

materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus bodies. The NTAA directs EPA to provide Congress, through the OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This proposed rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards. EPA welcomes comments on this aspect of the proposed rulemaking and, specifically, invites the public to identify potentially-applicable voluntary consensus standards and to explain why such standards should be used in this regulation.

**10. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low Income Populations**

To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each Federal agency must make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health and environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands. Because this proposed rule addresses ocean dumping (away from inhabited land areas), with no anticipated significant adverse human health or environmental effects, the rule is not subject to Executive Order 12898.

**List of Subjects in 40 CFR Part 228**

Environmental Protection, Water Pollution Control.

Dated: March 4, 2003.

**John Iani,**  
Regional Administrator for Region X.

For the reasons set out in the preamble, chapter I of title 40 of the Code of Federal Regulations is proposed to be 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. 1412 and 1418.

2. Section 228.15 is amended by removing and reserving paragraphs (n) (6), (n) (7), and (n) (9), and revising paragraph (n)(8) to read as follows:

**§ 228.15 Dumping sites designated on a final basis.**

\* \* \* \* \*

(n) \* \* \*

(6) [Reserved]

(7) [Reserved]

(8) (i) Mouth of the Columbia River, OR/WA Dredged Material Shallow Water site

(A) *Location:* Overall Site Coordinates/Site Placement Area: 46°15'31.64" N, 124°05'09.72" W; 46°14'17.66" N, 124°07'14.54" W; 46°15'02.87" N, 124°08'11.47" W; 46°15'52.77" N, 124°05'42.92" W; Site Drop Zone: 46°15'35.36" N, 124°05'15.55" W; 46°14'31.07" N, 124°07'03.25" W; 46°14'58.83" N, 124°07'36.89" W; 46°15'42.38" N, 124°05'26.55" W (All NAD 83).

(B) *Size:* 3.50 kilometers long and 0.94 to 1.71 kilometers wide; 0.626 square nautical miles.

(C) *Depth:* Ranges from 14 to 23 meters.

(D) *Primary Use:* Dredged Material determined to be suitable for ocean disposal.

(E) *Period of Use:* Continuing Use.

(F) *Restrictions:* (i) Disposal shall be limited to dredged material determined to be suitable for unconfined disposal; (ii) Disposal shall be limited by site restrictions and requirements contained in the then currently-approved Site Management and Monitoring Plan (SMMP); (iii) An Annual Use Plan (AUP) must be prepared and approved by EPA before disposal may occur in any year.

(ii) Mouth of the Columbia River, OR/WA Dredged Material Deep Water site.

(A) *Location:* Overall Site Coordinates: 46°11'03.03" N, 124°10'01.30" W; 46°13'09.78" N, 124°12'39.67" W; 46°10'40.88" N, 124°16'46.48" W; 46°08'34.22" N, 124°14'08.07" W (which includes a 3,000-foot buffer on all sides); Site Placement Area: 46°11'06.00" N, 124°11'05.99" W; 46°12'28.01" N, 124°12'48.48" W; 46°10'37.96" N, 124°15'50.91" W; 46°09'15.99" N, 124°14'08.40" W (All NAD, 83).

(B) *Size:* 7.01 kilometers long by 5.18 kilometers wide; 5 square nautical miles.

(C) *Depth:* Ranges from 55 to 94 meters.

(D) *Primary Use:* Dredged material determined to be suitable for ocean disposal.

(E) *Period of Use:* Continuing Use (subject to restriction 8) or until placed material has mounded to an average height of 40 feet within the placement area (see restriction 6 below).

(F) *Restrictions:* (i) Disposal shall be limited to dredged material determined

to be suitable for unconfined disposal; (ii) Disposal shall be limited by site restrictions and requirements contained in the then currently-approved Site Management and Monitoring Plan (SMMP); (iii) An Annual Use Plan (AUP) must be prepared and approved by EPA before disposal may occur in any year; (iv) A Drop Zone or Zones will be specified in the AUP for disposal, pursuant to restrictions and requirements contained in the then currently-approved SMMP; (v) Direct disposal of dredged material into the identified buffer zone is prohibited; (vi) The Corps and/or EPA shall undertake specific re-evaluation of site capacity once the site is used and an average mound height of 30 feet has accumulated throughout the Placement Area. This evaluation will either confirm the original 40-foot height restriction, or recommend a more technically appropriate one; (vii) Use of the Deep Water Site during the first three years following final designation is limited as follows subject to completion of baseline and other special studies identified in the 2003 Site Management and Monitoring Plan: (a) Drop Zones specified must correspond to locations where 2001–2002 physical and biological characterizations have occurred, and (b) Disposals will be required to minimize the spread of material on the sea floor within the placement area; (viii) Site use is automatically prohibited at the end of year three following final designation if, for any reason, baseline and other special studies identified in the 2003 SMMP have not been completed and accepted by EPA. Site use will remain prohibited until this condition is satisfied.

(9) [Reserved]

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 600**

[Docket No. 030224043–3043–01; I.D. 040202C]

**Magnuson-Stevens Act Provisions, Subpart H; General Provisions for Domestic Fishing**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.