

listed in this document will be published subsequently in the Order.

### The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

### Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before

and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 98-ACE-16". The postcard will be date stamped and returned to the commenter.

### Agency Findings

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

### PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR 1959-1963 Comp., p. 389.

### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

### ACE NE E5 Ainsworth, NE [Revised]

Ainsworth Municipal Airport, NE  
(Lat. 42°34'45"N., long. 99°59'35"W.)  
Ainsworth VOR/DME  
(Lat. 42°34'09"N., long. 99°59'23"W.)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of Ainsworth Municipal Airport and within 2.6 miles each side of the 198° radial of the Ainsworth VOR/DME extending from the 6.8-mile radius to 7 miles south of the airport and within 2.6 miles each side of the 348° radial of the Ainsworth VOR/DME extending from the 6.8-mile radius to 7 miles north of the airport.

\* \* \* \* \*

Issued in Kansas City, MO, on April 23, 1998.

**Christopher R. Blum,**

*Acting Manager, Air Traffic Division, Central Region.*

[FR Doc. 98-13271 Filed 5-18-98; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 15 CFR Part 902

### 50 CFR Part 648

[Docket No. 980212038-8117-02; I.D. 020298A]

RIN 0648-AF41

### Fisheries of the Northeastern United States; Amendment 10 to the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries

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

**ACTION:** Final rule; notice of suspension of notification requirements for Maine mahogany quahog vessels.

**SUMMARY:** NMFS issues this final rule implementing Amendment 10 to the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries (FMP). Amendment 10 establishes management measures for

the fishery for small ocean quahogs (mahogany quahogs), which occurs off the coast of Maine, north of 43°50' N. lat.

NMFS announces that, as authorized in Amendment 10, the notification (call-in) requirements for vessels fishing under a Maine mahogany quahog permit are suspended.

**DATES:** Effective on May 21, 1998.

**ADDRESSES:** Copies of Amendment 10 and its supporting documents, including the environmental assessment and the regulatory impact review, are available from Dr. Chris Moore, Acting Executive Director, Mid-Atlantic Fishery Management Council (Council), Room 2115 Federal Building, 300 S. New Street, Dover, DE 19904-6790.

Comments regarding burden-hour estimates for collection-of-information requirements contained in this final rule should be sent to Dr. Andrew A. Rosenberg, Regional Administrator, 1 Blackburn Drive, Gloucester, MA 01930, and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20502 (Attention: NOAA Desk Officer).

**FOR FURTHER INFORMATION CONTACT:** Myles Raizin, Fishery Policy Analyst, 978-281-9104.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

A notice of availability of Amendment 10 was published in the **Federal Register** on February 9, 1998 (63 FR 6510), with the comment period ending April 10, 1998. A proposed rule to implement Amendment 10 was published in the **Federal Register** on February 26, 1998 (63 FR 9771), with the comment period ending April 13, 1998. All comments received by the end of the comment period on the proposed amendment, whether specifically directed to Amendment 10 or to the proposed rule, were considered in making the decision to approve the amendment. Details concerning the justification and development of Amendment 10 were provided in the preamble to the proposed rule and are not repeated here.

Amendment 10: (1) Establishes a Maine mahogany quahog management zone north of 43°50' N. lat. (zone); (2) establishes a Maine mahogany quahog permit; (3) establishes an initial annual quota of 100,000 Maine bushels (35,150 hectoliters (hL)); (4) requires the Council to establish a Maine Mahogany Quahog Advisory Panel to make management recommendations; (5) allows for the revision of the annual quota within a range of 17,000 to

100,000 Maine bushels (5,975 to 35,150 hL); (6) requires vessels harvesting ocean quahogs from the zone to fish only in areas that have been certified by the State of Maine to be within the requirements of the National Shellfish Sanitation Program and adopted by the Interstate Shellfish Sanitation Conference (ISSC) as acceptable limits for the toxin responsible for paralytic shellfish poisoning (PSP); (7) requires vessels fishing under a Maine mahogany quahog permit to land ocean quahogs in Maine; (8) requires vessels fishing in the zone under an individual transferable quota (ITQ) and landing their catch outside Maine to land at a facility participating in an overall food safety program operated by the official state agency having jurisdiction that utilizes food safety-based procedures including sampling and analyzing for PSP toxin consistent with those food safety-based procedures used by the State of Maine for such purpose; and (9) gives the Administrator, Northeast Region, NMFS (Regional Administrator) the authority to suspend the existing vessel notification requirements for vessels possessing a Maine mahogany quahog permit and fishing in the zone, if he determines it is not necessary for enforcement.

In addition to these management measures, all vessel owners prosecuting the Maine mahogany quahog fishery must continue to abide by the vessel owner and dealer reporting and recordkeeping requirements set forth in 50 CFR part 648.

##### **Comments and Responses**

Twenty-six comments were received during the comment periods on Amendment 10 and the proposed rule. This includes 21 commenters who submitted identical letters. Twenty-five commenters supported the amendment and one was opposed, though several requested modification of specific measures. Twenty-five commenters raised concerns regarding the replacement provisions.

*Comment 1:* The Commissioner of the Maine Department of Marine Resources (Commissioner) commented that the initial quota of 100,000 Maine bushels (35,150 hL) and its potential subsequent adjustment of between 17,000 and 100,000 Maine bushels (5,975 and 35,150 hL) is somewhat arbitrary because it is based solely upon historical landings. Quota calculations based upon sustainable yields, independent from the initial quota, are encouraged by the amendment but may be in excess of 100,000 or less than 17,000 Maine bushels. The Commissioner asks that the regulations

be modified so that the quota can be adjusted beyond the amounts specified.

*Response:* As explained in Amendment 10, a reliable survey of abundance has not been conducted for the Maine stock of mahogany quahogs. Historical landings information based on NMFS and State of Maine records comprise the best scientific information available to set quotas, consistent with national standard 2 of the Magnuson-Stevens Act Fishery Conservation and Management Act (Magnuson-Stevens Act). Such historical data are not arbitrary. Amendment 10 notes that a stock assessment could result in the modification of the quota range and that such a modification would have to be made by a subsequent amendment to Amendment 10. NMFS has no authority to make such a change prior to that amendment process.

*Comment 2:* Industry participants and the Commissioner commented that the vessel replacement provisions in the proposed rule are in violation of national standards 5, 6, and 10 of the Magnuson-Stevens Act. The industry participants noted that they should have the right to upgrade their vessels to meet changing needs.

*Response:* NMFS notes that various restrictions on vessel replacement are in effect for nearly all the limited entry fisheries managed under authority of the Magnuson-Stevens Act. In regard to national standard 5, which requires that management measures consider economic efficiency where practicable, the commenters may be correct in assuming that certain vessel owners would increase the economic efficiency of their vessels by replacing them with larger ones, though in a small-scale fishery such as this there may be limits to the improvements. However, limits on increases in vessel length, tonnage, and horsepower are implemented to protect fish stocks by indirectly controlling fishing capacity.

National standard 6 requires that management measures take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches. Amendment 10 achieves this through establishing an annual quota-setting mechanism. The amendment sets a maximum initial quota consistent with historical landings. Quota increases can occur once accurate biomass estimates are produced. Quota decreases from the maximum 100,000 bushel initial quota can occur annually based on the advice of the Maine Ocean Quahog Advisory Panel through the Surf Clam and Ocean Quahog Committee. Variations among, and contingencies in, both the resource and catches could result in annual

changes to the frameworked maximum annual quota, or result in initiation of the amendment process.

National standard 10 requires that management measures promote the safety of human life at sea. The commenter's assertion that larger vessels are safer is not necessarily true. Safety is more of the seaworthiness function of a vessel than its size.

While the measure has been approved, NMFS remains concerned about the provision concerning future replacement of a vessel issued a Maine mahogany quahog permit. NMFS noted that the measure is inconsistent with similar measures in other fishery management plans in the region, including recent plans enacted by the Council for the black sea bass and summer flounder fisheries. NMFS believes this issue will be resolved by the amendment the Mid-Atlantic and New England Fishery Management Councils have begun to develop to standardize these requirements.

*Comment 3:* One industry participant suggested that the size of the Maine bushel should be equal to that of the standard clam bushel used in the Mid-Atlantic region.

*Response:* The Maine mahogany fishery has historically utilized a bushel measuring 1.2445 cubic feet in volume, smaller than the standard clam bushel, which measure 1.8800 cubic feet in volume. NMFS sees no need to make this change and believes it could create confusion in the industry and undermine the accuracy of monitoring and reporting efforts.

*Comment 4:* One commenter believes that harvest by State of Maine licensed vessels in State waters should not count against the 100,000 Maine bushel initial quota.

*Response:* NMFS notes that the initial quota of 100,000 Maine bushels is based upon historical landings from both State of Maine and Federal waters. Therefore, landings from both State and Federal waters must be counted against the quota. Several fishery management plans, such as those for Summer Flounder and Scup use an aggregate of state and Federal landings in establishing and monitoring annual quotas.

*Comment 5:* Twenty-three commenters, including the Commissioner, requested the suspension of the trip notification requirements in the final rule.

*Response:* As authorized by Amendment 10, the Regional Administrator has suspended the notification requirement for the Maine mahogany quahog fishery.

### **Suspension of Notification Requirements**

The Regional Administrator, pursuant to 50 CFR 648.15(b)(4), may suspend the trip notification requirements found at 50 CFR 648.15 (b)(1) and (2) for vessels issued a Maine mahogany quahog permit fishing within the zone if it is not deemed necessary for enforcement. Based on advice from NMFS Law Enforcement, the Regional Administrator has suspended these notification requirements. If NMFS Law Enforcement advises in the future that such notification is necessary to enforce effectively the management measures in the Maine mahogany quahog zone, the Regional Administrator advises that the notification requirements will be re-established for the fishery as specified in the final rule. The vessel notification requirements remain in effect for vessels fishing under an ITQ allocation permit irrespective of area fished.

### **Classification**

The Regional Administrator determined that Amendment 10 is necessary for the conservation and management of the Maine mahogany quahog fishery and that it is consistent with the Magnuson-Stevens Act and other applicable laws.

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

This rule contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA). The collection of this information has been approved by the Office of Management and Budget, OMB Control Number 0648-0202. Public reporting burden for these collections-of-information is estimated to average 30 minutes for a new vessel permit, 30 minutes for an appeal, and 15 minutes for a renewal application for a permit. The estimated response time includes the time needed for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection-of-information. Send comments regarding these burden estimates or any other aspect of the data requirements, including suggestions for reducing the burden to NMFS and OMB (see ADDRESSES).

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

When this rule was proposed, 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 rule would not have a significant economic impact on a substantial number of small entities. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not prepared.

Amendment 10 relieves several restrictions for participants in the Maine mahogany quahog fishery. These include the use of 32-bushel cages to offload quahogs and the placement of tags on cages to indicate that the harvest is counted toward the appropriate individual allocation. In particular, the requirement to use 32-bushel cages is infeasible for the smaller Maine mahogany quahog vessel and docks due to the cage size. In addition, mahogany quahog vessels harvest on a small scale, and it is inappropriately restrictive to use a 32-bushel container to measure landings.

The implementation of Amendment 10 regulations will relieve an economic restriction for approximately 68 vessels, which will no longer be subject to requirements under the FMP. Accordingly, under 5 U.S.C. 553(d)(1), it is not subject to a 30-day delay in effective date. However, since many vessel owners that comprise the fishery will require additional time to obtain the moratorium permit, NMFS makes this rule effective May 21, 1998.

### **List of Subjects**

#### **15 CFR Part 902**

Reporting and recordkeeping requirements.

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

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: May 13, 1998.

**David L. Evans,**

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

For the reasons set out in the preamble 15 CFR chapter IX and 50 CFR chapter VI are amended as follows:

### **15 CFR CHAPTER IX**

#### **PART 902—NOAA INFORMATION COLLECTION REQUIREMENT UNDER THE PAPERWORK REDUCTION ACT; OMB CONTROL NUMBERS**

1. The authority citation for part 902 continues to read as follows:

**Authority:** 44 U.S.C. 3501 *et seq.*

2. In § 902.1, in paragraph (b), the table is amended by adding, in

numerical order, the following entry to read as follows:

**§ 902.1 OMB control numbers assigned pursuant to the Paperwork Reduction Act.**

\* \* \* \* \*

(b) \* \* \*

CFR part section where the information collection requirement is located	Current OMB control number (all numbers Begin with 0648-).
50 CFR 648.76 .....	-0202

**50 CFR CHAPTER VI**

**PART 648—FISHERIES OF NORTHEASTERN UNITED STATES**

3. The authority citation for part 648 continues to read as follows:

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

4. In § 648.2, definitions for “Maine bushel” and “Maine mahogany quahog zone” are added in alphabetical order to read as follows:

**§ 648.2 Definitions.**

\* \* \* \* \*

*Maine bushel* means a standard unit of volumetric measurement equal to 1.2445 cubic feet (35.24 L) of ocean quahogs in the shell.

*Maine mahogany quahog zone* means the area bounded on the east by the U.S.-Canada maritime boundary, on the south by a straight line at 43°50' N. latitude, and on the north and west by the shoreline of Maine.

\* \* \* \* \*

5. In § 648.4, paragraph (a)(4)(i) is added and (a)(4)(ii) is reserved to read as follows:

**§ 648.4 Vessel and individual commercial permits.**

(a) \* \* \*

(4) \* \* \*

(i) *Maine mahogany quahog permit.*

(A) A vessel is eligible for a Maine mahogany quahog permit to fish for ocean quahogs in the Maine mahogany quahog zone if it meets the following eligibility criteria:

(1) The vessel was issued a Federal Maine Mahogany Quahog Experimental Permit during one of the experimental fisheries authorized by the Regional Administrator between September 30, 1990, and September 30, 1997; and,

(2) The vessel landed at least one Maine bushel of ocean quahogs from the Maine mahogany quahog zone as documented by fishing or shellfish logs submitted to the Regional Administrator prior to January 1, 1998.

(B) *Application/renewal restriction.* No one may apply for a Maine mahogany quahog permit for a vessel after May 19, 1999.

(C) *Replacement vessels.* To be eligible for a Maine mahogany quahog permit, a replacement vessel must be replacing a vessel of substantially similar harvesting capacity that is judged unseaworthy by the USCG, for reasons other than lack of maintenance, or that involuntarily left the fishery. Both the entering and replaced vessels must be owned by the same person. Vessel permits issued to vessels that involuntarily leave the fishery may not be combined to create larger replacement vessels.

(D) *Appeal of denial of a permit.* (1) Any applicant denied a Maine mahogany quahog permit may appeal to the Regional Administrator within 30 days of the notice of denial. Any such appeal shall be in writing. The only ground for appeal is that the Regional Administrator's designee erred in concluding that the vessel did not meet the criteria in paragraph (a)(4)(i)(A) of this section. The appeal must set forth the basis for the applicant's belief that the decision of the Regional Administrator's designee was made in error.

(2) The appeal may be presented, at the option of the applicant, at a hearing before an officer appointed by the Regional Administrator.

(3) The hearing officer shall make a recommendation to the Regional Administrator.

(4) The Regional Administrator will make a final decision based on the criteria in paragraph (a)(4)(i)(A) of this section and on the available record, including any relevant documentation submitted by the applicant and, if a hearing is held, the recommendation of the hearing officer. The decision on the appeal by the Regional Administrator is the final decision of the Department of Commerce.

(ii) [Reserved]

\* \* \* \* \*

6. In § 648.14, paragraphs (a)(23), (24), and (25) are revised, paragraphs (a)(105) through (109) and paragraph (a)(113) are added, and paragraph (x)(1)(ii) and the first sentence of paragraph (x)(1)(iii) are revised to read as follows:

**§ 648.14 Prohibitions.**

(a) \* \* \*

(23) Land unshucked surf clams or ocean quahogs harvested in or from the EEZ outside the Maine mahogany quahog zone in containers other than cages from vessels capable of carrying cages.

(24) Land unshucked surf clams and ocean quahogs harvested in or from the EEZ within the Maine mahogany quahog zone in containers other than cages from vessels capable of carrying cages unless, with respect to ocean quahogs, the vessel has been issued a Maine mahogany quahog permit under this part and is not fishing for an individual allocation of quahogs under § 648.70.

(25) Fail to comply with any of the notification requirements specified in § 648.15(b).

\* \* \* \* \*

(105) Offload unshucked surf clams or ocean quahogs harvested in or from the EEZ outside the Maine mahogany quahog zone from vessels not capable of carrying cages, other than directly into cages.

(106) Offload unshucked surf clams harvested in or from the EEZ within the Maine mahogany quahog zone from vessels not capable of carrying cages, other than directly into cages.

(107) Offload unshucked ocean quahogs harvested in or from the EEZ within the Maine mahogany quahog zone from vessels not capable of carrying cages, other than directly into cages, unless the vessel has been issued a Maine mahogany quahog permit under this part and is not fishing for an individual allocation of quahogs under § 648.70.

(108) Purchase, receive for a commercial purpose other than transport to a testing facility, or process, or attempt to purchase, receive for commercial purpose other than transport to a testing facility, or process, outside Maine, ocean quahogs harvested in or from the EEZ within the Maine mahogany quahog zone, except at a facility participating in an overall food safety program, operated by the official state agency having jurisdiction, that utilizes food safety-based procedures including sampling and analyzing for PSP toxin consistent with procedures used by the State of Maine for such purpose.

(109) Land or possess ocean quahogs harvested in or from the EEZ within the Maine mahogany quahog zone after the effective date published in the **Federal Register** notifying participants that Maine mahogany quahog quota is no longer available, unless the vessel is fishing for an individual allocation of ocean quahogs under § 648.70.

\* \* \* \* \*

(113) Land ocean quahogs outside Maine that are harvested in or from the

EEZ within the Maine mahogany quahog zone, except at a facility participating in an overall food safety program, operated by the official state agency having jurisdiction, that utilizes food safety-based procedures including sampling and analyzing for PSP toxin consistent with procedures used by the State of Maine for such purpose.

\* \* \* \* \*

(x) \* \* \*

(1) \* \* \*

(ii) Surf clams or ocean quahogs landed from a trip for which notification was provided under § 648.15(b) or § 648.70(b) are deemed to have been harvested in the EEZ and count against the individual's annual allocation unless the vessel has a valid Maine mahogany quahog permit issued pursuant to § 648.4(a)(4)(i) and is not fishing for an individual allocation under § 648.70.

(iii) Surf clams or ocean quahogs found in cages without a valid state tag are deemed to have been harvested in the EEZ and are deemed to be part of an individual's allocation, unless the vessel has a valid Maine mahogany quahog permit issued pursuant to § 648.4(a)(4)(i) and is not fishing for an individual allocation under § 648.70; or, unless the preponderance of available evidence demonstrates that he/she has surrendered his/her surf clam and ocean quahog permit issued under § 648.4 and he/she conducted fishing operations exclusively within waters under the jurisdiction of any state. \* \* \*

\* \* \* \* \*

7. In § 648.15, paragraph (b)(4) is added to read as follows.

#### § 648.15 Facilitation of enforcement.

\* \* \* \* \*

(b) \* \* \*

(4) *Suspension of notification requirements.* The Regional Administrator may suspend notification requirements for vessels fishing under a Maine mahogany quahog permit issued pursuant to § 648.4(a)(4)(i) if he determines that such notification is not necessary to enforce effectively the management measures in the Maine mahogany quahog zone. The Regional Administrator may rescind such suspension if he concludes that the original determination is no longer valid. A suspension or rescission of suspension of the notification requirements by the Regional Administrator shall be published in the **Federal Register**.

\* \* \* \* \*

8. In § 648.73, paragraph (d) is added to read as follows.

#### § 648.73 Closed areas.

\* \* \* \* \*

(d) *Areas closed due to the presence of paralytic shellfish poisoning toxin—*  
(1) *Maine mahogany quahog zone.* The Maine mahogany quahog zone is closed to fishing for ocean quahogs except in those areas of the zone that are tested by the State of Maine and deemed to be within the requirements of the National Shellfish Sanitation Program and adopted by the Interstate Shellfish Sanitation Conference as acceptable limits for the toxin responsible for paralytic shellfish poisoning. Harvesting is allowed in such areas during the periods specified by the Maine Department of Marine Resources during which quahogs are safe for human consumption. For information regarding these areas contact the State of Maine Division of Marine Resources at (207–624–6550).

(2) [Reserved]

9. In § 648.75, introductory text is added to read as follows:

#### § 648.75 Cage identification.

Except as provided in § 648.76, the following cage identification requirements apply to all vessels issued a Federal fishing permit for surf clams and ocean quahogs:

\* \* \* \* \*

10. Section 648.76 is added to subpart E to read as follows.

#### § 648.76 Maine mahogany quahog zone.

(a) *Landing requirements.* (1) A vessel issued a valid Maine mahogany quahog permit pursuant to § 648.4(a)(4)(i), and fishing for or possessing ocean quahogs within the Maine mahogany quahog zone, must land its catch in the State of Maine.

(2) A vessel fishing under an individual allocation permit, regardless of whether it has a Maine mahogany quahog permit, fishing for or possessing ocean quahogs within the zone, may land its catch in the State of Maine, or, consistent with applicable state law in any other state that utilizes food safety-based procedures including sampling and analyzing for PSP toxin consistent with those food safety-based procedures used by the State of Maine for such purpose, and must comply with all requirements in §§ 648.70 and 648.75. Documentation required by the state and other laws and regulations applicable to food safety-based procedures must be made available by federally-permitted dealers for inspection by NMFS.

(b) *Quota monitoring and closures—*  
(1) *Catch quota.* (i) The annual quota for harvest of mahogany quahogs from within the Maine mahogany quahog

zone is 100,000 Maine bushels (35,150 hL). The quota may be revised annually within the range of 17,000 and 100,000 Maine bushels (5,975 and 35,150 hL) following the procedures set forth in § 648.71.

(ii) All mahogany quahogs landed for sale in Maine by vessels issued a Maine mahogany quahog permit and not fishing for an individual allocation of ocean quahogs under § 648.70 shall be applied against the Maine mahogany quahog quota, regardless of where the mahogany quahogs are harvested.

(iii) All mahogany quahogs landed by vessels fishing in the Maine mahogany quahog zone for an individual allocation of quahogs under § 648.70 will be counted against the ocean quahog allocation for which the vessel is fishing.

(iv) The Regional Administrator will monitor the quota based on dealer reports and other available information and shall determine the date when the quota will be harvested. NMFS shall publish notification in the **Federal Register** advising the public that, effective upon a specific date, the Maine mahogany quahog quota has been harvested and notifying vessel and dealer permit holders that no Maine mahogany quahog quota is available for the remainder of the year.

(2) *Maine Mahogany Quahog Advisory Panel.* The Council shall establish a Maine Mahogany Quahog Advisory Panel consisting of representatives of harvesters, dealers, and the Maine Department of Marine Resources. The Advisory Panel shall make recommendations, through the Surf Clam and Ocean Quahog Committee of the Council, regarding revisions to the annual quota and other management measures.

[FR Doc. 98–13284 Filed 5–14–98; 4:41 pm]

BILLING CODE 3510–22–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 15 CFR Part 902

#### 50 CFR Part 622

[Docket No. 980513127-8127-01; I.D.050598A]

RIN 0648–AL15

### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Data Collection

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