

(Sec. 110 of the Clean Air Act, as amended)

Dated: November 26, 1980.

Douglas M. Costle,
Administrator.

Subpart U—Maine

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

§ 52.1020 [Amended]

1. Section 52.1020(c)(11) is amended by striking the phrase "on May 1, 1979, October 26, 1979, and December 20, 1979", and substituting in place thereof the phrase "on May 1, 1979, October 26, 1979, December 20, 1979, and July 9, 1980."

§ 52.1027 [Amended]

2. Section 52.1027 is amended by removing paragraph (a)(1) and by redesignating paragraph (a)(2) as paragraph (a).

[FR Doc. 80-38077 Filed 12-8-80; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 120

[WH-FRL 1696-1]

Water Quality Standards; Navigable Waters of the Commonwealth of Kentucky

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA withdraws a rule which amended the Commonwealth of Kentucky's water quality standards by establishing uses for waters left unclassified by Kentucky and by establishing bacterial limitations for the secondary contact recreation use designations. The Commonwealth of Kentucky has recently taken action to adopt standards that were essentially the same as those previously promulgated by EPA. This action will remove those previously imposed Federal Standards on Kentucky.

DATES: This rule is effective December 9, 1980.

ADDRESSES: Any questions or comments should be sent to Mr. R. F. McGhee, Water Quality Standards Coordinator, EPA Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30308.

FOR FURTHER INFORMATION CONTACT: Mr. R. F. McGhee, 404-881-4793 or Mr. Kent Ballentine, 202-245-3030.

SUPPLEMENTARY INFORMATION:

Background

On September 10, 1980, EPA published in the Federal Register (45 FR 59598) a proposed rule to withdraw a previous

rulemaking promulgated for Kentucky. The earlier rule is presently codified in the Code of Federal Regulations at 40 CFR 120.27.

As explained in the proposed rulemaking, EPA approved revised Kentucky water quality standards on May 7, 1980 that satisfy the reasons for EPA's earlier promulgation. Following the rule withdrawal action today, the EPA-approved Kentucky water quality standards will take full force and effect.

Statement of Basis and Purpose

EPA fully defined the basis and purpose of this rulemaking in its proposed rule which it hereby incorporates by reference. Very briefly states, the reasons for EPA's withdrawal action today are as follows: (1) EPA is withdrawing a requirement for specific EPA approval of Kentucky's variances of water quality criteria or uses because EPA's general water quality standards regulation (40 CFR 35.1550) already include this requirement, (2) EPA is withdrawing its designated uses for waters previously not classified by Kentucky because Kentucky's revised water quality standards classify all waters for all uses, and (3) EPA withdraws its fecal coliform bacterial limitations for secondary contact recreation because Kentucky's revised standards contain a requirement which appears to be at least as stringent as in the existing EPA rule.

Because EPA's prior objections leading up to the promulgation have been satisfied, the rule is unnecessary and therefore withdrawn today.

Public Comments on the Proposed Rule

EPA did not receive any public comments during the 45-day comment period provided.

Justification for Making the Rule Effective Immediately

The Administrative Procedure Act (5 U.S.C. 553(d)) requires that 30 days notice be provided before a rule becomes effective unless an agency "for good cause found" decides otherwise. EPA believes that an immediate effect is justified in this case because the Agency is withdrawing a rule, and because the reason for that withdrawal is the existence of essentially equivalent State regulations. Therefore, no useful purpose would be served by maintaining the rule in effect for an additional 30 days.

Specialized Regulation

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or

whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(Sec. 303 (33 U.S.C. 1313), Clean Water Act (Pub. L. 92-500, as amended (33 U.S.C. 1251 et seq.))

Dated: December 3, 1980.

Douglas M. Costle,
Administrator.

Section 120.27 of Part 120 of Chapter I, Title 40 of the Code of Federal Regulations is hereby repealed and henceforth will read as follows:

§ 120.27 Kentucky [Reserved]

[FR Doc. 80-38101 Filed 12-8-80; 8:45 am]
BILLING CODE 6560-29-M

40 CFR Part 228

[WH-FRL 1695-1]

Ocean Dumping—Extension of Interim Site Designations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today amends § 228.12 to extend the interim designation of some ocean dumping sites pending completion of Environmental Impact Statements and formal rulemaking procedures, cancel the designations of some sites, and extend other sites, mainly those for dredged material disposal, until the completion of site designation studies and formal designation. This action is necessary to assure that maintenance dredging of harbors and essential waste disposal into the oceans is continued until the necessary site designation studies are done. This action designates on an interim basis those ocean dumping sites necessary for the ocean disposal of wastes and of dredged material from maintenance dredging.

EFFECTIVE DATE: December 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. T. A. Wastler, 202/472-2836.

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, EPA extended the interim designations until December 1982 or until site designation studies are completed. (45 FR 3053 et seq.) As EPA explained at that time, an extensive program of dumpsite surveys and Environmental Impact Statement (EIS) 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 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.

1. The Contract, funded jointly by EPA and the Corps of Engineers (COE), will complete EIS's on three municipal and industrial sites and on 19 areas for the ocean dumping of dredged material encompassing 45 specific dredged material dumping sites. The schedule for availability of EIS's and designation of sites is as follows:

Site	Draft EIS	Proposed site designation	Final EIS	Final site designation
106 Mile.....	6/25/79	12/19/80	2/27/80	5/23/81
Hawaii.....	10/20/79	11/14/80	9/30/80	1/30/81
Acid Waste.....	11/27/79	5/29/80	12/1/80	2/1/81
San Francisco.....	11/30/80	12/18/80	6/30/81	8/30/81
Galveston.....	1/30/81	2/15/81	9/81	11/81
New York Mud Dump.....	4/1/81	4/16/81	11/81	1/82
Vieques Pass.....	2/1/81	2/16/81	9/81	11/81
Columbia River.....	3/15/81	4/1/81	10/81	12/81
Portland, ME.....	5/15/81	6/1/81	12/81	2/82
Sabine, Neches.....	6/15/81	7/1/81	1/82	3/82
Jacksonville.....	6/15/81	7/1/81	1/82	3/82
Tampa.....	6/27/81	7/6/81	1/82	3/82
New York Cellar Dirt.....	8/15/81	9/1/81	3/82	5/82
Charleston, Savannah, Wilmington.....	8/10/81	8/24/81	3/82	5/82
Long Beach.....	10/19/81	11/2/81	5/82	7/82
New Jersey, Long Island.....	11/9/81	11/23/81	6/82	8/82
San Juan.....	12/14/81	12/28/81	7/82	9/82
Pensacola, Mobile, Gulfport.....	1/6/82	1/20/82	8/82	10/82
San Diego.....	2/4/82	2/19/82	9/82	11/82
San Francisco 100 Fathom Site.....	4/5/82	4/19/82	11/82	1/83
Humboldt.....	5/5/82	5/19/82	12/82	2/83
Coos Bay.....	6/7/82	6/21/82	1/83	3/83

The Final EIS date in the above schedule is provisional. EPA and the contractor will make best efforts to meet the final dates; however, it is recognized that factors beyond the control of EPA or the contractor may delay final publication. These factors include the number of comments received or the complexity of response. Accordingly, the final date cannot be regarded as a firm Agency commitment.

2. Other studies under the Contract are directed toward setting priorities for studies of other interim designated sites. In the course of these studies, sites for which there is no projected future need are also being identified. A report developed under the Contract is being used by EPA and COE to determine which sites may be terminated and to set priorities for future site designation studies. At this time one site is being cancelled based on the information presented in this report. This site is Site 1-A at Port Mansfield Channel, Texas. A further evaluation of these sites is now underway by EPA and COE, and we anticipate that additional sites will be cancelled within the next 90 days.

3. In addition, an environmental report is being prepared on the Philadelphia dumpsite under the Contract. This dumpsite will not be used after December 1980. The purpose of this report is to evaluate all the available data on the dumpsite in order to assess any damage caused by dumping of sewage sludge at this location and to provide "ground truth" for evaluation of laboratory test procedures. Because of the short time period this site will remain in use, it is not regarded as necessary to designate that site for continuing use, and an EIS on the site will not be prepared. This site will be retained as an interim site until December 31, 1980.

4. Several industries are currently using the Puerto Rico industrial waste disposal site while a suitable waste treatment plant is being constructed. This plant is scheduled for completion in September 1981. An EIS is not being prepared for this site, and the site will be abandoned as soon as the waste treatment plant is completed. This site will be retained as an interim site until plant completion.

5. A site in the New York Bight is currently being used for the incineration of wood. Incineration of wastes at sea is regulated under the Marine Protection, Research, and Sanctuaries Act. An EIS on the North Atlantic Incineration Site is being prepared under the Contract, and the Draft EIS is scheduled for completion in January 1981. A determination of the need for an EIS on the New York Bight incineration site will be held in obedience until the EIS on the North Atlantic Incineration Site is completed.

6. Twenty-two dredged material dumpsites in the Louisiana area are not included in the present contractual effort. These were scheduled to be studied by NOAA, but the necessary budgetary support to do the studies was not obtained. Studies on the 22 Louisiana dredged material sites began under the Contract during 1980, and EIS's on these sites will be published during 1982.

7. The contractual study mentioned above, in addition to identifying sites for which no future use is projected, has also identified sites for which studies for designation are needed and indicated the types of information needed on those sites.

The dredged material sites for which EIS's are being prepared under this contract represent those sites which are most likely to receive contaminated dredged material. Because of the variety of environmental conditions represented by these sites, the studies on them will provide a solid base of factual information by which to determine what studies are needed on the remaining sites.

As each EIS for the locations presently under study is completed, the results will be used to help determine the nature and extent of the investigations necessary for evaluating similar sites which have not been included in the present EIS program. Based on this evaluation, the frequency of use of each site, and the probable significance of environmental effects from continued use of each site, studies necessary to evaluate the suitability of each site for use will be determined and initiated as soon as feasible.

The 19 dredged material locations for which EIS's are being prepared are all in regular use at present and account for 75 percent of the total dredged material presently ocean dumped. The Louisiana sites account for an additional 15 percent of the dredged material currently ocean dumped. The remaining interim designated sites, which receive

10 percent of the total dredged material ocean dumped, are used only intermittently and, judging from their locations and other information presently available, should receive only uncontaminated dredged material.

EPA will maintain continuing review of the status of studies of all interim-designated sites and will report on the project as appropriate in EPA's Annual Report to Congress on the Ocean Dumping Program.

Since the site designation studies have not been completed and it remains necessary to use these sites until the studies can be completed, EPA has determined that the interim site designations should be extended until these studies can be completed.

Note.—This action will have impacts only in the vicinity of the dump sites and to those who use them, and we have determined that this rule is not a "significant" regulatory action within the meaning of Executive Order 12044, Improving Government Regulations (March 23, 1978).

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

Dated: November 26, 1980.

Eckardt C. Beck,

Assistant Administrator for Water and Waste Management.

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is amended by deleting the last sentence of § 228.12(a) and substituting the following language:

§228.12.

(a) * * * This list of interim sites will remain in force according to the following schedule:

(1) Until December 31, 1980:

(i) Region III municipal sewage sludge site (Philadelphia site).

(2) Until the waste treatment plant now under construction for the present industrial dumpers is completed:

(i) Region II industrial wastes site off Puerto Rico.

(3) Until such time as formal rulemaking is completed or until December 31, 1982, whichever is sooner, the following sites for dumping under EPA permits under Section 102 of the Act:

(i) Region II Acid Waste Site.

(ii) Region II Cellar Dirt Site.

(iii) Region II Industrial Waste Site (106-mile site).

(4) Until such time as formal rulemaking is completed or until February 1983, whichever is sooner, the following sites for disposal of dredged material under Corps of Engineers permits under Section 103 of the Act:

(i) Portland, ME.

(ii) New Jersey/Long Island Sites (8 sites):

Absecon Inlet; Cold Spring Inlet; Manasquan Inlet; East Rockaway; Jones Inlet; Fire Island; Shark River; and Rockaway Inlet.
(iii) Mud Dump.
(iv) San Juan Harbor.
(v) Charleston/Savannah/Wilmington (5 sites):

Wilmington Harbor; Morehead City Harbor; Georgetown Harbor; Charleston Harbor; and Savannah River.

(vi) Jacksonville Harbor.

(vii) Tampa Harbor (2 sites.)

(viii) Gulfport/Mobile/Pensacola (5 sites):

Mobile; Pascagoula; Gulfport (2 sites); and Pensacola.

(ix) Sabine-Neches (4 sites).

(x) Galveston Harbor and Channel.

(xi) Humboldt Bay.

(xii) Farallon Islands.

(xiii) San Francisco Channel Bar.

(xiv) Los Angeles.

(xv) San Diego (2 sites).

(xvi) Hawaii (3 sites):

Honolulu Harbor; Kauai—Nawiliwili; and Kauai—Hanapepe.

(xvii) Mouth of Columbia River (5 sites).

(xviii) Coos Bay Entrance (2 sites).

(5) The interim designations of the following sites are terminated effective immediately:

(i) Both Region I industrial waste sites.

(ii) Region II wreck site.

(iii) Region III acid wastes site.

(iv) Region IV industrial wastes site.

(v) The Region VI industrial waste site located at 28d 00' to 28d 10' N, and 89d 15' to 89d 30' W.

(vi) Port Mansfield Channel Disposal Area 1-A.

(6) The interim designations of all other dredged material sites listed in Section 228.12(a) and the Region II wood incineration site are extended indefinitely, pending completion of the present studies and determination of the need for continuing use of these sites, the completion of any necessary studies, and evaluation of their suitability.

Designation studies for particular sites within this group will begin as soon as feasible after the completion of nearby sites presently being studied.

[FR Doc. 80-38085 Filed 12-8-80; 8:45 am]

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GENERAL SERVICES ADMINISTRATION

41 CFR Parts 5-9 and 5A-9

Patents, data, and Copyrights; Transfer Parts

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: The General Services Administration Procurement Regulations, Chapter 5, are amended to transfer policies and procedures regarding patents, data, and copyrights from Chapter 5A. This transfer is part of the action to incorporate appropriate material in Chapter 5A into Chapter 5. The intended effect is to have a single GSA-wide procurement regulation.

EFFECTIVE DATE: December 31, 1980.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Federal Procurement Regulations Directorate, Office of Acquisition Policy (703-557-8947).

SUPPLEMENTARY INFORMATION:

CHAPTER 5—GENERAL SERVICES ADMINISTRATION PROCUREMENT REGULATIONS

[APD 2800.2 CHGE 8]

1. The Table of Parts is amended by adding the following entry:

Table of Parts

Part

5-9—Patents, Data, and Copyrights.

2. Part 5-9 is added as follows:

PART 5-9—PATENTS, DATA, AND COPYRIGHTS

Subpart 5-9.1—Patents

Sec.

5-9.100 Scope of subpart.

5-9.150 Patent indemnification of government by contractor.

5-9.151 Notice and assistance regarding patent infringement.

Subpart 5-9.50—Copyrights

5-9.5001 General.

5-9.5002 Use and publication by the government of copyrighted material.

5-9.5003 Contracts for use of copyrightable material.

5-9.5004 Copyright clause.

Authority: Section 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 5-9.1—Patents

§ 5-9.100 Scope of subpart.

(a) This subpart prescribes policies and procedures for patents and related matters. It prescribes contract clauses to be used and provides for assistance in developing clauses when it is not feasible to use prescribed clauses.

(b) Patents are granted for any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof (see 35 U.S.C. 101) and any new, original, and ornamental design for an article of manufacture. (See 35 U.S.C.