

US EPA ARCHIVE DOCUMENT

(2) * * * 10 U.S.C. 2463 applies to conversions from contract to in-house involving 50 or more contractor employees.

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3. Appendix B to Part 169a is proposed to be amended in section A.1 by removing "DD-P&L(A) 1540" and adding in its place "DD-A&T(A) 1540" and section A.5 is amended by removing the word "or" and adding in its place "of".

4. Appendix C to Part 169a is proposed to be amended in sections C.6. and C.7.a.(4) by removing "room 3E787" by adding in its place "room 3E813," section C.8. by removing "Public Law 102-172" and adding in its place "Public Law 103-139" and by revising section B.4 and adding a heading to section C.8. to read as follows:

APPENDIX C TO PART 169a— [AMENDED]

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B. * * *

4. The installation commander must attempt to place or retain displaced DoD civilian employees by:

a. Placing or retraining employees in available permanent vacant positions, or
b. Assigning displaced employees to valid temporary or over-hire positions in similar activities for gainful employment until permanent vacancies are available. The type of employee appointment (e.g., career, career-conditional, etc., or change from competitive to excepted service or vice versa) must not change, or

c. Certifying where no vacancies exist or are not projected, that employees will be offered retraining opportunities under the Job Training Partnership Act or similar retraining programs for transitioning into the private sector.

C. * * *

8. Most Efficient and Cost-Effective Analysis for Contractor Performance of an Activity (Report Control Symbol DD-A&T(AR) 1951. * * *

5. Appendix D to Part 169a is proposed to be amended by adding a new entry at the end of each listing under the heading CAMIS ENTRY AND UPDATE INSTRUCTIONS, Part I, Section One, item [3] and under the heading CAMIS ENTRY AND UPDATE INSTRUCTION, Part II, Section One, item [3] to read as follows:

Appendix D to Part 169a—[Amended]

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Camis Entry and Update Instruction
Part I * * *

Section One * * *

[3] * * *

4—Defense Technical Information Center (DTIC)

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Camis Entry and Update Instruction
Part II * * *

Section One * * *

[3] * * *

4—Defense Technical Information Center (DTIC)

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Dated: December 16, 1994.

L.M. Bynum,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 95-174 Filed 1-3-95; 8:45 am]

BILLING CODE 5000-04-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Chapter I

[FRL-J132-2]

Open Meeting of the Negotiated Rulemaking Advisory Committee for Small Nonroad Engine Regulations

AGENCY: Environmental Protection Agency.

ACTION: FACA Committee Meeting—Negotiated Rulemaking on Small Nonroad Engine Regulations.

SUMMARY: As required by section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), EPA is giving notice of the next meeting of the Advisory Committee to negotiate a rule to reduce air emissions from small nonroad engines. The meeting is open to the public without advance registration. Agenda items for the meeting include reports from the task groups and discussions of the draft "single text" strawman.

DATES: The committee will meet on January 23, 1995 from 10:00 a.m. to 6:00 p.m., and on January 24, 1995 from 8:00 a.m. to 4:00 p.m.

ADDRESSES: The location of the meeting will be the Courtyard by Marriott, 3205 Boardwalk, Ann Arbor, MI 48108; phone: (313) 995-5900.

FOR FURTHER INFORMATION CONTACT: Persons needing further information on the substantive matters of the rule should contact Lucie Audette, National Vehicle and fuel Emissions Laboratory, 2565 Plymouth Rd., Ann Arbor, Michigan 48105, (313) 741-7850. Persons needing further information on committee procedural matters should call Deborah Dalton, Consensus and Dispute Resolution Program, Environmental Protection Agency, 401

M Street SW., Washington, DC 20460, (202) 260-5495, or the Committee's facilitators, Lucy Moore or John Folk-Williams, Western Network, 616 Don Gaspar, Santa Fe, New Mexico, 87501 (505) 982-99805.

Dated: December 27, 1994.

Deborah Dalton,

Designated Federal Official.

[FR Doc. 95-83 Filed 1-3-95; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[NE-6-1-6445b; FRL-5115-4]

Approval and Promulgation of Implementation Plans and Delegation of 112(l) Authority; State of Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the state of Nebraska. The state's request for a revision to the SIP includes the creation of a Class II operating permit program, Part D (nonattainment) new source review rule changes, SO₂ rule corrections, and the use of enhanced monitoring. In the final rules section of the **Federal Register**, the EPA is approving the state's SIP revision as a direct-final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: Comments must be received on or before February 3, 1995.

ADDRESSES: Comments may be mailed to Christopher D. Hess, Environmental Protection Agency, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Christopher D. Hess at (913) 551-7213.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final rule which is located in the rules section of the **Federal Register**.

Dated: November 10, 1994.

William Rice,

Acting Regional Administrator.

[FR Doc. 95-147 Filed 1-3-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 230

[FRL-5132-4]

RIN 2040-AC14

Comparison of Dredged Material to Reference Sediment

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to revise the Clean Water Act Section 404(b)(1) Guidelines (Guidelines) to provide for comparison of dredged material proposed for discharge with "reference sediment," for the purposes of conducting chemical, biological, and physical evaluations and testing. Under this proposed revision, the testing provisions of the Guidelines would be improved by directing that dredged material proposed for discharge be compared to reference sediment. "Reference sediment" would be defined as sediment that reflects the conditions at the disposal site had no dredged material disposal ever occurred there. Adoption of the reference sediment approach would allow the regulatory program to better assess the potential cumulative impacts of dredged material discharges, and would make testing of dredged material proposed for discharge in waters of the U.S. more consistent with current methods used for testing dredged material proposed for ocean disposal.

DATES: Written comments must be submitted on or before March 6, 1995.

ADDRESSES: Written comments should be submitted to: Reference Sediment Docket (4502F), Wetlands and Aquatic Resources Regulatory Branch, U.S. EPA, 401 M Street SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Details are available from Mr. John Goodin at (202) 260-9910.

SUPPLEMENTARY INFORMATION:

Statutory and Regulatory Background

The Federal Water Pollution Control Act of 1972 (amended in 1977 as the Clean Water Act) established, in Section 404, a permit program for the regulation of proposed discharges of dredged or fill material into waters of the United States, including wetlands. Section

404(a) authorizes the Secretary of the Army, acting through the Chief of Engineers, to issue permits specifying disposal sites in waters of the U.S. in accordance with regulatory requirements of the Section 404(b)(1) Guidelines (Guidelines). The Guidelines, which were published by EPA as final regulations on December 24, 1980 (45 FR 85336), are the substantive environmental criteria used in evaluating discharges of dredged or fill material under Section 404 of the Clean Water Act.

The Guidelines provide general restrictions at § 230.10 that must be met before a permit can be issued authorizing a discharge of dredged or fill material into waters of the U.S. In order to reach conclusions regarding these restrictions, a variety of factual determinations are made concerning the potential environmental effects of a proposed discharge. Sections 230.60 and 230.61 of the Guidelines outline the chemical, biological, and physical evaluation and testing procedures that are to be used to make several of these determinations. These testing procedures are designed to determine the degree to which the material proposed for discharge may introduce, relocate, or increase the availability of contaminants and how this may impact the aquatic ecosystem and organisms. Section 230.61(c) of the Guidelines outlines procedures for comparing "excavation" and "disposal" sites. This comparison is made to ascertain the potential for adverse environmental impacts at the disposal site due to the proposed discharge of dredged material. Markedly different concentrations of contaminants or toxicological responses of test organisms between sediment from the excavation and disposal sites may indicate the potential for adverse environmental impacts.

A fundamental precept surrounding all evaluations under the Guidelines is that a "discharge will not have an unacceptable adverse impact either individually or in combination with known and/or probable impacts of other activities affecting the ecosystems of concern." (§ 230.1(c)) The Guidelines require the consideration of both cumulative and secondary effects on the aquatic ecosystem, as part of the factual determinations made to assess compliance (see § 230.11). If repetitive disposal occurs at a site, testing that employs the disposal site as a point of comparison may not facilitate an adequate evaluation of potential cumulative adverse effects, and thus may not provide the comprehensive data desired for factual determinations

and ultimately, Guidelines compliance decisions.

The key standard established in the Guidelines is that dredged material disposal may not have an "unacceptable adverse impact" on the disposal site. As discussed below, use of disposal site sediments as a point of comparison for subsequent evaluations of dredged material proposed for discharge there could contribute to the incremental contamination of the site over time, by continually degrading that point of comparison. This could occur without any of the individual discharges causing an "unacceptable adverse impact."

Current Practice

Current practice for most dredged material disposal is to use, to the maximum extent practicable, the same dredged material disposal site for successive discharge activities. In this manner, that portion of the total aquatic ecosystem impacted by dredged material discharges is limited, as is the repetition of associated regulatory procedures (i.e., specification of a disposal site). However, use of sediment from the disposal site as the point of comparison for subsequent evaluations of dredged material proposed for discharge at the same site could result in long term changes in the nature of disposal site, if contaminants incrementally accumulate there. For example, increasingly contaminated sediments could be discharged at a site even though a given discharge might have exceeded the "unacceptable adverse impact" threshold had this discharge been permitted earlier in the life of the disposal site when contamination levels were not as high. In this manner, cumulative adverse effects of individual dredged material discharges at a disposal site may not be adequately assessed.

In addition, using sediment from the disposal site as a point of comparison as currently required under the Guidelines represents an inconsistency between how discharges of dredged material are regulated under the Clean Water Act, which has jurisdiction in waters of the U.S., and the Marine Protection, Research, and Sanctuaries Act, which has jurisdiction in the territorial seas and ocean waters. The latter uses a reference sediment comparison in conducting dredged material testing, whereas the former currently does not. Although the two programs regulate dredged material disposal under different statutes, there is considerable overlap in terms of practical implementation. EPA and the Corps of Engineers support consistent testing that facilitates environmental comparisons