

purchase a DoD designated health insurance policy upon the termination of their normal course of eligibility are eligible for an additional year for those health care services related to a preexisting condition excluded from coverage by the health insurance policy.

Since this amendment implements the legislative requirements, and the dates reflected are those established by the Congress, we are proceeding to the final rulemaking stage. Comments from the general public or from other governmental agencies are welcome and any comments received within 60 days of publication of the final rule and requiring a response will be addressed in a later publication of the Federal Register.

This rule was written to implement the law as described above, and will affect only a small category of individuals. We, therefore, certify that this amendment will not have a significant impact on a substantial number of small business entities under the criteria of the Regulatory Flexibility Act.

In compliance with Executive Order 12291, we certify that this is not a major rule and will, therefore, not have a significant impact on the economy.

List of Subjects in 32 CFR Part 199

Claims, Handicapped, Health Insurance, and Military Personnel.

Accordingly, 32 CFR part 199 is amended as follows:

PART 199—[AMENDED]

1. The authority citation for part 199 continues to read as follows:

Authority: 10 U.S.C. 1079, 1086, 5 U.S.C. 301.

2. Section 199.3 is amended by revising paragraph (b)(2)(ii) in its entirety to read as follows:

§ 199.3 Eligibility.

(b) * * *

(2) * * *

(ii) **Former spouse.** There are two groups of former spouses; (i.e., spouses who were married to a military member or former member but whose marriage has been terminated by a final decree of divorce, dissolution, or annulment). To be eligible for CHAMPUS benefits a former spouse must meet the criteria of paragraphs (b)(2)(ii)(A) through (b)(2)(ii)(E) of this section and must qualify under either the group defined in paragraph (b)(2)(ii)(F)(1) or (b)(2)(ii)(F)(2) of this section.

- (A) Must be unmarried;
- (B) Must not be covered by an employer-sponsored health plan;

(C) Must have been married to a member or former member who performed at least 20 years of service which can be credited in determining the member's or former member's eligibility for retired or retainer pay;

(D) Must not be eligible for part A of title XVIII of the Social Security Act (Medicare);

(E) Must not be the dependent of a NATO member;

(F) Must meet the requirements of either paragraph (b)(2)(ii)(F)(1), or (b)(2)(ii)(F)(2) of this section.

(1) The former spouse must have been married to the same member or former member for a least 20 years, at least 20 of which were creditable in determining the member's or former member's eligibility for retired or retainer pay. Eligibility continues indefinitely unless affected by any of the conditions in paragraphs (b)(2)(ii)(A) through (b)(2)(ii)(E) of this section.

(i) If the date of the final decree of divorce, dissolution, or annulment is before February 1, 1983, the former spouse is eligible for CHAMPUS coverage of health care received on or before January 1, 1985.

(ii) If the date of the final decree of divorce, dissolution of marriage, or annulment was on or after February 1, 1983, the former spouse is eligible for CHAMPUS coverage of health care which is received on or after the date of the divorce, dissolution, or annulment.

(2) The former spouse must have been married to the same military member or former member for at least 20 years, and at least 15, but less than 20 of those married years were creditable in determining the member's or former member's eligibility for retired or retainer pay.

(i) If the date of the final decree of divorce, dissolution of marriage, or annulment, is before April 1, 1985, the former spouse is eligible only for health care received on or before January 1, 1985, or the date of the divorce, dissolution, or annulment, whichever is later.

(ii) If the date of the decree was on or after April 1, 1985, but before September 29, 1988, the former spouse is eligible only for care received from the date of the divorce, dissolution, or annulment until December 31, 1988, or for two years from the date of the divorce, dissolution, or annulment, whichever is later.

(iii) If the date of the final decree of divorce, dissolution, or annulment is on or after September 29, 1988, the former spouse is eligible only for care received within the 365 days (366 days in the case of a leap year) immediately following the date of the divorce, dissolution, or annulment.

(iv) Former spouses listed under paragraphs (b)(2)(ii)(F)(2)(i) or (b)(2)(ii)(F)(2)(ii) of this section, who purchase a DoD designated health insurance policy upon termination of their eligibility, or within 90 days of termination of their eligibility, under paragraphs (b)(2)(ii)(F)(2)(i) or (b)(2)(ii)(F)(2)(ii) of this section, are eligible for an additional year of coverage at military treatment facilities and under CHAMPUS for preexisting conditions. Preexisting conditions are those for which coverage is denied by the conversion health plan, solely because the conditions existed in the twelve month period prior to the purchase of the conversion insurance policy.

* * * * *
Dated: June 27, 1990.

LM. Bynum,
Alternate OSD Federal Register Liaison
Officer, Department of Defense;
(FR Doc. 90-15544 Filed 7-3-90; 8:45 am)
BILLING CODE 3810-0-T-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

[FRL3805-4]

Ocean Dumping; Designation of Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today is designating two ocean dredged material disposal sites (ODMDS)—commonly named the Southwest Navigation site and Eight-Mile site—located offshore of Grays Harbor, Washington, for the disposal of dredged material removed from the Federal navigation project at Grays Harbor, Washington. This action is necessary to provide acceptable ocean dumping sites for the current and future disposal of this material. The proposed designation of the Southwest Navigation site is for an indefinite period of time, but the site is subject to continuing monitoring to insure that unacceptable, adverse environmental impacts do not occur. Use of the Eight-Mile site is expected to be a one-time occurrence over two or three years. The proposed designation for this site is also indefinite, but EPA intends to dedesignate the site after dumping at the site has been completed and monitoring indicates that the material has stabilized.

DATES: This designation will become effective on August 6, 1990.

ADDRESSES: John Malek, Ocean Dumping Coordinator, Region 10, WD-138.

The file supporting this proposed designation is available for public inspection at the following locations:

EPA Public Information Reference Unit (PIRU), Room 2904 (rear), 401 M Street SW., Washington, DC
 EPA Region 10, 1200 Sixth Avenue, Seattle, Washington
 U.S. Army Corps of Engineers, North Pacific Division, U.S. Custom House, 220 Northwest Eighth, Portland, Oregon
 U.S. Army Corps of Engineers, Seattle District, 3755 East Marginal Way-South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: John Malek. 200/442-1286.

SUPPLEMENTARY INFORMATION:

A. Background

Section 102(t) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 *et seq.* ("the Act"), gives the Administrator the authority to designate sites where ocean dumping may be permitted. On October 1, 1986, the Administrator delegated the authority to designate ocean dumping sites to the Regional Administrator of the Region in which the site is located. This site designation is being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR chapter I, subchapter H, § 228.4) state that ocean dumping sites will be designated by publication in part 228. A list of "Approved and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2461 *et seq.*) and was last updated on February 2, 1990 (55 FR 3688 *et seq.*). These site designations were published as proposed rulemaking on March 22, 1990, in accordance with § 228.4(e) of the Ocean Dumping Regulations, which permits the designation of ocean disposal sites for dredged material.

B. EIS Development

Section 102(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, (NEPA) requires that Federal agencies prepare an Environmental Impact Statement (EIS) on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The object of NEPA is to build into agency decision-making processes careful consideration of all environmental aspects of proposed actions. While NEPA does not apply to EPA activities of this type, EPA has voluntarily committed to prepare EIS's

in connection with ocean dumping site designations such as this..39 FR 16186 (May 7, 1974).

The Corps of Engineers and EPA have prepared a final EIS supplement entitled "Grays Harbor, Washington, Navigation Improvement Project" which was published in February 1989. This document supplements and incorporates by reference a previous Corps EIS entitled, "Grays Harbor, Chehalis and Hoquiam Rivers, Washington, Channel Improvements for Navigation", which was published in September 1982. Subsequent to publication of the final EIS supplement, but prior to the Corps signing a Record of Decision (ROD), the presence of previously-undetected contaminants were found in Grays Harbor sediments. Upon receipt of this information, the Corps, in close cooperation with Region 10, EPA, and the Washington Department of Ecology (Ecology), initiated a program to collect and evaluate sediments from within the Federal navigation channel to determine if any of these sediments presented a threat to the environment or to human health. The results of this testing program were presented in a draft environmental assessment (EA) entitled "1989 Sediment Collection and Testing Program: Grays Harbor, Washington, Navigation Improvement Project", that was circulated to the public for review in December 1989. The final EA was released with a Finding of No Significant Impact (FONSI) signed by the Seattle District Commander on February 15, 1990. Reference to the EA and FONSI was included in the ROD for the EIS supplement which was signed by the North Pacific Division Commander on February 15, 1990. EPA was a cooperating agency in the preparation of the EIS supplement and worked cooperatively with the Corps on design of studies and interpretations of results that were contained in the EA. As allowed by NEPA and in conjunction with this rule, EPA adopts the final EIS supplement and EA to support these ODMDS designations. Anyone desiring a copy of the final documents may obtain them from the address given above. The public comment period for the final EIS supplement closed in June 1989; no comments were received on the ocean dumping or site designation aspects of the project. The comment period for the EA closed January 23, 1990. Seven letters of comment, including EPA's, were received. These six letters were furnished to and reviewed by EPA and the concerns expressed were considered by EPA in our response to the Corps. The final rule fills the same role as the ROD required under regulations promulgated by the

Council on Environmental Quality for agencies subject to NEPA.

The action discussed in the final EIS supplement included designation for continuing use of one ocean disposal site for dredged material: the Southwest Navigation site. The purpose of the designation is to provide an environmentally acceptable location for ocean disposal of dredged material. The appropriateness of ocean disposal is determined on a case-by-case basis as part of the process of issuing permits for ocean disposal. Originally, the Eight-Mile site was to have been designated by the Corps using their authority under section 103 of the MPRSA, with the concurrence of Region 10, EPA. As use was to have been one time, albeit spread over multiple years, formal designation of the Eight-Mile site by EPA was not considered necessary. However, in light of subsequent information, EPA decided that formal designation and post-disposal monitoring of the site was desirable. Accordingly, both sites are proposed for designation.

The EIS supplement discussed the need for the action and examines ocean disposal sites and alternatives to the proposed action, including land-based disposal options.

The EIS supplement and EA provide information to support designation of two ODMDS in the Pacific Ocean off the mouth of Grays Harbor in the State of Washington. The proposed ODMDS are new sites; no interim-designated sites exist for Grays Harbor. Site designation studies were conducted by the Seattle District, Corps of Engineers, in consultation with EPA Region 10. The two ODMDS have been judged to be environmentally acceptable and no significant or long-term adverse environmental effects are predicted to result from the designations. Continuing use of the Southwest Navigation site is anticipated. The site would receive sediments dredged by the Corps to maintain the federally-authorized navigation project at Grays Harbor; Washington, and other dredged materials authorized in accordance with section 103 of the MPRSA. Before any disposal may occur, a specific evaluation by the Corps must be made using EPA's ocean dumping criteria. EPA makes an independent evaluation of the proposal and has the right to disapprove the actual disposal. To date, approval has been given for material dredged during initial construction of the Grays Harbor navigation project.

The study and final designation process were conducted in accordance with the Act, the Ocean Dumping

Regulations, and other applicable Federal environmental legislation.

This final rulemaking notice fills the same role as the Record of Decision required under regulations promulgated by the Council on Environmental Quality for agencies subject to NEPA.

C. Site Description

On March 22, 1990, EPA proposed designation of these sites in the Federal Register. The public comment period for the proposed rule closed on May 7, 1990. No letters of comment were received. Two telephone comments were received pointing out a typographic error for the Eight-Mile site coordinates.

The Southwest Navigation site is a parallelogram located approximately 3.9 nautical miles offshore and to the southwest of the entrance to Grays Harbor and occupies an area of about 125 square nautical miles. Water depths within the area average between 30 and 37 meters. The coordinates of the site are as follows:

46° 52.94' N., 124° 13.81' W.;
46° 52.17' N., 124° 12.96' W.;
46° 51.15' N., 124° 14.19' W.;
46° 51.92' N., 124° 14.96' W.

The proposed Eight-Mile site is a circle with a radius of 0.40 miles on a central coordinate of 46° 57' N., 124° 20.6' W., located approximately 7.1 nautical miles offshore and west-northwest of the entrance to Grays Harbor. The site occupies an area of about 0.5 square nautical miles. Water depths within the area average between 42 and 49 meters.

If at any time disposal operations at the sites cause unacceptable adverse impacts, further use will be restricted or terminated.

D. Regulatory Requirements

Five general criteria are used in the selection and approval of ocean disposal sites for continuing use. Sites are selected so as to minimize interference with other marine activities, to keep any temporary perturbations from the dumping from causing impacts outside the disposal site, and to permit effective monitoring to detect any adverse impacts at an early stage. Where feasible, locations off the Continental Shelf are chosen. If at any time disposal operations at a site cause unacceptable adverse impacts, the use of that site will be terminated as soon as suitable alternate disposal sites can be designated. The general criteria are given in § 228.5 of the EPA Ocean Dumping Regulations, and § 228.6 lists eleven specific factors used in evaluating a proposed disposal site to assure that the general criteria are met.

The sites are acceptable under the five general criteria, except for the preference for sites located off the Continental Shelf. EPA has determined, based on the information presented in the final EIS supplement, that a site off the Continental Shelf is not feasible and that no environmental benefits would be realized by selecting such a site instead of the sites designated in this action.

The characteristics of the designated sites are reviewed below in terms of the eleven factors.

1. *Geographical position, depth of water, bottom topography, and distance from coast.* 40 CFR 228.6(a)(1). The Southwest Navigation site is a parallelogram located approximately 3.9 nautical miles offshore and to the southwest of the entrance to Grays Harbor and occupies an area of about 125 square nautical miles. Water depths within the area average between 30 and 37 meters. The coordinates of the site are as follows:

46° 52.94' N., 124° 13.81' W.;
46° 52.17' N., 124° 12.96' W.;
46° 51.15' N., 124° 14.19' W.;
46° 51.92' N., 124° 14.96' W.

The proposed Eight-Mile site is a circle with a radius of 0.40 miles on a central coordinate of 46° 57' N., 124° 20.6' W., located approximately 7.1 nautical miles offshore and west-northwest of the entrance to Grays Harbor. The site occupies an area of about 0.5 square nautical miles. Water depths within the area average between 42 and 49 meters.

2. *Location in relation to breeding, spawning, nursery, feeding, or passage areas of living resources in adult and juvenile phases.* 40 CFR 228.6(a)(2). Aquatic resources are described in detail in the final EIS supplement. The Southwest Navigation site is located in the nearshore oceanic environment and contains aquatic life characteristic of such regions along the coasts of the Pacific Northwest. Biological communities at the site do not appear to be unique or unusual. The dominant taxon within the site, *Owenia fusiformis*, is a tube-building polychaete that is abundant throughout the area. Juvenile crabs are known to use the site, especially during early summer, and initial construction disposal will be allowed only beyond the -120-foot (-37 m) contour during that season to avoid impacts to the resource. Monitoring conducted during initial construction will determine when disposal of maintenance dredged material into the shallower portion of the site might acceptably occur.

The Eight-Mile site is located within a relict gravel deposit which contains no significant benthic fish or invertebrate

community. The infauna community is dominated by the polychaetes, *Mediomastus* spp., and has low biomass, abundance, and taxa richness.

3. *Location in relation to beaches and other amenity areas.* 40 CFR 228.6(a)(3). Both the Southwest Navigation and Eight-Mile sites are far enough removed that use would not affect these amenities.

4. *Types and quantities of wastes proposed to be disposed of, and proposed methods of release, including methods of packing the waste, if any.* 40 CFR 228.6(a)(4). The final designated sites will receive dredged materials transported by either government or private contractor hopper dredges or bottom-dump, sea-going barges towed by tugs. The dredges and barges would be under power and moving during disposal to maintain steerage. Specific information regarding quantities and sources of dredged material is contained in the EIS supplement, EA, and ROD for the navigation improvement project.

Briefly, approximately 2,250,000 cubic yards of initial construction material (consisting primarily of clean sand from the bar reach) would be placed at the Southwest Navigation site over the estimated three-year construction period. Approximately 800,000 cubic yards (again, sands from the bar reach) are expected to be discharged during the first year of maintenance dredging, decreasing through the subsequent four years. After year five, approximately 500,000 cubic yards of maintenance dredging are planned to be disposed at this site annually. Presently, no material from other Grays Harbor navigation project reaches or other projects is planned to be dumped at the Southwest Navigation site; however, there is no reason to limit volumes to be discharged as long as the material is found to be of acceptable quality.

Approximately 2,650,000 cubic yards of initial construction material, consisting of silts and sandy silt from the outer Moon Island, Hoquiam, Cow Point, and Aberdeen reaches, are scheduled to be deposited at the Eight-Mile site during the first and third years of construction. No further use of the Eight-Mile site is currently anticipated and EPA expects to dedesignate the site at some time in the future.

Dredged material for initial construction of the Grays Harbor navigation channel has been tested and determined to be suitable for unconfined open water disposal in the ocean or Grays Harbor estuary. Specific details of the testing program are contained in the 1982 EIS for the project, the 1989 EIS supplement, and the recent EA. Dredged

material scheduled to be discharged at the Southwest Navigation site is considered compatible with the existing substrate. Material destined for the Eight-Mile site consists of a range of grain sizes which are substantially different from the existing, relic gravel substrate at the site. Disposal of these sediments at the Eight-Mile site will change the bottom, but this change is considered acceptable and would have substantially less impact than disposal in alternate locations.

All future proposals for sediment disposal in the ocean are subject to specific evaluation, including independent review by EPA, to avoid or minimize adverse effects.

5. *Feasibility of surveillance and monitoring.* 40 CFR 228.6(a)(5). Both sites are well removed from shore facilities and are located in deep water which increases the difficulty for compliance monitoring and post-disposal monitoring. Proposed monitoring and management plans are contained in appendix B of the EIS supplement. Following formal designation of these ODMDS; EPA and the Corps will develop a specific site management plan which will address post-disposal monitoring. Compliance monitoring to ensure that initial construction material is actually discharged at the appropriate disposal sites will largely be performed by the Corps as part of their contract management responsibilities. However, periodic inspections by EPA are planned. Future compliance monitoring will occur as determined to be necessary.

6. *Dispersion, horizontal transport and vertical mixing characteristics of the area, including prevailing current direction, and velocity.* 40 CFR 228.6(a)(6). The nearshore circulation off the Washington coast is influenced by atmospheric conditions and bathymetry, as well as the tidal jet from Grays Harbor. Mean surface currents are southward with an onshore component. However, in deeper water (40-50 m depth) conditions result in a northward flowing current with an offshore component near the sea bottom. The strength of this near-bottom current varies seasonally; however, net overall flow and sediment movement is to the north. Hydrographic structure is similar at both sites with a stratified water column and bottom water containing low DO from late spring through early fall. This is typical throughout the North Pacific coastal region. Near-bottom turbidity layers are common at the Southwest Navigation site. Water column turbidities are lower at the

Eight-Mile site and no near-bottom turbidity layers were observed during designation studies.

Sediments discharged at the Southwest Navigation site would be expected to join the littoral system and disperse gradually out of the site toward the north and onshore. Disposal will be managed to enhance dispersion and to prevent formation of significant mounds.

Sediments discharged at the Eight-Mile site are expected to form a consolidated cloddy mound which would remain on the site for an unspecified time following disposal. Prior experience with disposal of silty material at Coos Bay, Oregon, suggests that the clumps will break down with winter storm activity and erode. At the Coos Bay site, the material was essentially gone two years following disposal. The material at the Eight-Mile site is expected to gradually move with the bottom currents in a predominantly northward or northwesterly direction.

7. *Existence and effects of current and previous discharges and dumping in the area (including cumulative effects).* 40 CFR 228.6(a)(7). This area has no previous history of ocean dumping. Anticipated effects are disclosed in the EIS supplement and EA. No significant adverse effects are anticipated.

8. *Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance, and other legitimate uses of the ocean.* 40 CFR 228.6(a)(8). No legitimate uses of the ocean would be interfered with as a result of designation of either or both ODMDS or use of these sites. The Southwest Navigation site was located within the navigation lane in order to minimize conflicts with commercial crab fishing operations. Potential interference with ship traffic will be minimized by public disclosure of dredging and disposal operations through Notices to Mariners. Additionally, disposal of initial construction material will occur beyond the -120-foot (-37 m) contour to avoid potential impact to juvenile crabs which tend to congregate between the -100 to -120-foot contours during the summer. Monitoring is planned during construction to determine whether this restriction could be relaxed for future maintenance material disposal.

9. *The existing water quality and ecology of the site as determined by available data or by trend assessment of baseline surveys.* 40 CFR 228.6(a)(9). Water quality off the mouth of Grays Harbor is considered excellent, typical of unpolluted seawater along the Pacific Northwest coast.

No significant short- or long-term impacts on water quality are expected to be associated with site designation or disposal operations.

10. *Potential for the development or recruitment of nuisance species in the disposal site.* 40 CFR 228.6(a)(10). It is highly unlikely that any nuisance species could be transported or attracted to either disposal site as a result of dredging or disposal activities.

11. *Existence at or in close proximity to the site of any significant natural or cultural features of historical importance;* 40 CFR 228.6(a)(11). Both sites are sufficiently far removed that designation or use would not affect these amenities. Given the characteristics of each site, it is unlikely that any shipwrecks would have survived. The existing information was provided to the Advisory Council of Historic Preservation and State Historic Preservation Office.

E. Action

The EIS supplement and EA concluded that the two sites identified in this rule may be appropriately designated for use. The sites are compatible with the general criteria and specific factors used for site evaluation.

The designation of the Southwest Navigation site and Eight-Mile site as EPA-approved Ocean Dumping Sites is being published as final rulemaking. Management of these sites will be delegated to the Regional Administrator of EPA Region 10.

It should be emphasized that, if an ocean dumping site is designated, such as designation does not constitute or imply EPA's approval of actual disposal of material at sea. Before ocean dumping or dredged material at the site may commence, the Corps of Engineers must evaluate a permit application according to EPA's ocean dumping criteria. EPA has the right to disapprove the actual dumping, if it determines that environmental concerns under the Act have not been met.

F. Regulatory Assessments

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 rule 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 other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this rule does not necessitate preparation of a Regulatory Impact Analysis.

This Final 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.

Dated: June 18, 1990.

Thomas P. Dunne,

Acting Regional Administrator for Region 10

In consideration of the foregoing, subchapter H of chapter I of title 40 is amended as set forth below.

PART 228-[AMENDED]

1. The authority citation for part 228 continues to read as follows:

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

2. Section 228.12 is amended by adding paragraphs (b)(83) and (b)(84) to read as follows:

§ 228.12 Delegation of management authority for Interim ocean dumping sites.

(b) . . .
(83) Grays Harbor-Southwest Navigation site-Region 10. Location: 46° 52.94' N., 124° 13.81' W.; 46° 52.17' N., 124° 12.96' W.; 46° 51.15' N., 124° 14.19' W.; 46° 51.92' N., 124° 14.96' W.

Size: 125 square nautical miles.

Depth: 30-37 meters (average).

Primary Use: Dredged material.

Period of Use: Continuing use.

Restrictions: Disposal shall be limited to dredged material determined to be suitable for unconfined disposal from Grays Harbor estuary and adjacent areas. Additional discharge restrictions will be contained in the EPA/Corps management plan for the site.

(84) Grays Harbor-Eight-Mile site-Region 10. Location: Circle with a 0.40 mile radius around a central coordinate at 56° 57' N., 124° 20.6' W.

Size: 0.5 square nautical miles.

Depth: 42-49 meters.

Primary Use: Dredged material.

Period of Use: One time use over multiple years. Dedesignation of the site is anticipated within five years following completion of disposal and monitoring activities.

Restrictions: Disposal shall be limited to dredged material from initial construction

of the Grays Harbor navigation project. Post-disposal monitoring will determine the need and extent of closure requirements.

[FR Doc. 90-15454 Filed 7-3-90; 845 am]

BILLING CODE 1991-9MI

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

45 CFR Part 1340

RIN 0980-AA40

Child Abuse and Neglect Prevention and Treatment Program

AGENCY: Administration for Children, Youth, and Families (ACYF), Office of Human Development Services, HHS.

ACTION: Final rule.

SUMMARY: The Department of Health and Human Services is issuing this final rule to make technical and conforming changes to its rule for the child abuse and neglect program (45 CFR part 1340) to implement the changes made in the Child Abuse and Neglect Prevention and Treatment Act by Public Laws 100-294 and 101-126. The proposed rule was published on March 17, 1989 (54 FR 11246).

EFFECTIVE DATE: August 6, 1990.

FOR FURTHER INFORMATION CONTACT: Mary McKeough, Administration for Children, Youth, and Families, Office of Human Development Services, Department of Health and Human Services, P.O. Box 1182, Washington, DC 20013, (202) 245-0640.

SUPPLEMENTARY INFORMATION:

I. Program Description

In 1974, the Child Abuse Prevention and Treatment Act (Pub. L. 93-247, 42 U.S.C. 5101, *et seq.*) established in the Department of National Centent on Child Abuse and Neglect (NCCAN). NCCAN is located organizationally within the Children's Bureau of the Administration for Children, Youth and Families in the Office of Human Development Services.

Under the Act, the NCCAN carries out, among other activities, the following responsibilities:

- Makes grants to States that comply with Federal requirements to implement State child abuse and neglect prevention and treatment programs.
- Funds public or nonprofit private organizations to carry out research, demonstration, and service improvement programs and projects designed to prevent, identify and treat child abuse and neglect.

- Collects, analyzes, and disseminates information, e.g., compiles and disseminates training materials, prepares an annual summary of recent and ongoing research on child abuse and neglect, and maintains a national information clearinghouse.

- Assists States and communities in implementing child abuse and neglect programs.

- Coordinates Federal programs, activities, and information, in part through the Advisory Board on Child Abuse and Neglect and the Inter-Agency Task Force on Child Abuse and Neglect.

Regulations applicable to State and discretionary grants are found at 45 CFR part 1340, with the most recent revision having been published on February 6, 1987 (54 FR 3990).

Each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands are eligible to apply for State grants. We will refer to these jurisdictions as "States" in this preamble discussion.

II. The Notice of Proposed Rulemaking

On March 17, 1989, the Department published, with a sixty day comment period, a notice of proposed rulemaking (NPRM) for the child abuse and neglect program. The NPRM proposed regulations to implement the amendments to the Child Abuse Prevention and Treatment Act (Act) made by Public Law 100-294.

The NPRM contained technical and conforming changes in 45 CFR part 1340 to (1) correct statutory citations because certain sections of the Act were renumbered; (2) revise the waiver provision to extend State eligibility as required by recent legislation; and (3) add an Editorial Note at the beginning of the appendix to Part 1340- Interpretative Guidelines Regarding Services and Treatment for Disabled Infants. The Editorial Note was added as an aid for future reference.

In response to the NPRM, the Department received a total of three letters, each from State human resources agencies in support of the 1988 amendments to the Act and the proposed rules implementing those amendments. The comments in those letters required no changes in the final rule.

However, since publication of the NPRM, the waiver extension provision added by the 1988 amendments to the Act has expired (September 30, 1989). As a result, we are removing paragraph