

landings reports, this closure is necessary to prevent the further overharvest of the small coastal shark quota established for the Gulf of Mexico region. The fishery is currently underway, and any further delay in this action would cause further overharvest of the quota and be inconsistent with management requirements and objectives. NMFS provides rapid notification of the closure by publishing the closure notice in the **Federal Register**, faxing notification to individuals on the HMS FAX Network and to known fishery representatives. For these same reasons, the AA also finds good cause to waive the 30-day delay in effective date pursuant to 5 U.S.C. 553 (d)(3). This action is required under 50 CFR 635.28(b)(2) and is exempt from review under Executive Order 12866.

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

Dated: March 4, 2004.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 04-5283 Filed 3-4-04; 3:50 pm]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 021122284-2323-02; I.D. 030304B]

#### Fisheries of the Northeastern United States; Summer Flounder; 2004 Specifications

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

**ACTION:** Commercial quota restoration.

**SUMMARY:** NMFS publishes revised 2004 commercial quotas for summer flounder. This action is necessary to comply with the regulatory provision that requires the Administrator, Northeast Region, NMFS (Regional Administrator) to correct erroneous landings data that factored into an overage deduction. The intent of this action is to provide fishermen the opportunity to harvest the available quotas for the summer flounder fishery. **DATES:** This document is effective from January 14, 2004, through December 31, 2004.

**FOR FURTHER INFORMATION CONTACT:** Sarah McLaughlin, Fishery Policy Analyst, (978) 281-9279, fax (978) 281-9135, e-mail [sarah.mclaughlin@noaa.gov](mailto:sarah.mclaughlin@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

NMFS published final specifications and preliminary quota adjustments for the 2004 summer flounder, scup, and

black sea bass fisheries on January 14, 2004 (69 FR 2074). The final rule included preliminary 2003 landings and 2004 quota adjustments. Section 648.100(d)(1)(ii) provides that, if the Regional Administrator determines during the fishing year that any part of an overage deduction was based on erroneous landings data that were in excess of actual landings for the period concerned, the Regional Administrator will restore the overage that was deducted in error to the appropriate summer flounder quota allocation and publish notification in the **Federal Register** announcing the restoration.

During a retrospective review of the landings data used to determine overharvest or underharvest of summer flounder in 2003, NMFS determined that, for some states, a portion of the 2002 landings were misattributed and counted as 2003 landings. The result of these findings made during the data review process is that the landings recorded for certain states (Massachusetts, Connecticut, Maryland, and North Carolina) exceeded the actual landings. Therefore, NMFS hereby restores quota for the 2004 fishing year to the appropriate state quotas as follows: Massachusetts--280 lb (127 kg); Connecticut--41,107 lb (18,646 kg); Maryland--44,077 lb (19,993 kg); and North Carolina--451,595 lb (204,842 kg). The 2004 commercial summer flounder adjusted quotas (less the amount set aside for research and as published in the January 14, 2004, final rule), the amounts being restored to the 2004 adjusted quotas, and the revised 2004 adjusted quotas (less the amount set aside for research), by state, are presented in the table below.

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REVISED 2004 STATE-BY-STATE COMMERCIAL SUMMER FLOUNDER QUOTA  
ALLOCATIONS

State	2004 Adjusted Quota, less the 2004 Research Set-Aside (as published January 14, 2004)		Amount Restored to the 2004 Adjusted Quota <sup>1</sup>		Revised 2004 Quota, less the 2004 Research Set-Aside	
	lb <sup>2</sup>	kg <sup>2,3</sup>	lb	kg <sup>3</sup>	lb <sup>2</sup>	kg <sup>2,3</sup>
ME	1,107	502	0	0	1,107	502
NH	77	35	0	0	77	35
MA	1,127,996	511,655	280	127	1,128,276	511,782
RI	2,637,117	1,196,188	0	0	2,637,117	1,196,188
CT	338,424	153,508	41,107	18,646	379,531	172,154
NY	1,285,853	583,259	0	0	1,285,853	583,259
NJ	2,812,332	1,275,655	0	0	2,812,332	1,275,655
DE	(47,097)	(21,363)	0	0	(47,097)	(21,363)
MD	269,581	122,281	44,077	19,993	313,658	142,274
VA	3,584,445	1,625,894	0	0	3,584,445	1,625,894
NC	4,163,464	1,888,535	451,595	204,842	4,615,059	2,093,377
Total <sup>4</sup>	16,220,396	7,674,862	537,059	243,608	16,757,455	7,601,132

1 Amount restored was calculated to correct for the misattributed portion of 2002 landings.

2 Parentheses indicate a negative number. Delaware has an allocation of zero and continues repayment of overharvest from 2002.

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

4 Total quota is the sum of all states having allocation, i.e., states other than Delaware.

**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: March 4, 2004.

**Bruce C. Morehead,**  
*Acting Director, Office of Sustainable  
Fisheries, National Marine Fisheries Service.*  
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