

management measures to or adjust management measures in the FMP. As a consequence, the *Illex* squid moratorium limitation in the FMP is subject to an adjustment through this framework adjustment process. But the Council concluded that this process was developed to make revisions to the measures in the FMP that did not represent major changes to cornerstone provisions of the FMP, such as the moratorium on entry into the *Illex* squid fishery. Under the Magnuson-Stevens Act, the process of amending the FMP is the appropriate mechanism to extend the moratorium indefinitely.

Alternative 2 would have extended the moratorium on entry of new vessels into the *Illex* fishery, though for a shorter period. Therefore, it would not minimize impacts on vessels when compared to this action. Under Alternative 3, the no-action alternative, the *Illex* fishery would have reverted to open access which could potentially impact the current participants in the directed fishery. In 2002, there were 72 vessels permitted to participate in the directed *Illex* fishery, however, only 50 percent of those vessels (36 vessels) landed any *Illex* squid in 2002. The *Illex* squid vessels currently permitted to participate in the fishery have the capability to harvest the total harvest level. In fact, in 1998, permitted vessels were able to land the total harvest level and the fishery was closed early that year. Therefore, it is expected that if a significant number of additional vessels entered the fishery as a consequence of Alternative 3, it could affect the current revenue structures of participants and/or create derby-style fishing practices which could potentially lead to an early closure of the directed fishery.

#### *Small Entity Compliance Guide*

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule, or group of related rules, for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule and shall designate such publications as "small entity compliance guides." The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, a small entity compliance guide will be sent to all holders of *Illex* moratorium permits. In addition, copies of this final rule and guide (i.e., permit holder letter) may be found at the following web site: <http://www.nmfs.gov/ro/doc/nero.html>.

#### List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: May 25, 2004.

**William T. Hogarth**

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

■ For the reasons set out in the preamble, 50 CFR part 648 is to be amended as follows:

#### **PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES**

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.4, the heading of paragraph (a)(5)(i) is revised to read as follows:

#### **§ 648.4 Vessel permits.**

(a) \* \* \*

(5) \* \* \*

(i) *Loligo squid/butterfish and Illex squid moratorium permits (Illex squid moratorium is applicable from July 1, 1997, until July 1, 2009).* \* \* \*

\* \* \* \* \*

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#### **DEPARTMENT OF COMMERCE**

#### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 648**

[Docket No. 040113012-4145-03; I.D. 121903D]

**RIN 0648-AR62**

#### **Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Framework Adjustment 4; Correction**

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

**ACTION:** Final rule.

**SUMMARY:** NMFS published a final rule in the **Federal Register** on March 29, 2004, implementing measures contained in Framework Adjustment 4 (Framework 4) to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP). Framework 4 allows for the transfer at sea of scup between commercial fishing vessels, subject to certain requirements. The final rule incorrectly identified a cross-reference. This rule corrects the cross-reference contained in the regulatory text of the final rule implementing Framework 4.

**DATES:** Effective April 28, 2004.

**FOR FURTHER INFORMATION CONTACT:** Paul Perra, Fishery Policy Analyst, (978) 281-9153.

**SUPPLEMENTARY INFORMATION:** The final rule implementing measures contained in Framework 4 to the FMP was published in the **Federal Register** on March 29, 2004 (69 FR 16175). Section 648.6(a)(1) states, " \* \* \* Persons aboard vessels receiving transfers of scup at sea from other vessels are deemed not to be dealers, and are not required to possess a valid dealer permit under this section, for purposes of receiving scup, provided the vessel complies with section 648.13(2)." However, the cross reference cited is misspelled. It violates the sequence of paragraph designation according to the Office of the **Federal Register**, and it must be correctly spelled as § 648.13 (i)(2).

#### **Classification**

The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and the opportunity for public comment pursuant to authority set forth at 5 U.S.C. 553(b)(B), because such procedures would be unnecessary. This rule makes minor non-substantive change by spelling correctly the reference cited at § 648.6(a)(1). The public was advised in the preamble to both the proposed and final rules of the applicability of the ten conditions relating to the transfer of scup at sea codified at § 648.13(i)(2). Without the correction, this discrepancy will continue to exist, thus leading to confusion.

Because prior notice and opportunity for public comment are not required for this rule by U.S.C. 553, or any other law, the analytical requirements of the regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable. Accordingly, no regulatory flexibility analysis was required and none was prepared.

This final rule is exempt from review under Executive Order 12866.

#### **List of Subjects in 50 CFR Part 648**

Fishing, Fisheries, Reporting and recordkeeping requirements.

Dated: May 26, 2004.

**William T. Hogarth,**

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

■ Accordingly 50 CFR part 648 is corrected by making the following correcting amendment:

**PART 648—FISHERIES OF THE  
NORTHEASTERN UNITED STATES**

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

**§ 648.6 [Corrected]**

■ 1. The authority citation for part 648 continues to read as follows:

■ 2. In § 648.6(a)(1), in the last sentence, correct the reference “§ 648.13(2)” to read as “§ 648.13(i)(2).”

[FR Doc. 04-12355 Filed 5-28-04; 8:45 am]

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