

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 If approval of the FMP is withdrawn, a notice establishing a control date governing entry into the Gulf of Mexico and South Atlantic spiny lobster fishery under any future limited entry program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.

NMFS recognizes Florida's 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 stone crab in the EEZ. If fishing practices outside Florida's authority should constitute an emergency situation that jeopardizes effective management of the stone crab fishery in the EEZ, NMFS would consider issuing emergency regulations to address the emergency, as authorized by section 305(c)(1) of the Magnuson Act (16 U.S.C. 1855(c)(1)). Additionally, Federal shrimping regulations will prevent gear conflicts by maintaining shrimp/stone crab separation zones in the EEZ.

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 stone crab fishery are not substantively different from the Federal regulations that would

be removed, conduct of the fishery would not be significantly affected.

List of Subjects in 50 CFR Part 654

Fisheries, Fishing, Incorporation by reference.

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. 1801 *et seq.*, part 654 is proposed to be removed.

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