

indicating the amount of quota that has been preliminarily set aside for research purposes, as recommended by the Council and Board, and a brief description of the three RSA projects. The RSA amounts may be adjusted in the final rule establishing the annual specifications for the summer flounder, scup, and black sea bass fisheries or, if the total amount of the quota set-aside is not awarded, NMFS will publish a notice in the **Federal Register** to restore the unused RSA amount to the applicable TAL.

For 2004, three RSA projects have been conditionally approved by NMFS, and are currently awaiting award by the NOAA Grants Office. The total RSA quota, approved by the Council and Board, allocated for all three projects are: 174,750 lb (79 metric tons (mt)) of summer flounder; 160,000 lb (73 mt) of scup; 134,792 lb (61 mt) of black sea bass; 281,250 lb (128 mt) of *Loligo* squid; and 297,750 lb (135 mt) of bluefish.

The University of Rhode Island submitted a proposal to develop a fishery-independent scup survey that utilizes unvented fish traps fished on hard bottom areas in southern New England waters to characterize the size composition of the scup population. Survey activities would be conducted from May 1 through November 30, 2004, at six rocky bottom study sites located offshore, where there is a minimal scup pot fishery and no active trawl fishery. One vessel would conduct the project. Sampling would occur off the coasts of Rhode Island and southern Massachusetts. The RSA allocated for this project is 12,292 lb (5.6 mt) of black sea bass and 40,000 lb (18 mt) of scup.

The National Fisheries Institute and Rutgers University submitted a proposal to conduct a second year of work on the development/refinement of a commercial vessel-based survey program in the Mid-Atlantic region that tracks the migratory behavior of selected recreationally and commercially important species. Information gathered during this project would supplement the NMFS finfish survey databases and include development of ways to better evaluate how seasonal migration of fish in the Mid-Atlantic influences stock abundance estimates. One vessel would conduct research trawl survey work in the Mid-Atlantic along six offshore transects near Alvin, Hudson, Wilmington, Baltimore, and Washington Canyons. Up to 16, 2-hour tows would be conducted among 10 sites along each transect from 45 to 225 fathoms (82 to 411 meters). The Baltimore and Hudson Canyons transects would be surveyed in January and May and all six transects

would be surveyed in March.

Additional transects may be conducted if necessary. Approximately 20 vessels operating from Rhode Island to North Carolina would participate in the project over the period of January 1 through December 31, 2004. The RSA allocated for the project is 74,750 lb (40 mt) of summer flounder; 120,000 lb (54 mt) of scup; 281,250 lb (128 mt) of *Loligo* squid; 51,000 lb (23 mt) of black sea bass; and 104,816 lb (48 mt) of bluefish.

The Cornell Cooperative Extension of Suffolk County, New York, submitted a proposal to evaluate fish escapement from certain gear and fish behavior of black sea bass, and is intended to enhance fishery information relative to the black sea bass pot fishery in the Mid-Atlantic region. With the use of experimental pots and underwater video, various escape vent configurations would be investigated. The project would also explore black sea bass mortality in pots left fishing during closed periods. Additionally, a sea sampling and dockside sampling program for black sea bass that supplements the NMFS black sea bass tagging program would be implemented. One vessel would conduct the project, and sampling would occur off Long Island, New York, from April 1 through December 31, 2004. The RSA allocated for the project is 71,500 lb (32 mt) of black sea bass.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

Explanation of Quota Adjustments Due to Quota Overages

This proposed rule calculates commercial quotas based on the proposed TALs and Total Allowable Catches (TACs) and the formulas for allocation contained in the FMP. In 2002, NMFS published final regulations to implement a regulatory amendment (67 FR 6877, February 14, 2002) that revised the way in which the commercial quotas for summer flounder, scup, and black sea bass are adjusted if landings in any fishing year exceed the quota allocated (thus resulting in a quota overage). If NMFS approves a different TAL or TAC at the final rule stage, the commercial quotas will be recalculated based on the formulas in the FMP. Likewise, if new information indicates that overages have occurred and deductions are necessary, NMFS will publish notice of the adjusted quotas in the **Federal Register**.

NMFS anticipates that the information necessary to determine whether overage deductions are necessary will be available by time of publication of the final rule to implement these specifications. The commercial quotas contained in this proposed rule for summer flounder, scup, and black sea bass do not reflect any deductions for overages. The final rule, however, will contain quotas that have been adjusted consistent with the procedures described above and contained in the regulatory amendment. Accordingly, landings information will be based upon: (1) Landings reported for the period January 1–October 31, 2003; (2) landings from the period November 1–December 31, 2002; and (3) late reported landings for the period January 1–October 31, 2002.

Summer Flounder

The FMP specifies a target fishing mortality rate (F) of F_{max} , that is, the level of fishing that produces maximum yield per recruit. The best available scientific information indicates that, for 2004, F_{max} for summer flounder is 0.26 (equal to an exploitation rate of about 22 percent from fishing).

The status of the summer flounder stock is evaluated annually. The most recent stock assessment, updated by the Northeast Fisheries Science Center (NEFSC) Southern Demersal Working Group in June 2003, indicated that the summer flounder stock is not overfished and overfishing is not occurring, according to the definitions in the FMP. This conclusion was derived from the fact that, in 2002, the estimated total stock biomass of 124 million lb (56,246 mt) is 5 percent above the biomass threshold of 117.3 million lb (53,200 mt) under which the stock is considered overfished ($\frac{1}{2}B_{msy}$), and the estimated F of 0.23 was below the FMP overfishing definition of $F=F_{max}=0.26$. In addition, spawning stock biomass (SSB) has increased steadily from 20.5 million lb (9,303 mt) in 1993 to 93 million lb (42,185 mt) in 2002, the highest value in the time series. Although the stock is no longer considered overfished, additional rebuilding is necessary because the Magnuson-Stevens Act requires that stocks be rebuilt to the level that produces maximum sustainable yield on a continuing basis, *i.e.*, 234.6 million lb (106,400 mt) for summer flounder.

The Summer Flounder Monitoring Committee reviewed the stock status and recommended a TAL of 28.2 million lb (12,791 mt), an increase of 21 percent relative to the 2003 TAL. The Monitoring Committee determined that this TAL would have at least a 50-percent probability of achieving the