

conducted by Angling category fishermen in the waters off Delaware and states south. Closure of this fishery is necessary because the annual quota of 51 metric tons (mt) of school ABT allocated for this subcategory in waters off Delaware and states south is projected to be attained by August 18, 1997. The intent of this action is to prevent overharvest of the quota established for this fishery.

DATES: Effective 11:30 p.m. local time on August 18, 1997, through December 31, 1997.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin, 301-713-2347, or Mark Murray-Brown, 508-281-9260.

SUPPLEMENTARY INFORMATION: Regulations promulgated under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) regulating the harvest of ABT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 285.

Section 285.22(d)(1) of the regulations provides for an annual quota of 51 mt of school ABT to be harvested from waters off Delaware and states south by individuals in the Angling category. The Assistant Administrator for Fisheries, NOAA (AA), is authorized under § 285.20(b)(1) to monitor the catch and landing statistics and, on the basis of those statistics, to project a date when the catch of ABT will equal any quota under § 285.22. The AA is further authorized under § 285.20(b)(1) to prohibit fishing for, or retention of, Atlantic bluefin tuna by those fishing in the category subject to the quota when the catch of tuna equals the quota established under § 285.22. The AA has determined, based on the reported catch and estimated fishing effort, that the annual quota of school ABT for those fishing in waters off Delaware and states south will be attained by August 18, 1997. Fishing for, catching, possessing, or landing any school ABT (measuring 27 inches to less than 47 inches (69 cm to less than 119 cm)) in the closed area must cease at 11:30 p.m. local time on August 18, 1997.

However, anglers may continue to tag and release ABT of all sizes under the NMFS tag-and-release program (50 CFR 285.27). The southern area Angling category fishery for bluefin tuna in the large school and small medium size classes (47 inches to less than 59 inches (119 cm to less than 150 cm), and 59 inches to less than 73 inches (150 cm to less than 185 cm) curved fork length, respectively) was closed effective July 20, 1997 (62 FR 35447, July 1, 1997). Therefore, the southern area Angling category fishery for school, large school,

and small medium ABT is now closed for the season.

The fishery for school, large school, small medium, and trophy ABT (measuring greater than 73 inches), for the waters off New Jersey and states north is not affected by this closure, and remains open until further notice at a catch limit of one fish per vessel per day.

A small amount of trophy ABT remains in the southern area; pending attainment of the annual quota for trophy fish, large medium or giant ABT (73 inches (185 cm) total curved fork length or greater) may still be landed under the Angling category subject to the trophy fish limit of one per vessel per year. Such large medium or giant ABT must be reported to the nearest NMFS enforcement office as required under § 285.24. In North Carolina, trophy fish must be reported to the Coast Guard at 919-995-6403. Anglers should verify that the trophy category remains open by calling the NMFS 24-hour Information Line at 301-713-1279 prior to each fishing trip.

Classification

This action is taken under 50 CFR 285.20(b) and 50 CFR 285.22 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 971 *et seq.*

Dated: August 18, 1997.

Gary C. Matlock,

*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. 961210346-7035-02; I.D. 081597C]

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

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 Maryland has been harvested. Vessels issued a commercial Federal fisheries permit for the summer flounder fishery may not land summer flounder in Maryland 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 Maryland 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 Maryland.

DATES: Effective August 20, 1997, through December 31, 1997.

FOR FURTHER INFORMATION CONTACT: Lucille L. Helvenston, Fishery Management Specialist, 508-281-9347.

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 are 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 percentage allocated to vessels landing summer flounder in Maryland is 2.03910 percent, or 226,570 lb (102,770 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 264,886 lb (120,150 kg) were landed in Maryland. The amount allocated for Maryland landings in 1996 was 226,570 lb (102,770 kg), creating a 38,316 lb (17,380 kg) overage that was deducted from the amount allocated for landings in that state during 1997 (July 15, 1997, 62 FR 37741 and as corrected on August 12, 1997, 62 FR 43127). The resulting quota for Maryland is 188,254 lb (85,391 kg).

Section 648.101(b) requires the Administrator, Northeast Region, NMFS (Regional Administrator), to monitor 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 Maryland 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 August 20, 1997, further landings of summer flounder in Maryland 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 Maryland 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: August 18, 1997.

Gary C. Matlock,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 970813196-7196-01; ID. 073197A]

Fisheries Off West Coast States and in the Western Pacific; Northern Anchovy Fishery; Quotas for the 1997-98 Fishing Year

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

ACTION: Interim final quotas.

SUMMARY: NMFS announces the estimated spawning biomass and interim final harvest quotas for the northern anchovy fishery in the exclusive economic zone south of Point Reyes, CA, the 1997-98 fishing year. These quotas may only be adjusted if inaccurate data were used or if errors were made in the calculations. Comments on these two points are

invited. If no changes are necessary, these interim final quotas will become final quotas without further notice. The intended effect of this action is to establish allowable harvest levels for the central subpopulation of Pacific anchovy.

DATES: Effective on August 15, 1997. Comments will be accepted until September 15, 1997.

ADDRESSES: Submit comments on the interim final quotas to Dr. William T. Hogarth, Acting Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213. Administrative Reports LJ-95-11 and LJ-97-08 are available from this same address.

FOR FURTHER INFORMATION CONTACT: Mr. James J. Morgan, Southwest Region, NMFS, (562) 980-4036.

SUPPLEMENTARY INFORMATION: In consultation with the California Department of Fish and Game and the NMFS Southwest Fisheries Science Center, the Acting Administrator, Southwest Region, NMFS, (Regional Administrator) has decided to use the 1995 estimate of 388,000 mt spawning biomass for the central subpopulation of northern anchovy, *Engraulis mordax*, to set harvest limits for the 1997-98 fishing year. This is the same biomass estimate that was used for the 1995-96 and the 1996-97 fishing years and is being used because no new assessment has been made. Recently examined indices of relative abundance of anchovy schools from airplane fish-spotter logs and egg production from research cruises indicate that the biomass remains at or above that estimated in 1995.

The biomass estimate was derived from a stock assessment model using spawning biomass estimated by five indices of abundance. Documentation of the spawning biomass is contained in Administrative Report LJ-95-11, published by the Southwest Fisheries Science Center, NMFS (see **ADDRESSES**). Administrative Report LJ-97-08 examining indices of relative abundance was provided at a public meeting of the Pacific Fishery Management Council's (Council) Coastal Pelagics Planning Team and Advisory Subpanel in Long Beach, CA, on June 18, 1997. At that time, a review of the status of the anchovy resource was presented by the Planning Team, and NMFS requested estimates of domestic processing needs from the fishing industry so that a basis could be established for setting annual quotas. As was the case in 1996, representatives of the industry felt that 13,000 mt would meet the needs of the reduction industry.

Reports of the Planning Team and the Advisory Subpanel were then presented to the Council at its June 23-25 meeting in Seattle, WA. Although no additional information was provided to the Council regarding anticipated domestic use of anchovy, the Council recommended that the entire 61,600 mt available for reduction fishing be allocated to the domestic fishery (70 percent of the biomass above 300,000 mt). There is some uncertainty with regard to what the domestic fishery will harvest, and there is always great uncertainty with regard to what Mexico will harvest. Nevertheless, the U.S. harvest has remained low. The Mexican harvest increased significantly in 1995 but dropped to a moderate level in 1996. With the information available, the best estimate of domestic use for reduction fishing is 13,000 mt.

According to the formula in the FMP, the U.S. optimum yield (OY) is 61,600 mt (70 percent of the biomass above 300,000), which is allocated to reduction fisheries, plus 4,900 mt for non-reduction fisheries. Since there is no agreement with Mexico on the management of northern anchovy, a portion of the biomass (30 percent) above 300,000 mt is designated as the amount to account for this unregulated harvest. Any portion of the U.S. OY not used by U.S. fishermen is identified as total allowable level of foreign fishing (TALFF) and is available to foreign fishing.

The amount of the TALFF is based on the portion of the U.S. OY that will not be used by U.S. fishermen, minus the amount of harvest by Mexican vessels that is in excess of that allocated to Mexico according to the formula in the FMP. The estimate of Mexican excess harvest is based on the largest harvest in the last 3 years; however, the biomass has been so low during this time that there was no significant fishery off Mexico until 1995, and there has been no excess Mexican harvest as defined in the FMP.

After considering the above, the Regional Administrator has made the following determinations for the 1997-98 fishing year by applying the formulas in the FMP and in 50 CFR Part 660.509(b):

1. The total U.S. OY for northern anchovy is 66,500 mt, plus an unspecified amount for use as live bait.
2. The total U.S. harvest quota for reduction purposes is 13,000 mt.
 - a. Of the total reduction harvest quota, 1,300 mt is reserved for the reduction fishery in Subarea A (north of Pt. Buchon). The FMP requires that 10 percent of the U.S. reduction quota or