

1994 edition. Accordingly, in the near future the Department will publish a new proposal to incorporate by reference the 1994 edition.

FOR FURTHER INFORMATION CONTACT: Karen Boies, Ph.D., Deputy Associate Director for Addictive Disorders and Psychiatric Rehabilitation, Veterans Health Administration, Department of Veterans Affairs, (202) 535-7316.

Approved: May 2, 1995.

Jesse Brown,

Secretary of Veterans Affairs.

[FR Doc. 95-11574 Filed 5-10-95; 8:45 am]

BILLING CODE 8320-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

[FRL-5205-8]

Ocean Dumping; Proposed Site Modifications and Site Dedications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA today proposes to modify the designation of an Ocean Dredged Material Disposal Site (ODMDS) and to dedesignate another ODMDS in the Atlantic Ocean offshore Charleston, South Carolina. The proposed modifications are to extend the period of use and to provide for improved management of the Charleston Harbor Deepening Project ODMDS. The proposed dedesignation is for the smaller Charleston ODMDS. These proposed actions are necessary to provide an environmentally acceptable ocean disposal site for projects in the Charleston area.

DATES: Comments must be received on or before June 26, 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.

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 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, § 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.

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. Proposed Site Modifications

The proposed 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 proposes to change the period of use to "continued use." EPA also proposes to add to the present restriction of site use the following language: "and in accordance with all provisions of disposal placement as specified by the Site Management Plan."

D. Proposed Site Dedications

The proposed 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 proposed 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, the proposed 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 proposed 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 12866, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This proposed 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.

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 revising the "Period of Use" and "Restriction" in paragraph (h)(5) and by removing and reserving paragraph (h)(4) to read as follows:

§ 228.15 Dumping sites designated on a final basis.

* * * * *

(h) * * *

(4) (Reserved)

(5) * * *

* * * * *

Period of Use: Continued use.

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 disposal placement as specified by the Site Management Plan.

* * * * *

[FR Doc. 95-11679 Filed 5-10-95; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 95

[WT Docket No. 95-47; FCC 95-158]

Allow Interactive Video and Data Service (IVDS) Licensees To Provide Mobile Service on an Ancillary Basis

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has proposed rules to allow Interactive Video and Data Service (IVDS) licensees to provide mobile service to subscribers on an ancillary basis. This action is in response to a petition for rule making from EON Corporation. Allowing mobile operation would enhance the marketability and usefulness of IVDS as well as ensure flexible and efficient use of the IVDS spectrum.

DATES: Comments must be submitted on or before June 26, 1995 and reply comments must be filed on or before July 11, 1995.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Donna Kanin or William Cross at (202) 418-0680, Wireless Telecommunications Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule Making*, WT Docket 95-47, FCC 95-158, adopted April 13, 1995, and released May 5, 1995. The full text of this *Notice of Proposed Rule Making* is available for inspection and copying during normal business hours in the FCC Reference Center, Room 230, 1919 M Street, N.W., Washington, D.C. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, Suite 140, Washington, DC 20037, telephone (202) 857-3800.

Summary of Notice of Proposed Rulemaking

1. EON Corporation filed a petition for rule making (RM-8476), Public Notice No. 2011, requesting that the Commission amend Part 95 of the Rules, 47 CFR Part 95, to allow Interactive Video and Data Service (IVDS) licensees to provide mobile service to subscribers on an ancillary basis. The primary objective of the IVDS service rules, promulgated in 1992, was to satisfy demands for interactive communications between subscribers at fixed locations and video, data, or other