



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930-2298

October 3, 2005

SMALL ENTITY COMPLIANCE GUIDE

Dear Permit Holder:

This letter is to inform you that the National Marine Fisheries Service (NOAA Fisheries Service) has corrected the 2005 Winter II commercial scup quota and possession limit, as recently adjusted in the Federal Register (70 FR 44291, August 2, 2005). Since publication of the adjustment, NOAA Fisheries Service has determined that 291,135 lb of scup landed during the 2005 Winter I period were misreported as unclassified porgies or red porgies via the Electronic Dealer Reporting System, and has properly accounted for those landings as scup. Taking into consideration all updated Winter I landings information as of September 18, 2005:

The unused 2005 Winter I commercial scup quota is: 1,835,953 lb
The current 2005 Winter II commercial scup quota is: 1,949,962 lb
The revised 2005 Winter II commercial scup quota is: 3,785,915 lb

The 2005 Winter II possession limit has been increased to **3,000 lb per trip**, consistent with the rollover specifications established in the final rule to implement the 2005 summer flounder, scup, and black sea bass quotas (70 FR 303, January 4, 2005), in order to provide an appropriate opportunity for fishing vessels to obtain the increased Winter II quota. Note: In cases where state possession limits for scup differ from the Federal possession limit, federally permitted vessels are required to abide by the more restrictive state or Federal measure.

This action complies with Framework Adjustment 3 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, which established a process to allow the rollover of unused commercial scup quota from the Winter I period to the Winter II period. The initial 2005 Winter I scup quota was 5,518,367 lb.

You may also receive permit holder letters, including closure notices, by e-mail by clicking on "Permit Holder Letters" on our website at <http://www.nero.noaa.gov>; or via fax by providing a fax number through a written request to the above address, or by faxing your request to 978-281-9135. This small entity compliance guide complies with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996.

Sincerely,

Patricia A. Kurkul
Regional Administrator

