

adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by December 27, 1996.

ADDRESSES: Written comments on this action should be addressed to Makeba A. Morris, Chief, Technical Assessment Section (3AT22), U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and, West Virginia Division of Environmental Protection, 1558 Washington Street, East, Charleston, West Virginia 25311.

FOR FURTHER INFORMATION CONTACT: David J. Campbell, Technical Assessment Section (3AT22), U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, phone: 215 566-2196.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title which is located in the Rules and Regulations Section of this Federal Register.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Reporting and recordkeeping requirements, Sulfur Oxides.

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

Dated: October 17, 1996.

Stanley L. Laskowski,

Actg Regional Administrator, Region III.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 628, 640, 654, 662, and 674

[Docket No. 960314075-6320-05; I.D. 103196A]

RIN 0648-A116

Atlantic Bluefish Fishery; Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic; Stone Crab Fishery of the Gulf of Mexico; Northern Anchovy Fishery; Salmon Fisheries Off the Coast of Alaska; Removal of Regulations

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

ACTION: Withdrawal of proposed rules.

SUMMARY: NMFS withdraws five proposed rules that would have withdrawn approval of fishery management plans (FMPs) for the Atlantic bluefish fishery, the spiny lobster fishery of the Gulf of Mexico and South Atlantic, the stone crab fishery of the Gulf of Mexico, the northern anchovy fishery, and the salmon fisheries off the coast of Alaska, and their implementing regulations. This action is in response to opposition by Regional Fishery Management Councils (Councils) to the proposed rules, taking into account a provision in the recently enacted Sustainable Fisheries Act.

FOR FURTHER INFORMATION CONTACT: George H. Darcy, 301-713-2341.

SUPPLEMENTARY INFORMATION: Consistent with the President's Reinvention Initiative, NMFS published proposed rules that would have withdrawn the approval of the Secretary of Commerce (Secretary) for FMPs governing the Atlantic bluefish fishery (61 FR 13810, March 28, 1996), the spiny lobster fishery of the Gulf of Mexico and South Atlantic (61 FR 12055, March 25, 1996), the stone crab fishery of the Gulf of Mexico (61 FR 12056, March 25, 1996), the northern anchovy fishery (61 FR 13148, March 26, 1996), and the salmon fisheries off the coast of Alaska (61 FR 13149, March 26, 1996), and their implementing regulations. Rationale for the proposed actions was provided in the preambles to the proposed rules and is not repeated here.

The Mid-Atlantic Fishery Management Council and other commenters opposed withdrawal of the bluefish FMP because much of the fishery occurs in the exclusive economic zone, and public participation would be reduced without the FMP process. The South Atlantic Council and other commenters believed regulations implementing the spiny lobster FMP are a necessary back-up to Florida's regulations. The Gulf of Mexico Council and other commenters opposed withdrawal of the stone crab FMP because of the potential for gear conflicts and for circumvention of the Florida limited entry system. The North Pacific Council and the Alaska Department of Fish and Game were concerned about implications under the Endangered Species Act if the high seas salmon FMP were withdrawn, although other commenters favored the proposal. The Pacific Council and other commenters supported retention of the northern anchovy FMP to support California's management measures and coordination with Mexico.

On October 11, 1996, the President signed into law S. 39, the Sustainable Fisheries Act (Act), which amended the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*). Section 109(i) of the Act states that the Secretary may repeal or revoke an FMP for a fishery under the authority of a Council only if the Council approves the repeal or revocation by a three-quarters majority of the voting members of the Council. However, the President stated, on signing Pub. L. 104-297, that the Secretary is to treat this provision as advisory, not mandatory. Given the involved Councils' opposition to the repeals of the five FMPs, NMFS is hereby withdrawing the proposed rules. NMFS intends to consolidate the implementing regulations for the five FMPs, which now appear in 50 CFR parts 628, 640, 654, 662, and 674, into the appropriate consolidated fishery regulations in 50 CFR parts 622, 648, 660, and 679 through future rulemaking.

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

Dated: November 21, 1996.

Nancy Foster,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

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