

regulations pursuant to Section 1422 of the SDWA, and hereby approve it.

EPA is publishing this approval effective immediately so that Florida can begin issuing UIC permits for Classes I, III, IV, and V wells under the UIC program.

The terms listed below comprise a complete listing of the thesaurus terms associated with 40 CFR Part 123, which sets forth the requirements for a State requesting the authority to operate its own permit program of which the Underground Injection Control program is a part. These terms may not all apply to this particular notice.

List of Subjects in 40 CFR Part 123

Hazardous materials, Indians—lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

OMB Review

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that approval by EPA under Section 1422 of the Safe Drinking Water Act of the application by the Florida Department of Environmental Engineering will not have a significant economic impact on a substantial number of small entities, since this rule only approves State actions. It imposes no new requirements on small entities.

Dated: January 28, 1983.

Anne M. Gorsuch,
Administrator.

[FR Doc. 83-3197 Filed 2-4-83; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 228

[WH-FRC 2297-7]

Ocean Dumping; Extension of Interim Site Designations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule.

SUMMARY: EPA today amends § 228.12 of the Ocean Dumping Regulations and Criteria to extend the interim designation of some dredged material ocean dumping sites pending completion of Environmental Impact Statements (EIS's) and formal rulemaking procedures. This action is necessary to

assure that maintenance dredging of harbors and essential disposal of dredged material into the oceans is continued until the necessary site designation studies are done.

DATE: This action will become effective on February 1, 1983. Comments must be received on or before March 9, 1983.

ADDRESSES: Send comments to: Mr. T. A. Wastler, Chief, Marine Protection Branch (WH-585), EPA, Washington, DC 20460.

The record supporting this rulemaking is available for public inspection at the following location: EPA Public Information Reference Unit (PIRU), Room 2404 (rear), 401 M Street Southwest, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. T. A. Wastler, 202/755-0356.

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 ocean dumping sites and states, in part:

The following sites are approved for dumping the indicated materials on an interim basis pending completion of baseline or trend assessment surveys and designation for continuing use or termination of use.

The 1977 designations were effective for a maximum of three years. On January 16, 1980, and December 9, 1980, EPA extended the interim designations of these sites according to schedules published in those documents. 45 FR 3053 et seq. and 45 FR 81042 et seq. As EPA explained in January 1980, an extensive program of dumpsite surveys and Environmental Impact Statement preparation has been underway since 1977 pursuant to Contract No. 68-01-4610 ("the Contract"). This program covers most of the significant interim-designated dumpsites, including all of the sites needed after January 1980 for ocean disposal of sewage sludge or industrial wastes and those dredged material disposal sites which service existing navigation projects and which either routinely receive large quantities of dredged material or receive dredged material which may be contaminated.

In the program of site designation as originally planned, those sites were selected for priority study which received large volumes of material or which received municipal wastes, industrial wastes, or dredged material from areas known to receive polluted materials. The sites selected for priority study included all sites at which municipal and industrial wastes were being dumped and dredged material ocean disposal sites which receive over

90 percent of all dredged material ocean dumped from the United States.

In its December 9, 1980, *Federal Register* notice, EPA published a schedule by which it intended to publish EIS's and designate ocean disposal sites. Of the sites listed in the schedule, EPA has completed rulemakings designating the acid waste site and five sites off Hawaii for continuing use. Final EIS's have been completed for seven additional sites and draft EIS's for six other sites. However, because of contractual problems, the need for additional information on certain of the disposal sites, and unanticipated analytical and scientific review requirements, we have not completed many of the permanent site designations on the schedule we adopted, a schedule that would have made interim designations unnecessary beyond February 1, 1983. Therefore, to assure that maintenance dredging of harbors and essential disposal of dredged material at ocean disposal sites can be continued until the site designation studies are completed and final designation actions are taken, it is necessary to extend some of the interim dredged material ocean disposal site designations. Each of the sites whose interim designation is extended is important to the continued maintenance of a major federal navigation project, and continuation of each of these projects is of regional and frequently national economic importance. These interim extensions will ensure that no delay in dredging activities will result from the unavailability of an EPA-designated site, with consequent impediments to interstate and foreign commerce.

The action taken today extends the interim designations of some ocean disposal sites on a schedule commensurate with the time needed to complete the required actions. The sites for which such extension of interim designation is given fall into three broad categories.

1. *Those sites for which all studies have been completed and EIS's have been published, but for which rulemaking has not been completed.* Each site designation is published first as proposed rulemaking for public comment, and then as final rulemaking. Ample time is allowed for public comment and, if necessary, one or more public hearings may be held. The minimum time for the rulemaking process is six months, and 12 months is a realistic length of time for this type of rulemaking. The sites in this category are:

(i) San Francisco Channel Bar, CA.

- (ii) New York Mud Dump, NY.
- (iii) Jacksonville, FL.
- (iv) Galveston, TX.

These sites were all included within the scope of the Contract and are now in various stages of the rulemaking procedure. An extension of one year to complete this process is required to allow for adequate public participation.

2. *Those sites for which all studies have been completed and the EIS's are in the process of being written.* These are sites for which field studies were required under the Contract and which have been delayed because of the need for additional information on the sites, more extensive data evaluation than was originally anticipated, or more extensive review of draft documents than anticipated. Some of these were backlogged by similar problems with other EIS's which preceded them in the Contract schedule. At the present time the data analyses on all of the EIS's are complete and they are in various stages of drafting. The sites in this category are:

- (i) Portland, ME.
- (ii) San Juan, PR.
- (iii) Charleston/Savannah/Wilmington (3 sites). Wilmington Harbor, NC; Charleston Harbor, SC; and Savannah River, GA.
- (iv) Sabine-Neches, TX.
- (v) Mouth of Columbia River, OR (5 sites).

Considering the length of time necessary for rulemaking after the draft EIS on each site is complete, an extension of the interim designation of each for 18 months is required.

3. *Those sites for which field studies have been planned and initiated, but either the studies or the data analysis is not yet complete, and drafting of the EIS has not yet begun.* These are sites which were included in the scope of work of the Contract but for which additional studies beyond those originally planned have been found to be necessary. In each case detailed study plans have been developed, and studies will be completed in early 1983. After the studies are completed, the data will have to be analyzed, the EIS's prepared and published, and the procedures for rulemaking followed. It is therefore necessary to extend the interim designations on these sites for 24 months. The sites in this category are:

- (i) Morehead City, NC.
- (ii) Georgetown, SC.
- (iii) Pascagoula, MS.
- (iv) Humboldt Bay, CA.
- (v) Long Beach, CA.
- (vi) San Diego, CA (2 sites).
- (vii) New Jersey/Long Island Sites (8 sites). Absecon Inlet, NJ; Cold Spring Inlet, NJ; Manasquan Inlet, NJ; East

Rockaway, NY; Jones Inlet, NY; Fire Island, NY; Shark River, NJ; and Rockaway Inlet, NY.

- (viii) Gulfport/Mobile/Pensacola (4 sites). Mobile, AL; Gulfport, MS (2 sites); and Pensacola, FL.

- (ix) Coos Bay, OR.

The interim designation of the Farallon Islands site is not being extended. This site was found to be unsuitable for dredge material disposal because of its close association with a marine sanctuary designated by the National Oceanic and Atmospheric Administration under Title III of the Marine Protection, Research, and Sanctuaries Act.

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 extension will only have the effect of retaining a disposal option for dredged material. Consequently, this action does not necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12291, 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 action does not necessitate preparation of a Regulatory Impact Analysis.

Continued designation of the interim dredged material disposal sites is necessary to assure the uninterrupted availability of harbors to interstate and foreign commerce. In the absence of an extension, the site designations at issue would expire February 1, 1983. Accordingly, pursuant to the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B), the Agency has determined that notice and public procedure on the interim designations, prior to their extension, is impracticable and contrary to the public interest. However, the Agency solicits public comment on the interim designations and will address any comments received in a final rulemaking. For the same reasons, EPA has determined, pursuant to the Administrative Procedure Act, 5 U.S.C. 8553(d)(3), that there is good cause to make this regulation effective on February 1, 1983.

This interim final rule was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

List of Subjects in 40 CFR Part 228

Water pollution control.

(33 U.S.C. 1412 and 1418)

Dated: January 28, 1983.

Frederic A. Eidsness, Jr.,

Assistant Administrator for Water.

PART 228—[AMENDED]

§ 228.12 [Amended]

In consideration of the foregoing, Part 228 of Subchapter H of Chapter I of Title 40 is amended by removing that part of the last sentence of the introductory text through the colon § 228.12(a) and removing paragraphs (1) through (3) of § 228.12(a). Paragraphs (4)–(6) of § 228.12(a) are redesignated as (1)–(3). Newly redesignated paragraph (a)(1) of § 228.12 is revised to read as follows:

* * * * *

(a) * * *

(1) The following sites for disposal of dredged material under Corps of Engineers permits under Section 103 of the Act will remain in force according to the following schedule:

(i) Until such time as formal rulemaking is completed or until January 31, 1984, whichever is sooner:

- (A) San Francisco Channel Bar, CA.
- (B) New York Mud Dump, NY.
- (C) Jacksonville, FL.
- (D) Galveston, TX.

(ii) Until such time as formal rulemaking is completed or until July 31, 1984, whichever is sooner:

- (A) Portland, ME.
- (B) San Juan, PR.
- (C) Charleston/Savannah/Wilmington (3 sites): Wilmington Harbor, NC; Charleston Harbor, SC; and Savannah River, GA.
- (D) Sabine-Neches, TX.
- (E) Mouth of Columbia River, OR (5 sites).

(iii) Until such time as formal rulemaking is completed or until January 31, 1985, whichever is sooner:

- (A) Morehead City, NC.
- (B) Georgetown, SC.
- (C) Pascagoula, MS.
- (D) Humboldt Bay, CA.
- (E) Long Beach, CA.
- (F) San Diego, CA (2 sites).
- (G) New Jersey/Long Island Sites (8 sites): Absecon Inlet, NJ; Cold Spring Inlet, NJ; Manasquan Inlet, NJ; East Rockaway, NY; Jones Inlet, NY; Fire Island, NY; Shark River, NJ; and Rockaway Inlet, NY.

(H) Gulfport/Mobile/Pensacola (4 sites): Mobile, AL; Gulfport, MS (2 sites); and Pensacola, FL.

- (I) Coos Bay, OR.

[FR Doc. 83-3055 Filed 2-4-83; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 387

[BMCS Docket No. MC-94-1; Amendment No. 81-8]

Minimum Levels of Financial Responsibility for Motor Carriers

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: This emergency regulation revises the existing minimum levels of financial responsibility requirements for motor carriers to implement provisions required by section 406 of the Surface Transportation Assistance Act of 1982 (STAA of 1982). Section 406 amends section 30 of the Motor Carrier Act of 1980 by: (1) Expanding the authority of the Secretary of Transportation to require minimum levels of financial responsibility for motor vehicles transporting hazardous materials, hazardous substances, or hazardous wastes by foreign carriers in the United States engaged in foreign commerce, (2) requiring motor carriers domiciled in any contiguous foreign country to carry on board each vehicle it operates in the United States evidence of financial responsibility, and (3) expanding the applicability of the minimum levels of financial responsibility requirements to include motor vehicles having a gross vehicle weight rating (GVWR) of less than 10,000 pounds when transporting certain hazardous materials.

EFFECTIVE DATE: This emergency regulation is effective January 6, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Neill L. Thomas, Bureau of Motor Carrier Safety, (202) 426-9787; or Mrs. Kathleen S. Markman, Office of the Chief Counsel, (202) 426-0346, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday.

SUPPLEMENTARY INFORMATION: On January 6, 1983, the President signed into law the Surface Transportation Assistance Act of 1982 (Pub. L. 97-424, 96 Stat. 2097). Section 406 sets forth minimum levels of financial responsibility requirements which supersede the previous requirements contained in section 30 of the Motor Carrier Act of 1980 (Pub. L. 96-296, 94 Stat. 820). Since the former minimum levels of financial responsibility requirements for motor carriers as implemented in 49 CFR Part 387 are in conflict with the provisions of the STAA of 1982, immediate revision of this

regulation is required. A summary of the revisions to the existing provisions in 49 CFR, Part 387 follows.

Section 406 of the STAA of 1982 amended section 30 of the Motor Carrier Act of 1980 by expanding the authority of the Secretary to require minimum levels of financial responsibility for motor vehicles transporting hazardous materials, oil, hazardous substances, or hazardous wastes by foreign carriers in the United States while engaged in foreign commerce. Previous provisions applied to motor vehicles transporting hazardous materials, substances or wastes only in interstate or intrastate commerce.

Another change resulting from the enactment of the STAA of 1982 is the requirement that motor carriers domiciled in any contiguous foreign country carry evidence of financial responsibility on board each vehicle operated in the United States. Previous provisions did not include this requirement. A photocopy of the currently required forms MCS-90 or MCS-82 will be accepted as evidence of financial responsibility. Pursuant to section 406, the Secretary of Transportation and the Secretary of Treasury shall deny entry into the United States of any vehicle which does not have the required evidence of financial responsibility in the vehicle.

Section 406 of the STAA of 1982 also requires a limitation to the exemption from section 30's applicability provided for transportation involving motor vehicles with a GVWR of less than 10,000 pounds. Previously, all transportation conducted with vehicles having a GVWR of less than 10,000 pounds was exempt from the provisions of section 30. However, section 406 of the STAA of 1982 requires the transportation of any quantity of Class A or B explosives, any quantity of poison gas, or large quantity radioactive materials in interstate or foreign commerce by vehicles having a GVWR of less than 10,000 pounds to be subject to the requirements of section 30 of the Motor Carrier Act of 1980.

For these reasons, it has been determined that circumstances warrant the issuance of an emergency regulation to immediately implement the new minimum levels of financial responsibility requirements.

In addition, section 406 of the STAA of 1982 amended section 30 of the Motor Carrier Act of 1980 by increasing from 2 years to 3½ years the period during which the Secretary may reduce the minimum levels of financial responsibility. This provision will be addressed in a subsequent rulemaking action.

The Federal Highway Administrator has determined that this document responds to an emergency situation and for the reasons stated, it is impracticable for the agency to follow the procedures of Executive Order 12291, the regulatory policies and procedures of the Department of Transportation, and the Regulatory Flexibility Act. Therefore, good cause exists for publication as a final rule without notice and opportunity for comment and without a 30-day delay in effective date.

The FHWA will prepare, as soon as practical, a regulatory evaluation/regulatory flexibility analysis. When available, copies may be obtained by contacting Mr. Neill L. Thomas at the address provided above under the heading "For Further Information Contact."

List of Subjects in 49 CFR Part 387

Hazardous materials transportation, Insurance, Motor carriers, Surety bonds.

In consideration of the foregoing, the FHWA is amending Part 387 of title 49, Code of Federal Regulations, to read as set forth below.

PART 387—[AMENDED]

1. In § 387.3, paragraphs (b) and (c)(1) are revised to read as follows:

§ 387.3 Applicability.

(b) This part applies to motor carriers operating motor vehicles transporting hazardous materials, hazardous substances, or hazardous wastes in interstate, foreign, or intrastate commerce.

(c) *Exception.* (1) The rules in this part do not apply to a motor vehicle that has a gross vehicle weight rating (GVWR) of less than 10,000 pounds. This exception does not apply if the vehicle is used to transport any quantity of Class A or Class B explosives, any quantity of poison gas, or large quantity of radioactive materials in interstate or foreign commerce.

2. In § 387.7, paragraphs (f) and (g) are added to read as follows:

§ 387.7 Financial responsibility required.

(f) All vehicles operated within the United States by motor carriers domiciled in a contiguous foreign country, shall have on board the vehicle a legible copy, in English, of the proof of the required financial responsibility (Forms MCS-90 or MCS-82) used by the motor carrier to comply with paragraph (d) of this section.

(g) Any motor vehicle in which there is no evidence of financial responsibility required by paragraph (f) of this section shall be denied entry into the United States.

3. Section 387.9 is revised to read as follows:

SCHEDULE OF LIMITS

Public Liability

Type of carriage ¹	Commodity transported	July 1, 1981	July 1, 1983
(1) For-hire (in interstate or foreign commerce).	Property (nonhazardous)	\$500,000	\$750,000
(2) For-hire and Private (in interstate, foreign, or intrastate commerce).	Hazardous substances, as defined in 49 CFR 171.8, liquefied compressed gas, or compressed gas transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons.	1,000,000	5,000,000
(3) For-hire and Private (in interstate or foreign commerce; in any quantity) or (in intrastate commerce; in bulk only).	Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (2) above or (4) below.	500,000	1,000,000
(4) For-hire and Private (in interstate or foreign commerce).	Any quantity of Class A or B explosives; any quantity of poison gas; or large quantity radioactive materials as defined in 49 CFR 173.389.	1,000,000	5,000,000

¹NOTE.—The type of carriage listed under numbers (1), (2), and (3) apply to vehicle with a gross vehicle weight rating of 10,000 pounds or more. The type of carriage listed under number (4) applies to all vehicles, regardless of gross vehicle weight rating.

4. The definition of "motor vehicle" as it appears in Illustration I of § 387.15 is revised to read as follows:

§ 387.15 Forms.

Motor Vehicle means a land vehicle, machine, truck, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on a

highway for transporting property, or any combination thereof.

5. The Schedule of Limits table in Illustration I of § 387.15 is revised to read as follows:

§ 387.15 Forms.

SCHEDULE OF LIMITS

Public Liability

Type of carriage ¹	Commodity transported	July 1, 1981	July 1, 1983
(1) For-hire (in interstate or foreign commerce).	Property (nonhazardous)	\$500,000	\$750,000
(2) For-hire and Private (in interstate, foreign, or intrastate commerce).	Hazardous substances, as defined in 49 CFR 171.8, liquefied compressed gas, or compressed gas transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons.	1,000,000	5,000,000
(3) For-hire and Private (in interstate or foreign commerce; in any quantity) or (in intrastate commerce; in bulk only).	Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (2) above or (4) below.	500,000	1,000,000
(4) For-hire and Private (in interstate or foreign commerce).	Any quantity of Class A or B explosives; any quantity of poison gas; or large quantity radioactive materials as defined in 49 CFR 173.389.	1,000,000	5,000,000

¹NOTE.—This type of carriage listed under numbers (1), (2), and (3) apply to vehicles with a gross vehicle weight rating of 10,000 pounds or more. The type of carriage listed under number (4) applies to all vehicles, regardless of gross vehicle weight rating.

NOTE.—This table showing the schedule of limits may appear at the bottom or on the reverse side of Form MCS-90.

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety) (Sec. 406, Pub. L. 97-424, 96 Stat. 2097, and 49 CFR 1.48)

Issued on: January 31, 1983.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

[FR Dec. 69-3191 Filed 2-4-83; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 681

[Docket No. 21209-245]

Western Pacific Spiny Lobster Fisheries

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: This final rule implements the Fishery Management Plan for the Spiny Lobster Fisheries of the Western Pacific Region. There have been no substantial changes from the proposed rule published in the Federal Register on June 30, 1982 (47 FR 28433), but minor revisions have been made in response to public comments and for clarification. These regulations provide for the orderly growth of the fishery for spiny lobsters.

DATE: Effective March 9, 1983.

FOR FURTHER INFORMATION CONTACT: Alan W. Ford, Regional Director, Southwest Region, 213-548-2575; Doyle E. Gates, Administrator, Western Pacific Program Office, Southwest Region, 808-955-8831.

SUPPLEMENTARY INFORMATION:

Background

The Fishery Management Plan for the Spiny Lobster Fisheries of the Western Pacific Region (FMP) in the fishery conservation zone (FCZ) off the coasts of American Samoa, Guam, and Hawaii was prepared by the Western Pacific Fishery Management Council (Council). The final rule implements the management measures in the FMP that: (1) Establish two management areas for the spiny lobster fisheries, (2) require a permit to fish for spiny lobster in the FCZ, (3) establish size restrictions for lobsters caught in Permit Area 1 (Northwestern Hawaiian Islands), (4) establish closed areas in Permit Area 1, (5) prohibit retention of berried females in Permit Area 1, and (6) establish certain recordkeeping and reporting requirements.

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), approved the FMP on April 12, 1982; proposed regulations and request for comment were published in the Federal Register on June 30, 1982 (47 FR 28433). The comment period ended on August 18, 1982. The issues mentioned in the preamble to the