

---

---

**Wednesday  
May 1, 1991**

# Federal Register

**Briefings on How To Use the Federal Register**  
For information on briefings in Washington, DC, and New York City see announcement on the inside cover of this issue.

APPLICABLE STANDARDS <sup>1</sup>

[(1) 1989-1991]

State	May	June	July	Aug.	Sept.
Texas:					
East of 99° Longitude	9.5	9.0	9.0	9.0	9.5

<sup>1</sup> Standards are expressed in pounds per square inch (psi).

[FR Doc. 91-10612 Filed 5-3-91; 8:45 am]

BILLING CODE 6560-50-M

## 40 CFR Part 228

[FRL-3953-8]

## Ocean Dumping; Cancellation of Site Designation; Key West, FL

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

**ACTION:** Final rule.

**SUMMARY:** EPA today cancels the interim designation of an ocean dumping site for the disposal of dredged material offshore Key West, Florida. This action is being taken because there is no clear future need for this site. The site will be removed from the list of "Approved Interim Dumping Sites" in 40 CFR 228.12(a)(3), which includes dredged material and non-dredged material ocean dumping sites.

**DATES:** This cancellation shall become effective on June 5, 1991.

**ADDRESSES:** Mr. Robert B. Howard, U.S. Environmental Protection Agency/Region IV, Water Management Division, Water Quality Management Branch, Wetlands and Coastal Programs Section, Coastal Programs Unit, 345 Courtland Street NE., Atlanta, Georgia 30365.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert B. Howard (404) 347-2126 or FTS 257-2126.

**SUPPLEMENTARY INFORMATION:** EPA published revised "Ocean Dumping Regulations and Criteria" in the Federal Register on January 11, 1977 (42 FR 2462 et seq.). Section 228.12 contains a list of "Approved Interim Dumping Sites" and "Approved Dumping Sites."

This list was amended on December 9, 1980 (45 FR 81042 et seq.) to extend the interim designation of some ocean dumping sites and cancel the designation of six industrial sites and one dredged material site. At that time, EPA stated its intention to identify additional ocean dumping sites for which there is no projected future need.

One such site offshore Key West, Florida, has now been identified, and EPA is cancelling the interim designation of this site based upon EPA's evaluation of information from the U.S. Army Corps of Engineers (COE), Jacksonville District. According to the Jacksonville District, the site has never been used and there is no work, new or maintenance, envisaged for the Key West, Florida area. Any future dredging that may be required would be in the event of an emergency (e.g., hurricane). Such disposal of dredged material is best handled by the COE's Section 103 Designation authority provided in the Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1972, as amended. The use of significant resources for studying, designating, monitoring and managing an EPA section 102 (MPRSA) ocean dumping site for the disposal of dredged material offshore Key West, Florida is presently unwarranted based upon the absence of any past or reasonably foreseeable need for ocean disposal of significant volumes of dredged material.

EPA proposed cancellation of the designation of this site on July 10, 1990 (55 FR 28235). The public comment period expired on August 9, 1990. Only one letter was received commenting on the proposed cancellation of the Key West site. The letter, from the Key West Bar Pilots, stated that the site was needed because maintenance dredging of the local channels would eventually be necessary and that upland alternatives were not available. While EPA does not disagree that ocean disposal of dredged materials may be necessary in the future, the infrequency and uncertainty of dredging for this area does not justify an EPA section 102 ocean dumping site (as discussed above). Such events should be handled under the section 103 authority granted to the COE for one-time use.

The site with its identifying coordinates is:

Key West, FL  
 24°27'24" N., 81°45'38" W.  
 24°27'24" N., 81°44'32" W.  
 24°28'20" N., 81°44'32" W.  
 24°28'20" N., 81°45'38" W.

The cancellation of this site as an EPA interim-approved ocean dumping site is being published (per 40 CFR 228.11(a)) as final rulemaking.

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. Under Executive Order 12291, EPA must judge whether a regulation is "major"

and therefore subject to the requirement of a Regulatory Impact Analysis.

EPA has determined that this action will not have a significant impact on small entities. No small entities are using or, as far as EPA is aware, are planning to use this site in the near future. Furthermore, the cancellation of this site designation will have no effect on the economy or cause any of the other effects which would result in its being classified as a "major" action. Consequently, this action does not necessitate the preparation of a Regulatory Flexibility Analysis or Regulatory Impact Analysis.

This final rule does not contain any information collection requirements subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. et seq.

## List of Subjects in 40 CFR Part 228

Water pollution control.

Patrick M. Tobin,

Acting Regional Administrator.

In consideration of the foregoing, part 228 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. 1412 and 1416.

## § 228.12 [Amended]

2. Section 228.12 is amended by removing the "Key West" entry from the list of "Dredged Material Sites," in paragraph (a)(3).

[FR Doc. 91-10613 Filed 5-3-91; 8:45 am]

BILLING CODE 6560-50-M

## 40 CFR Part 250

[SWH-FRL-3954-2]

## Guideline for Federal Procurement of Paper and Paper Products Containing Recovered Materials

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of availability.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) has issued a series of guidelines designed to encourage Federal government's use of products containing materials recovered from solid waste. Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA or the Act), as amended, 42 U.S.C. 6962, states that if a procuring agency purchases items