

of 317 small entities. There are no recordkeeping or reporting requirements associated with these actions. A range of alternatives was considered for each action. For the action associated with modifying the Area 4 CSP, allowing Area 4D halibut CDQ to be harvested in Area 4E was the preferred alternative selected by the Council. For the Area 4E trip limit action, the preferred alternative was increasing the trip limit to 10,000 lb (4.54 mt) and suspending the trip limit annually after September 1.

The proposed rule, published in the **Federal Register** on October 15, 2002 (67 FR 63600), contained a more lengthy discussion of the alternatives that were considered for this action and are not repeated here. The preferred alternatives for Actions 1 and 2 constitute the least burdensome alternatives to regulated small entities, among the suite of options available, while simultaneously achieving the objectives of this regulatory amendment. In other words, no other alternatives were identified which would reduce the potential adverse impacts on small entities, while achieving the Council's objectives for the Area 4 Halibut CDQ Program. The Area 4 CSP modification and the revision to 50 CFR part 679 would have no negative impacts in and of themselves, but are intended to increase the harvesting flexibility for participants in the halibut CDQ fishery in Areas 4D and 4E. These changes will allow CDQ groups with halibut CDQ allocations in these areas to tailor their halibut CDQ fishing operations to enhance economic opportunities for the western Alaska communities that they represent.

This final rule does not contain a collection-of-information requirement subject to review and approval by the Office of Management and Budget under the Paperwork Reduction Act. This final rule does not duplicate, overlap, or conflict with other Federal regulations.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

#### List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: February 25, 2003.

**Rebecca Lent,**

*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 679 is amended as follows:

### PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for part 679 is amended to read as follows:

**Authority:** 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*; 16 U.S.C. 1540(f); Pub. L. 105-277, Title II of Division C; Pub. L. 106-31, Sec. 3027; and Pub. L. 106-554, Sec. 209.

2. In § 679.31, paragraph (b)(3)(iv) is revised to read as follows:

#### § 679.31 CDQ reserves.

\* \* \* \* \*

(b) \* \* \*

(3) \* \* \*

(iv) *Area 4E.* In IPHC regulatory area 4E, 100 percent of the halibut quota shall be made available to eligible communities located in, or proximate to, IPHC regulatory area 4E. A fishing trip limit of 10,000 lb (4.54 mt) applies to halibut CDQ harvested in IPHC regulatory area 4E through September 1.

\* \* \* \* \*

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### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 021122284-2323-02; I.D. 021403E]

#### Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Adjustments to the 2003 Commercial Quotas

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

**ACTION:** Commercial quota restoration.

**SUMMARY:** NMFS publishes revised 2003 commercial quotas for summer flounder, scup, and black sea bass. 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 quota for these fisheries.

**DATES:** Effective February 25, 2003, through December 31, 2003.

#### FOR FURTHER INFORMATION CONTACT:

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9135, e-mail sarah.mclaughlin@noaa.gov.

#### SUPPLEMENTARY INFORMATION:

#### Background

NMFS published final specifications and preliminary quota adjustments for the 2003 summer flounder, scup, and black sea bass fisheries on January 2, 2003 (68 FR 60). The final rule included preliminary 2002 landings and 2003 quota adjustments. Sections 648.100(d), 648.120(d), and 648.140(d) provide 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 quota allocation and publish notification in the **Federal Register** announcing the restoration.

During a retrospective review of the 2002 research set-aside (RSA) program and data accounting procedures, NMFS discovered a discrepancy in how RSA landings were attributed and subsequently used for quota monitoring; i.e., the RSA landings were counted as commercial landings in the summer flounder, scup, and black sea bass fisheries. Because RSA landings are authorized under a separate quota for each of these three fisheries, they are intended to be accounted for separately from other landings. As a result, actual commercial landings for certain 2002 quota periods were lower than previously reported, and quota overages calculated for 2002 incorrectly included RSA landings, which resulted in lower adjusted 2003 quotas than are necessary.

During a separate retrospective review of the landings data used to determine overharvest or underharvest of summer flounder in 2002, NMFS determined that, for some states, a portion of the landings considered to be late reports for 2001 landings were misattributed and counted as 2002 landings. In addition, some trip-level data that had already been included in monthly landings data reports were reported by the State of Connecticut. The result of these three findings made during the data review process is that the landings recorded for certain states or quota periods exceeded the actual landings. Therefore, NMFS hereby restores these inappropriately deducted landings to the appropriate state and period quotas for the 2003 fisheries.

#### Summer Flounder Quota Corrections

A total of 317 lb (144 kg) of summer flounder RSA landings were counted