

section of today's Federal Register, EPA has proposed approval of this petition contingent upon continued monitoring of attainment of the ozone NAAQS in the Richmond ozone nonattainment area.

## II. EPA Action

Based on the proposed approval set forth in today's Federal Register, EPA believes that it is more likely than not that the State is eligible for an exemption from the NO<sub>x</sub> RACT requirement, under section 182(f) and, therefore, is no longer subject to the requirement for which the July 8, 1994 finding of failure to submit was issued. Therefore, EPA is making this interim final determination finding that the State, contingent on continued monitored attainment of the ozone NAAQS, has corrected the deficiency of failing to submit NO<sub>x</sub> RACT rules. This action shall be effective on publication pursuant to 5 U.S.C. 553(d)(1). This action does not stop the sanction clock that started under section 179 for this area on July 8, 1994. However, this action will stay the application of the offset sanction and, if necessary, will defer the application of the highway sanction. See 59 FR 39832 (August 4, 1994) to be codified at 40 CFR 52.31. If EPA's final action fully approves the December 18, 1995 exemption petition, such action will stay and defer sanctions for the duration of the exemption.

Today EPA is also providing the public with an opportunity to comment on this interim final determination. If, based on any comments on this action and any comments on EPA's proposed approval of the NO<sub>x</sub> waiver petition, EPA determines that the petition is not approvable and this final action is inappropriate, EPA will take further action to disapprove the petition and to find that the Richmond ozone nonattainment area is not eligible for an exemption from NO<sub>x</sub> RACT. If EPA's proposed approval of the NO<sub>x</sub> exemption petition is reversed, then sanctions would be applied or re-applied at the time of a final action disapproving the NO<sub>x</sub> exemption petition (or, if action is re-proposed, at the time of the proposed disapproval). Regardless of EPA's final action on the NO<sub>x</sub> exemption petition, the July 8, 1994 finding of failure to submit still may be corrected by submittal of a NO<sub>x</sub> RACT SIP for the Richmond ozone nonattainment area that meets the completeness criteria of section 110(k). See 59 FR 39832 (August 4, 1994). A finding of completeness for such a submittal would stop the sanctions clock.

## III. Administrative Requirements

Because EPA has preliminarily determined that the December 18, 1995 petition under section 182(f) is approvable, relief from sanctions should be provided as quickly as possible. Therefore, EPA is invoking the good cause exception under the Administrative Procedure Act (APA) in not providing an opportunity for comment before this action takes effect.<sup>1</sup> 5 U.S.C. 553(b)(B). The EPA believes that notice-and-comment rulemaking before the effective date of this action is impracticable and contrary to the public interest. The EPA has reviewed the December 18, 1995 NO<sub>x</sub> exemption petition and, through its proposed action, is indicating that it is more likely than not that the State, contingent upon continued monitored attainment of the ozone NAAQS, has corrected the deficiency of failing to submit a NO<sub>x</sub> RACT SIP. Therefore, it is not in the public interest to initially apply sanctions or to keep applied sanctions in place when the State has most likely done all that it can to correct the deficiency that triggered the sanctions clock. Moreover, it would be impracticable to go through notice-and-comment rulemaking on a finding that the State has corrected the deficiency prior to the rulemaking approving the December 18, 1995 NO<sub>x</sub> exemption petition. Therefore, EPA believes that it is necessary to use the interim final rulemaking process to stay or defer sanctions while EPA completes its rulemaking process on the approvability of the petition. In addition, EPA is invoking the good cause exception to the 30-day notice requirement of the APA because the purpose of this document is to relieve a restriction. See 5 U.S.C. 553(d)(1).

The Office of Management and Budget has exempted this action from review under Executive Order 12866.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

<sup>1</sup> As previously noted, however, by this action EPA is providing the public with a chance to comment on EPA's determination after the effective date and EPA will consider any comments received in determining whether to reverse such action.

This action, pertaining to the interim final determination of the Commonwealth of Virginia's December 18, 1995 petition for an exemption from NO<sub>x</sub> RACT under section 182(f), temporarily relieves sources of an additional burden potentially placed on them by the sanction provisions of the Act. Therefore, I certify that it does not have an impact on any small entities.

## List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401-7671q.

Dated: March 7, 1996.

Stanley L. Laskowski,  
*Acting Regional Administrator, Region III.*  
[FR Doc. 96-6464 Filed 3-18-96; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Chapter I

[FCC 96-37]

### International Accounting Rates Reform

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; policy statement.

**SUMMARY:** On January 31, 1996, the Federal Communications Commission adopted a Policy Statement (FCC 96-37) which sets forth a shift in its policies on international accounting rates. With these changes the Commission seeks to encourage competition in the U.S. market for global telecommunications services and technological innovation.

**EFFECTIVE DATE:** March 19, 1996.

**FOR FURTHER INFORMATION CONTACT:** Maureen C. McLaughlin, Attorney-Advisor, Policy and Facilities Branch, Telecommunications Division, International Bureau, (202) 418-1470.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Policy Statement adopted and released on January 31, 1996. The full text of this Policy Statement is available for inspection and copying during normal business hours in the FCC's International Bureau's Public Reference Center, Room 102 of the Federal Communications Commission, 2000 M Street, N.W., Washington, D.C. 20554.

In light of this Policy Statement, the Commission also released a Public Notice wherein requested the submission of supplemental comments

and reply comments. (FCC Public Notice, DA 96-105, released January 31, 1996.) (In response to requests for extension of time, the Commission subsequently revised the supplemental comment and reply period. (FCC Public Notice DA 96-177 and FCC Public Notice DA 96-291, published elsewhere in this issue.)) In the Public Notice, the Commission requested that these supplemental comments should be filed in CC Docket No. 90-337, Phase II, In the Matter of Regulation of International Accounting Rates (Second Further Notice of Proposed Rulemaking) (58 FR 3522, Jan. 11, 1993).

#### Summary of Policy Statement

1. With this Policy Statement the Commission introduces flexibility into its approach to the regulation of international accounting rates.

Specifically, the Commission is refocusing its regulatory approach to accounting rates in three ways:

2. First, it will increase regulatory support for new services that increase competitive pressure in the international market.

3. Second, it plans to tailor its accounting rates policies to reflect different market conditions such as: 1) monopoly or highly concentrated markets, 2) effectively competitive markets, and 3) developing countries' markets. In countries where a monopoly supplier, or supplier with significant market power, provides telecommunications services, the Commission will strengthen its existing accounting rates policies to encourage lower accounting rates. In countries with effective competition, the Commission will give U.S. carriers the flexibility to negotiate alternative settlement arrangements, even if they require a waiver of traditional Commission accounting rate policies. The Commission will also explore mechanisms specifically designed to assist developing countries during the transition to more competitive markets and lower accounting rates.

4. Finally it plans to restructure the benchmarks by which it measures progress in this area and will invite carriers to identify those foreign administrations most reluctant to lower accounting rates.

#### Ordering Clause

1. It is ordered that, pursuant to Sections 1, 4, 201-205, 211, 215, 218-220, and 303 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 151, 154, 201-205, 211, 215, 218-220, and 303, this Policy Statement is Adopted, and March 19, 1996.

Federal Communications Commission.

William F. Caton,

*Acting Secretary.*

[FR Doc. 96-5188 Filed 3-18-96; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 620

[Docket No. 960126016-6070-02; I.D. 012696C]

RIN 0648-XX41

#### General Provisions for Domestic Fisheries; Amendment to Temporary Closure of Block Island to Some Fishing Gear Activity

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

**ACTION:** Emergency interim rule; amendment.

**SUMMARY:** In response to a request from the State of Rhode Island, NMFS has determined that it is necessary to modify the emergency interim rule that closed a portion of Federal waters off the coast of the State of Rhode Island, in Block Island Sound to protect public health, safety, and welfare. This action expands by approximately 28 square miles (73 square kilometers [km]) the area in which fishing for, landing, or possessing benthic crustaceans and mollusks, including but not limited to lobsters, clams, and crabs, is prohibited. Accordingly, the use and operation of lobster traps, trawl and dredge gear designed or used for fishing on the ocean bottom or any other gear designed for harvesting benthic crustaceans and mollusks is prohibited in the same area. This action also rescinds the prohibition on possessing, landing, or fishing for finfish, including squid, in the area with gear other than bottom trawl and dredge gear.

**EFFECTIVE DATE:** March 13, 1996, through May 1, 1996.

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

**SUPPLEMENTARY INFORMATION:** On January 19, 1996, an oil barge grounded and spilled more than 800,000 gallons (3.0 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 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).

Since the original closure became effective, state and Federal agencies have been testing the water, marine life, and sediment in and around the closed area for contamination. Seafood species have been subjected to inspection by sensory experts and chemical analysis.

In a portion of those lobsters and shellfish subjected to the tests, inspectors have discovered indications of oil adulteration. Some of the contaminated lobsters were taken from sites south of the established closure area. NMFS, therefore, at the request and recommendation of the state, is expanding the area in which fishing for and landing lobsters, clams, and crabs is prohibited. The enlarged area encompasses the sites to the south and east of Block Island where contaminated lobsters were collected. The area includes approximately 28 square miles of Federal waters. The coordinates of the full closed area are described in the rule text below.

Accordingly, this action prohibits the use and operation of fishing gear that has been determined most likely to take significant numbers of benthic crustaceans and mollusks, including but not limited to lobsters, clams, and crabs, in the expanded closed area. The following gear types fall into this category: Lobster traps, bottom trawl gear, and dredge gear. The following gear types have been determined not to take significant numbers of benthic crustaceans and mollusks and are exempted from this prohibition: Hook and line gear, mid-water trawls, weirs, purse seine gear, and sink gillnets. Recovery of gear previously deployed in the closed area in the exclusive economic zone is allowed if the fisher registers and complies fully with the State's gear retrieval program under the Department of Environmental Management. This action prohibits the new deployment of lobster traps in the area. Gear deployed prior to the closure and left in the area for the duration of the closure would not be in violation of this rule. Transit through the closed area and possession of benthic crustaceans and mollusks captured outside the area is allowed, provided that all fishing gear is stowed and unavailable for immediate use.

Finfish testing has indicated that the consumption of finfish does not pose a risk to human health. Therefore, NMFS, at the request and recommendation of the State of Rhode Island, is modifying