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[FR Doc. 2021-05397 Filed 3-25-21; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 261**

[EPA-R02-RCRA-2021-0026; FRL-10019-81-Region 2]

Hazardous Waste Management System: Identification and Listing of Hazardous Waste; Final Rule**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: The EPA is removing an exclusion granting Watervliet Arsenal to delist the electroplating wastewater treatment sludges (EPA Hazardous Waste No. F006) generated by the Watervliet, New York facility from the lists of hazardous wastes. This action revises the final rule published on January 10, 1986. The EPA has received information from the facility indicating the present treatment process at the facility and waste currently generated at the facility differ from those for which the Arsenal's original petition was submitted. In light of this, the Arsenal has requested that EPA withdraw the prior delisting rule. Based on its understanding of the changes at the facility, EPA is granting that request and removing the previously published delisting. Removal of the prior delisting rule does not preclude Watervliet Arsenal from submitting a new delisting petition.

DATES: This rule is effective on March 26, 2021.

FOR FURTHER INFORMATION CONTACT: Carlyn Chappel, U.S. EPA Region 2, Land, Chemical and Redevelopment Division (25TH FL), U.S. Environmental Protection Agency, 290 Broadway, New York, NY 10007-1866; telephone number: (212) 637-4104; email address: chappel.carlyn@epa.gov.

SUPPLEMENTARY INFORMATION: On January 10, 1986, at 57 FR 1253, the EPA finalized an exclusion from the list of hazardous wastes for Watervliet Arsenal in Watervliet, New York. EPA has received information from the facility indicating a change to its wastewater treatment process. The sulfur dioxide (SO₂) treatment process is being discontinued and converted to a sodium bisulfite treatment process as the primary industrial wastewater treatment plant (IWTP) system. The process and nature of sludge generated from the converted IWTP differs from

what was described in the delisting petition submitted on Dec. 22, 1982 for the electroplating wastewater treatment sludges (EPA Hazardous Waste Code No. F006). Watervliet Arsenal has submitted a request to EPA on July 29, 2020 to formally withdraw the existing 1986 wastewater treatment sludge RCRA delisting rule previously issued for its facility. EPA acknowledges receipt of the information about these changes at the facility and the Arsenal's request. The Watervliet Arsenal, Watervliet, New York exclusion found in 40 CFR part 261, appendix IX, Table 1 will be removed from the Code of Federal Regulations. The text being removed currently reads: "Wastewater treatment sludges (EPA Hazardous Waste No. F006) generated from electroplating operations after January 10, 1986."

List of Subjects in 40 CFR Part 261

Environmental protection, Hazardous waste, Recycling, Reporting and recordkeeping Requirements.

Dated: March 15, 2021.

Walter Mugdan,

Acting Regional Administrator, EPA Region 2.

For the reasons set forth in the preamble, title 40, Chapter I of the *Code of Federal Regulations* is amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

■ 1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922 and 6938.

Appendix IX to Part 261—[Amended]

■ 2. In Appendix IX to part 261, amend Table 1 by removing the entry for "Watervliet Arsenal".

[FR Doc. 2021-06003 Filed 3-25-21; 8:45 am]

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 635**

[Docket No. 191125-0090; RTID 0648-XA935]

Atlantic Highly Migratory Species; Commercial Aggregated Large Coastal Shark and Hammerhead Shark Management Group in the Atlantic Region; Retention Limit Adjustment

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; inseason retention limit adjustment.

SUMMARY: NMFS is adjusting the commercial aggregated large coastal shark (LCS) and hammerhead shark management groups' retention limits for directed shark limited access permit holders in the Atlantic region from 36 to 55 LCS other than sandbar sharks per vessel per trip. This action is based on consideration of the regulatory determination criteria regarding inseason adjustments. The retention limit will remain at 55 LCS other than sandbar sharks per vessel per trip in the Atlantic region through the rest of 2021 or until NMFS announces via notification in the **Federal Register** another adjustment to the retention limit or a fishery closure. This retention limit adjustment affects anyone with a directed shark limited access permit fishing for LCS in the Atlantic region.

DATES: This retention limit adjustment is effective on March 23, 2021, through December 31, 2021, or until NMFS announces via notification in the **Federal Register** another adjustment to the retention limit or a fishery closure, if warranted.

FOR FURTHER INFORMATION CONTACT:

Lauren Latchford at 301-427-8503; lauren.latchford@noaa.gov.

SUPPLEMENTARY INFORMATION: The Atlantic shark fishery is managed under the 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP), its amendments, and implementing regulations (50 CFR part 635) issued under authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*).

The Atlantic shark fishery has separate regional (Gulf of Mexico and Atlantic) quotas for all management groups except those for blue shark, porbeagle shark, pelagic sharks (other than porbeagle or blue sharks), and the shark research fishery. The boundary between the Gulf of Mexico region and the Atlantic region is defined at § 635.27(b)(1) as a line beginning on the East Coast of Florida at the mainland at 25°20.4' N lat., proceeding due east. Any water and land to the north and east of that boundary is considered, for the purposes of setting and monitoring quotas, to be within the Atlantic region. This inseason action only affects the aggregated LCS and hammerhead shark management groups in the Atlantic region.

Under § 635.24(a)(8), NMFS may adjust the commercial retention limits in the shark fishery during the fishing season. Before making any adjustment, NMFS must consider specified regulatory criteria (see § 635.24(a)(8)(i) through (vi)). After considering these criteria as discussed below, NMFS has concluded that increasing the retention limit for the Atlantic aggregated LCS and hammerhead management groups for directed shark limited access permit holders in the Atlantic region will allow use of available quotas for those groups. Therefore, NMFS is increasing the commercial Atlantic aggregated LCS and hammerhead shark retention limit in the Atlantic region from 36 to 55 LCS other than sandbar shark per vessel per trip.

NMFS considered the inseason retention limit adjustment criteria listed at § 635.24(a)(8)(i) through (vi), which include:

- The amount of remaining shark quota in the relevant region.

Based on dealer reports through March 19, 2021, approximately 10.8 metric tons (mt) dressed weight (dw) (23,904 lb dw), or 6 percent, of the 168.9 mt dw shark quota for the aggregated LCS management group and approximately 1.9 mt dw (4,252 lb dw), or 7 percent, of the 27.1 mt dw shark quota for the hammerhead shark management group have been harvested in the Atlantic region. This means that approximately 94 percent of the aggregated LCS and 93 percent of the hammerhead shark quota remain available. NMFS is increasing the retention limit to 55 LCS other than sandbar shark per vessel per trip to facilitate the use of available quota.

- The catch rates in the relevant region.

Based on the current commercial retention limit and average catch rate, which is based on landings data from dealer reports, landings in the Atlantic region on a daily basis is low, and the overall available quota remains high. Using current catch rates and comparing them to catch rates from last year, projections indicate that landings would not reach the quota before the end of 2021. A higher retention limit authorized under this action will provide increased fishing opportunities and facilitate use of available quota in the Atlantic region.

- The estimated date of fishery closure based on projections.

If landings of either the aggregated LCS or hammerhead shark management groups reach 80 percent of their respective quotas, and those landings are projected to reach 100 percent of the quota by the end of the year, NMFS would, as required by the regulations at

§ 635.28(b)(3), close the aggregated LCS and hammerhead shark management groups since they are “linked quotas.” However, without the adjustment undertaken in this action, current catch rates would likely result in both management groups remaining open for the remainder of the year with quota unused at the end of the year. The higher retention limit should increase the likelihood of full utilization of the quota in the Atlantic region, while also allowing both management groups to remain open for the remainder of the year.

- The effects of the adjustment on accomplishing the objectives of the 2006 Consolidated HMS FMP and its amendments.

Increasing the retention limit for the aggregated LCS and hammerhead management groups in the Atlantic region from 36 to 55 LCS other than sandbar sharks per vessel per trip would continue to allow for fishing opportunities throughout the rest of the year consistent with objectives established in the 2006 Consolidated HMS FMP and would manage these groups within previously-established, science-based quotas, consistent with requirements in relation to preventing overfishing and rebuilding overfished stocks.

- The variations in seasonal distribution, abundance, or migratory patterns of the relevant shark species.

The directed shark fishery in the Atlantic region is composed of a mix of species, with a high abundance of aggregated LCS caught in conjunction with hammerhead sharks. Migratory patterns of many LCS in the Atlantic region indicate that sharks move farther north in the summer and then return south in the fall. However, based on dealer reports through March 19, 2021, daily landings throughout the Atlantic region has been low. Therefore, NMFS is increasing the retention limit from 36 to 55 LCS other than sandbar sharks per vessel per trip in order to provide additional opportunities for fishermen to fully utilize the quota in the entire Atlantic region.

- The effects of catch rates in one part of a region precluding vessels in another part of that region from having a reasonable opportunity to harvest a portion of the relevant quota.

One of NMFS’s goals for the 2021 commercial shark fishery is to facilitate fishing opportunities throughout the fishing season in the Atlantic region. While dealer reports indicate that, under current catch rates, the aggregated LCS and hammerhead shark management groups in the Atlantic region would remain open for the

remainder of the year, the catch rates also indicate that the quotas would likely not be fully harvested under the current retention limit. If the harvest of these species is increased through an increased retention limit, NMFS estimates that the fishery would remain open for the remainder of the year and fishermen throughout the Atlantic region would have a reasonable opportunity to harvest a large portion of the quota.

On December 1, 2020 (85 FR 77007), NMFS announced in a final rule that the fishery for the aggregated LCS and hammerhead shark management groups for the Atlantic region would open on January 1 with a quota of 168.9 mt dw (372,552 lb dw) and 27.1 mt dw (59,736 lb dw), respectively, and a commercial retention limit of 36 LCS other than sandbar sharks per trip for directed shark limited access permit holders. NMFS explained that if it appeared that the quota is being harvested too quickly, thus potentially precluding fishing opportunities throughout the entire region (e.g., if approximately 40 percent of the quota is caught at the beginning of the year), NMFS would consider reducing the commercial retention limit to 3 or fewer LCS other than sandbar sharks, and then later consider increasing the retention limit later in the year consistent with the applicable regulatory requirements. Based on dealer reports through March 19, 2021, approximately 94 of the aggregated LCS quota and 93 percent of the hammerhead shark quota remain unharvested, respectively. Commercial shark landings in the Atlantic region at this point in season are low. A higher retention limit should increase the likelihood of full utilization of available quota in the Atlantic region, while also allowing the fishery to operate for the remainder of the year.

Accordingly, as of March 23, 2021, NMFS is increasing the retention limit for the commercial aggregated LCS and hammerhead shark management groups in the Atlantic region for directed shark limited access permit holders from 36 to 55 LCS other than sandbar sharks per vessel per trip. This retention limit adjustment is not the applicable limit for directed shark limited access permit holders if the vessel is properly permitted to operate as a charter vessel or headboat for HMS and is engaged in a for-hire trip, in which case the recreational retention limits for sharks and “no sale” provisions apply (§ 635.22(a) and (c)); or if the vessel possesses a valid shark research permit under § 635.32 and a NMFS-approved observer is onboard, in which case the

restrictions noted on the shark research permit apply.

All other retention limits in the Atlantic region remain unchanged. This retention limit will remain at 55 LCS other than sandbar sharks per vessel per trip for the rest of 2021, or until NMFS announces another adjustment to the retention limit or a fishery closure via notification in the **Federal Register**, if warranted.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 635, which was issued pursuant to section 304(c), and is exempt from review under Executive Order 12866.

The Assistant Administrator for NMFS (AA) finds that it is impracticable and contrary to the public interest to provide prior notice of, and an opportunity for public comment on, this action for the following reasons:

Based on recent data, NMFS has determined that landings have been very low (6 percent of the 168.9 mt dw shark quota for aggregated LCS management group and 7 percent of the 27.1 mt dw shark quota for the hammerhead management group). Delaying this action for prior notice and public comment would unnecessarily limit opportunities to harvest available aggregated LCS management group and hammerhead shark management group quotas, which may have negative social and economic impacts for U.S. fishers. This action does not raise conservation and management concerns. Adjusting retention limits does not affect the overall aggregated LCS management group and hammerhead shark

management groups quotas, and available data show the adjustment would have a minimal risk of exceeding the quotas set for the aggregated LCS and hammerhead shark management groups for the Atlantic region in the December 1, 2020 final rule (85 FR 77007). NMFS notes that the public had an opportunity to comment on the underlying rulemakings that established the quota and retention limit adjustment criteria. Therefore, the AA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment. For all of the above reasons, there is also good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness.

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

Dated: March 23, 2021.

Jennifer M. Wallace,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No.: 210322-0061; RTID 0648-XX067]

Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery; Final 2021 Atlantic Deep-Sea Red Crab Specifications

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: We are finalizing specifications for the 2021 Atlantic deep-sea red crab fishery, including an annual catch limit and total allowable landings limit. This action is necessary to fully implement previously projected allowable red crab harvest levels that will prevent overfishing and allow harvesting of optimum yield. This action is intended to establish the allowable 2021 harvest levels, consistent with the Atlantic Deep-Sea Red Crab Fishery Management Plan.

DATES: The final specifications for the 2021 Atlantic deep-sea red crab fishery are effective April 26, 2021, through February 28, 2022.

FOR FURTHER INFORMATION CONTACT: Allison Murphy, Fishery Policy Analyst, (978) 281-9122.

SUPPLEMENTARY INFORMATION: The Atlantic deep-sea red crab fishery is managed by the New England Fishery Management Council. The Atlantic Deep-Sea Red Crab Fishery Management Plan includes a specification process that requires the New England Fishery Management Council to recommend an acceptable biological catch, an annual catch limit, and total allowable landings every 4 years. Collectively, these are the red crab specifications. Prior to the start of fishing year 2020, the Council recommended specifications for the 2020-2023 fishing years (Table 1).

TABLE 1—COUNCIL-APPROVED 2020–2023 RED CRAB SPECIFICATIONS

	Metric ton	Million lb
Acceptable Biological Catch	2,000	4.41
Annual Catch Limit	2,000	4.41
Total Allowable Landings	2,000	4.41

On April 14, 2020, we approved the Council-recommended specifications for the 2020 fishing year, effective through February 28, 2021, and we projected the continuation of those specifications for 2021–2023 (85 FR 20615). At the end of each fishing year, we evaluate catch information and determine if the quota has been exceeded. If a quota is exceeded, the regulations at 50 CFR 648.262(b) require a pound-for-pound reduction in a subsequent fishing year. We have reviewed available 2020 fishery information against the projected 2021 specifications. There have been no

annual catch limit or total allowable landings overages, nor is there any new biological information that would require altering the projected 2021 specifications published in 2020. Based on this information, we are finalizing specifications for fishing year 2021, as projected in the 2020 specifications rule (85 FR 20615), and outlined above in Table 1. These specifications are not expected to result in overfishing, and they adequately account for scientific uncertainty.

Classification

The NMFS Assistant Administrator has determined that this final rule is consistent with the Atlantic Deep-Sea Red Crab Fishery Management Plan, the Magnuson-Stevens Fishery Conservation and Management Act, and other applicable law.

This rule is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), we find good cause to waive prior public notice and opportunity for public comment on the catch limit and allocation adjustments, because