national standards, other provisions of the Magnuson Act, and other applicable laws. NMFS, in making that determination, will take into account the data, views, and comments received during the comment period.

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 has 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. The year-round daily harvest limit of two spiny lobster north of Florida would not: (1) Reduce annual gross revenues in excess of 5 percent, (2) significantly increase compliance or production costs of participants, (3) require capital investment to comply with the rule, or (4) require a current participant to cease business. All entities involved are small entities. As a result, a regulatory flexibility analysis was not prepared.

List of Subjects in 50 CFR Part 640

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

Dated: April 26, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 640 is proposed to be amended as follows:

PART 640—SPINY LOBSTER FISHERY OF THE GULF OF MEXICO AND SOUTH ATLANTIC

1. The authority citation for part 640 continues to read as follows:

Authority: 16 U.S.C. 1801 et seq.

2. In § 640.2, definitions for "Off the Gulf states, other than Florida" and "Off the southern Atlantic states, other than Florida" are added, in alphabetical order, to read as follows:

§640.2 Definitions.

Off the Gulf states, other than Florida means the area from the coast to the outer limit of the EEZ between the Texas/Mexico border to the Alabama/ Florida boundary (87°31′06″ W. long.). Off the southern Atlantic states, other

Off the southern Atlantic states, other than Florida means the area from the coast to the outer limit of the EEZ between the Virginia/North Carolina boundary (36°34′55″ N. lat.) to the Georgia/Florida boundary (30°42′45.6″ N. lat.).

* * * * *

3. In § 640.4, paragraph (a)(1) is revised to read as follows:

§640.4 Permits and fees.

(a) * * *

(1) Licenses, certificates, and permits. (i) EEZ off Florida and spiny lobster landed in Florida. For a person to sell, trade, or barter, or attempt to sell, trade, or barter, a spiny lobster harvested or possessed in the EEZ off Florida, or harvested in the EEZ other than off Florida, and landed from a fishing vessel in Florida, or for a person to be exempt from the daily bag and possession limit specified in §640.23(b)(1) for such spiny lobster, such person must have the licenses and certificates specified to be a ''commercial harvester,'' as defined in Rule 46-24.002(2), Florida Administrative Code, in effect as of June 1, 1994. This incorporation by reference has been submitted to the Director of the Office of the Federal Register for approval in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the Florida Marine Fisheries Commission, 2540 Executive Center Circle West, Suite 106, Tallahassee, FL 32301; telephone: 904-487-0554. Copies may be inspected at the Office of the Regional Director; the Office of Fisheries Conservation and Management, NMFS, 1315 East-West Highway, Silver Spring, MD 20910; or the Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC.

(ii) EEZ other than off Florida. For a person to sell, trade, or barter, or attempt to sell, trade, or barter, a spiny lobster harvested in the EEZ other than off Florida or for a person to be exempt from the daily bag and possession limit specified in § 640.23(b)(1) for such spiny lobster, a Federal vessel permit must be issued to the harvesting vessel and must be on board. However, see paragraph (a)(1)(i) of this section for the licenses and certificates required for a person to possess or land spiny lobster harvested in the EEZ other than off Florida and subsequently possessed in the EEZ off Florida or landed from a fishing vessel in Florida.

4. In § 640.6, in paragraph (c), the word "Secretary" is revised to read "Assistant Administrator" and paragraph (a) is revised to read as follows:

*

§640.6 Vessel and gear identification.

(a) *EEZ off Florida*. (1) An owner or operator of a vessel that is used to harvest spiny lobsters by traps in the EEZ off Florida must comply with the vessel and gear identification requirements applicable to the harvesting of spiny lobsters by traps in Florida's waters in Sections 370.14 and 370.142, Florida Statutes, in effect as of July 1, 1994, and in Rule 46–24.006(3), (4), and (5), Florida Administrative Code, in effect as of June 1, 1994.

(2) An owner or operator of a vessel that is used to harvest spiny lobsters by diving in the EEZ off Florida must comply with the vessel identification requirements applicable to the harvesting of spiny lobsters by diving in Florida's waters in Rule 46–24.006(6), Florida Administrative Code, in effect as of June 1, 1994.

(3) The incorporation by reference in paragraphs (a)(1) and (a)(2) of this section of Sections 370.14 and 370.142, Florida Statutes, and Rule 46-24.006(3), (4), (5), and (6), Florida Administrative Code, has been submitted to the Director of the Office of the Federal Register for approval in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the Florida Marine Fisheries Commission, 2540 Executive Center Circle West, Suite 106, Tallahassee, FL 32301; telephone: 904-487–0554. Copies may be inspected at the Office of the Regional Director; the Office of Fisheries Conservation and Management, NMFS, 1315 East-West Highway, Silver Spring, MD 20910; or the Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC.

§640.7 [Amended]

5. In § 640.7, in paragraph (e), the reference to "§ 640.20 (c)(1) and (c)(2)" is revised to read "§ 640.20(b)(3)(i) and (b)(3)(ii)"; in paragraph (f), the reference to "§ 640.20(d)" is revised to read "§ 640.20(b)(4)"; in paragraph (p), the reference to "§ 640.23(a) or (b)" is revised to read "§ 640.23(a), (b)(1), or (b)(2)" and the reference to "§ 640.23(a), (b)(1), or (b)(2)" and the reference to "§ 640.23(c) and (d)" is revised to read "§ 640.23(b)(3) and (b)(4)"; in paragraph (q), the reference to "§ 640.23(b)(3)" is revised to read "§ 640.23(b)(3)" is revised to read "§ 640.23(g)" is revised to read "§ 640.23(g)" is revised to read "§ 640.23(g)" is revised to read "§ 640.23(d)"; in paragraph (r), the reference to "§ 640.23(d)"; in reference to "§ 640.23(d)"; is revised to read "§ 640.23(d)"; and in paragraph (s), the reference to "§ 640.23(e)".

6. Section 640.20 is revised to read as follows:

§640.20 Seasons.

(a) *EEZ off the southern Atlantic states, other than Florida.* In the EEZ off the southern Atlantic states, other than Florida, there are no seasonal restrictions on the harvest of spiny lobster or on the possession of traps.