

- Section 17.00 Signatories to Registration and Closure Applications
- Section 18.00 Transfer of Certificates of Registration or Closure
- Section 19.00 USTs/Holding Tanks Serving Floor Drains
- Section 20.00 Variances
- Section 21.00 Appeals
- Section 22.00 Penalties
- Appendix A
- Appendix B
- Appendix C

[FR Doc. 96-3284 Filed 2-16-96; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 296**

[Docket No. 951207292-5292-1; I.D. 102595A]

RIN 0648-A155

**Fishermen's Contingency Fund; Simplification of Regulations**

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

**ACTION:** Final rule.

**SUMMARY:** NMFS amends the Fishermen's Contingency Fund (FCF) regulations for purposes of clarification and simplification in accordance with the President's Regulatory Reform Initiative.

**EFFECTIVE DATE:** February 20, 1996.

**ADDRESSES:** Michael L. Grable, Chief, Financial Services Division, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Charles L. Cooper, Program Leader, 301-713-2396.

**SUPPLEMENTARY INFORMATION:** Title IV of the Outer Continental Shelf Lands Act Amendments (43 U.S.C. 1841 *et seq.*) established the FCF to compensate commercial fishermen for property or economic loss caused by oil and gas activities on the U.S. Outer Continental Shelf. The FCF comprises assessments collected from offshore energy interests.

In March 1995, President Clinton issued a directive to Federal agencies regarding their responsibilities under his Regulatory Reform Initiative. This initiative is part of the National Performance Review and calls for immediate, comprehensive regulatory reform. The President directed all

agencies to undertake an exhaustive review of all their regulations with an emphasis on eliminating or modifying those that are obsolete or otherwise in need of reform. In response to this initiative, FCF regulations were reviewed to determine how they could be reformed. This rule implements the results of that review by making several changes to the FCF regulations. Regulatory provisions that do not facilitate accurate and expeditious adjustment of claims as well as those that impose unnecessary burdens upon claimants have been dropped. Program addresses and phone numbers have been updated. Program procedures have been streamlined by dropping regulatory provisions that stated that the amounts awarded in an initial determination would be disbursed only after the claimant (1) stated in writing that he/she would not appeal the initial determination, (2) signed an agreement to repay any subsequent reduction of the award, and (3) signed an agreement assigning his/her rights against those causing the casualty to NMFS. NMFS will incorporate agreements (2) and (3) into the application, thereby expediting the payment of claims. The claimant's right to appeal the initial determination within 30 days is preserved in the regulations, whether the amount awarded has been disbursed or not.

**Classification**

Because this rule only simplifies existing regulations without making any substantive changes, no useful purpose would be served by providing prior notice and opportunity for comment on this rule. Accordingly, under 5 U.S.C. 553(b)(B), it is unnecessary to provide such notice and opportunity for comment. Also, because this rule is only administrative in nature and is not a substantive rule it is not subject to the 30-day delay in effective date provision of 5 U.S.C. 533(d). As such, this rule is effective upon publication.

This final rule has been determined to be not significant for the purposes of E.O. 12866.

**List of Subjects in 50 CFR Part 296**

Claims, Continental shelf, Fisheries, Fishing vessels, Oil and gas exploration, Reporting and recordkeeping requirements.

Dated: February 12, 1996.

Gary Matlock,

*Program Management Officer, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 296 is amended as follows:

**PART 296—FISHERMEN'S CONTINGENCY FUND**

1. The authority citation for part 296 continues to read as follows:

Authority: Public Law 97-212 (43 U.S.C. 1841 *et seq.*).

2. Section 296.2 is amended in the definition for "Area affected by Outer Continental Shelf activities" by redesignating paragraphs (a) and (b) as paragraphs (1) and (2), respectively; in the definition for "Negligence or fault" by redesignating paragraphs (a) through (e) as paragraphs (1) through (5), respectively; and by revising the definition for "Chief, FSD" to read as follows:

**§ 296.2 Definitions.**

\* \* \* \* \*

*Chief, FSD* means Chief, Financial Services Division, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910; telephone: (301) 713-2396.

\* \* \* \* \*

**§ 296.4 [Amended]**

3. In § 296.4, paragraphs (c) and (d) are removed, and paragraph (e) is redesignated as paragraph (c).

4. In § 296.5, paragraph (a)(3) is removed and paragraph (a)(4) is redesignated as paragraph (a)(3); in paragraph (e)(6)(ii) the word "hauled" is removed and the word "deployed" is added in its place; and paragraph (a)(2) is amended by removing the phrase "The fifteen-day report must be made to one of the following NMFS Offices:" and the list that follows it and adding the following sentence in its place:

**§ 296.5 Instructions for filing claims.**

(a) \* \* \*

(2) \* \* \* The fifteen-day report must be made to the Chief, Financial Services Division, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910; telephone: (301) 713-2396.

\* \* \* \* \*

**§ 296.6 [Amended]**

5. In § 296.6, in paragraph (b)(1), the phrase "Convert the casualty coordinates into latitude and longitude," is removed and the word "plot" is capitalized.

6. Section 296.13 is revised to read as follows:

**§ 296.13 Payment of award for claim.**

(a) Upon an initial determination, the Chief, Financial Services Division, shall immediately disburse the claim awarded if the claimant signed as part of his/her application a statement

agreeing to repay all or any part of the award if the award should for any reason be subsequently reduced.

(b) [Reserved]

7. In § 296.14, paragraph (a) introductory text is revised to read as follows:

**§ 296.14 Subrogation.**

(a) The claim application will contain a subrogation statement signed by the claimant as a condition of payment of the claim which:

\* \* \* \* \*

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**50 CFR Part 675**

[Docket No. 960129019-6019-01; I.D. 021396A]

**Groundfish of the Bering Sea and Aleutian Area; Atka Mackerel in the Eastern Aleutian District and the Bering Sea Subarea**

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

**ACTION:** Closure.

**SUMMARY:** NMFS is closing the directed fishery for Atka mackerel in the Eastern Aleutian District and Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the specification of Atka mackerel in these areas.

**EFFECTIVE DATE:** 12 noon, Alaska local time (A.l.t.), February 14, 1996, until 12 midnight, A.l.t., December 31, 1996.

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

**SUPPLEMENTARY INFORMATION:** The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (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 675.

In accordance with § 675.20(a)(7)(ii), the Final 1996 Harvest Specifications of Groundfish (61 FR 4311, February 5, 1996) for the BSAI established 22,695 metric tons (mt) as the initial total allowable catch of Atka mackerel for the Eastern Aleutian District and the Bering Sea subarea.

The Director, Alaska Region, NMFS (Regional Director), has determined, in accordance with § 675.20(a)(8), that the Atka mackerel initial total allowable catch in the Eastern Aleutian District and Bering Sea subarea soon will be reached. Therefore, the Regional Director has established a directed fishing allowance of 21,695 mt after determining that 1,000 mt will be taken as incidental catch in directed fishing for other species in the Eastern Aleutian District and Bering Sea subarea. NMFS is prohibiting directed fishing for Atka mackerel in the Eastern Aleutian District and the Bering Sea subarea to prevent exceeding the directed fishing allowance.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 675.20(h).

**Classification**

This action is taken under § 675.20 and is exempt from review under E.O. 12866.

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

Dated: February 13, 1996.

Richard W. Surdi,

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

[FR Doc. 96-3626 Filed 2-13-96; 4:27 pm]

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