

published on May 5, 1997 (62 FR 24345), is corrected as follows:

On page 24345, in the third column, in the last line of the summary, remove "U.S." before the words "Steller sea lion population."

Dated: April 22, 1998.

Rolland A. Schmitt,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 971015246-7293-02; I.D. 041398A]

Fisheries of the Northeastern United States; Summer Flounder and Scup Fisheries; Readjustments to 1998 Quotas; Commercial Summer Period Scup Quota Harvested for Maryland

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

ACTION: Commercial quota adjustment, notice of commercial quota harvest.

SUMMARY: NMFS issues this notification announcing adjustments to the 1998 summer flounder commercial state quotas and the 1998 scup Summer period state quotas. This action complies with regulations implementing the Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries (FMP), which require that landings in excess of a state's annual summer flounder commercial quota and Summer period scup commercial quota be deducted from a state's respective quota the following year. The public is

advised that quota adjustments have been made, and is informed of the revised quotas for the affected states.

DATES: Effective April 23, 1998, through December 31, 1998.

FOR FURTHER INFORMATION CONTACT:

Regina L. Spallone, Fishery Policy Analyst, 978-281-9221.

SUPPLEMENTARY INFORMATION:

Summer Flounder

Regulations implementing summer flounder management measures are found at 50 CFR part 648, subparts A and G. The regulations require annual specification of a commercial quota that is apportioned among the Atlantic coastal states from Maine through North Carolina. The process to set the annual commercial quota and the percent allocated to each state are described in § 648.100. The final specifications for the 1998 summer flounder fishery, adopted to ensure achievement of a fishing mortality rate (F) of 0.24 for 1998, set a commercial quota equal to 11,105,636 lb (5.0 million kg) (62 FR 66304, December 18, 1997).

Section 648.100(d)(2) provides that all landings for sale in a state shall be applied against that state's annual commercial quota. Any landings in excess of the state's quota must be deducted from that state's annual quota for the following year. NMFS published a preliminary adjustment to the states' annual quotas on January 23, 1998 (63 FR 3478), that deducted for state overages in the 1997 fishery. When those data were presented, NMFS noted that the data used in making the adjustments were preliminary, and if additional data became available that altered the figures, an additional adjustment would be necessary. Since that time, additional data have been submitted by state fisheries agencies and federally permitted dealers who submitted late reports. Additional landings were reported as the result of

NMFS Law Enforcement investigations. Further Law Enforcement investigations are ongoing and a resulting quota adjustment from those investigations will be published if necessary.

Based on dealer reports and other available information, NMFS has determined that the States of Maine, Massachusetts, Connecticut, New York, Delaware, Maryland, Virginia, and North Carolina exceeded their 1997 quotas. The remaining States of New Jersey, Rhode Island, and New Hampshire did not exceed their 1997 quotas. This finding differs from that noted in the notice of preliminary quota adjustment, published on January 23, 1998 (63 FR 3478). At that time, Connecticut and Virginia did not appear to have exceeded their 1997 quotas.

The final 1997 landings and overages for all states and how those landings compare with the 1997 landings originally reported in the January notice are given in Table 1. This table illustrates that, in the following states, the revised 1997 landings resulted in additional overage to a state's quota: Massachusetts, New York, Delaware, Maryland, and North Carolina. There was no change to the data reported in Maine and New Hampshire. In the State of Rhode Island, revised landings are fewer than what were originally reported. The State of New Jersey showed additional landings, but those data still did not result in an overage for that State. Based on the revised data, the State of Connecticut and the Commonwealth of Virginia changed from a no-overage status to an overage. The revised 1998 commercial summer flounder quota for each state is given in Table 2. While this action adjusts the final quotas allocated to the states, it does not alter the notification of commercial quota harvest in the State of Delaware as indicated in that January notice.

TABLE 1.—SUMMER FLOUNDER FINAL 1997 COMMERCIAL LANDINGS COMPARED TO THE PRELIMINARY 1997 LANDINGS, BY STATE

State 1997	1997 quota ¹		Preliminary 1997 landings ²		Final 1997 landings		Final 1997 overage	
	Lb	(Kg) ³	Lb	(Kg)	Lb	(Kg)	Lb	(Kg)
ME	2,342	1,062	2,835	1,286	2,835	1,286	493	224
NH	51	23	0	0	0	0	0	0
MA	709,229	321,701	745,105	337,974	745,171	338,004	35,942	16,303
RI	1,596,443	724,134	1,584,641	718,781	1,557,867	706,637	0	0
CT	246,924	120,031	246,924	112,003	247,258	112,154	334	151
NY	754,343	342,164	814,027	369,236	815,741	370,014	61,398	27,850
NJ	1,323,474	600,318	1,316,837	597,307	1,319,446	598,491	0	0
DE	⁴ (5,662)	(2,568)	4,393	1,993	5,187	2,353	10,849	4,921
MD	188,254	85,391	203,961	92,515	214,948	97,499	26,694	12,108
VA	2,294,793	1,040,901	2,253,809	1,022,311	2,305,985	1,045,977	11,192	5,077

TABLE 1.—SUMMER FLOUNDER FINAL 1997 COMMERCIAL LANDINGS COMPARED TO THE PRELIMINARY 1997 LANDINGS, BY STATE—Continued

State 1997	1997 quota ¹		Preliminary 1997 landings ²		Final 1997 landings		Final 1997 overage	
	Lb	(Kg) ³	Lb	(Kg)	Lb	(Kg)	Lb	(Kg)
NC	1,273,605	577,698	1,455,212	660,073	1,673,345	759,017	399,740	181,319
Total	8,383,796	3,802,826	8,627,744	3,913,479	8,887,783	4,031,431	546,642	247,953

¹ 1997 quota as published December 18, 1997 (62 FR 66304).² 1997 landings data as published January 23, 1998 (63 FR 3478).³ Kilograms are as converted from pounds, and may not necessarily add due to rounding.⁴ Parentheses indicate a negative number.

TABLE 2.—SUMMER FLOUNDER FINAL 1998 QUOTAS

State	Unadjusted 1998 quota ¹		Preliminary adjusted 1998 quota ²		Final readjusted 1998 quota	
	lb	(Kg) ³	lb	(Kg)	lb	(Kg)
ME	5,284	2,397	4,791	2,173	4,791	2,173
NH	51	23	51	23	51	23
MA	757,841	343,751	721,965	327,478	721,899	327,448
RI	1,742,583	790,422	1,742,583	790,422	1,742,583	790,422
CT	250,791	113,757	250,791	113,757	250,457	113,605
NY	849,680	385,408	789,996	358,336	788,282	357,559
NJ	1,858,363	842,939	1,858,363	842,939	1,858,363	842,939
DE	⁴ (3,685)	(1,671)	(13,740)	(6,232)	(14,534)	(6,593)
MD	226,570	102,770	210,863	95,646	199,876	90,662
VA	2,368,569	1,074,365	2,368,569	1,074,365	2,357,377	1,069,288
NC	3,049,589	1,383,270	2,867,982	1,300,895	2,649,849	1,201,951
Total	11,105,636	5,037,432	10,802,214	4,899,802	10,558,994	4,789,479

¹ As published on December 18, 1997 (62 FR 6304).² As published on January 23, 1998 (63 FR 3478).³ Kilograms are as converted from pounds, and may not necessarily add due to rounding.⁴ Parentheses indicate a negative number.

Scup

Regulations implementing scup management measures are found at 50 CFR part 648, subparts A and H. The regulations require annual specification of a commercial quota that is allocated into three periods: Winter I, Summer, and Winter II. During Winter I and Winter II periods, the commercial quota is distributed to the coastal states from Maine through North Carolina on a

coastwide basis. During the Summer period, the commercial quota is apportioned among the Atlantic coastal states from Maine through North Carolina. The process to set the annual commercial quota and the percent allocated to each state during the Summer period is described in § 648.120. The final specifications for the 1998 scup fishery, adopted to ensure achievement in 1998 of a target

exploitation rate of 47 percent, the rate associated with $F=0.72$, set a commercial quota equal to 4,572,000 lb (2.07 million kg) (62 FR 66304, December 18, 1997).

The 1997 Winter I and Winter II period landings are shown in Table 3.—Landings did not exceed the allowable quota for either period. Therefore, no deductions from those periods are necessary.

TABLE 3. FINAL 1997 WINTER PERIOD COMMERCIAL SCUP LANDINGS

Period	1997 quota		1997 landings		1997 overage	
	Lb	(Kg)	Lb	(Kg)	Lb	(Kg)
Winter I	2,706,000	1,227,693	2,046,701	928,368	0	0
Winter II	956,400	433,816	569,412	258,281	0	0

Section 648.120(d)(4) provides that all scup landed for sale in a state during the Summer period shall be applied against that state's summer commercial quota, regardless of where the scup were harvested. Section 648.120(d)(6) provides that any overages of the commercial quota landed in any state

during the Summer period will be deducted from that state's Summer period quota for the following year. When the data were presented in the January notice, NMFS noted that the data used in making the adjustments were preliminary, and, if additional data became available that altered the

figures, an additional adjustment would be necessary. Since that time, additional data have been submitted by state fisheries agencies and federally permitted dealers who submitted late reports.

Based on dealer reports and other available information, NMFS has

determined that the States of Massachusetts, Delaware, and Maryland have exceeded their 1997 Summer period quota for scup. The remaining States of Maine, Rhode Island, Connecticut, New York, New Jersey, Virginia, and North Carolina did not exceed their 1997 Summer period quotas. This finding differs from that noted in the notice of preliminary quota adjustment. At that time, Delaware and Maryland did not appear to have exceeded their 1997 Summer period quotas. But Massachusetts and North Carolina appeared to have exceeded theirs.

The revised 1997 Summer period landings for all states and how those landings compare with the 1997 landings originally reported in the January notice are given in Table 4. This table illustrates that, in the States of Massachusetts, Delaware, and Maryland, the revised 1997 landings resulted in overage or additional overage to a state's quota. There was no change to the data reported in Maine and New Hampshire. In the States of Rhode Island and North Carolina, the revised landings are less than what was originally reported. The States of Connecticut, New York, New Jersey, and Virginia showed additional landings,

but those data did not result in overages for those States.

The revised 1998 commercial Summer period scup quota for each state is given in Table 5. While this action adjusts the final Summer period quotas allocated to the states, it does not alter the notification of commercial quota harvest in the Commonwealth of Massachusetts as indicated in that January notice or in the State of Delaware as indicated in the final specifications. However, this notice does eliminate the overage and subsequent reduction of Summer period quota in the State of North Carolina.

Section 648.121(b) requires the Administrator, Northeast Region, NMFS (Regional Administrator) to monitor the Summer period state commercial quotas and to determine the date when a state's commercial quota is harvested. NMFS is required to publish notification in the **Federal Register** advising a state and notifying vessel and dealer permit holders that, effective upon a specific date, a state's Summer period commercial scup quota has been harvested and that no Summer period commercial quota is available for landing scup for the remainder of the period.

Since this adjustment reduces the 1998 Maryland Summer period commercial quota allocation from 229 lb (104 kg) to -635 lb (-288 kg), this document also announces that the Summer period quota available to Maryland has been harvested and that no commercial quota is available for landings during the 1998 Summer period.

The regulations at § 648.4(b) provide that Federal scup commercial permit holders agree as a condition of the permit not to land scup in any state that the Regional Administrator has determined no longer has commercial quota available. Therefore, effective 0001 hours May 1, 1998, until 2400 hours, October 31, 1998, landings of scup in Maryland by vessels holding Federal commercial scup fisheries permits are prohibited, unless additional quota becomes available through a transfer and is announced in the **Federal Register**. Federally permitted dealers are also advised that they may not purchase scup from federally permitted scup vessels that land in Maryland for the Summer period or until additional quota becomes available through a transfer.

TABLE 4.—SCUP FINAL 1997 SUMMER PERIOD COMMERCIAL LANDINGS COMPARED TO THE PRELIMINARY 1997 LANDINGS, BY STATE

State	1997 quota		Preliminary 1997 landings ¹		Final 1997 landings		Final 1997 overage	
	Lb	(Kg) ²	lb	(Kg)	lb	(Kg)	lb	(Kg)
ME	3,048	1,383	0	0	0	0	0	0
NH	1	0	0	0	0	0	0	0
MA	362,029	164,214	1,428,183	647,813	1,486,630	674,324	1,124,601	510,110
RI	1,415,425	642,026	398,880	180,929	353,735	160,451	0	0
CT	79,431	36,029	40,858	18,533	65,642	29,775	0	0
NY	398,527	180,769	221,320	100,389	307,159	139,325	0	0
NJ	73,453	33,318	2,056	933	2,181	989	0	0
DE	0	0	0	0	51	23	51	23
MD	301	137	162	73	1,165	528	864	392
VA	4,157	1,886	148	67	354	161	0	0
NC	628	285	888	403	575	261	0	0
Total	2,337,000	1,060,045	2,092,495	949,140	2,217,492	1,005,837	1,125,516	510,525

¹Original 1997 Summer period landings data, as published January 23, 1998 (63 FR 3478).

²Kilograms are as converted from pounds, and may not necessarily add due to rounding.

TABLE 5.—FINAL READJUSTED 1998 SUMMER PERIOD QUOTAS

State	Unadjusted 1998 quota ¹		Preliminary adjusted 1998 quotas ²		Final readjusted 1998 quotas	
	Lb	(Kg) ³	Lb	(Kg)	Lb	(Kg)
ME	2,322	1,053	2,322	1,053	2,322	1,053
NH	1	0	1	0	1	0
MA	275,866	125,131	⁴ (790,288)	(358,469)	(848,735)	(384,980)
RI	1,078,554	489,224	1,078,554	489,224	1,078,554	489,224
CT	60,526	27,454	60,526	27,454	60,526	27,454
NY	303,678	137,746	303,678	137,746	303,678	137,746
NJ	55,972	25,388	55,972	25,388	55,972	25,388

TABLE 5.—FINAL READJUSTED 1998 SUMMER PERIOD QUOTAS—Continued

State	Unadjusted 1998 quota ¹		Preliminary adjusted 1998 quotas ²		Final readjusted 1998 quotas	
	Lb	(Kg) ³	Lb	(Kg)	Lb	(Kg)
DE	0	0	0	0	(51)	(23)
MD	229	104	229	104	(635)	(288)
VA	3,167	1,437	3,167	1,437	3,167	1,437
NC	479	217	219	99	479	217
Total	1,780,794	807,755	714,380	324,037	655,278	297,252

¹ As published on December 18, 1997 (62 FR 66304).

² As published on January 23, 1998 (63 FR 3478).

³ Kilograms are as converted from pounds, and may not necessarily add due to rounding.

⁴ Parentheses indicate a negative number.

Classification

This action is required by 50 CFR part 648 and is exempt from review under E.O. 12866.

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

Dated: April 23, 1998.

George H. Darcy,

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

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