

D. Submission to Congress and the General Accounting Office

Under section 801(a)(1)(A) of the Administrative Procedures Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a "major rule" as defined by section 804(2) of the APA as amended.

List of Subjects in 40 CFR Part 279

Environmental protection, Hazardous waste, Recycling, Used oil.

Dated: June 20, 1996.

Elliott Laws,
Assistant Administrator.

For the reasons set out in the preamble, title 40 of the Code of Federal Regulations is amended as follows:

PART 279—STANDARDS FOR THE MANAGEMENT OF USED OIL

1. The authority citation for part 279 continues to read as follows:

Authority: Sections 1006, 2002(a), 3001 through 3007, 3010, 3014, and 7004 of the Solid Waste Disposal Act, as amended (42 U.S.C. 6905, 6912(a), 6921 through 6927, 6930, 6934, and 6974); and Sections 101(37) and 114 of CERCLA (42 U.S.C. 9601(37) and 9614(c)).

§ 279.10 [Amended]

2. Section 279.10 is amended by removing the note immediately after paragraph (b)(2)(iii).

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48 CFR Part 1552

[FRL-5525-6]

Acquisition Regulation; Coverage on Information Resources Management (IRM)

AGENCY: Environmental Protection Agency

ACTION: Final rule.

SUMMARY: This final rule amends the Environmental Protection Agency Acquisition Regulation (EPAAR) coverage on Information Resources Management (IRM) by providing electronic access to EPA IRM policies for the Agency's contractors. Electronic access is available through the Internet or a dial-up modem. Agency contractors will be required to review the Internet

or access the dial-up modem when receiving a work request (i.e. delivery order or work assignment) to ascertain the applicable IRM policies. The intended effect of this rule is to ensure that contractors perform IRM related work in accordance with current EPA policies.

EFFECTIVE DATE: This rule is effective July 15, 1996.

FOR FURTHER INFORMATION CONTACT: Edward N. Chambers at (202) 260-6028.

SUPPLEMENTARY INFORMATION:**A. Background**

The required EPA Information Resource Management (IRM) policies are currently referenced in a clause contained in all Agency solicitations and contracts. While this clause provides for revised and new directives through attachments to contracts, because of the rapid changes in the IRM field, EPA may still be at risk for requiring compliance with outdated directives. By providing the references and the full text of all required IRM policies on the Internet, or through a dial-up modem, EPA will be able to update this information as changes occur to ensure contractor compliance with current IRM policies. This effort to provide electronic access is consistent with the Federally mandated Government Information Locator Service (GILS), a key initiative of the National Performance Review (NPR).

This regulation was published as a proposed rule in the Federal Register on July 11, 1995. No comments were received.

Minor edits have been made to clarify the nature and protocols of the electronic access. While the proposed rule referenced a dial-up modem bulletin board service (BBS), EPA has subsequently decided that this mode of electronic access does not qualify as a BBS. Therefore, the final rule drops the reference to a BBS.

B. Executive Order 12866

This is not a significant regulatory action under Executive Order 12866; therefore, no review is required by the Office of Information and Regulatory Affairs.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this rule does not contain information collection requirements that require the approval of the Office of Management and Budget (OMB) under 44 U.S.C. 3501, et. seq.

D. Regulatory Flexibility Act

The rule is not expected to have a significant impact on a substantial

number of small entities within the meaning of the Regulatory Flexibility Act, U.S.C. 601 et seq.

The Internet and dial-up modems are widely available mechanisms to access information, used commonly in the conduct of business by both small and large entities. Compliance with this requirement will require minimal cost or effort for any entity, large or small.

E. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) P.L. 104-4, establishes requirements for Federal agencies to assess their regulatory actions on State, local, and tribal governments and the private sector.

EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of \$100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. Private sector costs for this action relate to expenditures that are far below the level established for UMRA applicability. Thus, the rule is not subject to the requirements of section 202 and 205 of the UMRA.

F. Regulated Entities

EPA contractors are entities potentially regulated by this action.

Category	Regulated Entities
Industry	EPA contractors.

Questions regarding the applicability of this action to a particular entity, should be directed to the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

List of Subjects in 48 CFR Part 1552

Government Procurement, Specifications, Standards, and other Purchase Descriptions, Solicitation Provisions and Contract Clauses.

For reasons set out in the preamble, Chapter 15 of Title 48 Code of Federal Regulations is amended as set forth below:

PART 1552—[AMENDED]

1. The authority citation for 48 CFR Part 1552 continues to read as follows:

Authority: Section 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c).

2. Section 1552.210-79 is amended by revising paragraphs (b), (c), and (d); and by removing paragraphs (e) and (f) to read as follows:

1552.210-79 Compliance with EPA Policies for Information Resources Management.

* * * * *

Compliance With EPA Policies for Information Resources Management (June 1996)

* * * * *

(b) *General.* The Contractor shall perform any IRM related work under this contract in accordance with the IRM policies, standards and procedures set forth in this clause and noted below. Upon receipt of a work request (i.e. delivery order or work assignment), the Contractor shall check this listing of directives (see paragraph (d) for electronic access). The applicable directives for performance of the work request are those in effect on the date of issuance of the work request.

(1) IRM Policies, Standards and Procedures. The 2100 Series (2100–2199) of the Agency's Directive System contains the majority of the Agency's IRM policies, standards and procedures.

(2) Groundwater Program IRM Requirement. A contractor performing any work related to collecting Groundwater data; or developing or enhancing data bases containing Groundwater quality data shall comply with *EPA Order 7500.1A—Minimum Set of Data Elements for Groundwater.*

(3) EPA Computing and Telecommunications Services. *The Enterprise Technology Services Division (ETSD) Operational Directives Manual* contains procedural information about the operation of the Agency's computing and telecommunications services. Contractors performing work for the Agency's National Computer Center or those who are developing systems which will be operating on the Agency's national platforms must comply with procedures established in the Manual. (This document is only available through electronic access.)

(c) *Printed Documents.* Documents listed in (b)(1) and (b)(2) may be obtained from: U.S. Environmental Protection Agency Office of Administration Facilities Management and Services Division Distribution Section Mail Code: 3204 401 M Street, S.W. Washington, D.C. 20460 Phone: (202) 260–5797

(d) *Electronic access.* (1) *Internet.* A complete listing, including full text, of documents included in the 2100 Series of the Agency's Directive System, as well as the two other EPA documents noted in this clause, is maintained on the EPA Public Access Server on the Internet. Gopher Access: *gopher.epa.gov* is the address to access the EPA Gopher. Select 'menu keyword search' from the menu and search on the term 'IRM Policy'. Look for IRM Policy, Standards and Guidance. World Wide Web Access: *http://www.epa.gov* is the address for the EPA's www homepage. From the homepage, search on the term 'IRM Policy' and look for IRM Policy, Standards and Guidance.

(2) *Dial-Up Modem.* All documents, including the listing, are available for browsing and electronic download through a dial-up modem. Dial (919) 558–0335 for access to the menu that contains the listing for EPA policies. Set the communication parameters to 8 data bits, no parity, 1 stop bit (8,N,1) Full Duplex, and the emulator to VT–100. The information is the same whether accessed through dial-up or the

Internet. For technical assistance, call 1–800–334–2405.

(End of Clause)

Dated: June 5, 1996.

Betty L. Bailey,

Director, Office of Acquisition Management.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 620

[Docket No. 960126016–6070–02; I.D. 062196D]

General Provisions for Domestic Fisheries; Withdrawal of Emergency Fishing Closure in Block Island Sound

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

ACTION: Termination of an emergency interim rule.

SUMMARY: NMFS terminates the emergency interim rule that closed a portion of Federal waters off the coast of Rhode Island, in Block Island Sound subsequent to an oil spill. Effective immediately, fishing in the previously closed area may resume in accordance with all State and federal regulations and Fishery Management Plans.

EFFECTIVE DATE: Effective June 25, 1996.

FOR FURTHER INFORMATION CONTACT: Daniel Morris at (508) 281–9388.

SUPPLEMENTARY INFORMATION: On January 19, 1996, an oil barge grounded and spilled more than 800,000 gallons (3.03 million liters) of heating oil into the waters of Block Island Sound, RI. On January 26, 1996, NMFS, at the request of, and in conjunction with, the State of Rhode Island, prohibited the harvest of seafood from an area of approximately 250 square miles (647 square kilometers(km)) in Block Island Sound. The original area of closure was announced and defined in an emergency interim rule published in the Federal Register on February 1, 1996 (61 FR 3602).

Following the oil spill and the initial closure action, State officials, in consultation with Federal agencies and the responsible party, developed a protocol for amending and reopening fishery closures in the affected area. The protocol set sampling, inspection, and analysis standards, to ensure that seafood harvested from the area would be wholesome and to provide the basis

for amending and reopening the fishery closures.

On March 13, 1996, based on the findings of seafood inspectors and at the request of state officials, NMFS opened the entire area to fishing for and landing of finfish and squid by gear types other than bottom trawl gear. This same action, published in the Federal Register on March 19, 1996 (61 FR 11164), expanded by approximately 28 square miles (72.5 square km), the area in which fishing for and landing lobsters, clams, and crabs is prohibited. Throughout the expanded closed area the use of lobster traps, bottom trawl or dredge gear was prohibited.

On April 9, 1996, the closure was amended further to allow all fishing to resume, with the exception of lobstering in an area of approximately 42 square miles (108.8 square km) to the east and north of Block Island, RI. This action was published in the Federal Register on April 15, 1996 (61 FR 16401).

On April 24, 1996, testing of lobsters from the portion of the closed area in the exclusive economic zone (EEZ) determined that oil-adulteration persisted in some of the samples. Therefore, the state requested that the closure in the EEZ, which was due to expire on May 1, 1996, be extended. NMFS complied with the state's request and extended the closure (61 FR 20175, May 6, 1996).

On June 3, 1996, at the request of the state and in response to seafood inspection results, NMFS reduced the area in the EEZ in which fishing for lobsters was prohibited (61 FR 27795, June 3, 1996). The new closure area in the EEZ consisted of approximately 12 square miles (31 square km) north and northeast of Block Island.

In accordance with the protocol for amending and reopening the fishery closures, inspection and chemical analysis of the remaining restricted species and closed areas have been conducted periodically. During the most recent round of inspection, evidence of oil adulteration was not discerned in any of the lobster samples. Therefore, NMFS, at the request of the State of Rhode Island, by this action, is terminating the interim emergency rule which prohibited fishing for lobsters in a section of Block Island Sound.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), has determined that termination of the emergency interim rule is consistent with the Magnuson Conservation and Management Act and other applicable law.