

*Area 7 and 7A purse seine fishery:* Closed from 12:01 a.m., July 27 to 5:00 a.m., July 30. Open from 5:00 a.m. to 9:00 p.m., July 30. Closed from 9:00 p.m., July 30 to 11:59 p.m., July 31.

Order No. 1998-3: Issued 5:00 p.m., Friday, July 31, 1998.

#### *Treaty Indian Fishery*

*Areas 4B, 5, and 6C:* Open for drift gillnets from 12:00 noon, August 2 to 12:00 noon, August 7.

*Areas 6, 7, and 7A:* Open to net fishing from 12:01 a.m., August 3 to 5:00 a.m., August 6. Closed from 5:00 a.m., August 6 to 11:59 p.m., August 7.

#### *All-citizen Fishery*

*Area 6:* Closed to net fishing from 12:01 a.m., August 3 to 11:59 p.m., August 7.

*Areas 7 and 7A:* During the period from 12:01 a.m., August 1 to 11:59 p.m., August 2, the reef net fishery will only be open from 5:00 a.m. to 9:00 p.m. on August 1 and from 5:00 a.m. to 9:00 p.m. on August 2.

*Drift gillnet fishery:* Closed from 12:01 a.m., August 3 to 7:20 a.m., August 6. Open from 7:20 a.m. to 11:59 p.m., August 6. Closed from 12:01 a.m. to 7:20 a.m., August 7. Open from 7:20 a.m. to 11:59 p.m., August 7.

*Purse seine fishery:* Closed from 12:01 a.m., August 3 to 5:00 a.m., August 6. Open from 5:00 a.m. to 9:00 p.m., August 6. Closed from 9:00 p.m., August 6 to 5:00 a.m., August 7. Open from 5:00 a.m. to 9:00 p.m., August 7. Closed from 9:00 p.m. to 11:59 p.m., August 7.

Order No. 1998-4: Issued 5:00 p.m., August 7, 1998.

#### *Treaty Indian Fishery*

*Areas 4B, 5, and 6C:* Open for drift gillnets from 12:00 noon, August 9 to 12:00 noon, August 14.

*Areas 6, 7, and 7A:* Closed to net fishing from 12:01 a.m., to 11:59 p.m., August 10.

#### *All-Citizen Fishery*

*Area 6:* Closed to net fishing from 12:01 a.m., August 10 to 11:59 p.m., August 14.

*Area 7 and 7A:* During the period from 12:01 a.m., August 8 to 11:59 p.m., August 9, the reef net fishery will be open from 5:00 a.m. to 9:00 p.m. on August 8 and from 5:00 a.m. to 9:00 p.m. on August 9.

*Drift gillnet and purse seine fishing:* Closed from 12:01 a.m. to 11:59 p.m., August 10.

Order No. 1998-5: Issued 5:00 p.m., August 10, 1998

#### *Treaty Indian Fishery*

*Areas 6, 7, and 7A:* Net fishing open 12:01 a.m., August 11 to 5:00 a.m.,

August 12. Closed from 5:00 a.m., August 12 to 11:59 p.m., August 13.

#### *All-citizen Fishery*

*Areas 7, 7A:* Gillnets closed from 12:01 a.m., August 11 to 7:30 a.m., August 12. Open from 7:30 a.m. to 11:59 p.m., August 12. Closed from 12:01 a.m. to 7:30 a.m., August 13. Open from 7:30 a.m. to 11:59 p.m., August 13.

*Purse seines:* Closed from 12:01 a.m., August 11 to 5:00 a.m., August 12. Open from 5:00 a.m. to 9:00 p.m., August 12. Closed from 9:00 p.m., August 12 to 5:00 a.m., August 13. Open from 5:00 a.m. to 9:00 p.m., August 13. Closed from 9:00 p.m., August 13 to 11:59 p.m., August 13.

Order No. 1998-6: Issued at 5:00 p.m., August 13, 1998.

#### *Treaty Indian Fishery*

*Areas 6, 7, and 7A:* Closed to net fishing from 12:01 a.m., August 14 to 11:59 p.m., August 14.

#### *All-citizen Fishery*

*Areas 7 and 7A:* Drift gillnets closed from 12:01 a.m., August 14 to 7:30 a.m., August 14. Open from 7:30 a.m. to 11:59 p.m., August 14.

*Purse seines:* Closed from 12:01 a.m., August 14 to 5:00 a.m., August 14. Open from 5:00 a.m. to 9:00 p.m., August 14. Closed from 9:00 p.m. to 11:59 p.m., August 14.

Order No. 1998-7: Issued 5:00 p.m., August 14, 1998.

#### *Treaty Indian Fishery*

*Areas 4B, 5, and 6C:* Open for drift gillnets from 12:00 noon, August 16 to 12:00 noon, August 21.

*Areas 6, 7, and 7A:* Closed to net fishing from 12:01 a.m., to 11:59 p.m., August 17. Open from 12:01 a.m., August 18 to 11:59 p.m., August 21.

#### *All-citizen Fishery*

*Area 6:* Closed to net fishing from 12:01 a.m., August 17 to 11:59 p.m., August 21.

*Areas 7 and 7A:* During the period from 12:01 a.m., August 15 to 11:59 p.m., August 16, the reefnet fishery will be open only from 5:00 a.m. to 9:00 p.m., on August 15 and from 5:00 a.m. to 9:00 p.m., on August 16.

*Drift gillnets:* Closed from 12:01 a.m. to 7:35 a.m., August 17. Open from 7:35 a.m. to 11:59 p.m., August 17. Closed from 12:01 a.m., August 18 to 5:00 a.m., August 20.

*Purse seines:* Closed from 12:01 a.m. to 5:00 a.m., August 17. Open from 5:00 a.m. to 9:00 p.m., August 17. Closed from 9:00 p.m., August 17 to 5:00 a.m., August 20.

Order No. 1998-8: Issued 5:00 p.m., August 19, 1998.

#### *Treaty Indian Fishery*

*Areas 6, 7, and 7A:* Closed to net fishing from 5:00 a.m. to 11:59 p.m., August 21.

#### *All-citizen Fishery:*

*Areas 7 and 7A:* Drift gillnets closed from 5:00 a.m., August 20 to 7:35 a.m., August 21. Open from 7:35 a.m. to 11:59 p.m., August 21.

*Purse seines:* Closed from 5:00 a.m., August 20 to 5:00 a.m., August 21. Open from 5:00 a.m. to 9:00 p.m., August 21. Closed from 9:00 p.m. to 11:59 p.m., August 21.

Order No. 1998-9: Issued 5:00 p.m., August 21, 1998.

#### *All-citizen Fishery*

*Areas 7 and 7A:* Closed to reef net fishing from 12:01 a.m., August 22 to 11:59 p.m., August 23.

#### **Classification**

This action is authorized by 50 CFR 300.97, and is exempt from review under E.O. 12866.

**Authority:** 16 U.S.C. 3636(b).

Dated: November 12, 1998.

**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. 971015246-7293-02; I.D. 110998G]

#### **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 1998, unless additional quota becomes available through a transfer. Regulations governing the summer flounder fishery require publication of this notification

to advise the State of Maryland that the quota has been harvested and to advise vessel permit holders and dealer permit holders that no commercial quota is available for landing summer flounder in Maryland.

**DATES:** Effective 0001 hours November 13, 1998, through December 31, 1998.

**FOR FURTHER INFORMATION CONTACT:** Paul H. Jones, Fishery Policy Analyst, (978) 281-9273.

**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 coastal 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 1998 calendar year was set equal to 11,105,636 lb (5,037,432 kg) (62 FR 66304, December 18, 1997). The percent allocated to vessels landing summer flounder in Maryland is 2.03910 percent, or 226,570 lb (102,770 kg).

Section 648.100(e)(4) 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 1997, a total of 214,948 lb (97,499 kg) were landed in Maryland, creating a 26,694 lb (12,108 kg) overage that was deducted from the amount allocated for landings in the state during 1998 (63 FR 23227, April 28, 1998). The resulting quota for Maryland was 199,876 lb (90,662 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. The Regional Administrator has determined, based upon dealer reports and other available information, that the State of Maryland has attained its quota for 1998.

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 November 13, 1998, further landings of summer flounder in Maryland by vessels holding commercial Federal fisheries permits are prohibited for the remainder of the 1998 calendar year, unless additional quota becomes available through a transfer and is announced in the **Federal Register**. Effective November 13, 1998, 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. 12866.

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

Dated: November 12, 1998.

**Gary C. Matlock,**

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

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