

regulation contains two provisions which would effectively prohibit open burning. First, the regulation states that it does not supercede applicable local ordinances; St. Louis City and County have local ordinances banning open burning. Second, the regulation prohibits open burning in nonattainment areas, unless it can be shown that alternatives to open burning would produce greater emissions. The St. Louis AQCR is nonattainment for ozone. Therefore, EPA has determined that the revised regulation would not impose less stringent requirements than those contained in the approved SIP.

On December 15, 1984, the State of Missouri submitted a draft of this revision to the SIP. A public hearing was held on January 18, 1984, and EPA submitted comments to the State in a letter dated January 24, 1984. These amendments to the open burning regulations were then adopted on February 15, 1984, by the Missouri Air Conservation Commission and published on April 2, 1984, in Volume 9, Number 4 of the *Missouri Register*.

Action: EPA approves this submission as a revision to the Missouri SIP. EPA believes this action is noncontroversial and is approving it without prior proposal. The public is advised that this action is effective October 30, 1984 unless we receive written notice within 30 days from the date of publication that someone wishes to submit adverse or critical comments. In such case, this action will be withdrawn and rulemaking will commence again by announcing a proposal of this action and establishing a comment period.

Under section 307(b)(1) of the Clean Air Act, as amended, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. This action may not be challenged later in proceedings to enforce its requirements. [See section 307(b)(2)].

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

Under 5 U.S.C. 605(b), I have certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

Incorporation by reference of the State Implementation Plan for the State of Missouri was approved by the Director of the Office of the Federal Register on July 1, 1982.

This notice of final rulemaking is issued under the authority of section 110

of the Clean Air Act, as amended (42 U.S.C. 7410).

#### List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen oxides, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Dated: August 27, 1984.

William D. Ruckelshaus,  
Administrator.

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

##### Subpart AA—Missouri

Section 52.1320 is amended by adding a new paragraph (c)(45) to read as follows:

##### § 52.1320 Identification of plan.

\* \* \* \* \*

(c) The plan revisions listed below were submitted on the dates specified.

\* \* \* \* \*

(45) The Missouri Department of Natural Resources submitted revisions to regulations 10 CSR 10-2.100, 3.030, 4.090, and 5.070 requiring operating permits for open burning of untreated wood waste at solid waste disposal and processing installations effective April 12, 1984.

[FR Doc. 84-23180 Filed 8-30-84; 8:45 am]

BILLING CODE 6560-50-M

#### 40 CFR Part 228

[OW-FRL-2663-4]

#### Ocean Dumping; Final Designation of Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today designates the existing dredged material disposal site located in the Gulf of Mexico offshore of Galveston Harbor as an EPA approved ocean dumping site for the dumping of dredged material. This action is necessary to provide an ocean dumping site for the current and future disposal of this material.

DATE: This site designation shall become effective on October 1, 1984.

ADDRESSES: The Environmental Impact Statement (EIS) and the letter of comment are available for public inspection at the following locations:

EPA Public Information Reference Unit (PIRU), Room 2904 (rear), 401 M Street Southwest, Washington, DC  
EPA Region VI, 1201 Elm Street, Dallas, Texas

U.S. Army Corps of Engineers Library, Galveston District, 400 Barracuda, Galveston, Texas

FOR FURTHER INFORMATION CONTACT: Mr. T.A. Wastler, Chief, Marine Protection Branch (WH-585), EPA, Washington, DC 20460, 202/755-0356.

SUPPLEMENTARY INFORMATION: Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 et seq. (hereafter "the Act"), gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On September 19, 1980, the Administrator delegated the authority to designate ocean dumping sites to the Assistant Administrator for Water and Waste Management, now the Assistant Administrator for Water. This proposed site designation is being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, Section 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 et seq.) and was last extended on February 7, 1983 (48 FR 5557 et seq.). That list established this site as an interim site.

On October 7, 1983, EPA proposed designation of this site for the continuing disposal of dredged material from the Galveston, Texas, area (48 FR 45798). The public comment period expired on November 21, 1983. One letter of comment was received on the proposed rule. The commenter concurred with the selection of the site and suggested that additional sites might be necessary to accommodate future requirements.

The location of the dredged material disposal site is approximately 3.7 nautical miles southeast of Galveston Island, positioned approximately in a rectangle with coordinates as follows:

29°18'00" N., 94°39'30" W.;  
29°15'54" N., 94°37'06" W.;  
29°14'24" N., 94°38'42" W.;  
29°16'54" N., 94°41'30" W.

The site occupies an area of approximately 6.6 square nautical miles. Water depths within this area range from 10 to 15.5 meters. This site has been used for dredged material disposal since at least 1931. The average annual disposal rate since 1958 has been less than 2 million cubic yards.



EPA has prepared an EIS in accordance with EPA's Statement of Policy for Voluntary Preparation of EIS's (39 FR 16186, May 7, 1974; 39 FR 37119, October 21, 1974). On July 30, 1982, a notice of availability of the draft EIS for public review and comment was published in the *Federal Register* (47 FR 33001). The public comment period on this draft EIS closed September 13, 1982. On November 26, 1982, a notice of availability of the final EIS for public review and comment was published in the *Federal Register* (47 FR 53477). The public comment period on the final EIS closed December 27, 1982. No additional comments were received.

The EIS evaluated ocean alternatives to the continued use of the Galveston dredged material disposal site. These alternatives include no action and three general ocean environments off Galveston which were considered as potentially suitable areas in which to locate an ocean disposal site: The shallow-water area, including the proposed site, the mid-shelf area, where no specific site was located, and the deepwater area more than 90 nautical miles southwest of Galveston.

The alternatives are each within separate major marine environments off Galveston. The shallow-water area (including the proposed site) is a high-energy environment heavily influenced by wave action, coastal or nearshore processes, agricultural runoff, and storms. The deepwater and mid-shelf areas are low-energy environments influenced primarily by offshore and shelf currents.

Appendix A of the draft EIS evaluated and compared the environmental and economic characteristics of the three areas using the ocean dumping site selection criteria. Some of the more important of these criteria in relation to the three potentially suitable disposal areas are discussed below.

*Location in relation to breeding, spawning, nursery, feeding or passage areas of living resources in adult or juvenile phases.*

The entire shelf region supports valuable commercial fish and shrimp fisheries. Areas off the shelf support a relatively insignificant commercial fishery. The proposed site is in the vicinity of Galveston Bay, an important nursery area for number of commercially important species of fish and shrimp. These species are typical of nearshore western Gulf waters; therefore, the proposed site represents only a small portion of their geographic range.

The mid-shelf area supports valuable commercial fish and shrimp fisheries. The brown shrimp grounds and several

offshore banks that represent valuable fishery resources areas exist there.

The deepwater area may be a feeding area for oceanic fish. However, there are no well-defined migratory pathways in the area. This area was selected in order to avoid shallow-water habitats of valuable shellfish and finfish.

*Location in relation to beaches and other amenity areas.*

The proposed site is about 3.7 nautical miles southeast of the nearest land, Galveston Island. Prevailing southwesterly bottom currents carry the dumped material away from Galveston and the local beaches. The disposal of dredged material will not have a significant adverse impact of free-swimming finfish and shellfish of the area.

The mid-shelf and deepwater areas are located more than 20 nautical miles and 53 nautical miles respectively from the nearest land. Therefore, disposal would have no significant adverse impact on beaches and other coastal and nearshore amenities.

*Dispersion, horizontal transport and vertical mixing characteristics of the area, including prevailing current direction and velocity, if any.*

Prevailing bottom currents at the proposed site flow south and southwest under normal conditions. Shoaling caused by disposal of dredged material in the high-energy shallow water area is not expected to be a concern. Temporary mounds form, but little evidence exists of significant long-term accumulation or mounding of material deposited at the proposed site.

The effects of disposal at mid-shelf sites have not been extensively studied because the mid-shelf region does not contain many disposal sites, and few studies have been undertaken with respect to the fate of dredged material deposited on the open shelf. However, existing information indicates most material falls to the bottom immediately after disposal. Although there is some turbidity of short duration, the material is dispersed over a wide area. Current direction is generally in a southwesterly direction.

Shoaling is less likely to occur in deep water than shallow water due to spreading and dispersion of the sediment as particles settle to the bottom.

For a more complete discussion of the ocean dumping site selection criteria considered, interested persons should examine pages A-7 through A-24 of the EIS. The summary contained in Appendix A recommends that the interim (proposed) site be designated for continuing use. This recommendation is based on several factors. The proposed

site has received material dredged from the Galveston Bay Channel System since at least 1931. Past studies which are cited in the EIS have not discerned any significant adverse impacts from disposal at the proposed site and have determined that this is a high-energy erosional zone which can generally accept large volumes of dredged material with little apparent net change to the bottom.

Active oil and gas exploration and drilling occur in the mid-shelf area off Galveston. Fixed structures, such as platforms, and the supply vessels servicing them, would present navigational hazards to the hopper dredges used in channel maintenance. In addition, disposal at a mid-depth site would be more likely to have a long-term effect on the benthos than would disposal at a shallow-water site.

The primary reason against recommending designation of a deepwater site is transportation costs. It is estimated that dredging costs would increase 279 to 298 percent if the disposal area changed to that location.

The final EIS includes the Agency's assessment of the four comments received during the comment period on the draft EIS. Comments correcting facts presented in the draft EIS were incorporated in the text and the changes noted in the final EIS. Specific comments which could not be appropriately treated as text changes were responded to point by point in the final EIS, following the letters of comment.

Based on the information reported in the EIS, EPA is designating the existing Galveston site for continuing use for the ocean disposal of dredged material where the applicant has demonstrated compliance with EPA's ocean dumping criteria. The EIS and the letter of comment are available for inspection at the addresses given above.

The designation of the existing Galveston dredged material disposal site as an EPA Approved Ocean Dumping Site is being published as final rulemaking. Management authority of this site will be delegated to the Regional Administrator of EPA Region VI. An appropriate monitoring program for the site will be developed jointly by EPA and the Corps of Engineers, and continued use of the site will be permitted as long as no significant adverse environmental effects occur at the site.

It should be emphasized that, if an ocean dumping site is designated, such a site designation does not constitute or imply EPA's approval of actual disposal of materials at sea. Before ocean



dumping of dredged material at the site may commence, the Corps of Engineers must evaluate a permit application according to EPA's ocean dumping criteria. If a Federal project is involved, the Corps must evaluate the proposed dumping in accordance with those criteria. In either case, EPA has the right to disapprove the actual dumping, if it determines that environmental concerns under the Act have not been met.

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 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 effect 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.

This 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

Water pollution control.

Authority: 33 U.S.C. 1412 and 1418.

Dated: August 24, 1984.

Henry L. Longest II,

Assistant Administrator for Water.

#### PART 228—[AMENDED]

In consideration of the foregoing, Subchapter H of Chapter I of Title 40, § 228.12 is amended by removing paragraph (a)(1)(i)(D) and adding new paragraph (b)(20) to read as follows:

§ 228.12 Delegation of management authority for ocean dumping sites.

(b) \* \* \*

(20) Galveston Dredged Material Site—Region VI. Location: 29°18'00" N., 94°39'30" W.; 29°15'54" N., 94°37'06" W.; 29°14'24" N., 94°38'42" W.; 29°16'54" N., 94°41'30" W.

Size: 6.6 square nautical miles.  
Depth: Ranges from 10 to 15.5 meters.

Primary Use: Dredged material.

Period of Use: Continuing use.

Restriction: Disposal shall be limited to dredged material from the Galveston, Texas, area.

[FR Doc. 84-23190 Filed 8-30-84; 8:45 am]

BILLING CODE 6560-50-M

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### 48 CFR Part 15

[Federal Acquisition Circular 84-4]

### Federal Acquisition Regulation; Noncompetitive Procurement Procedures.

**AGENCY:** Department of Defense (DoD), General Services Administration (GSA), National Aeronautics and Space Administration (NASA).

**ACTION:** Withdrawal of amendments.

**SUMMARY:** Federal Acquisition Circular (FAC) 84-4, dated August 29, 1984, cancels Item II of FAC 84-3 and, therefore, the amendments to 48 CFR, Chapter 1, Part 15 (Part 15 of the Federal Acquisition Regulation (FAR)) that were published in the *Federal Register* on June 29, 1984 (49 FR 26740), and which were to be effective October 1, 1984, are withdrawn.

The revisions in FAC 84-3 to FAR Part 15 implemented Office of Federal Procurement Policy (OFPP) Policy Letter 84-2, subject: "Noncompetitive Procurement Procedures." Subsequent to the issuance of OFPP Policy Letter 84-2 and FAC 84-3 in the *Federal Register*, the Competition in Contracting Act (CICA), Title VII, Pub. L. 98-369, was enacted. As a result of the enactment of the CICA, the OFPP policy letter has been rescinded.

Accordingly, and in order to eliminate an unnecessary burden on those involved in the procurement process, Item II of FAC 84-3 and the amendments to 48 CFR, Chapter 1, Part 15 (Part 15 of the FAR) that were published in the *Federal Register* on June 29, 1984 (49 FR 26740), are withdrawn.

**EFFECTIVE DATE:** August 29, 1984.

**FOR FURTHER INFORMATION CONTACT:** Roger M. Schwartz, Director, FAR Secretariat, Room 4041, GS Building,

Washington, D.C. 20405, Telephone (202) 523-4755.

**SUPPLEMENTARY INFORMATION:** FAC 84-3, published in the *Federal Register* on June 29, 1984 (49 FR 26740), contained, among other things, revised FAR coverage on noncompetitive procurement procedures implementing Office of Federal Procurement Policy (OFPP) Policy Letter 84-2, subject: "Noncompetitive Procurement Procedures," to be effective October 1, 1984.

The Competition in Contracting Act of 1984, Pub. L. 98-369, signed July 18, 1984, which preempted OFPP Policy Letter 84-2, is to be fully implemented by April 1, 1985. Implementing the requirements of the OFPP letter now and replacing them with a new set of procedures on April 1, 1985, would create an unnecessary burden on those involved in the procurement process. Therefore, OFPP has rescinded Policy Letter 84-2. As a result of OFPP's action, the amendments published in the *Federal Register* on June 29, 1984 (49 FR 26740) as Item II of FAC 84-3 and corresponding amendments to FAR Part 15 have been canceled.

Notwithstanding the rescission of OFPP Policy Letter 84-2 and Item II of FAC 84-3, Government personnel are reminded that it is the policy of the Government to pursue competition to the maximum extent practicable, and it is their responsibility to assure compliance with this policy. Government personnel are also reminded that Pub. L. 98-72 requirements for approving sole-source contracts and those resulting from unsolicited proposals remain in effect. Guidance on these policies and procedures is contained in Federal Procurement Regulations (FPR) Temporary Regulation 75, FPR Amendment 230, Defense Acquisition Circular 76-48, and NASA Procurement Notice 84-1.

#### List of Subjects in 48 CFR Ch. I

Government procurement.

Roger M. Schwartz,

Director, FAR Secretariat.

#### Federal Acquisition Circular

[Number 84-4]

All Federal Acquisition Regulation and other directive material contained in Federal Acquisition Circular 84-4 is



effective on August 29, 1984.

Mary Ann Gileece,

Deputy Under Secretary, Acquisition  
Management.

Ray Kline,

Acting Administrator of General Services.

S.J. Evans,

Assistant Administrator for Procurement,  
NASA.

August 29, 1984.

The amendments to 48 CFR Chapter 1  
Part 15 published in 49 FR 26740 are  
withdrawn.

Authority: 40 U.S.C. 486(c); Chapter 137, 10  
U.S.C.; and 42 U.S.C.; 2453(c).

[FR Doc. 84-23347 Filed 8-30-84; 8:45 am]

BILLING CODE 6820-61-M

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[Docket No. 81-02; Notice 6]

#### Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment

**AGENCY:** National Highway Traffic  
Safety Administration (NHTSA), DOT.

**ACTION:** Final rule; response to petition  
for reconsideration.

**SUMMARY:** On May 17, 1984 (49 FR  
20879) NHTSA proposed to amend  
FMVSS 108 to allow use of center high  
mounted stop lamps beginning  
September 1, 1984, requiring  
conformance only with location and  
reflection minimization requirements.  
That action was taken pursuant to a  
request by General Motors Corporation  
that NHTSA specify that the lamp may  
be installed before the effective date of  
September 1, 1985. Adoption of an  
optional compliance date would  
preempt any state laws that might  
prohibit the lamp's early introduction.  
This Notice amends Standard No. 108 to  
allow installation of the lamp effective  
August 1, 1984. The agency anticipates  
that this action will promote early  
achievement of the safety benefits  
associated with the addition of center  
high-mounted stop lamps. This notice  
also responds to a petition for  
reconsideration of the amendments to  
Federal Motor Vehicle Safety Standard  
No. 108 published on May 17, 1984 (49  
FR 20818).

**DATES:** These amendments are effective  
August 31, 1984. The effective date for  
voluntarily installing center high-  
mounted stop lamps and for location

and reflection minimization  
requirements for those devices is August  
1, 1984.

**ADDRESS:** Petitions for reconsideration  
of the rule should refer to the docket and  
notice numbers set forth above and be  
submitted (preferably with 10 copies) to  
National Highway Traffic Safety  
Administration, 400 Seventh Street, SW.,  
Washington, D.C. 20590.

**FOR FURTHER INFORMATION CONTACT:**  
Kevin Cavey, Office of Vehicle Safety  
Standards, National Highway Traffic  
Safety Administration, 400 Seventh  
Street SW., Washington, D.C. 20590  
(202-426-2153).

**SUPPLEMENTARY INFORMATION:** In its  
petition for reconsideration of NHTSA's  
final rule establishing requirements for a  
center high-mounted stop lamp on  
passenger cars manufactured on or after  
September 1, 1985 (see 48 FR 48235,  
October 18, 1983) General Motors  
requested that NHTSA amend Standard  
No. 108 to specify that the lamp may be  
introduced before the effective date. The  
purpose of this request was to obtain  
earlier preemption of any state laws that  
might prohibit the lamp's early  
introduction. On May 17, 1984, NHTSA  
responded to GM's request (49 FR 20879)  
and proposed to allow (but not require)  
early introduction of the stop lamp. Only  
requirements regarding lamp location  
and minimization of reflections would  
be applicable to cars manufactured with  
center high-mounted stop lamps  
between September 1, 1984, and  
September 1, 1985.

Comments on the proposal were  
received from Chrysler Corporation,  
Ford Motor Company, Volkswagen of  
America, General Motors, and Parker  
Hannifin Corporation. All commenters  
concurred with the proposal. Ford and  
General Motors recommended that the  
final rule be effective upon its  
publication in the Federal Register. GM  
further commented that the proposal  
"did not address the after market  
package which General Motors had  
intended to make available through our  
dealers, since it only speaks of  
passenger cars manufactured between  
September 1, 1984 and September 1,  
1985."

The agency agrees that an effective  
date as early as practicable is in the  
public interest, and, in accordance with  
the proposal and the comments of GM  
and Ford, has designated August 1, 1984,  
as that date. Because the vehicle  
certification attached pursuant to 49  
CFR Part 567 requires only the month  
and year of manufacture, generally the  
agency sets an effective date for new  
vehicle requirements as of the first day  
of a month so that a manufacturer will

not have to certify to differing  
requirements within a single month. An  
effective date as of the first of the month  
also assists the agency in its compliance  
efforts. NHTSA does not understand  
that any 1985 model vehicles equipped  
with a lamp will be manufactured before  
August 1, 1984, and consequently found  
no reason to adopt an effective date  
earlier than that date.

The agency was not aware that GM  
had intended to offer an aftermarket  
package until receiving its comment.  
Such an amendment would be outside  
the scope of the proposal, and  
accordingly, was not considered. Under  
paragraph S4.7.1, the standard covers  
the aftermarket only to the extent that  
GM (or any manufacturer) offers a lamp  
intended as replacement for an original  
equipment center high-mounted stop  
lamp. However, to encourage retrofit in  
the aftermarket, NHTSA will study  
GM's request and consider whatever  
legal action may be required to remove  
impediments to the lamp's use.

Parker Hannifin Corporation,  
manufacturer of Ideal turn signal and  
hazard warning signal flashers,  
petitioned for reconsideration of the  
amendment to FMVSS No. 108 published  
on May 17, 1984 (49 FR 20818), which  
was based upon the original petitions  
for reconsideration of the final rule  
requiring center mounted stop lamps.  
Specifically, Parker Hannifin objected to  
new paragraph S4.6(b) which stated that  
"high-mounted stop lamps on passenger  
cars manufactured on or after  
September 1, 1985, but before September  
1, 1986, may flash when the hazard  
warning system is activated". In the  
commenter's opinion, the agency had  
given no prior notice "to this function",  
and stated that the agency's action will  
"create a chaotic condition in the  
automotive flasher industry." The  
company avers that an insufficient  
period of time exists "for the  
development of a 'due care' basis for  
certification of hazard warning flashers  
rated for seven (7) lamps for  
conformance to FMVSS 108". The  
existing basis for certification of  
conformance of thermal flashers is said  
to be "up to six (6) lamps". Parker  
Hannifin recommended that the agency  
prohibit the additional lamp from  
flashing, or rule that certification for  
flashers can exclude the center high-  
mounted stop lamp. In its opinion, the  
agency's action is the very type of  
substantive rulemaking without notice  
which the Third Circuit found  
objectionable in *Wagner Electric Corp.  
v. Volpe* (466 F. 2d 1013 (3rd Cir. 1972)).

Parker Hannifin's belief that the  
provision allowing flashing was adopted