under the authority of RCRA to perform work satisfactorily under the above-noted contract. EPA is issuing this notice to inform all submitters of confidential business information that EPA may transfer to these firms, on a need-to-know basis, CBI collected under the authority of RCRA. Upon completing their review of materials submitted, ICF and their subcontractors will return all such materials to EPA.

ICF and their subcontractors have been authorized to have access to RCRA CBI under the EPA "Contractors Requirements for the Control and Security of RCRA Confidential Business Information" security manual. EPA has approved the security plan of its contractors and will inspect the facility and approve it prior to RCRA CBI being transmitted to the contractors. Personnel from these firms will be required to sign non-disclosure agreements and be briefed on appropriate security procedures before they are permitted access to confidential information, in accordance with the "RCRA Confidential Business Information Security Manual" and the Contract Requirements Manual.

II. List of Subjects in 40 CFR Part 2

Administrative practice and procedure, Freedom of information, Confidential business information.

Dated: June 11, 1986

J. W. McGraw,

Acting Assistant Administrator.

[FR Doc. 86-4180 Filed 6-23-86; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3036-8]

Water Pollution Control; Final Determination of the Assistant Administrator for External Affairs Concerning the Sweedens Swamp Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of decision to prohibit the use of the Sweedens Swamp Site for the discharge of dredged or fill material in Attleboro, Massachusetts.

SUMMARY: This is notice of EPA's final determination pursuant to section 404(c) of the Clean Water Act to prohibit the filling of 32 acres of wetlands known as Sweedens Swamp in Attleboro, Massachusetts for a shopping mall, based upon findings that the discharges of dredged or fill material into that site would have unacceptable adverse effects on wildlife and wildlife habitat.

EFFECTIVE DATE: The effective date of the final determination is May 13, 1986.

FOR FURTHER INFORMATION CONTACT: Charles K. Stark, Jr., Aquatic Resources Division, Office of Federal Activities (A-104), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 475-8796.

ADDRESS: Copies of EPA's final determination are available for inspection in the Public Information Reference Unit, EPA Library, Room M 2904, 401 M Street, SW., Washington, DC 20460 and at the Planning and Standards Section, EPA Region I, John F. Kennedy Federal Building, Room 2203, Boston, Massachusetts 02203.

SUPPLEMENTARY INFORMATION: Under section 404(c) of the Clean Water Act, the Administrator of EPA has the authority to prohibit or restrict the use of a site as a disposal site for dredged or fill material, after notice and opportunity for public hearing, whenever he determines that such disposal will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas. Responsibility for 404(c) determinations have been formally delegated to the Assistant Administrator for External Affairs.

In accordance with section 404(c) regulations (40 CFR Part 231), EPA's Regional Administrator for Region I, Mr. Michael R. Deland, initiated section 404(c) proceedings with respect to the proposed fill in Sweedens Swamp in Attleboro, Massachusetts. The site is a 49-acre forested wetland adjacent to a headwater tributary of the Seven Mile River and is located near the intersection of Routes 95 and 1A in the southeastern part of the State. Sweedens Swamp is a typical well-established, functioning red maple swamp which provides excellent wildlife habitat for a variety of birds, mammals and amphibians, and provides flood storage capacity, groundwater discharge and water purification.

The Regional Administrator's action was in response to a notice by the U.S. Army Corps of Engineers, New England Division of intent to issue a section 404 permit to Pyramid Companies, Inc. (Pyramid) for the discharge of dredged and fill material for a regional shopping mall and its attendant features. Pyramid's proposed shopping mall would result in the destruction of approximately 45 out of 49 acres of this wetland habitat. Pyramid also proposed to create wetlands on and offsite as mitigation. Onsite mitigation would attempt to covert 13 acres of forested wetlands and 9 acres of upland to 22 acres of marsh and open water. Mitigation offsite would involve an attempt to create a 36 acre artificial marsh at an abandoned gravel pit approximately 2 miles from Sweedens Swamp. The background of this action is summarized in the Region's notice of proposed determination and public hearing (published at 50 FR 33835, August 21, 1985).

On March 7, 1986, Mr. Deland forwarded a recommended determination to prohibit the use of the Sweedens Swamp site for the discharge of dredged or fill material to EPA headquarters for review and final determination. The administrative record was subsequently delivered to headquarters on March 14, 1986. Mr. Deland's recommendation was based upon unacceptable adverse effects on wildlife and wildlife habitat. Mr. Deland's recommendation also stated that there was at least one available alternative site, the use of which would not result in the adverse environmental effect that would be realized by constructing a mall in Sweedens Swamp. Mr. Deland concluded, therefore, that accepting Pyramid's offer of mitigation was inconsistent with the section 404(b)(1) guidelines because the expected adverse impacts to Sweedens Swamp were avoidable.

I considered the record in this case, public comments, information generated within EPA's 404(c) public hearing as well as the Corps public hearing on the proposed offsite mitigation plan, site specific evaluations, and information provided by other agencies. I also consulted with the permit applicant, the U.S. Army/Corps of Engineers, and other knowledgeable individuals. Based upon this review, I determined that depositing dredged or fill material within the 32 acre portion of Sweedens Swamp would result in unacceptalbe adverse effects to wildlife and wildlife habitat. Specifically, the loss of this habitat would adversely affect the wildlife populations (e.g., birds, mammals and amphibians) at the immediate site. In addition, the project would result in the permanent loss of 32 acres of forested wetland habitat and, although Pyramid has offered to recreate other wetlands onsite, doing so would result in the at least temporary destruction of 13 of the remaining 17 acres of wetland habitat and the creation of wetlands offering dissimilar habitat values to those in the existing wetlands. In reaching these conclusions, I determined that there exists at least one practicable alternative site in the same market which was rejected by Pyramid on the grounds of infeasibility, not availability to Pyramid, when it was

investigating the trade area prior to selecting Sweedens Swamp.

Based on the excellent wildlife value of the wetland in question, its size and setting, the avoidability of the loss, the significance of such areas in Massachusetts, and the scientific uncertainty of mitigation attempts, I concluded that filling Sweedens Swamp to build the proposed mall would have unacceptable adverse effects within the meaning of section 404(c). I do not interpret the section404(b)(1) guidelines as allowing mitigation as a remedy for destroying wetlands when a practicable alternative exists. The state of the science of man-made wetland creation argues against accepting the risks associated with such attempts in lieu of the practicable alternatives test, particularly for non-water-dependent projects. In addition, after examining Pyramid's mitigation plan, and the conditions that would be needed to ensure that the created wetlands would be successful, I became even more convinced that the risks involved are unacceptably high for a non water-dependent project which would unnecessarily destroy natural wetlands of proven environmental value.

After considering the full record, I determined that the discharge of dredged or fill material for construction of a shopping mall in Sweedens Swamp would cause unacceptable adverse effects on wildlife and wildlife habitat, and under the authority delegated to me by the Administrator of the Environmental Protection Agency, prohibited the use of the site for the proposed fill.

Dated: June 18, 1986.

Jennifer Joy (Manson) Wilson,

Assistant Administrator for External Affairs.

[FR Doc. 86-14181 Filed 6-23-86; 8:45 am]

BILLING CODE 6560-50-M

[OW-FRL-3036-3]

Water Quality Criteria; Availability of Document

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of final ambient water quality criteria document for dissolved oxygen.

SUMMARY: The Environmental Protection Agency (EPA) announces the availability and provides a summary of a final ambient water quality criteria document for dissolved oxygen. These criteria are intended to form the basis for enforceable State water quality standards and are published pursuant to section 304(a)(1) of the Clean Water Act.

Availability of Document

This notice contains a summary of a final criteria document publishing updated and revised ambient water quality criteria for dissolved oxygen for the protection of freshwater aquatic life. Copies of the complete criteria document may be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161 (phone number (703) 487-4650). The NTIS order number for this document is PB 86. Copies of the document are not available from the EPA office listed below. Requests sent to that office will be forwarded to NTIS or returned to the sender. This document is also available for public inspection and copying during normal business hours at: Public Information Reference Unit, U.S. Environmental Protection Agency, Room 2404 (rear), 401 M Street, SW, Washington, DC 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services. Copies of this document are also available for review in the EPA Regional Office libraries.

FOR FURTHER INFORMATION CONTACT: Dr. Frank Gostomski, Criteria and Standards Division (WH-585), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, 20460. (202) 245-3030.

SUPPLEMENTARY INFORMATION: .

Background

Section 304(a)(1) of the Clean Water Act (33 U.S.C. 1314(1)) requires EPA to publish and periodically update ambient water quality criteria. These criteria are to reflect the latest scientific knowledge on the identifiable effects of pollutants on public health and welfare, aquatic life, and recreation.

EPA has periodically issued ambient water quality criteria, beginning in 1973, with publication of the "Blue Book" (Water Quality Criteria 1972). In 1976, the "Red Book" (Quality Criteria for Water) was published. On November 28, 1980 (45 FR 79318) and February 15, 1984 (49 FR 5831), EPA announced the publication of 65 individual ambient water quality criteria documents for pollutants listed as toxic under section 307(a)(1) of the Clean Water Act. On July 29, 1985 (50 FR 30784), and March 7, 1986 (51 FR 8012), EPA announced the publication of additional criteria documents.

Today EPA is announcing the availability of a final water quality criteria document for dissolved oxygen which updates and revises criteria for dissolved oxygen previously published in the "Red Book" in 1976. A draft criteria document for dissolved oxygen was made available for public comment on April 19, 1985, (50 FR 15634). These final criteria have been derived after consideration of all comments received. A detailed EPA response to the public comments is available upon request from the EPA office noted above.

Dated: June 10, 1986.

Lawrence J. Jensen,

Assistant Administrator for Water.

Appendix A—Summary of Water Quality Criteria for Dissolved Oxygen

	Coldwater criteria (mg/L)		Warmwater criteria (mg/L)	
	Early life stages [1,2]	Other life stages	Early life stages [2]	Other life stages
30 day mean.	NA [3]	6.5	NA	5.5
7 day mean.	9.5 (6.5)	NA	6.0	NA
7 day mean minimum.	NA	5.0	NA	4.0
1 day minimum [4,5].	8.0 (5.0)	4.0	5.0	3.0

[1] These are water column concentrations recommended to achieve the required *integravel* dissolved oxygen concentrations shown in parentheses. The 3 mg/L differential is discussed in the criteria document. For species that have early life stages exposed directly to the water column, the figures in parentheses apply.

[2] Includes all embryonic and larval stages and all juvenile forms to 30-days following hatching.

[3] NA (not applicable).

[4] For highly manipulatable discharges, further restrictions apply (see page 37 in the criteria document).

[5] All minima should be considered as instantaneous concentrations to be achieved at all times.

Note.—These criteria represent a worst case, and conditions will be better than the criteria nearly all the time at most sites. In situations where criteria conditions are just maintained for considerable periods the criteria represent some risk to production impairment. This impairment would probably be slight, but would depend on innumerable other factors. If slight production impairment, or a small but undefinable risk of moderate production impairment is unacceptable, then one should use the "no production impairment" values given in section VI (p. 31) of the criteria document as means and the "slight production impairment" values as minima.

[FR Doc. 86-14184 Filed 6-23-86; 8:45 am]

BILLING CODE 6560-50-M

[OW-FRL-3036-4]

Water Quality Criteria; Extension of Public Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Water Quality Criteria; Extension of public comment period.

SUMMARY: In the **Federal Register** of May 1, 1986 (51 FR 16205), the Environmental Protection Agency (EPA)