

§ 32.50 [Amended]

■ 5. Amending § 32.50 New Mexico by revising instruction 25 to read as follows: “Amend § 32.50 New Mexico by revising paragraph A.2. and adding paragraph B.3. of Bosque del Apache National Wildlife Refuge to read as follows:”.

§ 32.52 [Amended]

■ 6. Amending § 32.52 North Carolina by revising instruction 27.a. to read as follows: “Revising paragraph A.5., adding paragraphs A.6. and A.7., revising paragraphs B.1. through B.4., and C.1. through C.4., and removing paragraph C.5. of Alligator River National Wildlife Refuge; and”.

§ 32.56 [Amended]

■ 7. Amend § 32.56 Oregon by:
 ■ a. Revising instruction 30.a. to read as follows: “Adding paragraphs A.9. and B.6. of Cold Springs National Wildlife Refuge;”;
 ■ b. Revising instruction 30.c. to read as follows: “Adding paragraph A.8. and revising paragraph B.1. of McKay Creek National Wildlife Refuge; and”; and
 ■ c. Revising paragraph designation B.3. to read B.6. of Cold Springs National Wildlife Refuge.

§ 32.62 [Amended]

■ 8. Amend § 32.62 Tennessee by:
 ■ a. Revising instruction 34 to read “Amend § 32.62 Tennessee by:”; and
 ■ b. Revising the section heading “§ 32.63 Tennessee.” to read “§ 32.62 Tennessee.”.

§ 32.63 [Amended]

■ 9. Amend § 32.63 Texas instruction 35.d. by revising the spelling of “Laguna Atascosa National Wildlife Refuge;” to read “Laguna Atascosa National Wildlife Refuge;”.

§ 32.66 [Amended]

■ 10. Amend § 32.66 Virginia by amending instruction 37.a. to read: “Adding paragraph C.2.vi. of Chincoteague National Wildlife Refuge;”.

Dated: September 20, 2005.

Leslie A. Marler,

National Wildlife Refuge System Federal Register Liaison.

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

[Docket No. 041126332–5039–02; I.D. 092105D]

Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Atka mackerel in the Central Aleutian District of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2005 Atka mackerel total allowable catch (TAC) in the Central Aleutian District of the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 22, 2005, through 2400 hrs, A.l.t., December 31, 2005.

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

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (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 2005 Atka mackerel TAC in the Central Aleutian District of the BSAI is 32,838 metric tons (mt) as established by the 2005 and 2006 final harvest specifications for groundfish in the BSAI (70 FR 8979, February 24, 2005).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2005 Atka mackerel

TAC in the Central Aleutian District of the BSAI will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 32,788 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 Atka mackerel in the Central Aleutian District of the BSAI.

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 Atka mackerel in the Central Aleutian District of the BSAI. NMFS was unable to publish an action providing time for public comment because the most recent, relevant data only became available as of September 16, 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 22, 2005.

Alan D. Risenhoover,

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

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