

■ In consideration of the foregoing, 49 CFR part 578 is amended as set forth below.

**PART 578—CIVIL AND CRIMINAL PENALTIES**

■ 1. The authority citation for 49 CFR part 578 continues to read as follows:

**Authority:** Pub. L. 101-410, Pub. L. 104-134, Pub. L. 106-414, 49 U.S.C. 30165, 30170, 30505, 32308, 32309, 32507, 32709, 32710, 32912, and 33115; delegation of authority at 49 CFR 1.50.

■ 2. Section 578.6 is amended by revising, in paragraph (f)(1), the third sentence; revising, in paragraph (g)(1), the third sentence; and revising paragraph (g)(2), to read as follows:

**§ 578.6 Civil penalties for violations of specified provisions of Title 49 of the United States Code.**

\* \* \* \* \*

(f) *Odometer tampering and disclosure.* (1) \* \* \* The maximum civil penalty under this paragraph for a related series of violations is \$130,000.

\* \* \* \* \*

(g) *Vehicle theft protection.* (1) \* \* \* The maximum penalty under this paragraph for a related series of violations is \$325,000.

(2) A person that violates 49 U.S.C. 33114(a)(5) is liable to the United States Government for a civil penalty of not more than \$130,000 a day for each violation.

\* \* \* \* \*

Issued on: September 1, 2005.

**Jacqueline Glassman,**

*Deputy Administrator.*

[FR Doc. 05-17747 Filed 9-7-05; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 040809233-4363-03; I.D. 083105A]

**Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Closed Area I Scallop Access Area to General Category Scallop Vessels**

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS announces the closure of the Closed Area I (CAI) Scallop Access Area for general category scallop vessels for the remainder of the 2005 fishing year (through February 28, 2006). This closure is based on a determination by the Northeast Regional Administrator (RA) that general category scallop vessels will have made all of the 162 allowed trips by 0001 hr local time September 8, 2005. This action is being taken to prevent the allocation of general category trips in CAI Scallop Access Area from being exceeded during the 2005 fishing year in accordance with the regulations implemented under Framework 16 to the Atlantic Sea Scallop Fishery Management Plan (FMP) and Framework 39 to the Northeast Multispecies FMP (Joint Frameworks) and the Magnuson-Stevens Fishery Conservation and Management Act.

**DATES:** Effective 0001 hr local time September 8, 2005, through February 28, 2006.

**FOR FURTHER INFORMATION CONTACT:** Don Frei, Fishery Management Specialist, (978) 281-9221, fax (978) 281-9135.

**SUPPLEMENTARY INFORMATION:** Regulations governing fishing activity in the Sea Scallop Access Areas are found at 50 CFR 648.59 and 648.60. Regulations specifically governing general category scallop vessel operations in the CAI Scallop Access Area are specified at ' 648.59(b)(5)(ii). These regulations authorize vessels issued a valid general category scallop permit to fish in the CAI Scallop Access Area under specific conditions, including a cap of 162 trips to be made by general category vessels during the 2005 fishing year. The regulations at ' 648.59(b)(5)(ii) require the RA to close the CAI Scallop Access Area to general category scallop vessels once the RA has determined that the allowed number of trips are projected to be taken.

As of August 26, 2005, 136 trips had been completed by general category scallop vessels fishing in the CAI Scallop Access Area. Based on VMS trip declarations and analysis of fishing effort, a projection concluded that, given current activity levels by general category scallop vessels in the area, the trip cap would be attained by September 8, 2005. Therefore, in accordance with the regulations at 50 CFR 648.59(b)(5)(ii), this action closes the CAI Scallop Access Area to all general category scallop vessels as of 0001 hr local time September 8, 2005. This closure is in effect for the remainder of the 2005 fishing year, which ends February 28, 2006. The CAI Scallop Access Area is scheduled to re-open to

scallop fishing, including trips for general category scallop vessels, on June 15, 2006, unless the schedule for Scallop Access Areas is modified by the New England Fishery Management Council.

**Classification**

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries (AA) finds good cause to waive prior notice and opportunity for public comment because it is impracticable and contrary to the public interest. The regulations at ' 648.59(b)(5)(ii) require the RA to close the CAI Scallop Access Area to general category scallop vessels to ensure that general category scallop vessels do not take more than the allocated number of trips in the Scallop Access Area. Data only recently became available indicating that the allocated trips will be taken by September 8, 2005. Allowing general category vessels to continue to take trips in the CAI Scallop Access Area after September 8, 2005, would result in vessels taking more than the allowed number of trips in the CAI Scallop Access Area, and in the localized over-harvest of the scallop resource. Such overharvest would likely reduce the projected levels of fishing activity within the CAI Scallop Access Area in future years for both general category and limited access scallop vessels. This conflicts with the agency's obligation to achieve the objectives of the FMP and to implement its measures in an effective manner. Based on the foregoing, the AA finds good cause pursuant to 5 U.S.C. 553(d)(3) to waive the 30-day delayed effectiveness period for this action.

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

Dated: September 2, 2005.

**Emily Menashes,**

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

[FR Doc. 05-17801 Filed 9-2-05; 2:32 pm]

**BILLING CODE 3510-22-S**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 041126333-5040-02; I.D. 090205A]

**Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska**

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed fishing for pollock in Statistical Area 610 of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the C season allowance of the 2005 total allowable catch (TAC) of pollock for Statistical Area 610 of the GOA.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), September 3, 2005, through 1200 hrs, A.l.t., October 1, 2005.

**FOR FURTHER INFORMATION CONTACT:** Josh Keaton, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The C season allowance of the 2005 TAC of pollock in Statistical Area 610 of the GOA is 10,155 metric tons (mt) as established by the 2005 and 2006 harvest specifications for groundfish of the GOA (70 FR 8958, February 24, 2005). In accordance with § 679.20(a)(5)(iv)(B) the Administrator, Alaska Region, NMFS (Regional

Administrator), hereby increases the C season pollock allowance by 395 mt, the remaining amount of the A and B season allowance of the pollock TAC in Statistical Area 610. The revised C season allowance of the pollock TAC in Statistical Area 610 is therefore 10,550 mt (10,155 mt plus 395 mt).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the C season allowance of the 2005 TAC of pollock in Statistical Area 610 of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 10,500 mt, and is setting aside the remaining 50 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 610 of the GOA.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

**Classification**

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of pollock in Statistical Area 610 of the GOA. NMFS was unable to publish an action providing time for public comment because the most recent, relevant data only became available as of August 31, 2005.

The AA also finds good cause to waive the 30 day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: September 2, 2005.

**Emily Menashes,**

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

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**BILLING CODE 3510-22-S**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 679****Fisheries of the Exclusive Economic Zone Off Alaska***CFR Correction*

In Title 50 of the Code of Federal Regulations, part 600 to end, revised as of October 1, 2004, § 679.22 is corrected by reinstating paragraph (b)(5) as follows:

**§ 679.22 Closures.**

\* \* \* \* \*

(b) \* \* \*

(5) *Sitka Pinnacles Marine Reserve.* (i) No vessel required to have a Federal fisheries permit under § 679.4(b) may fish for groundfish or anchor in the Sitka Pinnacles Marine Reserve, as described in Figure 18 to this part.

(ii) No vessel required to have on board an IFQ halibut permit under § 679.4(d) may fish for halibut or anchor in the Sitka Pinnacles Marine Reserve, as described in Figure 18 to this part.

[FR Doc. 05-55510 Filed 9-7-05; 8:45 am]

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