

Telecommunication Union Radio Regulations and the following signals:

Dated: January 3, 1990.

R.T. Nelson,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.

[FR Doc. 90-2614 Filed 2-5-90; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[7-89-59]

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Florida

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: At the request of U.S. Congressman Tom Lewis, the Coast Guard is temporarily changing the regulations governing the operation of the PGA and Parker drawbridges at North Palm Beach by extending the hours of the existing regulations to provide draw openings at 30 minute intervals on weekdays. This temporary change is being made to evaluate its effect on peak season vehicular and waterway traffic.

DATES: These temporary regulations become effective on January 2, 1990 and terminate on March 2, 1990.

ADDRESSES: Comments regarding this temporary change should be mailed to Commander (oan), Seventh Coast Guard District, 909 SE. 1st Ave. Miami, FL 33131-3050. Any comments received will be available for inspection and copying in the office of the Bridge Administrator located in room 484 at Brickell Plaza Federal Building, 909 SE. 1st Avenue, Miami, FL. Documents and comments concerning this regulation may be inspected Monday through Friday between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Walt Paskowsky (305) 536-4103.

SUPPLEMENTARY INFORMATION:

Interested parties submitting written views, comments, data, or arguments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change to the temporary regulation.

Drafting Information

The drafters of this notice are Walt Paskowsky, project officer, and Lieutenant Commander D.G. Dickman, project attorney.

Discussion of Temporary Regulations

The PGA and Parker bridges presently open on signal, except that from 7 a.m.

to 9 a.m. and 4 p.m. to 7 p.m., Monday through Friday, the PGA opens on the quarter and three quarter hour while Parker opens on the hour and half hour. On weekends and Federal holidays both bridges open on the hour, 20 minutes after the hour, and 40 minutes after the hour between 8 a.m. and 6 p.m. This change adds 30 minute scheduled synchronized openings from 9 a.m. to 4 p.m. on weekdays. Because this is a temporary regulation, it will not appear in the Code of Federal Regulations.

Economic Assessment and Certification

These temporary regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and non-significant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact of this rule is expected to be so minimal that a full regulatory evaluation is unnecessary. We conclude this because the rule exempts tugs with tows. Since the economic impact of the proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, the Coast Guard has amended part 117 of title 33, Code of Federal Regulations as follows:

PART 33—[AMENDED]

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1g.

2. For the period between January 2, 1990 through March 2, 1990, paragraphs (s) and (t) of § 117.261 are revised to read as follows.

Note: This is a temporary rule and will not appear in the Code of Federal Regulations.

§ 117.261 Atlantic Intracoastal Waterway from St. Marys River to Key Largo.

(s) PGA Boulevard bridge, mile 1012.6. The draw shall open on signal; except that from 7 a.m. to 7 p.m., Monday through Friday, except Federal holidays, the draw need open only on the quarter-hour and three-quarter hour. On Saturdays, Sundays and Federal holidays from 8 a.m. to 6 p.m., the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour.

(t) Parker (US 1) bridge, mile 1013.7. The draw shall open on signal; except that from 7 a.m. to 7 p.m., Monday through Friday, except Federal holidays, the draw need open only on the hour and half hour. On Saturdays, Sundays and Federal holidays from 8 a.m. to 6 p.m., the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour.

Dated January 12, 1990.

Martin H. Daniell,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 90-2562 Filed 2-5-90; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

[FRL-3719-4]

Ocean Dumping; Designation of Site

AGENCY: Environmental Protection Agency (EPA), Region IX.

ACTION: Final rule.

SUMMARY: EPA Region IX today designates an ocean disposal site located southeast of Tutuila Island, American Samoa, for the disposal of fish processing wastes. The center of the site is 5.45 nautical miles from land (14° 24.00' South latitude by 170° 38.20' West longitude), located in 1,502 fathoms of water, with a radius of 1.5 nautical miles. The fish processing wastes are generated by Star-Kist Samoa, Incorporated and Samoa Packing, Incorporated located in Pago Pago. These are subsidiaries of Star-Kist Foods, Incorporated and Van Camp Seafood Company, Incorporated, respectively.

This action is necessary to provide an acceptable ocean dumping site for the disposal of fish processing wastes from American Samoa canneries (the "canneries"). This final site designation is for an indefinite time. The site is subject to periodic monitoring to insure that unacceptable adverse environmental impacts do not occur. If EPA Region IX determines that unacceptable environmental impacts are occurring at the site, the Regional Administrator may take appropriate action under his authority defined at 40 CFR 228.11. Upon final designation, all other sites previously designated, including the interim Fish Cannery Wastes Site—Region IX listed at 40 CFR 228.12(a)(3), shall be cancelled.

DATES: *Effective date:* February 5, 1990. This designation shall become applicable when three-year special permits for Star-Kist Samoa, Inc. and Samoa Packing, Inc. are issued.

ADDRESSES: Send comments to: Mr. Patrick Cotter, Ocean Dumping Coordinator (W-7-1), U.S. Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, California 94105. The file supporting this designation and the letters of comment are available for public inspection at the following locations:

1. EPA Public Information Reference Unit (PIRU), Room 2904 (rear), 401 M Street, SW., Washington, DC
2. EPA Region IX, 211 Main Street, San Francisco, California. Call (415) 744-2180 to make special arrangements
3. EPA Pacific Islands Coordination Office, 300 Ala Moana Boulevard, Room 1302, Honolulu, Hawaii
4. American Samoa Environmental Quality Commission, Pago Pago, American Samoa

FOR FURTHER INFORMATION CONTACT: Mr. Patrick Cotter at the above address, or by telephone at (415) 744-1640.

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 dumping may be permitted. On December 23, 1986, EPA's Administrator delegated the authority to designate ocean disposal sites for fish processing wastes to EPA Regional Administrators. This site designation is being made according to that authority.

The EPA Ocean Dumping Regulations (40 CFR chapter 1, subchapter H, § 228.4) state that ocean dumping sites will be designated by publication in part 228. A list of "Approved Interim and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2462 *et seq.*). A fish cannery waste disposal site was designated for American Samoa on November 24, 1980 (45 FR 77435). This site designation was restricted to a three-year period which ended on November 24, 1983. Before the site authorization expired, EPA Region IX issued a letter on August 8, 1983 authorizing the canneries to dispose of the fish processing wastes at the site until a suitable site designation environmental impact statement was prepared by the Agency. After the effective date of this final rule for the fish processing waste disposal site, the

Fish Cannery Wastes Site—Region IX listed at 40 CFR 228.12(a)(3) and any other sites shall be cancelled.

A series of MPRSA section 102 research permits (OD 86-01, OD 87-01, OD 88-01 and OD 88-02) were issued to the canneries. The special conditions and monitoring requirements in these permits have been used to characterize the current disposal site (900-fathom site) during actual disposal operations. Research permits were issued because EPA Region IX determined there was a need to collect scientific information about the impact of this fish processing waste disposal in the environment near American Samoa. Results of the site monitoring program revealed that unacceptable environmental impacts did not occur at the designated ocean disposal site.

On November 18, 1988, the Ocean Dumping Ban Act (ODBA) of 1988 (PL 100-688) was signed. The ODBA excludes waste from the tuna canneries in American Samoa, amended MPRSA section 104B(k)(3)(B), from the prohibition of ocean dumping of industrial wastes after December 31, 1991. EPA administratively extended Research Permit OD 88-02 on March 3, 1989. This was necessary because ODBA banned the use of research permits. The final designation of this ocean dumping site is intended to provide an acceptable location for disposing of fish cannery wastes in the most environmentally sound manner.

Interested persons may participate in this final rulemaking by submitting written comments within 30 days of the date of this publication to the address given above.

B. EIS Development

Section 102(c) of the National Environmental Policy Act of 1969, 42 U.S.C. sections 4321 *et seq.*, (NEPA), requires that Federal agencies prepare environmental impact statements (EIS) on proposals for major Federal actions significantly affecting the quality of the human environment. The object of NEPA is to build into agency decision-making processes 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 dumping site designations (39 FR 16186, May 7, 1974; as amended by 39 FR 37419, October 24, 1974).

EPA Region IX prepared a Draft EIS entitled "The Designation of an Ocean Disposal Site off Tutuila Island, American Samoa, for Fish Processing Wastes." A notice of availability of the DEIS for public review and comment was

published in the Federal Register (53 FR 38118, September 16, 1988). The public comment period on this DEIS closed on October 31, 1988 after receipt of 11 comment letters. Notification of a Proposed Rule (54 FR 7207, February 17, 1989) and a Final EIS (54 FR 9083, March 3, 1989) were published in the Federal Register. The public comment period for these documents closed on April 3, 1989. EPA Region IX received 6 comment letters during the comment period and 1 comment letter after the close of the comment period.

In addition to the Coastal Zone Management Act coordination discussed below, EPA Region IX has also coordinated with the appropriate agencies on the Endangered Species Act and the National Historic Preservation Act. The agencies responsible for these two programs determined that the site designation would not affect either program. The following substantive comments were discussed in the 7 comment letters:

Comment 1: The American Samoa Economic Development Planning Office requested that EPA obtain a consistency determination from the applicant before the issuance of any permit.

Response 1: The applicant, Star-Kist Foods, requested a coastal consistency determination under section 307(c) of the Coastal Zone Management Act from the American Samoa Economic Planning Office. In a letter dated June 2, 1989, Star-Kist Foods provided a copy of the American Samoa Government's letter (May 8, 1989) certifying that the proposed site designation complied with the approved American Samoa Coastal Zone Management Program.

Comment 2: The EPA, the American Samoa Environmental Protection Agency and the U.S. Coast Guard must ensure that the fish wastes are disposed in the designated area through effective surveillance and a frequent monitoring program.

Response 2: To ensure protection of sensitive marine ecosystems and human health, EPA Region IX has taken the most conservative approach to designation of an appropriate site and selected a site 5.45 nautical miles offshore. The center of the 1,500-fathom site is about 2.75 nautical miles farther offshore than the current 900-fathom site. The special ocean dumping permit that will be issued to each applicant contains restrictions on the disposal site operations and strict reporting requirements. There are also provisions for shipriders to accompany the disposal vessel. Surveillance will be conducted by the U.S. Coast Guard (USCG) and the

American Samoa Environmental Protection Agency (ASEPA), when agency personnel are available.

The monitoring program for the permit is contained in the special conditions of the ocean dumping permit. This level of monitoring is required by EPA to allow the regulatory agencies to determine whether unacceptable environmental impacts are occurring as a result of disposal operations at the designated site. Disposal of the wastes, as defined in the special ocean dumping permit, will insure that the disposed fish wastes do not exceed the limiting permissible concentration at the boundary of the disposal site. The disposal vessel captain will be required to note the presence or absence of the previous disposal plume if a second trip is made to the disposal site on the same day. However, this will be accomplished during the vessel's direct transit to the disposal site; the vessel will not be required to search for the plume.

The special permit will have monthly monitoring requirements for the wastes streams from the permittees' processing facilities. A detailed report discussing the results of monitoring conducted pursuant to the previously issued research permits will be required. In addition to the agencies already receiving copies of the permittees' monitoring reports, the Western Pacific Regional Fishery Management Council will also receive a copy.

Comment 3: Disposal of fish wastes at sea are responsible for attracting sharks into Pago Pago Harbor.

Response 3: Fish wastes permitted under the Ocean Dumping Act have been disposed at a site at least 5 nautical miles south of the mouth of Pago Pago Harbor. It is unlikely that shark activity in Pago Pago Harbor can be attributed to disposal of fish wastes at such a distance from the main harbor.

Comment 4: Consider other alternatives to ocean disposal.

Response 4: EPA Region IX has selected the 1,500-fathom site as the preferred alternative because other land based disposal alternatives did not make the most efficient use of American Samoa's limited resources and the impact on human health from land disposal was considered to be too great compared to ocean disposal. When ODBA was signed in November 1988, the canneries in American Samoa were excluded from the ban on disposal of industrial waste in the ocean if EPA approved ocean disposal.

C. FEIS Alternatives Analysis

The action discussed in the FEIS is designation of an acceptable fish

processing waste disposal site for continued use. The purpose of the designation is to provide an environmentally acceptable location for ocean disposal as specified in 40 CFR part 228 of EPA's Ocean Dumping Regulations. Use of the site will be regulated through the issuance of MPRSA section 102 special permits in compliance with the criteria defined in 40 CFR part 227. Each special permit will last for a maximum of 3 years. EPA Region IX and the American Samoa Environmental Protection Agency will evaluate permit data to determine whether disposal can continue at the site.

Application for each permit will be evaluated individually to determine whether the permittees have provided adequate information to characterize the waste. All monitoring data will be reviewed to determine whether any environmental impacts have occurred as a result of disposal of fish processing wastes at the designated site. If EPA Region IX determines that significant unacceptable impacts have occurred at the site, then the Regional Administrator will re-evaluate the use of the site.

The FEIS discusses the need for the action and examines ocean disposal sites and alternatives to the proposed action. The following alternatives were evaluated in this FEIS:

1. *No Action*—This alternative would prohibit ocean disposal of fish processing wastes. No action would force the canneries to consider one of the following alternatives: (1) Discharge of the wastes into Pago Pago Harbor, or (2) Disposal on land. The options listed for the No Action alternative were determined to be unacceptable solutions because environmental risks were unacceptable and land disposal has been banned by the American Samoa Government.

2. *Other Technological Alternatives*—These alternatives include: centrifuging, belt presses, vacuum filter presses, anaerobic treatment and digestion, production of animal feed, oil recovery, incineration, pulse jet drying, ultrafiltration, and composting. All of these alternatives were examined in the DEIS and found to be unacceptable for disposal of fish processing wastes because they were technically infeasible given the amount of wastes and the land space required for such alternatives.

3. *Current Disposal Site (900-fathom site)*—This site has been used for ocean disposal of fish processing wastes since a research ocean dumping permit (OD 86-01) was issued in 1987. The center of the site was located 2.25 nautical miles from land (14° 22.18' South latitude by 170° 40.87' West longitude) in 910

fathoms of water. This site has been monitored extensively for two years, during 4 research permits. This site was determined unsuitable because projected increase in waste disposal require a larger site and one that is farther from shore to prevent impacts to nearshore ecosystems.

4. *Shallow Water Site*—This site is located 2.3 nautical miles seaward of the entrance to Pago Pago Harbor (14° 20.60' South latitude by 170° 39.30' West longitude) in 120 fathoms of water. The site is very close to the Taema Bank fishing area. It is not considered as a viable alternative for ocean disposal of fish processing wastes because there may be potentially significant impacts to fishing on the bank.

5. *Deeper Water Site (1,500-fathom site)*—The center of the deeper water site defined in the DEIS was moved 0.5 nautical miles farther offshore in the FEIS. Water depth at the center of the site is 1,502 fathoms. This proposal was made by EPA Region IX as a result of comments received on the DEIS and to eliminate potential impacts to nearshore ecosystems. The center of the 1,500-fathom site in the FEIS (14° 24.00' South latitude by 170° 38.20' West longitude) is located about 5.45 nautical miles from land. Major consideration include: the area of the disposal site, containment of the dumping plume within the site given the initial-mixing calculations, the proximity of the site to American Samoa territorial waters, the feasibility of monitoring and surveillance, and other specific criteria defined at 40 CFR 228.6(a).

The FEIS presents the information needed to evaluate the suitability of ocean disposal alternatives for final designation which is based on site monitoring studies. The site monitoring studies, waste stream monitoring and final designation are being conducted under MPRSA, the Ocean Dumping Regulations, and other applicable Federal environmental legislation.

This final rulemaking notice fills the same role as the Record of Decision required under regulations promulgated by the Council on Environmental Quality for agencies subject to NEPA.

D. Site Designation

The site designated today by EPA Region IX is the same site selected as the preferred alternative in the February 17, 1989 Federal Register notice: The 1,500-fathom site, located about 5.45 nautical miles offshore. The site occupies an area of about 7.07 square nautical miles. Water depths within the area are approximately 1,502 fathoms (2,748 meters). The coordinates of the

site are as follows: 14° 24.00' South latitude by 170° 38.20' West longitude with a radius of 1.5 nautical miles. If at any time during the monitoring program required by the MPRSA section 102 special permit, EPA Region IX determines that disposal operations at the site are causing unacceptable adverse impacts, further use of the site will be restricted or ended. EPA anticipates that use of the site will not cause significant unacceptable environmental impacts as a result of disposal of fish processing wastes. The environmental impact of the disposal operations will be evaluated on a quarterly basis when the permit monitoring data is provided to EPA Region IX.

E. Regulatory Requirements

Selection and approval of ocean disposal sites for continuing use is evaluated first for compliance with 5 general site selection criteria. A site is selected to minimize interference with other marine activities, to keep any temporary dumping perturbations from causing impacts outside the disposal site, and to permit effective monitoring for detection of any adverse impacts at an early stage. Where feasible, locations off the continental shelf and sites with historical use are chosen. If disposal operations at a site cause unacceptable adverse impacts, the use of that site will be ended as soon as a suitable alternate disposal site can be designated. The 5 general criteria are given in § 228.5 of the EPA Ocean Dumping Regulations, and § 228.6(a) lists 11 specific factors used in evaluating a disposal site to assure that the general criteria are met.

EPA has determined that the site meets the 5 general ocean dumping criteria. Historical use of the 900-fathom site has not resulted in substantially adverse effects to living resources of the ocean or to other uses of the marine environment. The 1,500-fathom site is expected to have similar effects on marine resources about 2.75 nautical miles southeast of the 900-fathom site.

The characteristics of the 1,500-fathom site are reviewed below for compliance with the 11 specific ocean dumping criteria.

1. *Geographical position, depth of water, bottom topography and distance from the coast*, 40 CFR 228.6(a)(1). The 1,500-fathom site is located about 5.45 nautical miles (9.2 kilometers) from shore at a depth of approximately 1,502 fathoms (2,748 meters). The bottom topography of the dump site slopes sharply from 1,200 fathoms in the northwest quadrant to depths more than 1,502 fathoms (NOAA, Chart 83434). Since the fish processing waste disposal

plume is buoyant, no sediment samples have been taken because benthic impacts are not expected at the site.

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). There are no known breeding, spawning or nursery uses of the 1,500-fathom site. The species in the vicinity of the site are pelagic fish species that are harvested commercially, and species of marine birds and cetaceans that are seen infrequently near the site.

3. *Location in relation to beaches and other amenity areas*, 40 CFR 228.6(a)(3). The 1,500-fathom site is 5.45 nautical miles from the nearest shoreline. EPA Region IX has determined that visual impacts of plumes, transport of dredged material to any shoreline and alteration of any habitat of special biological significance or marine sanctuary will not occur if this site is designated.

Comments received on the DEIS say that the plume from the 900-fathom site may have moved close to shore on rare occasions. These reports included sightings and detection of odors associated with the waste. As a result of these reports, EPA Region IX has moved the center of the disposal site farther offshore and increased the radius of the site to contain the plume as shown by mathematical model runs in the FEIS.

The special permits that will be issued for the site will require that the disposal vessel captain conduct all disposal operations in the upcurrent quadrant of the site. This will reduce the possibility of the discharge plume moving into sensitive marine habitats or near the shore.

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 228.6(a)(4). Actual disposal of DAF sludge has been about 48,000 gallons per day. The average monthly disposal of authorized wastes from both canneries has been about 860,000 gallons since the research permits were issued in 1987. The canneries propose to dispose of the following fish processing wastes at the disposal site: 91,400 gallons/day of dissolved air flotation (DAF) sludge, 113,300 gallons/day of precooker water, and 52,200 gallons/day of presswater. These amounts are proposed for disposal on a daily basis in the event that delays in daily disposal operations occur. If delays in disposal occur, the wastes will be stored until conditions for disposal are acceptable. At that time it is possible that additional disposal trips will be scheduled to empty the storage tanks. Future disposal operations may increase if precooker

water and press water must be dumped at sea after National Pollutant Discharge Elimination System (NPDES) permits impose stricter limits on waste discharges in Pago Pago Harbor.

The wastes will be transported via a dumping vessel with 24,000 gallon tanks. After modifications, the vessel could carry up to 100,000 gallons of waste per trip for disposal at the site. The disposal of the wastes will occur at a location 1.2 nautical miles upcurrent from the center of the site at a rate of 140 gallons per minute per knot, not to exceed 1400 gallons per minute at a maximum speed of 10 knots within a 0.2 nautical mile circle.

5. *Feasibility of surveillance and monitoring*, 40 CFR 228.6(a)(5). The EPA, the USCG and the ASEPA may conduct spot surveillance of disposal activities at the site, and they may inspect the disposal vessel for compliance with USCG regulations and the permits. EPA Region IX and ASEPA will assist the USCG within the limits of their jurisdiction.

Waste stream and plume monitoring will be key factors in the site monitoring program. The monitoring program will be established to answer several questions including: composition of wastes disposed at the site during the term of the permit, the area affected by the disposal plume, movement of the disposal plume toward land and areas of special biological significance, disposal model verification, and potential impacts on commercial and recreational fisheries. If significantly adverse impacts are detected at the site, the site management plan will be flexible enough to allow for appropriate action.

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). Water currents in the vicinity of the 1,500-fathom site are variable but move parallel to shore in a west-southwest direction. Surface current speeds average between 0.16 and 0.67 knots. During storm events, greater surface current speeds occur. Vertical mixing to a depth of approximately 20 meters has been documented at the disposal site; however, the surface waters off American Samoa are strongly stratified and deeper mixing is not expected below the permanent thermocline.

The prevailing winds, oceanic currents, shoaling effects of the reefs and the configuration of the island contribute to a persistent longshore current between Pago Pago Harbor and the southeastern point of the island.

This current minimizes the possibility of the waste plume affecting nearshore reef areas. To further reduce the possibility of nearshore impacts, EPA Region IX has selected the 1,500-fathom site which is 5.45 nautical miles from shore.

7. *Existence and effects of current and previous discharges and dumping in the area (including cumulative effects)*, 40 CFR 228.6(a)(7). Disposal of fish processing wastes has been permitted at two locations near the 1,500-fathom site since September 1980. An average of about 860,000 gallons per month has been discharged at these sites since the first research permit was issued. Detailed field monitoring at the 900-fathom site, under 4 research permits, has not shown any unacceptable or cumulative environmental impacts since February 1987. Impacts on the water column during disposal operations are considered to be minimal and temporary. The potential for cumulative effects, also considered to be minimal at the 1,500-fathom site, will be assessed in the monitoring program as a major requirement of the MPRSA section 102 special permits.

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). Interference with shipping and fishing is minimal because vessel traffic in the vicinity of the disposal site is extremely low. To minimize effects on nearshore habitats and fish aggregation devices placed near the island, EPA Region IX has selected the 1,500-fathom site as the preferred alternative. There are no other uses of the ocean that could be affected by disposal of wastes at the 1,500-fathom site.

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). The oceanic water quality is considered to be excellent with regard to the concentration of nutrients and other compounds at the 1,500-fathom site. The size of the site has been enlarged to a radius of 1.5 nautical miles to contain any discharge plume within the boundaries. Water quality outside the site boundary is not expected to be affected by disposal of fish processing wastes.

The community of pelagic invertebrates in the vicinity of the 1,500-fathom site is dominated by large cephalopod mollusks of the genus *Nautilus*. Recent studies have shown that they may be food for large carnivores. Impacts on these highly

motile invertebrates are expected to be very small.

Pelagic fish caught in the vicinity of the 1,500-fathom site include skipjack (*Katsuwonus pelamis*) and yellowfin tuna (*Thunnus albacares*) which are fished commercially throughout the tropical South Pacific Ocean. Other important sport and commercial fish species are marlin (*Makaira* spp.), sailfish (*Istiophorus platypterus*), dolphin fish (*Coryphaena* spp.), wahoo (*Acanthocyprium solandri*) and kawakawa (*Euthynnus affinis*). These species are migratory and they avoid areas of turbid water. No impacts are expected on these fish species. No impacts are expected on coastal birds, cetaceans or any endangered species in the vicinity of the 1,500-fathom site.

10. *Potentiality for the development or recruitment of nuisance species in the disposal site*, 40 CFR 228.6(a)(10).

Recruitment of nuisance species, such as sharks, in the vicinity of the disposal site is not expected. Sharks have been observed near the fish attractant device south of the island and in Pago Pago Harbor feeding on small fish. If a school of small prey fish were attracted to the waste plume, the sharks may pursue them. However, disposal of fish processing wastes at the current site has not caused an increase in the offshore shark population.

11. *Existence at or in close proximity to the site of any significant natural or cultural feature of historical importance*, 40 CFR 228.6(a)(11). There are no known shipwrecks or any known aboriginal artifacts in the vicinity of the 1,500-fathom site.

F. Action

EPA Region IX has concluded that the 1,500-fathom site, evaluated in the FEIS, may be designated for continued use. The 1,500-fathom site is compatible with the 5 general criteria and 11 specific criteria used by EPA for site evaluation. Designation of the 1,500-fathom site as an approved EPA Ocean Dumping Site is being published as final rulemaking. Management of this site will be the responsibility of the Regional Administrator of EPA Region IX. The monitoring program, required as part of the MPRSA section 102 special permits, will be conducted by the permittees.

Designation of an ocean dumping site by EPA Region IX does not constitute or imply EPA Region IX's approval of actual ocean disposal of materials. Before ocean dumping of fish processing waste begins, EPA Region IX must evaluate each permit application according to the ocean dumping criteria: EPA Region IX has the right to disapprove the actual dumping, if

environmental concerns under MPRSA have not been met.

G. Regulatory Assessments

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which 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 site designation will only have the effect of providing a disposal site for fish processing wastes generated in Pago Pago, American Samoa. 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. Therefore, this proposed rule does not necessitate preparation of a Regulatory Impact Analysis.

The Final Rule does not contain any requirements to collect information that are subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. sections 3501 *et seq.*

List of Subjects in 40 CFR Part 228

Water pollution control.

Dated: January 25, 1990.

Daniel W. McGovern,

Regional Administrator for Region IX.

In consideration of the foregoing, subchapter H of chapter 1 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. sections 1412 and 1418.

2. Section 228.12 is amended by adding paragraph (b)(74) to read as follows:

§ 228.12. *Delegation of management authority for interim ocean dumping sites.*

(b)

(74) American Samoa Fish Processing Waste Disposal Site, American Samoa Fish Processing Waste Disposal Site—Region IX.

Location: 14° 24.00' South latitude by 170° 38.20' West longitude (1.5 nautical mile radius).

Size: 7.07 square nautical miles.

Depth: 1,502 fathoms (2,746 meters or 9,012 feet).

Primary Use: Disposal of fish processing wastes.

Period of Use: Continued use.

Restrictions: Disposal shall be limited to dissolved air flotation (DAF) sludge, presswater, and precooker water

produced as a result of fish processing operations at fish canneries generated in American Samoa.

[FR Doc. 90-2440 Filed 2-5-90; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

Federal Supply Service

41 CFR Part 101-49

[FPMR Amdt. H-175]

Utilization, Donation, and Disposal of Foreign Gifts and Decorations

AGENCY: Federal Supply Service, GSA.

ACTION: Final rule.

SUMMARY: This amendment redefines "minimal value" for foreign gifts based on the increase in the Department of Labor Consumer Price Index report of September 30, 1989. Public Law 95-105 requires that "minimal value" be redefined at 3-year intervals to reflect changes in the consumer price index for the immediately preceding 3-year period. This final rule redefines "minimal value."

EFFECTIVE DATE: January 1, 1990.

FOR FURTHER INFORMATION CONTACT: Stanley M. Duda, Director, Property Management Division (703-557-1240).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for and consequences of this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 101-49

Foreign gifts and decorations, medals, awards, Foreign relations, Government property; Government property management.

Accordingly, 41 CFR part 101-49 is amended as follows:

PART 101-49—UTILIZATION, DONATION, AND DISPOSAL OF FOREIGN GIFTS AND DECORATIONS

1. The authority citation for part 101-49 continues to read as follows:

Authority: Sec. 205(c), 83 Stat. 390 (40 U.S.C. 486(c)); sec. 515, 91 Stat. 862 (5 U.S.C. 7342).

2. Section 101-49.001-5 is amended by revising the introductory statement to read as follows:

§ 101-49.001-5 Minimal value.

"Minimal value" means a retail value in the United States at the time of acceptance of \$200 or less, except that:

Dated: January 18, 1990.

Richard G. Austin,

Acting Administrator of General Services.

[FR Doc. 90-2654 Filed 2-5-90; 8:45 am]

BILLING CODE 6820-24-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR 5450

[AA-230-08-6310-02; Circular No. 2622]

RIN 1004-AB49

Sales of Forest Products

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This rulemaking amends provisions of the existing regulations in 43 CFR part 5450, Award of Contract; General, to reduce the risk of default on timber sale contracts. The potential exists for Bureau of Land Management (BLM) timber sale contracts to be defaulted by purchasers who are not able to or choose not to complete the contracts by their expiration dates. Such defaults create forest management problems and reduce timber revenues to the Federal Treasury and local governments. This rulemaking requires additional security from purchasers of new sales where the purchaser has defaulted on a past sale contract and has not paid or bonded for the damages associated with the defaulted sale. The increased security reduces the Government's risk from non-performance by defaulters, increases the likelihood that all purchasers will complete their timber sale contracts on time, and provides an alternative remedy to debarment in cases of default. This rulemaking supplements the existing pre-award qualification rule which requires the authorized officer of

the BLM to determine whether the high bidder is qualified or responsible to perform the obligations of the contract. In addition to the authorized officer's existing duty to assess the high bidder's qualification in terms of having contractor status, financial capability, skill, and ability, this rulemaking gives the authorized officer the basis to deal with the high bidder's responsibility as demonstrated by performance on past contracts.

EFFECTIVE DATE: March 8, 1990.

ADDRESSES: Inquiries or suggestions may be sent to: Director (230), Bureau of Land Management, Room 909 Premier Bldg., Department of the Interior, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Richard Bird, (202) 653-8864.

SUPPLEMENTARY INFORMATION: Current regulations at 43 CFR 5450.1(a) authorize the authorized officer to require a high bidder to provide such information as is necessary to determine the ability of the bidder to perform the obligations of the contract. Defaulting on past contracts indicates that the purchaser may not be capable of meeting or may willfully disregard contractual obligations. Regardless of the reason, a likelihood of failure to perform new contractual obligations is unacceptable to the United States, and presents the need for additional security against such failure in appropriate circumstances.

Failure to perform, or default on, Federal sale contracts impairs the land management ability of the Federal Government, reduces local and Federal revenue, and affects other timber purchase companies. Reoffering defaulted timber sales interrupts the orderly offering of timber sales in the same vicinity by requiring the adjustment and repetition of actions already completed. Efficient reforestation is complicated by the uncertain timing associated with potential default and resale. The determination of cumulative environmental impacts is increased because of the passage of time. The collection of receipts shared by the United States and local government is delayed and the actual amount collected may be reduced. The United States is put in the uncertain position of not knowing whether the defaulter is either able or willing to complete other contracts.

Under law, defaulted timber sales sold prior to January 1, 1982, are reoffered for sale as a part of rather than in addition to the normal timber sale program. This results in reduced inventories of timber held by timber