

and benefits of banning the use of powerheads in the Offshore Reef SMZ it appears that the benefits outweigh the costs although data do not exist to quantify the result of this action.

Comment 5: A commenter noted that the proposed regulations would adversely affect commercial fishermen and expropriate a valuable marine resource for the exclusive use of recreational anglers. He estimated that commercial divers would lose \$159,000 in revenue; his seafood company would lose over \$200,000 in gross sales; and restaurants could lose over \$1,000,000 dollars in sales if the ban on use of powerheads in the Offshore Reef was implemented.

Response: The ban on powerheading will not eliminate commercial fishing in the Offshore Reef SMZ, although it may reduce the efficiency of such fishing. Commercial landings can continue because commercial fishing is allowed with allowable gear (spearfishing and hook-and-line). The estimated economic losses attributed to the ban of powerheading in the Offshore Reef SMZ appear to represent landings from a much greater area than that encompassed by the Offshore Reef SMZ (several square miles). Fish may migrate from the Offshore Reef SMZ to surrounding areas where the use of powerheads is legal. The reduction in fishing mortality attributed to the ban on powerheads will leave more fish for allowable gear users (including both commercial and recreational fishermen). It is anticipated that the overall reduction in fishing mortality in the Offshore Reef SMZ and the surrounding area due the powerhead prohibition for the Offshore Reef SMZ will be barely measurable.

Comment 6: Two commenters stated that adequate public notice had not been provided for the proposed management measures.

Response: The Council's Snapper Grouper Assessment Group and Law Enforcement Committee met in February 1998, reviewed the proposed management measures, and forwarded comments to the Council for discussion at the March 1998 meeting. The Council held a public hearing on March 5, 1998, to obtain public comment prior to taking action. This hearing was announced in the **Federal Register** on February 17, 1998 (63 FR 7762). An article about the action was published in the April 1998 issue of the South Atlantic Update. In addition, the proposed rule for this action was published in the **Federal Register** on August 14, 1998 (63 FR 43656), and provided 30 days for public comment. Thus, NMFS disagrees with the claim that the public did not have

adequate opportunity to comment on the proposed measures.

Classification

This final 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 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.

List of Subjects in 50 CFR Part 622

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

Dated: December 22, 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 § 622.35, paragraphs (e)(1)(xxx) through (e)(1)(xxxix) are added and paragraph (e)(2)(i) and the first sentence of paragraph (e)(2)(iv) are revised to read as follows:

§ 622.35 South Atlantic EEZ seasonal and/or area closures.

* * * * *

(e) * * *

(1) * * *

(xxx) *Murrel's Inlet 60 Foot Reef* is bounded on the north by 33°17.50' N. lat.; on the south by 33°16.50' N. lat.; on the east by 78°44.67' W. long.; and on the west by 78°45.98' W. long.

(xxxi) *Georgetown 95 Foot Reef* is bounded on the north by 33°11.75' N. lat.; on the south by 33°10.75' N. lat.; on the east by 78°24.10' W. long.; and on the west by 78°25.63' W. long.

(xxxii) *New Georgetown 60 Foot Reef* is bounded on the north by 33°09.25' N. lat.; on the south by 33°07.75' N. lat.; on the east by 78°49.95' W. long.; and on the west by 78°51.45' W. long.

(xxxiii) *North Inlet 45 Foot Reef* is bounded on the north by 33°21.03' N. lat.; on the south by 33°20.03' N. lat.; on the east by 79°00.31' W. long.; and on the west by 79°01.51' W. long.

(xxxiv) *CJ Davidson Reef* is bounded on the north by 33°06.48' N. lat.; on the south by 33°05.48' N. lat.; on the east by 79°00.27' W. long.; and on the west by 79°01.39' W. long.

(xxxv) *Greenville Reef* is bounded on the north by 32°57.25' N. lat.; on the south by 32°56.25' N. lat.; on the east by 78°54.25' W. long.; and on the west by 78°55.25' W. long.

(xxxvi) *Charleston 60 Foot Reef* is bounded on the north by 32°33.60' N. lat.; on the south by 32°32.60' N. lat.; on the east by 79°39.70' W. long.; and on the west by 79°40.90' W. long.

(xxxvii) *Edisto 60 Foot Reef* is bounded on the north by 32°21.75' N. lat.; on the south by 32°20.75' N. lat.; on the east by 80°04.10' W. longitude; and on the west by 80°05.70' W. long.

(xxxviii) *Edisto 40 Foot Reef* is bounded on the north by 32°25.78' N. lat.; on the south by 32°24.78' N. lat.; on the east by 80°11.24' W. long.; and on the west by 80°12.32' W. long.

(xxxix) *Beaufort 45 Foot Reef* is bounded on the north by 32°07.65' N. lat.; on the south by 32°06.65' N. lat.; on the east by 80°28.80' W. long.; and on the west by 80°29.80' W. long.

(2) * * *

(i) In the SMZs specified in paragraphs (e)(1)(i) through (e)(1)(xviii) and (e)(1)(xxii) through (e)(1)(xxxix) of this section, the use of a gillnet or a trawl is prohibited, and fishing may be conducted only with handline, rod and reel, and spearfishing gear.

(iv) In the SMZs specified in paragraphs (e)(1)(i) through (e)(1)(x), (e)(1)(xx), and (e)(1)(xxii) through (e)(1)(xxxix) of this section, a powerhead may not be used to take South Atlantic snapper-grouper. * * *

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[FR Doc. 98-34450 Filed 12-29-98; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 981222317-8317-01; I.D. 100898A]

RIN 0648-AL77

Fisheries of the Northeastern United States; Final 1999 Fishing Quotas for Atlantic Surf Clams, Ocean Quahogs, and Maine Mahogany Quahogs

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

ACTION: Final 1999 fishing quotas for Atlantic surf clams, ocean quahogs, and Maine mahogany quahogs.

SUMMARY: NMFS issues quotas for the Atlantic surf clam, ocean quahog, and Maine mahogany quahog fisheries for 1999. These quotas were selected from a range defined as the optimum yield (OY) for each fishery. The intent of this action is to establish allowable harvests of Atlantic surf clams and ocean quahogs from the exclusive economic zone and establish an allowable harvest of Maine mahogany quahogs from the waters north of 43°50' N. lat. in 1999.

DATES: Effective January 1, 1999, through December 31, 1999.

ADDRESSES: Copies of the Mid-Atlantic Fishery Management Council's analysis and recommendations, including the Environmental Assessment and Regulatory Impact Review, are available from Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901.

FOR FURTHER INFORMATION CONTACT: David Gouveia, Fishery Management Specialist, 978-281-9280.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries (FMP) directs the Assistant Administrator for Fisheries, in consultation with the Mid-Atlantic Fishery Management Council (Council), to specify quotas for surf clams and ocean quahogs on an annual basis from a range that represents the OY for each fishery. It is the policy of the Council that the quotas be selected at a level that would allow fishing to continue at that level for at least 10 years for surf clams and 30 years for ocean quahogs. While staying within this constraint, the Council policy is to also consider economic benefits of the quotas. Regulations implementing Amendment

10 to the FMP, published on May 19, 1998 (63 FR 27481), established a small artisanal fishery in the waters north of 43°50' N. lat. for Maine mahogany quahogs and an initial annual quota of 100,000 Maine bushels 35,150 hectoliters (hL). As specified in Amendment 10, the Maine mahogany quahog quota is in addition to the quota specified for the ocean quahog fishery.

The fishing quotas must be in compliance with overfishing definitions for each species. The overfishing definitions are fishing mortality rates of $F_{20\%}$ (20 percent of maximum spawning potential (MSP)) for surf clams and $F_{25\%}$ (25 percent of MSP) for ocean quahogs and Maine mahogany quahogs combined.

This action establishes (1) an Atlantic surf clam quota of 2.565 million bushels (1.362 million hL); (2) an ocean quahog quota of 4.500 million bushels (2.387 million hL); and (3) a Maine mahogany quahog quota of 100,000 Maine bushels (35,150 hL). The 1999 surf clam and Maine mahogany quahog quotas are identical to the 1998 quota; the 1999 ocean quahog quota represents a 13-percent increase from the 1998 level, which represents an additional 0.500 million bushels. Background about the specification of these quotas was discussed in the proposed rule, published in the **Federal Register** (November 13, 1998, 63 FR 63434), and is not repeated here. The comment period for the proposed rule ended December 7, 1998. No comments were received, and the proposed quotas are unchanged in this final rule.

FINAL 1999 SURF CLAM/OCEAN QUAHOG QUOTAS

Fishery	1999 final quotas (bu)	1999 final quotas (hL)
¹ Surf clam	2,565,000	1,362,000
¹ Ocean quahog	4,500,000	2,387,000

FINAL 1999 SURF CLAM/OCEAN QUAHOG QUOTAS—Continued

Fishery	1999 final quotas (bu)	1999 final quotas (hL)
² Maine mahogany quahog	100,000	35,150

¹ 1 bushel = 53.24 liters

² 1 bushel = 35.4 liters

Classification

This action is authorized by 50 CFR part 648, complies with the National Environmental Policy Act, and has been determined to be not significant for purposes of E.O. 12866.

The Assistant General Counsel for Legislation and Regulation, Department of Commerce, certified to the Chief Counsel for Advocacy of the Small Business Administration at the proposed rule stage that these fishing quotas would not have a significant economic impact on a substantial number of small entities. As a result, a regulatory flexibility analysis was not prepared. Details concerning this certification were provided in the proposed rule and are not repeated here since there were no comments received on the certification.

Because this rule only establishes year-long quotas to be used for the sole purpose of closing the fishery when the quotas are reached and does not establish any requirements for which a regulated entity must come into compliance, the Assistant Administrator for Fisheries, NOAA, under 5 U.S.C. 553(d)(3), finds for good cause that a delay in the effective date is unnecessary.

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

Dated: December 23, 1998.

Andrew A. Rosenberg,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 98-34510 Filed 12-29-98; 8:45 am]

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