

that has been issued a vessel permit under § 630.4(e).

(d) A swordfish harvested from the north Atlantic swordfish stock may be initially purchased, traded, or bartered or attempted to be purchased, traded, or bartered only by a dealer with a valid dealer permit issued under § 630.4(e).

(e) A swordfish harvested from the north Atlantic swordfish stock by persons aboard a vessel in the recreational fishery may not be sold, purchased, traded, or bartered or attempted to be sold, purchased, traded, or bartered.

7. In § 630.23, the first sentence of paragraph (a) and the first sentence of paragraph (b) are revised to read as follows:

§ 630.23 Harvest limitations.

(a) *Minimum size.* The minimum allowable size for possession on board a fishing vessel for a swordfish taken from the north or south Atlantic swordfish stocks is 29 inches (73 cm) carcass length, measured along the body contour (i.e., a curved measurement) from the cleithrum to the anterior portion of the caudal keel (CK measurement) or, if swordfish are weighed, 33 lb (15 kg) dressed weight. * * *

(b) *Carcass condition.* A swordfish possessed on board a fishing vessel of the United States in the Atlantic Ocean, including the Gulf of Mexico and the Caribbean Sea, must be in whole or dressed form, and a swordfish landed from a fishing vessel of the United States in an Atlantic coastal port, including the Gulf of Mexico or Caribbean Sea, must be maintained in whole or dressed form through offloading, except such swordfish as are damaged by shark bites. * * *

8. In § 630.24, paragraph (a) is amended by designating the text after the paragraph heading as paragraph (a)(1), paragraphs (a)(2) and (b)(5) are added, and paragraphs (b)(1) through (b)(3), (c), (d)(4), and (e) are revised to read as follows:

§ 630.24 Quotas.

(a) *Applicability.* (1) * * *

(2) A swordfish harvested from the south Atlantic swordfish stock by a vessel subject to the jurisdiction of the United States is counted against the directed-fishery quota for the south Atlantic.

(b) *Directed-fishery quotas.* (1) The annual directed fishery quota for the North Atlantic swordfish stock for the period June 1, 1997, through May 31, 1998, is 2,164 mt dw, of which 2,121.2 mt dw is allocated for the longline/

harpoon fishery and of which 42.8 mt dw is allocated for the drift gillnet fishery. The allocation for the longline/harpoon fishery is divided into two equal semiannual quotas of 1,060.6 mt dw, one for the period June 1 through November 30, 1997, and the other for the period December 1, 1997, through May 31, 1998.

(2) The annual directed fishery quota for the North Atlantic swordfish stock for the period June 1, 1998, through May 31, 1999, is 2,098.6 mt dw, of which 2,057 mt dw is allocated for the longline/harpoon fishery and of which 41.6 mt dw is allocated for the drift gillnet fishery. The allocation for the longline/harpoon fishery is divided into two equal semiannual quotas of 1,028.5 mt dw, one for the period June 1 through November 30, 1998, and the other for the period December 1, 1998, through May 31, 1999.

(3) The annual directed fishery quota for the North Atlantic swordfish stock for the period June 1, 1999, through May 31, 2000, is 2,033.2 mt dw, of which 1,993 mt dw is allocated for the longline/harpoon fishery and of which 40.2 mt dw is allocated for the drift gillnet fishery. The allocation for the longline/harpoon fishery is divided into two equal semiannual quotas of 996.5 mt dw, one for the period June 1 through November 30, 1999, and the other for the period December 1, 1999, through May 31, 2000.

(5) The annual directed fishery quota for the south Atlantic swordfish stock for the period June 1, 1997, through May 31, 1998, is 188 mt dw and is divided into two equal semiannual quotas of 94 mt dw, one for period June 1 through November 30, 1997, and the other for the period December 1, 1997, through May 31, 1998.

(c) *Incidental catch quota.* The annual bycatch quota for the north Atlantic swordfish stock is 300 mt dw; no incidental harvest is authorized for the south Atlantic swordfish stock.

(d) * * *

(4) Total landings above or below the specific north Atlantic swordfish annual quota will be subtracted from, or added to, the following year's quota. Any adjustments to the 12-month directed-fishery quota will then be apportioned equally between the period June 1 through November 30 and the period December 1 through May 31.

* * *

(e) NMFS may adjust the December 1 through May 31 semiannual directed-fishery quota and gear quotas to reflect actual catches during the June 1 through November 30 semiannual period,

provided that the 12-month directed-fishery and gear quotas are not exceeded.

* * * * *

9. In § 630.25, the section heading, paragraphs (a)(1) and the first sentence of paragraph (b) are revised to read as follows:

§ 630.25 Closures and incidental limits.

(a) *Notification of a closure.* (1) When a directed-fishery annual, semiannual, or gear quota specified in § 630.24 is reached, or is projected to be reached, NMFS will publish notification in the **Federal Register** closing the entire directed fishery for fish from the North Atlantic swordfish stock, the South Atlantic swordfish stock, the drift gillnet fishery, or the harpoon and longline fisheries, as appropriate. The effective date of such notification will be at least 14 days after the date such notification is filed at the Office of the Federal Register. The closure will remain in effect until an additional directed-fishery or gear quota becomes available.

* * * * *

(b) *Special set-aside for harpoon gear.* The procedures of paragraph (a)(1) of this section notwithstanding, during the period June 1 through November 30, swordfish not exceeding 9,752 kg dw, may be set aside for the harpoon segment of the North Atlantic swordfish fishery. * * *

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 961210346-7035-02; I.D. 102097C]

Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for New York

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

ACTION: Commercial quota harvest.

SUMMARY: NMFS announces that the summer flounder commercial quota available to the State of New York has been harvested. Vessels issued a commercial Federal fisheries permit for the summer flounder fishery may not land summer flounder in New York for

the remainder of calendar year 1997, unless additional quota becomes available through a transfer. Regulations governing the summer flounder fishery require publication of this notice to advise the State of New York that the quota has been harvested and to advise vessel and dealer permit holders that no commercial quota is available for landing summer flounder in New York.

DATES: Effective 0001 hours, October 24, 1997, through December 31, 1997.

FOR FURTHER INFORMATION CONTACT: Regina Spallone, Fishery Management Specialist, (978) 281-9347.

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned among the states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.100.

The initial total commercial quota for summer flounder for the 1997 calendar year was set equal to 11,111,298 lb (5,040,000 kg) (March 7, 1997, 62 FR 10473). The percent allocated to vessels landing summer flounder in New York is 7.64699 percent, or 849,680 lb (385,408 kg).

Section 648.100(d)(2) stipulates that any overages of commercial quota

landed in any state be deducted from that state's annual quota for the following year. In the calendar year 1996, a total of 940,313 lb (426,519 kg) were landed in New York. The amount allocated for New York landings in 1996 was 844,976 lb (383,275 kg), creating a 95,337 lb (43,244 kg) overage that was deducted from the amount allocated for landings in that state during 1997 (March 7, 1997, 62 FR 10473 and July 15, 1997, 62 FR 37741). The resulting quota for New York is 754,343 lb (342,164 kg).

Section 648.101(b) requires the Administrator, Northeast Region, NMFS (Regional Administrator), to monitor state commercial quotas and to determine when a state's commercial quota is harvested. The Regional Administrator is further required to publish a notice in the **Federal Register** advising a state and notifying Federal vessel and dealer permit holders that, effective upon a specific date, the state's commercial quota has been harvested and no commercial quota is available for landing summer flounder in that state. Because the available information indicates that the State of New York has attained its quota for 1997, the Regional Administrator has determined based on dealer reports and other available information, that the state's commercial quota has been harvested.

The regulations at § 648.4(b) provide that Federal permit holders agree as a condition of the permit not to land summer flounder in any state that the Regional Administrator has determined no longer has commercial quota available. Therefore, effective 0001 hours, October 24, 1997, further landings of summer flounder in New York by vessels holding commercial Federal fisheries permits are prohibited for the remainder of the 1997 calendar year, unless additional quota becomes available through a transfer and is announced in the **Federal Register**. Effective the date above, federally permitted dealers are also advised that they may not purchase summer flounder from federally permitted vessels that land in New York for the remainder of the calendar year, or until additional quota becomes available through a transfer.

Classification

This action is required by 50 CFR part 648 and is exempt from review under E.O. 12286.

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

Dated: October 21, 1997.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
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