

publicly available in other EPA rulemaking dockets and in the public literature, while some are not. The latter include, for example, correspondence from EPA's contractors. EPA has now placed these referenced documents (except those already publicly available) in the docket to provide more complete access to them. EPA does not view these reference documents as critical to the decision-making process for the rulemaking, and does not believe that additional time is warranted for response.

At the time of publication, EPA inadvertently omitted from the docket a document concerning the proposed exclusion of processed scrap metal and shredded circuit boards. The document is entitled, "Scrap Metal Management: Assessment of Environmental and Human Health Damages Attributable to Scrap Metals: Technical Memorandum," dated February 28, 1995. EPA has now placed it in the docket and it is available for public review.

Dated: March 21, 1996.

Michael Shapiro,

*Director, Office of Solid Waste.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 640

RIN 0648-A116

[Docket No. 960314075-6075-01; I.D. 030896A]

#### Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic; Removal of Regulations

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes to withdraw approval of the Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic (FMP) and remove its implementing regulations. Virtually the entire commercial and recreational fisheries for spiny lobsters occur off Florida's coast and State regulations are adequate to protect and manage the resource. Accordingly, removal of the Federal regulations eliminates duplication of effort, reduces costs of enforcement and data collection, and is in accordance

with the President's Regulatory Reinvention Initiative intended to reform Federal regulations.

**DATES:** Written comments must be received on or before May 9, 1996.

**ADDRESSES:** Send comments on the proposed rule and requests for copies of the Environmental Assessment/Regulatory Impact Review on this action to the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

**FOR FURTHER INFORMATION CONTACT:** Georgia Cranmore, 813-570-5305.

**SUPPLEMENTARY INFORMATION:** The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and was implemented in 1982 through regulations at 50 CFR part 640 under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

The spiny lobster fishery managed under the FMP is located primarily off the coast of Florida. The majority of harvest is from Florida's waters (0-3 nautical miles (0-5.6 km) off the Atlantic coast and 0-9 nautical miles (0-16.7 km) off the Gulf coast), and virtually all of the harvest is landed in Florida's ports. The principal harvest area is the Florida Keys reef tract. Consequently, the great preponderance of landings have occurred in Dade and Monroe Counties, the southernmost counties of Florida. In 1995, 97 percent of the commercial landings of spiny lobster were in these two counties and 92 percent of those spiny lobster were harvested in Florida's waters. A Florida license is required for all commercial landings in Florida. The FMP, as implemented in 1982, and subsequently amended, complemented the State's management regime. By adopting Florida's rules, the Council and NMFS accommodated Florida's leading role in regulating this fishery.

The regulations to implement Amendment 4 to the FMP (60 FR 21493, May 2, 1995) for the first time established management measures other than Florida's for the spiny lobster fishery off the states of Georgia, South Carolina, and North Carolina. These regulations opened the fishery year-round in the exclusive economic zone (EEZ) off those states, but established a daily bag or possession limit of two spiny lobsters per person in or from the EEZ in both the commercial and recreational fisheries.

Recent commercial landings of spiny lobster off the southern Atlantic states north of Florida are negligible—not exceeding 45 lb (20 kg) per year in the years 1990 through 1994. Recreational

landings north of Florida are not known. However, a recent NMFS survey indicated that only a small number of recreational divers harvested spiny lobster north of Florida. In addition, scientific debate continues regarding the biological status and population dynamics of spiny lobsters in waters north of Florida, including the issues of recruitment and the fate of larvae from the adult population in this area. Commercial landings in Gulf states other than Florida are sporadic and minimal, not exceeding 507 lb (230 kg) in any of the years 1990 through 1994. The level of recreational fishing for lobsters in these Gulf states is unknown. For these reasons, lack of Federal management of this fishery is unlikely to have any significant effect on the status of the resource or on the conduct of the fishery.

Section 303(a)(1) of the Magnuson Act (16 U.S.C. 1853 (a)(1)) requires that a fishery management plan contain the measures that are "necessary and appropriate for the conservation and management of the fishery to prevent overfishing, and to protect, restore, and promote the long-term health and stability of the fishery," and that are "consistent with the national standards." NMFS has concluded that Florida's regulations are adequate to protect and manage the spiny lobster resource off its coast and that the removal of Federal regulations for the spiny lobster fishery in the EEZ off the other states should have no significant regulatory or biological effects. If necessary, other states may implement regulations that will protect and manage the resource off their coasts. Therefore, NMFS has determined that Federal regulations for this fishery are not "necessary and appropriate." Furthermore, continuation of Federal regulations would not be consistent with the Magnuson Act's National Standard 7 that requires that "conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication."

The FMP also includes a management measure applicable to slipper lobsters, *Scyllarides* spp., which are a minor component of the incidental catch in bottom trawl fisheries. The FMP prohibits taking of egg-bearing female slipper lobsters but includes no further management measures for these species. There is no known directed fishery for slipper lobsters and slipper lobsters are so broadly and sparsely distributed over the range of the management unit that insufficient information is available either to monitor their abundance or assess their status relative to

overfishing. It is believed that their principal or preferred habitats are areas of rough and irregular bottom where trawling is not possible; this may afford them adequate protection against overfishing.

For the reasons summarized above, and in accordance with the President's Regulatory Reinvention Initiative, NMFS proposes to withdraw approval of the FMP and to remove its implementing regulations. If approval of the FMP is withdrawn, a notice establishing a control date governing entry into the Gulf of Mexico and South Atlantic spiny lobster fishery under any future limited entry program (51 FR 5713, February 18, 1986) would no longer be relevant.

NMFS recognizes the states' authority under section 306(a)(3) of the Magnuson Act (16 U.S.C. 1856(a)(3)) to regulate vessels registered under its laws when such vessels harvest spiny lobsters in the EEZ. If fishing practices outside the authority of a state should constitute an emergency situation that jeopardizes effective management of the spiny lobster fishery or resource in the EEZ, NMFS would consider promulgating emergency regulations to address the emergency, as authorized by section 305(c)(1) of the Magnuson Act (16 U.S.C. 1855(c)(1)).

#### Classification

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

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. As a result, a regulatory flexibility analysis was not prepared. Since Florida's regulations on the spiny lobster fishery are not substantively different from the Federal regulations that would be removed, conduct of the fishery off Florida would not be significantly affected. The number of vessels in the spiny lobster fishery off other states is not a substantial number.

#### List of Subjects in 50 CFR Part 640

Fisheries, Fishing, Incorporation by reference, Reporting and recordkeeping requirements.

Dated: March 19, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, under the authority of 16

U.S.C. *et seq.*, part 640 is proposed to be removed.

[FR Doc. 96-7111 Filed 3-22-96; 8:45 am]

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#### 50 CFR Part 654

RIN 0648-A116

[Docket No. 960314075-6076-02; I.D. 031196C]

#### Stone Crab Fishery of the Gulf of Mexico; Removal of Regulations

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes to withdraw approval of the Fishery Management Plan for the Stone Crab Fishery of the Gulf of Mexico (FMP) and remove its implementing regulations. The stone crab fishery takes place entirely off Florida's coast and State regulations are adequate to protect and manage the resource. Accordingly, removal of the Federal regulations eliminates duplication of effort, reduces costs of enforcement and data collection, and is in accordance with the President's Regulatory Reinvention Initiative intended to reform Federal regulations.

**DATES:** Written comments must be received on or before May 9, 1996.

**ADDRESSES:** Send comments on the proposed rule and requests for copies of the Environmental Assessment/Regulatory Impact Review to the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

**FOR FURTHER INFORMATION CONTACT:** Georgia Cranmore, 813-570-5305.

**SUPPLEMENTARY INFORMATION:** The FMP was prepared by the Gulf of Mexico Fishery Management Council (Council) and was implemented in 1979 through regulations at 50 CFR part 654 under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

The stone crab fishery managed under the FMP is located entirely off the coast of Florida. The majority of harvest is from Florida's waters (0-9 nautical miles (0-16.7 km) from shore on the Gulf coast and 0-3 nautical miles (0-5.6 km) from shore on the Atlantic coast), and virtually all of the harvest is landed in Florida's ports, principally in the southwestern Florida counties of Monroe through Lee. In 1995, almost 75 percent of stone crab landings were in

these counties and 78 percent of the entire harvest was from Florida's waters. NMFS believes that all vessels in this fishery are registered in Florida. A Florida license is required for all commercial landings in Florida. For these reasons, lack of Federal management of this fishery is unlikely to have any significant effect on the status of the resource or on the conduct of the fishery.

Florida has actively managed the fishery since 1929. The FMP was intended to resolve gear conflicts between shrimp fishermen with vessels registered in states other than Florida and Florida stone crab fishermen. Other FMP objectives include managing the stone crab resource for optimum yield, conserving the stocks while attaining full utilization, establishing an effective reporting system, and promoting uniformity of the regulations throughout the management area. The FMP, as amended, adopted Florida's rules for stone crab in the exclusive economic zone (EEZ). By adopting Florida's rules, the Council and NMFS accommodated Florida's leading role in regulating this fishery.

Section 303(a)(1) of the Magnuson Act (16 U.S.C. 1853 (a)(1)) requires that a fishery management plan contain the measures that are "necessary and appropriate for the conservation and management of the fishery to prevent overfishing, and to protect, restore, and promote the long-term health and stability of the fishery," and that are "consistent with the national standards." NMFS has concluded that Florida's regulations are adequate to protect and manage the stone crab resource throughout its range. Therefore, NMFS has determined that Federal regulations for this fishery are not "necessary and appropriate." Furthermore, continuation of Federal regulations would not be consistent with the Magnuson Act's National Standard 7 that requires that "conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication."

For the reasons summarized above, and in accordance with the President's regulatory reform initiative, NMFS proposes to withdraw approval of the FMP and to remove its implementing regulations. If approval of the FMP is withdrawn, an advance notice of proposed rulemaking (60 FR 37868, July 24, 1995), which announced that the Council was considering measures to limit entry into the fishery and established a control date if a limited entry program were implemented, would no longer be relevant.