

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 620**

[Docket No. 9601-26016-6016-01; I.D. 012696C]

RIN 0648-XX41

General Provisions for Domestic Fisheries; Closes Block Island Sound to All Fishing

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

ACTION: Emergency interim rule.

SUMMARY: NMFS has determined that, in order to protect public health, safety, and welfare, it is necessary to close a portion of Federal waters in Block Island Sound off the coast of the State of Rhode Island, to all fishing. Closure of this area is made at the request of the State of Rhode Island. The closure will be in effect for a period of 90 days beginning on the effective date of this rule, unless conditions allow NMFS to terminate it sooner. This closure is implemented due to the adverse environmental conditions created by the recent grounding of an oil barge, and subsequent oil spill. This action will prevent fishermen from harvesting fish which may be contaminated.

EFFECTIVE DATE: January 26, 1996 through May 1, 1996.

FOR FURTHER INFORMATION CONTACT: Regina L. Spallone at (508) 281-9221.

SUPPLEMENTARY INFORMATION: This emergency action is taken in response to the January 19, 1996, grounding of an oil barge, and subsequent spill of more than 700,000 gallons (2.6 million L.) of fuel oil into the waters of Block Island Sound. The closed area is defined as Federal waters of Block Island Sound bounded as follows: From the point where LORAN line 25740 intersects with the 3 nautical mile line south of Easton Point, RI, proceeding southwesterly along the 25740 line to its intersection with the 43870 line, thence southwesterly along the 43870 line to the intersection of the 3 nautical mile line east of Block Island, RI, thence northwesterly along said 3 nautical mile line to the intersection of the 14540 line, thence northwesterly along the 14540 line to the intersection of the 3 nautical mile line, thence northeasterly along the 3 nautical mile line to the starting point. Vessels fishing outside of this area may pass through the closed area, provided that all fishing gear is stowed and

unavailable for immediate use in accordance with 50 CFR sections 625.24(f), 650.21(a)(2)(iii), and 651.20(c)(4)(i).

The complete extent of the ecological damage due to the spill is not known at this time. Oil exposure has been shown to be lethal to marine life, and can accumulate and linger in the food chain. The purpose of this action is to prevent vessels from harvesting contaminated fish from the area of the spill in the interest of public health. The emergency nature of the adverse environmental condition created by the presence of oil in the area renders prior notice and opportunity to comment on a proposed closure contrary to the public interest. Consequently, the emergency action authority vested in the Secretary of Commerce under section 305(c) of the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1855(c) is invoked to make the closure effective immediately.

The closure prohibits all fishing in the area beginning on January 26, 1996, through April 29, 1996, unless circumstances exist that permit earlier reopening of the area. The area may reopen earlier if NMFS, in association with other State and Federal agencies, determines that the environmental degradation of the marine environment represented by the presence of the oil, and the consequential negative impact on fishing operations, and risk to public health, safety, and welfare has ended.

This action has the support of the State of Rhode Island, the U.S. Food and Drug Administration, and U.S. Coast Guard. The New England Fishery Management Council was informed of the planned action and made no comment.

Classification

The Secretary finds for good cause that the reasons justifying promulgation of this rule on an emergency basis also make it impracticable and contrary to the public interest to provide notice and opportunity for comment or to delay for 30 days the effective date of these emergency regulations under the provisions of sections 553 (b) and (d) of the Administrative Procedures Act.

List of Subjects in 50 CFR Part 620

Fisheries, Fishing.

Dated: January 26, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 620 is amended as follows:

PART 620—GENERAL PROVISIONS FOR DOMESTIC FISHERIES

1. The authority citation for part 620 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 620.7, paragraph (i) is added to read as follows:

§ 620.7 General prohibitions.

* * * * *

(i) Fish in Federal waters of Block Island Sound bounded as follows: From the point where LORAN line 25740 intersects with the 3 nautical mile line south of Easton Point, Rhode Island, proceeding southwesterly along the 25740 line to its intersection with the 43870 line, thence, southwesterly along the 43870 line to the intersection of the 3 nautical mile line east of Block Island, Rhode Island, thence northwesterly along said 3 nautical mile line to the intersection of the 14540 line, thence northwesterly along the 14540 line to the intersection of the 3 nautical mile line, thence northeasterly along the 3 nautical mile line to the starting point. Vessels fishing outside of this area may pass through the closed area, provided that all fishing gear is stowed and unavailable for immediate use in accordance with the regulations cited in 50 CFR 625.24(f), 650.21(a)(1)(iii), and 651.20(c)(4)(i).

[FR Doc. 96-2043 Filed 1-29-96; 11:54 am]

BILLING CODE 3510-22-M

50 CFR Part 672

[Docket No. 951120272-5272-02; I.D. 012696D]

Groundfish of the Gulf of Alaska; Pollock in Statistical Area 63 of the Central Regulatory Area

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

ACTION: Modification of a closure.

SUMMARY: NMFS is terminating the closure to directed fishing for pollock in Statistical Area 63 in the Gulf of Alaska (GOA). This action is necessary to fully utilize the interim total allowable catch (TAC) of pollock in that area.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), January 29, 1996, until superseded by the final 1996 specifications.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS

according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 672.

The interim specification of pollock TAC in Statistical Area 63 was established by the Interim 1996 Harvest Specifications (60 FR 61492, November 30, 1996) as 3,250 metric tons (mt), determined in accordance with § 672.20(c)(1)(ii)(A). The directed fishery for pollock in Statistical Area 63 of the GOA was closed under § 672.20(c)(2)(ii) on January 23, 1996 (61 FR 2457, January 26, 1996).

The Director, Alaska Region, NMFS, has determined that the remaining interim specification of pollock TAC in Statistical Area 63 has not been reached. Therefore, NMFS is terminating the previous closure to directed fishing for pollock in Statistical Area 63 of the GOA. All other closures remain in full force and effect.

Classification

This action is taken under 50 CFR 672.20, and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 29, 1996.

Richard W. Surdi,

*Acting Director, Office of Fisheries
Conservation and Management, National
Marine Fisheries Service.*

[FR Doc. 96-2118 Filed 1-29-96; 2:10 pm]

BILLING CODE 3510-22-F