. Regulatory Flexibility Act

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

40 CFR Part 81

[ID12-1-6992; FRL-5204-9]

Designation of Areas for Air Quality Planning Purposes; Idaho; Designation of a Portion of Shoshone County, Idaho, to Nonattainment for Particulate Matter (PM-10); Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: The City of Pinehurst in Shoshone County, Idaho, was designated nonattainment for PM-10 by operation of law upon enactment of the 1990 Clean Air Act Amendments. Effective January 20, 1994, EPA approved the redesignation of an additional area in Shoshone County, adjacent to the City of Pinehurst, as nonattainment for PM-10. See 58 FR 67334, 67339 (December 21, 1993) and 40 CFR 81.313 (codified air quality designations for the State of Idaho). That document included a legal description of the expanded portion of the nonattainment area (the "Pinehurst expansion area"). The legal description, however, contained several typographical errors and described the area in a more complex manner than necessary. This document corrects the typographical errors and simplifies and standardizes the legal description. This document is not intended to, and does not, change the area designated as nonattainment in the December 21, 1993, **Federal Register** document, as codified at 40 CFR 81.313. Rather, this document is intended to make the description of the Pinehurst expansion area easier to understand.

EFFECTIVE DATE: This correction is effective May 11, 1995.

FOR FURTHER INFORMATION CONTACT: Doug Cole, EPA, Idaho Operations Office, 1435 N. Orchard St., Boise, ID 83706, (208) 334-9555.

SUPPLEMENTARY INFORMATION: This document makes three types of correction to the legal description of the Pinehurst expansion area. First, the legal description of the Pinehurst expansion area published at 58 FR 67339 and codified at 40 CFR 81.313 contained several typographical omissions which are shown below in bold and brackets:

That portion of Shoshone County excluding the initial PM-10 [nonattainment area]; Including the South half of Southeast quarter of Section 31 of Range 2 east, Township 49 [north]; South quarter of Section 32 of Range 2 east, Township 49 north[;] Section 5 of Range 2 east, Township 48 north[;]-east half of Section 6 of Range 2 east, Township 48 north[;]west quarter of Section 8 of Range 2 east, Township 48 North; and excluding that portion of Shoshone County designated nonattainment for PM-10 on November 15, 1990.

Specifically, three words and three semi-colons were erroneously omitted from the description. This document corrects those errors.

Second, in the December 21, 1993, **Federal Register** document and its later codification at 40 CFR 81.313, the Pinehurst expansion area was described by first giving the legal description of the expansion area *and* City of Pinehurst and then excluding "the area in Shoshone County which was designated nonattainment for PM-10 on November 15, 1990." That area is, in fact, the City of Pinehurst. In other words, the Pinehurst expansion area was essentially described as "the Pinehurst expansion area plus the City of Pinehurst, excluding the City of Pinehurst."

Third, the legal description of the Pinehurst expansion area as previously published was further complicated by the fact that the area was described somewhat unconventionally as the "west quarter of Section 8, Range 2 east, Township 48 north." EPA is issuing this correction document to simplify the description and conform the description to standard surveying conventions.

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: April 28, 1995.

Chuck Clarke,
Regional Administrator.

PART 81—[AMENDED]

40 CFR part 81 is amended as follows:

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

2. Section 81.313 is amended by revising the entry for "Shoshone County" in the "Idaho PM-10 Nonattainment Areas" table to read as follows:

§ 81.313 Idaho.

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List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: May 2, 1995.

Jack McGraw,

Acting Regional Administrator.

Part 70, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401, et seq.

2. Appendix A to part 70 is amended by adding the entry for Montana in alphabetical order to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

Montana

(a) Montana Department of Health and Environmental Sciences—Air Quality Division: submitted on March 29, 1994; effective on June 12, 1995; interim approval expires June 11, 1997.

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]
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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)