

(v) *Tie-down system.* The gillnet is equipped with tie-downs spaced not more than 15 ft (4.6 m) apart along the floatline, and each tie-down is not more than 48 inches (18.90 cm) in length from the point where it connects to the floatline to the point where it connects to the lead line.

(vi) *Tagging requirements.* Beginning January 1, 2000, the gillnet is equipped with one tag per net, with one tag secured to each bridle of every net within a string of nets.

(4) *Southern Mid-Atlantic waters—small mesh gillnet gear requirements and limitations.* From February 1 through April 30 of each year, no person may fish with, set, haul back, possess on board a vessel unless stowed, or fail to remove any small mesh gillnet gear in waters off New Jersey, unless the gear complies with the specified gear characteristics. During this period, no person who owns or operates the vessel may allow the vessel to enter or remain in Southern Mid-Atlantic waters with small mesh gillnet gear on board, unless the gear complies with the specified gear characteristics or unless the gear is stowed. In order to comply with these specified gear characteristics, the gear must have all the following characteristics:

(i) *Floatline length.* The floatline is no longer than 2118 ft (645.6 m).

(ii) *Twine size.* The twine is at least 0.03 inches (0.080 cm) in diameter.

(iii) *Size of nets.* Individual nets or net panels are not more than 300 ft (91.4 m or 50 fathoms) in length.

(iv) *Number of nets.* The total number of individual nets or net panels for a vessel, including all nets on board the vessel, hauled by the vessel or deployed by the vessel, does not exceed 45.

(v) *Tie-down system.* Tie-downs are prohibited.

(vi) *Tagging requirements.* Beginning January 1, 2000, the gillnet is equipped with one tag per net, with one tag secured to each bridle of every net within a string of nets.

(d) *Other special measures.* The Assistant Administrator may revise the requirements of this section through notification published in the **Federal Register** if:

(1) After plan implementation, NMFS determines that pinger operating effectiveness in the commercial fishery is inadequate to reduce bycatch to the PBR level with the current plan.

(2) NMFS determines that the boundary or timing of a closed area is inappropriate, or that gear modifications (including pingers) are not reducing bycatch to below the PBR level.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 630

[I.D. 111698C]

Atlantic Swordfish Fishery; Quota Adjustment

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

ACTION: Notification of quota adjustment.

SUMMARY: NMFS adjusts the 1998 North Atlantic swordfish fishery quota to carryover the unharvested portion of the 1997 quota.

DATES: Effective December 2, 1998.

FOR FURTHER INFORMATION CONTACT: Jill Stevenson, 301-713-2347.

SUPPLEMENTARY INFORMATION: The U.S. Atlantic swordfish fishery is managed under the Fishery Management Plan for Atlantic Swordfish. Regulations at 50 CFR part 630 are issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (codified at 16 U.S.C. 1801 *et seq.*) and the Atlantic Tunas Convention Act (ATCA) (codified at 16 U.S.C. 971 *et seq.*). Regulations issued under the authority of ATCA implement the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT).

NMFS recently revised quota adjustment procedures for the Atlantic swordfish fishery in a final rule published on September 29, 1998 (63 FR 51856). These revised procedures allow for carryover of unharvested quota from one fishing year to the next, provided such carryover is consistent with the applicable recommendation of ICCAT. Current ICCAT recommendations provide for carryover from 1997 to 1998 of unharvested swordfish quota from the North Atlantic stock but not the South Atlantic stock. Therefore, this quota adjustment pertains to the 1998 quota for the North Atlantic swordfish stock only.

For both semiannual periods of the 1997 fishing year, NMFS closed the longline/harpoon directed fishery for North Atlantic swordfish based on projections of when the quota for each semiannual period would be caught. The closures were effective October 12, 1997, for the first semiannual period and March 31, 1998, for the second. When NMFS tallied actual catches for both periods, NMFS determined that the

entire 1997 longline/harpoon quota of 2121.2 metric tons dressed weight was not harvested, leaving 224.6 metric tons available for carryover. Additionally, the entire 1997 directed fishery quota of 42.8 mt allocated to driftnet gear remained unharvested due to a year long emergency closure of that fishery issued under authority of the Magnuson-Stevens Act (62 FR 30775, June 5, 1997) and the Endangered Species Act (62 FR 63467, December 1, 1997). Finally, out of the 1997 incidental catch quota of 300 mt, a total of 232.1 mt of swordfish were taken incidentally in fisheries targeting other species (e.g., yellowfin tuna, bigeye tuna, squid) including longline landings after the directed fishery closures. This leaves 335.3 mt (224.6 + 42.8 + 67.9) available for carryover to the 1998 fishing year.

Regulations on adjustment procedures require that any underharvest from the prior fishing year be apportioned equally between the two semiannual fishing periods and be allocated so that the new directed fishery gear quotas represent the same proportion of the adjusted quota as they did before the quota adjustment. Given that the first 1998 semiannual period will end on November 30, 1998, that the driftnet fishery remains closed for the remainder of the 1998 fishing year, and that NMFS has published a proposed rule to prohibit further use of driftnet gear in the North Atlantic swordfish fishery (63 FR 55998, October 20, 1998), NMFS has decided to allocate the entire amount of the 1997 underharvest (335.3 mt) to the 1998 second semiannual directed fishery for longline and harpoon gear.

In addition to the 1997 carryover adjustment, NMFS also makes inseason adjustments to the 1998 North Atlantic swordfish allocations. According to the regulations, if NMFS determines it is necessary to close a directed fishery, any estimated underharvest of that directed fishery quota will be used to adjust the annual incidental catch quota. In 1998, a closure based on catch projections (63 FR 41205, August 3, 1998) resulted in an underharvest of the 1998 North Atlantic swordfish driftnet quota (14.6 mt remaining). NMFS did not reopen this fishery due to protected species bycatch concerns. Therefore, NMFS allocates the unharvested 14.6 mt of the 1998 driftnet quota to the 1998 North Atlantic swordfish incidental catch category.

The quotas for the 1998 North Atlantic swordfish fishery were previously established (62 FR 55357, October 24, 1997) to provide 1028.5 mt for each semiannual period in the directed (longline/harpoon) fishery, 41.6

mt for the driftnet fishery, and 300 mt reserved for incidental catch. Given the regulatory requirements on carryover and inseason reallocation, NMFS adjusts the 1998 second semiannual directed North Atlantic swordfish quota to 1363.8 mt (1028.5 + 335.3) and

adjusts the 1998 incidental catch quota to 314.6 mt (300.0 + 14.6).

Classification

This action is taken under 50 CFR 630.24(e) and (f) and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.* and 16 U.S.C. 971 *et seq.*

Dated: November 25, 1998.

Bruce Morehead,

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

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