

Date: December 4, 1998.

**Laura Yoshii,**

*Acting Regional Administrator, EPA, Region IX.*

Part 52, chapter I, title of 40 of the Code of Federal Regulations is amended as follows:

#### **PART 52—[AMENDED]**

1. The authority citation for Part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

#### **Subpart F—California**

2. Section 52.220 is amended by adding paragraph (c)(254)(i)(E) to read as follows:

##### **§ 52.220 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*  
(254) \* \* \*

(i) \* \* \*

(E) Antelope Valley Air Pollution Control District.

(1) Resolution No. 97–01 dated July 1, 1997.

(2) Rules 101 and 102 amended on August 19, 1997 and Rule 103 amended on September 16, 1997.

\* \* \* \* \*

[FR Doc. 98–34698 Filed 12–30–98; 8:45 am]

BILLING CODE 6560–50–P

#### **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Parts 141 and 143**

[WH–FRL–6212–4]

RIN 2040–AC77

#### **Withdrawal of the National Primary Drinking Water Regulations: Analytical Methods for Regulated Drinking Water Contaminants; Direct Final Rule**

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

**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** Because EPA received adverse comments, we are withdrawing the direct final rule entitled “National Primary Drinking Water Regulations: Analytical Methods for Regulated Drinking Water Contaminants”. We published the direct final rule on September 3, 1998 (63 FR 47097–47114). We stated in the direct final rule that if we received adverse comment by November 2, 1998, we would publish a timely notice of withdrawal in the **Federal Register**. We subsequently received adverse comments on the direct final rule. We will address those comments in a subsequent final action

based on the parallel proposal also published on September 3, 1998 (63 FR 47115). We will not institute a second comment period on this action.

**DATES:** As of December 31, 1998, EPA withdraws the direct final rule published at 63 FR 47097–47114 on September 3, 1998.

#### **FOR FURTHER INFORMATION CONTACT:**

Jitendra Saxena, Ph.D., Standards and Risk Management Division, Office of Ground Water and Drinking Water (MC–4607), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, (202) 260–9579.

**SUPPLEMENTARY INFORMATION:** EPA published the analytical methods direct final and companion proposed rule on September 3, 1998. The rule proposed the use of 93 analytical methods for measurement of chemical and microbiological contaminants in drinking water; of these 43 are updated versions of American Society for Testing and Materials (ASTM), Standard Methods for Examination of Water and Wastewater (Standard Methods or SM) and Environmental Protection Agency (EPA) methods, and 50 are ASTM and SM methods with minor editorial or nomenclature changes. EPA proposed to withdraw earlier versions of the EPA methods but earlier versions of ASTM and SM would continue to be approved. The rule also provided for corrections of method citations and minor correction or clarification changes to current regulations. Additional methods for monitoring secondary drinking water contaminants were recommended.

The companion proposed rule (63 FR 47115) section of the September 3, 1998, package invited comment on the substance of the direct final rule and stated that if adverse comments were received by November 2, 1998, the rule would not become effective and a notice would be published in the **Federal Register** to withdraw the direct final rule before the January 4, 1999, effective date. The EPA subsequently received adverse comments on the final rule.

#### **List of Subjects**

##### **40 CFR Part 141**

Environmental protection, Analytical methods, Chemicals, Incorporation by reference, Indians—lands, Intergovernmental relations, Radiation protection, Reporting and record keeping requirements, Water supply.

##### **40 CFR Part 143**

Environmental protection, Analytical methods, Chemicals, Incorporation by reference, Indians—lands, Water supply.

Dated: December 22, 1998.

**Carol M. Browner,**

*Administrator.*

[FR Doc. 98–34421 Filed 12–30–98; 8:45 am]

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#### **DEPARTMENT OF COMMERCE**

#### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 622**

[Docket No. 980804203–8406–01; I.D. 122298A]

RIN 0648–AK97

#### **Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Bag Limit Reduction**

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

**ACTION:** Emergency interim rule; request for comments.

**SUMMARY:** This emergency interim rule reduces the daily bag limit for red snapper possessed in or from the exclusive economic zone (EEZ) of the Gulf of Mexico from five fish to four fish. The intended effects are to avoid angler confusion and excessive fishing mortality, slow the rate of harvest, extend the recreational fishing season, and help ensure that more of the recreational quota is available during a later period for recreational fishing. This will provide for better management, minimize the potential for significant economic losses that would occur with an earlier closure of the recreational fishery, and increase social and economic benefits derived from the available recreational quota.

**DATES:** This rule is effective January 1, 1999, through June 29, 1999.

**ADDRESSES:** Comments on this emergency interim rule must be mailed to, and copies of documents supporting this action, such as the economic analysis and environmental assessment, may be obtained from, the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702. Requests for copies of a minority report submitted by seven members of the Council and/or a minority report submitted by one member of the Council should be sent to the Gulf of Mexico Fishery Management Council, Suite 1000, 3018 U.S. Highway 301 North, Tampa, FL 33619, Phone: 813–228–2815; Fax: 813–225–7015.

**FOR FURTHER INFORMATION CONTACT:**  
Robert Sadler, 727-570-5305.

**SUPPLEMENTARY INFORMATION:** The reef fish fishery of the Gulf of Mexico is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council (Council) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

### **Council Recommendations for Red Snapper Management Measures**

At its November 1998 meeting, the Council considered a NMFS stock assessment for Gulf of Mexico red snapper and heard substantial testimony from charter vessel operators and a chamber of commerce regarding the need to extend the recreational red snapper fishing season as late into the calendar year as practicable. The Council requested an emergency rule to delay opening the 1999 red snapper recreational fishery in the Gulf of Mexico EEZ from January 1 until March 1; to implement bag limits of zero fish for captain and crew of for-hire vessels and four fish for other persons not fishing under the commercial quota (recreational bag limit); and to implement a minimum size limit of 14 inches (35.6 cm), total length, for persons fishing under the recreational or commercial quotas for red snapper in the EEZ. The Council also voted to include those measures, as well as a change in the timing of the fall commercial season, in a regulatory amendment to be implemented through a framework notice and comment rulemaking procedure of the FMP.

### **Reduction of the Recreational Bag Limit**

This emergency rule to reduce the recreational bag limit to four fish per person would reduce angler confusion, increase the number of fishing trips on which red snapper would be harvested, and extend the length of the open season. Without this emergency action, the recreational fishery would open on January 1, 1999, with a 5-fish bag limit. If NMFS approves and implements the Council's regulatory amendment after January 1, the 5-fish bag limit would be reduced to four fish part way through the season. This mid-season change could create confusion in the fishery and lead to fishing mortality in excess of the 4-fish bag limit by fishermen unaware of the bag limit reduction. Implementation of this emergency interim rule would avoid that confusion

and provide for consistent catch limits during the open season.

In addition, if the recreational red snapper season were to open on January 1 with a 5-fish bag limit and a 15-inch (38.1 cm) minimum size limit for the entire season, preliminary projections suggest that approximately 391,000 red snapper angler trips could be taken to harvest red snapper. Approximately 244,000 of those trips are for-hire angler trips. Under this scenario, the season is projected to close on August 17, 1999. However, a January 1 opening with a 15-inch (38.1 cm) minimum size limit and a 4-fish bag limit is expected to allow 441,000 angler trips to harvest red snapper, of which 275,000 (62 percent) are for-hire trips. This 4-fish bag limit scenario is projected to extend the 1999 season through September 10. Compared to a 5-fish bag limit for all of 1999, the expected benefits of a 4-fish bag limit are an additional 23 fishing days and 50,000 red snapper harvest angler trips across all modes, including a gain of 31,000 for-hire trips on which red snapper are harvested.

A minority report signed by seven Council members suggested that the 4-fish bag limit would not need to be implemented by emergency rule if the season opening date were delayed until March 1. However, because neither the minority report signed by seven Council members nor the minority report signed by one Council member provided substantive objections to implementation of a 4-fish bag limit through an emergency rule, and because of the benefits of the reduced bag limit, NMFS is issuing this emergency rule.

### **Analysis of Other Council-Recommended Measures**

The Council requested emergency implementation of a delay of the recreational season opening date from January 1 to March 1. Subsequent analyses by NMFS indicated a net loss in the number of in-season trips catching red snapper if the season opening date were delayed until March 1. NMFS considered a minority report signed by seven Council members that recommended emergency implementation of only the season delay. However, NMFS found the report did not provide sufficient information to warrant implementation of the delay by an emergency rule. In light of a potential loss in the number of trips harvesting red snapper, NMFS considers the value of providing the public the opportunity to comment on a season delay outweighs the value of implementing this measure through an emergency rule.

NMFS also considered two minority reports addressing the Council's request to implement by emergency rule the 14-inch minimum size limit to reduce bycatch mortality and a zero-fish bag limit for captain and crew of for-hire vessels. The minority report signed by seven Council members objected to the 14-inch minimum size limit based on their concerns about its biological impact, and to the zero-fish bag limit based on their concerns about a differential impact on captain and crew of for-hire vessels as opposed to other vessels. One Council member submitted a separate minority report objecting to the zero bag limit for captain and crew of for-hire reef fish vessels in both the regulatory amendment and emergency rule request because of concerns about the equity of such a measure. In light of the controversy over these measures, NMFS determined that the value of additional public comment on a zero bag limit and 14-inch (35.6 cm) minimum size limit outweighs any benefits of their implementation through an emergency rule. NMFS will further consider the minority reports prior to taking agency action on these measures under the Council's regulatory amendment.

### **Criteria for Issuing an Emergency Rule**

This emergency interim rule meets NMFS policy guidelines for the use of emergency rules (62 FR 44421, August 21, 1997), because the emergency situation: Results from recent, unforeseen events, or recently discovered circumstances; presents a serious management problem; and realizes immediate benefits from the emergency rule that outweigh the value of prior notice, opportunity for public comment, and deliberative consideration expected under the normal rulemaking process. Compliance with the NMFS policy guidelines is discussed here.

### **Recent, Unforeseen Events or Recently Discovered Circumstances**

The Council was unable to propose red snapper management measures before its November 9-12, 1998, meeting due to the lack of a complete red snapper stock assessment. The red snapper stock assessment utilizes data obtained from state fishery management agencies and NMFS. This year those data and analyses were made available later than usual. The FMP's framework procedure for making changes to fishery management measures requires review of the stock assessment prior to the Council's recommendation of such changes. The late availability of the stock assessment information was an

unforeseen circumstance that precluded earlier action by the Council and NMFS.

Moreover, insufficient time exists to process the Council's regulatory amendment and to implement the decreased bag limit through proposed and final rules in time for the January 1 fishery opening. These unavoidable circumstances indicate the need for an emergency interim rule to implement a 4-fish bag limit in time for the January 1 opening.

#### *Serious Management Problems in the Fishery*

Without emergency action in time for the 1999 season, the recreational fishery would automatically open with a 5-fish bag limit per person that differs from the Council's bag limit recommendations. Allowing the fishery to open with a 5-fish bag limit starting January 1, 1999, and subsequently changing to 4-fish per person bag limit, assuming NMFS' approval of the Council's regulatory amendment, could seriously erode public confidence in red snapper management and create confusion in the fishery. Such confusion could lead to increased fishing mortality through harvest in excess of the 4-fish bag limit following implementation of that measure under the Council's regulatory amendment. While these factors cannot be quantified, they are of significant concern to NMFS.

In addition, under a January 1 opening and a 5-fish bag limit and a 15-inch (38.1-cm) minimum size limit through the entire season, the 1999 recreational red snapper fishery will close on August 17 and allow approximately 391,000 red snapper angler trips, of which approximately 244,000 are for-hire angler trips to harvest red snapper. The resulting economic impacts, when combined with angler confusion and associated disruption, would constitute serious management problems in the fishery if this emergency interim rule is not implemented.

NMFS has projected that a 4-fish bag limit, as provided by this rule, will allow approximately 23 additional fishing days, with a projected closure on September 10, and allow a total of 441,000 angler trips. Of those trips, 275,000 (62 percent) are for-hire angler trips to harvest red snapper. This information indicates that management problems associated with the shorter season would be avoided under the emergency interim rule.

#### *Immediate Benefits*

Public comment to the Council indicated that slowing the rate of harvest through a 4-fish bag limit

emergency interim rule would avoid angler confusion and optimize overall benefits to the fishery starting January 1, 1999. Without a 4-fish bag limit emergency interim rule, the recreational fishery would open with a bag limit that differs from the Council's recommendations. Agency experience demonstrates that substantial user group confusion results from adjusting management measures during the fishing year. This confusion, combined with the negative impacts of the shortened season, would disrupt the fishery. Timely implementation of the 4-fish bag limit under this emergency interim rule will prevent confusion and the associated disruptive effects.

In addition, a January 1 opening with a 15-inch (38.1-cm) minimum size limit and 5-fish bag limit would result in a projected seasonal closure of August 17. This scenario would not provide economic and social benefits to the fishery associated with a September 10 closure projected with a 4-fish bag limit. Implementation of this emergency interim rule would provide those benefits to the fishery and, as previously discussed, avoid angler confusion regarding bag limits. Moreover, this rule provides the opportunity for additional public comment.

NMFS concludes that the timely regulatory action provided by this emergency interim rule is critical to avoiding unnecessary adverse economic and social impacts on participants and fishing communities dependent on the red snapper recreational fishery in the Gulf of Mexico. NMFS issues this emergency interim rule, effective for an initial 180 days, as authorized by section 305(c) of the Magnuson-Stevens Act.

#### **Classification**

The Assistant Administrator for Fisheries, NOAA (AA), has determined that this emergency interim rule is necessary to minimize significant adverse social and economic impacts that would occur with an earlier closure of the red snapper recreational fishery and to increase the socio-economic benefits associated with the recreational quota. The AA has also determined that this rule is consistent with the Magnuson-Stevens Act and other applicable laws.

This emergency interim rule has been determined to be not significant for purposes of E.O. 12866.

NMFS prepared an economic evaluation of the regulatory impacts associated with this emergency interim rule that is summarized as follows. The major effects of the emergency interim rule are the generation of non-

quantifiable positive economic benefits, compared to the status quo, that should accrue because of consistency of bag limit measures throughout the year and a lengthening of the recreational fishery's open season by approximately 23 days. The seasonal extension will allow 50,000 additional red snapper angler trips to harvest red snapper, including 31,000 for-hire trips. This translates into a 13-percent increase in total red snapper angler trips for the year. The economic consequences of the emergency interim rule can be summarized as ranging from a small to a significant increase in economic benefits for the recreational red snapper fishery.

The emergency interim rule does not create additional reporting, recordkeeping or other compliance requirements. Accordingly, there are no cost increases that can be ascribed to compliance requirements.

Copies of the economic evaluation are available (see **ADDRESSES**).

If action were not taken to reduce the red snapper daily bag limit from five to four fish, the recreational fishery would be expected to close earlier in the fishing season and at a time that would forfeit some of the prime red snapper recreational fishing opportunities. This would result in unnecessary adverse impacts on those entities dependent on the red snapper recreational fishery, including the associated fishing communities. Reduction of the bag limit at the beginning of 1999 is expected to avoid angler confusion, slow the rate of harvest, extend the fishing season, and allow recreational fishers to harvest the available quota during the period, which should increase optimal social and economic benefits for the year. Accordingly, under authority set forth at 5 U.S.C. 553(b)(B), the AA finds that these reasons constitute good cause to waive the requirement to provide prior notice and the opportunity for prior public comment, as such procedures would be contrary to the public interest. For these same reasons, under 5 U.S.C. 553(d)(3), the AA finds for good cause that a delay in the effective date of this rule, beyond January 1, 1999, would be contrary to the public interest.

Because prior notice and an opportunity for public comment are not required to be provided for this rule by 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

#### **List of Subjects in 50 CFR Part 622**

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: December 24, 1998.

**Andrew A. Rosenberg,**

*Deputy Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

## **PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC**

1. The authority citation for part 622 continues to read as follows:

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

2. In § 622.34, paragraph (l) is suspended and paragraph (m) is added to read as follows:

### **§ 622.34 Gulf EEZ seasonal and/or area closures.**

\* \* \* \* \*

(m) *Closures of the commercial fishery for red snapper.* The commercial fishery for red snapper in or from the Gulf EEZ is closed from January 1 to noon on February 1 and thereafter from noon on the 15th of each month to noon on the first of each succeeding month. All times are local times. During these closed periods, the possession of red snapper in or from the Gulf EEZ and in the Gulf on board a vessel for which a commercial permit for Gulf reef fish has been issued, as required under § 622.4(a)(2)(v), regardless of where such red snapper were harvested, is limited to the bag and possession limits, as specified in § 622.39(b)(1)(vi) and (b)(2), respectively, and such red snapper are subject to the prohibition on sale or purchase of red snapper possessed under the bag limit, as specified in § 622.45(c)(1). However, when the recreational quota for red snapper has been reached and the bag and possession limit has been reduced to zero, such possession during a closed period is zero.

3. In § 622.39, paragraph (b)(1)(iii) is suspended and paragraph (b)(1)(vi) is added to read as follows:

### **§ 622.39 Bag and possession limits.**

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(vi) Red snapper—4.

\* \* \* \* \*

[FR Doc. 98-34727 Filed 12-28-98; 4:34 pm]

BILLING CODE 3510-22-F

## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 648**

[Docket No. 981014259-8312-02; I.D. 101498B]

RIN 0648-AL74

### **Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries**

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

**ACTION:** Final rule and final specifications for the 1999 summer flounder, scup, and black sea bass fisheries.

**SUMMARY:** NMFS issues the final specifications for the 1999 summer flounder, scup, and black sea bass fisheries. The intent of this document is to comply with implementing regulations for the Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries (FMP) that require NMFS to publish measures for the upcoming year that will prevent overfishing of these fisheries. The annual specifications for the scup fishery include a provision to reduce the minimum mesh threshold that would be more restrictive than the current mesh provision.

**DATES:** The revision of § 648.123(a)(1) is effective February 1, 1999. The 1999 final specifications are effective January 1, 1999, through December 31, 1999.

**ADDRESSES:** Copies of the Environmental Assessment (EA)/Regulatory Impact Review (RIR)/Final Regulatory Flexibility Analysis (FRFA) are available from: Jon C. Rittgers, Acting Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298.

**FOR FURTHER INFORMATION CONTACT:** Mary M. Grim, Fisheries Management Specialist, (978) 281-9326.

#### **SUPPLEMENTARY INFORMATION:**

#### **Background**

The FMP was developed jointly by the Atlantic States Marine Fisheries Commission (Commission) and the Mid-Atlantic Fishery Management Council (Council) in consultation with the New England and South Atlantic Fishery Management Councils. The management units specified in the FMP include summer flounder (*Paralichthys dentatus*) in U.S. waters of the Atlantic

Ocean from the southern border of North Carolina northward to the U.S./Canada border, and scup (*Stenotomus chrysops*) and black sea bass (*Centopristis striata*) in U.S. water of the Atlantic Ocean from 35°13.3' N. latitude (the latitude of Cape Hatteras Light, NC) northward to the U.S./Canada border. Implementing regulations for these fisheries are found at 50 CFR part 648, subparts A, G (summer flounder), H (scup), and I (black sea bass).

Pursuant to §§ 648.100 (summer flounder), 648.120 (scup), and 648.140 (black sea bass), the Regional Administrator, Northeast Region, NMFS, implements measures for the fishing year to ensure achievement of the target fishing mortality (F) or exploitation rate for each fishery, as specified in the FMP. The FMP for summer flounder established a target F equal to that which results in the maximum yield per recruit ( $F_{max}$ ). That target F for summer flounder in 1999 is 0.24; the target exploitation rate for scup in 1999 is 47 percent, the rate associated with an F of 0.72. For black sea bass, the FMP specifies a target exploitation rate for 1999 of 48 percent, the rate associated with an F of 0.73. The management measures are summarized below by species. Detailed background information regarding the development of this rule was provided in the proposed specifications for the 1999 summer flounder, scup, and black sea bass fisheries (63 FR 56135, October 21, 1998) and is not repeated here. NMFS will publish in the **Federal Register** at a later date the 1999 recreational management measures for the summer flounder, scup, and black sea bass fisheries.

#### **Summer Flounder**

The FMP for summer flounder established a target fishing mortality (F) equal to that which results in the maximum yield per recruit ( $F_{max}$ ). For 1999, this target level of F is equal to 0.24. This target will be attained through the specification of a quota equivalent to a total allowable landings level (TAL), allocated to the commercial (60 percent) and the recreational (40 percent) sectors.

A stock assessment was not conducted for summer flounder in 1998. However, projection results based on the 25th Stock Assessment Workshop and 1997 survey indices and catch data indicated that a TAL of 14.97 million lb (6.79 million kg) has a 50-percent probability of attaining the target F for 1999. This projection was the basis of the Monitoring Committee recommendation for a TAL of 14.97 million lb (6.79 million kg). Despite this