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Dated: March 19, 1996.

Mary Nichols,

*Assistant Administrator.*

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#### 40 CFR Parts 148, 261, 268, 271

[FRL-5447-4]

RIN 2050-AE05

#### Land Disposal Restrictions, Supplemental Proposal to Phase IV Rule: Clarification of Bevill Exclusion for Mining Wastes, Changes to the Definition of Solid Waste for Mineral Processing Wastes, and Associated Issues—Extension of Comment Period

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Extension of comment period.

**SUMMARY:** EPA is extending the public comment period on the mineral processing sections of the supplemental Phase IV proposal (61 FR 2338, January 25, 1996) for 30 days beyond the original 60-day comment period. Public comments must be submitted to EPA by April 24, 1996.

**DATES:** Comments must be submitted by April 24, 1996.

**ADDRESSES:** To submit comments, the public must send an original and two

copies to Docket Number F-95-PH4A-FFFFF, located at the RCRA Docket. The mailing address is: RCRA Information Center, U.S. Environmental Protection Agency (5305W), 401 M Street, S.W., Washington, D.C. 20460. The RCRA Information Center is located at 1235 Jefferson Davis Highway, First Floor, Arlington, Virginia. The RCRA Information Center is open for public inspection and copying of supporting information for RCRA rules from 9:00 am to 4:00 pm Monday through Friday, except for Federal holidays. The public must make an appointment to review docket materials by calling (703) 603-9230. The public may copy a maximum of 100 pages from any regulatory document at no cost. Additional copies cost \$0.15 per page.

**FOR FURTHER INFORMATION CONTACT:** For general information or to order paper copies of this Federal Register document, call the RCRA Hotline. Callers within the Washington, Metropolitan Area must dial 703-412-9810 or TDD 703-412-3323 (hearing impaired). Long-distance callers may call 1-800-424-9346 or TDD 1-800-553-7672. The RCRA Hotline is open Monday-Friday, 9:00 a.m. to 6:00 p.m., Eastern Standard Time. For information on mineral processing issues, contact Van Housman at (703) 308-8419 or Steven Hoffman at (703) 308-8413. For other information on this notice, contact Sue Slotnick at (703) 308-8462.

#### SUPPLEMENTARY INFORMATION:

##### Paperless Office Effort

EPA is asking prospective commenters to voluntarily submit one additional copy of their comments on labeled personal computer diskettes in ASCII (TEXT) format or a word processing format that can be converted to ASCII (TEXT). It is essential to specify on the disk label the word processing software and version/edition as well as the commenter's name. This will allow EPA to convert the comments into one of the word processing formats utilized by the Agency. Please use mailing envelopes designed to physically protect the submitted diskettes. EPA emphasizes that submission of comments on diskettes is not mandatory, nor will it result in any advantage or disadvantage to any commenter. This expedited procedure is in conjunction with the Agency "Paperless Office" campaign. For further information on the submission of diskettes, contact Sue Slotnick of the Waste Treatment Branch at (703) 308-8462.

This Federal Register notice is available on the Internet System through

EPA Public Access Server at [gopher.epa.gov](http://gopher.epa.gov) or through [WWW.epa.gov](http://WWW.epa.gov). For the text of the notice, choose: Rules, Regulations, and Legislation; the FR-Waste; finally, Year/Month/Day.

#### Extension of Comment Period

On August 22, 1995, EPA proposed the Phase IV Land Disposal Restrictions rule (60 FR 43654) containing proposed treatment standards for newly listed and characteristic wastes, among other issues. In a supplemental proposal (61 FR 2338, January 25, 1996), EPA proposed treatment standards for hazardous mineral processing wastes, changes to the definition of solid waste for mineral processing wastes, related issues regarding mineral processing wastes, and several unrelated issues. The two proposals will form the basis for a single final rule due to be promulgated later this year, referred to as the Phase IV rule.

EPA has received requests from the Environmental Defense Fund, the National Mining Association, ASARCO Incorporated, Kennecott Corporation, Barrick Goldstrike Mines Incorporated, and the Precious Metals Producers for an extension of the 60-day public comment period due to the broad scope and complexity of the proposal. The additional time requested ranged from 30 to 90 days. EPA is today extending the comment period an additional 30 days, resulting in a 90-day comment period, on the supplemental rule. Comments must be submitted by April 24, 1996. EPA is not extending the comment period beyond the extra 30 days because it believes that a 90-day comment period is adequate. Furthermore, EPA had provided major interested parties with a copy of the signed rule and one of the major background documents 38 days prior to publication in the Federal Register, i.e. before the comment period began. In addition, EPA held several meetings with major interested parties during the development of the proposal. In those meetings, EPA presented the positions it eventually proposed on mineral processing issues, and received feedback from the public which was used in EPA's decision-making.

In letters to EPA, the National Mining Association and ASARCO Incorporated stated that one reason for requesting additional time for the comment period was because the docket was incomplete. In several of the technical background documents prepared for this rule, which have been in the docket since the proposal was signed, EPA listed as secondary references certain other sources. Most of these documents are

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.*

[FR Doc. 96-7273 Filed 3-22-96; 8:45 am]

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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