

authorization will be forwarded to the Office of the Provost Marshal General (OPMG), 2800 Army Pentagon, Washington, DC 20310-2800.

#### § 637.19 Overseas MP desk.

The recording of telephone communications at MP operations desks outside the United States will be conducted within restrictions contained in international agreements between the U.S. and host nations.

#### § 637.20 Security surveillance systems.

Closed circuit video recording systems, to include those with an audio capability, may be employed for security purposes in public places so long as notices are conspicuously displayed at all entrances, providing persons who enter with a clear warning that this type of monitoring is being conducted.

#### § 637.21 Recording interviews and interrogations.

The recording of interviews and interrogations by military police personnel is authorized, provided the interviewee is on notice that the testimony or statement is being recorded. This procedure is a long-accepted law enforcement procedure, not precluded by DA policies pertaining to wiretap, investigative monitoring, and eavesdrop activities.

#### Subpart B—[Reserved]

[FR Doc. 05-12310 Filed 6-21-05; 8:45 am]

BILLING CODE 3710-08-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[CGD09-05-022]

#### Safety Zone: Captain of the Port Detroit Zone

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of Implementation of final rule.

**SUMMARY:** The Coast Guard is implementing safety zones for annual fireworks displays in the Captain of the Port Detroit Zone during June 2005. This action is necessary to provide for the safety of life and property on navigable waters during these events. These safety zones will restrict vessel traffic from a portion of the Captain of the Port Detroit Zone.

**DATES:** Effective from 9:30 p.m. (local) on June 23, 2005, to 10:30 p.m. (local) on June 24, 2005.

#### FOR FURTHER INFORMATION CONTACT:

LTJG Cynthia Channell, Chief of Waterways Management, Sector Detroit, 110 Mt. Elliott Ave., Detroit, MI at (313) 568-9580.

**SUPPLEMENTARY INFORMATION:** The Coast Guard is implementing three permanent safety zones in 33 CFR 165.907 (published May 21, 2001, in the **Federal Register**, 66 FR 27868), for fireworks displays in the Captain of the Port Detroit Zone during June 2005. The following safety zones are in effect for fireworks displays occurring in the month of June 2005:

33 CFR 165.907(a)(1): *Bay-Rama Fishfly Festival, New Baltimore, MI.* This safety zone encompasses all waters off New Baltimore City Park, Lake St. Clair-Anchor Bay bounded by the arc of a circle with a 300-yard radius with its center located at approximate position 42°41'N, 082°44'W. This § 165.907(a)(1) safety zone will be enforced on June 23, 2005, from 9:30 p.m. to 10:30 p.m.

33 CFR 165.907(a)(3): *Sigma Gamma Assoc., Grosse Pointe Farms, MI.* This safety zone encompasses all waters off Ford's Cove, Lake St. Clair bounded by the arc of a circle with a 300-yard radius with its center in approximate position 42°27'N, 082°52'W. This § 165.907(a)(3) safety zone will be enforced on June 24, 2003 from 9:30 p.m. to 10:30 p.m.

33 CFR 165.907(a)(13): *St. Clair Shores Fireworks, St. Clair Shores, MI.* This safety zone encompasses all waters of Lake St. Clair within a 300-yard radius of the fireworks barge in approximate position 42°32'N, 082°51'W, about 1000 yards east of Veterans Memorial Park (off Masonic Rd.), St. Clair Shores, MI. This § 165.907(a)(13) safety zone will be enforced on June 24, 2005, from 10 p.m. to 10:30 p.m.

In order to ensure the safety of spectators and transiting vessels, these safety zones will be in effect for the duration of the events. In the event that these safety zones affect shipping, commercial vessels may request permission from the Captain of the Port Detroit to transit through the safety zone.

Requests must be made in advance and approved by the Captain of the Port before transits will be authorized. The Captain of the Port may be contacted via U.S. Coast Guard Group Detroit on channel 16, VHF-FM. The Coast Guard will give notice to the public via a Broadcast to Mariners that the regulation is in effect.

Dated: June 9, 2005.

**P.W. Brennan,**

*Captain, U.S. Coast Guard, Captain of the Port Detroit.*

[FR Doc. 05-12355 Filed 6-21-05; 8:45 am]

BILLING CODE 4910-15-P

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### 36 CFR Part 242

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 100

#### Subsistence Management Regulations for Public Lands in Alaska, Subpart D; Seasonal Adjustments—Copper and Stikine Rivers

**AGENCIES:** Forest Service, USDA; Fish and Wildlife Service, Interior.

**ACTION:** Seasonal adjustments.

**SUMMARY:** This provides notice of the Federal Subsistence Board's in-season management actions to protect sockeye salmon escapement in the Copper River, while still providing for a subsistence harvest opportunity and to provide for a more efficient harvest method for chinook salmon in the Stikine River. The revised fishing schedule for the Chitina Subdistrict of the Copper River and net mesh size revision will provide an exception to the Subsistence Management Regulations for Public Lands in Alaska, published in the **Federal Register** on March 21, 2005. Those regulations established seasons, harvest limits, methods, and means relating to the taking of fish and shellfish for subsistence uses during the 2005 regulatory year.

**DATES:** The fishing schedule for the Chitina Subdistrict of the Upper Copper River District is effective June 2, 2005, through August 2, 2005. The mesh size revision for the Stikine River is effective June 4, 2005, through June 20, 2005.

**FOR FURTHER INFORMATION CONTACT:** Thomas H. Boyd, Office of Subsistence Management, U.S. Fish and Wildlife Service, telephone (907) 786-3888. For questions specific to National Forest System lands, contact Steve Kessler, Subsistence Program Manager, USDA—Forest Service, Alaska Region, telephone (907) 786-3592.

#### SUPPLEMENTARY INFORMATION:

#### Background

Title VIII of the Alaska National Interest Lands Conservation Act

(ANILCA) (16 U.S.C. 3111–3126) requires that the Secretary of the Interior and the Secretary of Agriculture (Secretaries) implement a joint program to grant a preference for subsistence uses of fish and wildlife resources on public lands in Alaska, unless the State of Alaska enacts and implements laws of general applicability that are consistent with ANILCA and that provide for the subsistence definition, preference, and participation specified in Sections 803, 804, and 805 of ANILCA. In December 1989, the Alaska Supreme Court ruled that the rural preference in the State subsistence statute violated the Alaska Constitution and, therefore, negated State compliance with ANILCA.

The Department of the Interior and the Department of Agriculture (Departments) assumed, on July 1, 1990, responsibility for implementation of Title VIII of ANILCA on public lands. The Departments administer Title VIII through regulations at title 50, part 100 and title 36, part 242 of the Code of Federal Regulations (CFR). Consistent with subparts A, B, and C of these regulations, as revised January 8, 1999 (64 FR 1276), the Departments established a Federal Subsistence Board to administer the Federal Subsistence Management Program. The Board's composition includes a Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture; the Alaska Regional Director, U.S. Fish and Wildlife Service; the Alaska Regional Director, National Park Service; the Alaska State Director, Bureau of Land Management; the Alaska Regional Director, Bureau of Indian Affairs; and the Alaska Regional Forester, USDA Forest Service. Through the Board, these agencies participate in the development of regulations for subparts A, B, and C, which establish the program structure and determine which Alaska residents are eligible to take specific species for subsistence uses, and the annual subpart D regulations, which establish seasons, harvest limits, and methods and means for subsistence take of species in specific areas. Subpart D regulations for the 2005 fishing seasons, harvest limits, and methods and means were published on March 21, 2005 (70 FR 13377).

Because this action relates to public lands managed by an agency or agencies in both the Departments of Agriculture and the Interior, identical closures and adjustments would apply to 36 CFR part 242 and 50 CFR part 100.

The Alaska Department of Fish and Game (ADF&G), under the direction of the Alaska Board of Fisheries (BOF), manages sport, commercial, personal

use, and State subsistence harvest on all lands and waters throughout Alaska. However, on Federal lands and waters, the Federal Subsistence Board implements a subsistence priority for rural residents as provided by Title VIII of ANILCA. In providing this priority, the Board may, when necessary, preempt State harvest regulations for fish or wildlife on Federal lands and waters.

These actions are authorized and in accordance with 50 CFR 100.19(d–e) and 36 CFR 242.19(d–e).

#### *Copper River—Chitina Subdistrict*

In December 2001, the Board adopted regulatory proposals establishing a new Federal subsistence fishery in the Chitina Subdistrict of the Copper River. This fishery is open to Federally qualified users having customary and traditional use of salmon in this Subdistrict. The State conducts a personal use fishery in this Subdistrict that is open to all Alaska residents.

Management of the fishery is based on the numbers of salmon returning to the Copper River. A larger than predicted salmon run will allow additional fishing time. A smaller than predicted run will require restrictions to achieve upriver passage and spawning escapement goals. A run that approximates the pre-season forecast will allow fishing to proceed similar to the pre-season schedule with some adjustments made to fishing time based on in-season data. Adjustments to the preseason schedule are expected as a normal function of an abundance-based management strategy. State and Federal managers, reviewing and discussing all available in-season information, will make these adjustments.

While Federal and State regulations currently differ for this Subdistrict, the Board indicated that Federal in-season management actions regarding fishing periods were expected to mirror State actions. The State established a preseason schedule of allowable fishing periods based on daily projected sonar estimates. The preseason schedule was intended to distribute the harvest throughout the salmon run and provide salmon for upriver subsistence fisheries and the spawning escapement. Data regarding the salmon return to the Copper River is now available from estimates made by the Miles Lake sonar. Data from the sonar indicate that there are now sufficient salmon in the Copper River to allow additional fishing time in the Chitina Subdistrict, provide for the needs of upper Copper River users and achieve spawning escapement objectives. Shown below are the fishing

schedule openings for the Chitina Subdistrict of the Copper River:

Monday, June 6, 12:01 a.m.–Sunday, June 12, 11:59 p.m.  
 Monday, June 13, 12:01 a.m.–Sunday, June 19, 11:59 p.m.  
 Monday, June 20, 12:01 a.m.–Sunday, June 26, 11:59 p.m.  
 Monday, June 27, 12:01 a.m.–Sunday, July 3, 11:59 p.m.  
 Tuesday, July 5, 12:01 a.m.–Sunday, July 10, 11:59 p.m.  
 Wednesday, July 13, 8 a.m.–Sunday, July 17, 11:59 p.m.  
 Tuesday, July 19, 12:01 a.m.–Sunday, July 24, 11:59 p.m.  
 Monday, July 25, 12:01 a.m.–Friday, September 30, 11:59 p.m.

State personal use and Federal subsistence fisheries in this Subdistrict close simultaneously by regulation on September 30, 2005. No deviation from this date is anticipated.

#### *Stikine River*

The Pacific Salmon Commission, established by treaty between the United States and Canada in 1985, and its Panels, address the management of transboundary salmon stocks, including those of the Stikine River. The Transboundary Panel approves a joint management plan for enhancement and harvest of Chinook, sockeye and coho salmon populations. Each year the Transboundary Technical Committee meets prior to the season to update joint management and enhancement plans, develop run forecasts and determine new parameters for input into the inseason run forecast model, referred to as the Stikine Management Model. Fisheries targeting the Stikine River stocks are addressed in Annex IX of the U.S.-Canada Treaty.

In December of 2003, the Board approved a regulation, pending coordination with the PSC process, which provided for methods, a season and guideline harvest limits for Stikine River chinook salmon. Included in the methods was a maximum gillnet mesh size of 5½ inches for all species. The PSC reached agreement on the chinook fisheries in 2005.

Chinook salmon populations in the Stikine River are healthy. Gillnet mesh restrictions are not necessary for management of the very limited Stikine River subsistence salmon fisheries. The fisheries are constrained by having permits valid for only 15-day time periods, restricting the length of gillnets to 15 fathoms, specifying a season, specifying individual harvests (5 chinook) and providing for an overall guideline harvest for each species (125 chinook). The increased mesh size will

promote efficiency by allowing users to use a gillnet sized appropriately to harvest chinook salmon. Although the Southeast Regional Advisory Council requested an unlimited mesh size, Canada requested an 8 inch maximum mesh size. The Stikine River U.S.—Canada Chinook in-river test fishing program uses a 7¼ inch gillnet mesh to harvest Chinook salmon. Limiting the mesh size to 8 inches should not result in reduced chinook harvest for subsistence fishing.

The Federal Subsistence Board approved a larger mesh size to 8 inches for gillnets during the remainder of the chinook salmon season on the Stikine River in 2005. This is effective June 4, through June 20, 2005.

The Board finds that additional public notice and comment requirements under the Administrative Procedure Act (APA) for these adjustments are impracticable, unnecessary, and contrary to the public interest. Lack of appropriate and immediate conservation measures could seriously affect the continued viability of fish populations, adversely impact future subsistence opportunities for rural Alaskans, and would generally fail to serve the overall public interest. Therefore, the Board finds good cause pursuant to 5 U.S.C. 553(b)(3)(B) to waive additional public notice and comment procedures prior to implementation of these actions and pursuant to 5 U.S.C. 553(d)(3) to make this rule effective as indicated in the **DATES** section.

### **Conformance With Statutory and Regulatory Authorities**

#### *National Environmental Policy Act Compliance*

A Final Environmental Impact Statement (FEIS) was published on February 28, 1992, and a Record of Decision on Subsistence Management for Federal Public Lands in Alaska (ROD) was signed April 6, 1992. The final rule for Subsistence Management Regulations for Public Lands in Alaska, subparts A, B, and C (57 FR 22940, published May 29, 1992), implemented the Federal Subsistence Management Program and included a framework for an annual cycle for subsistence hunting and fishing regulations. A final rule that redefined the jurisdiction of the Federal Subsistence Management Program to include waters subject to the subsistence priority was published on January 8, 1999 (64 FR 1276.)

#### *Compliance With Section 810 of ANILCA*

The intent of all Federal subsistence regulations is to accord subsistence uses

of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. A Section 810 analysis was completed as part of the FEIS process. The final Section 810 analysis determination appeared in the April 6, 1992, ROD, which concluded that the Federal Subsistence Management Program, under Alternative IV with an annual process for setting hunting and fishing regulations, may have some local impacts on subsistence uses, but the program is not likely to significantly restrict subsistence uses.

#### *Paperwork Reduction Act*

The adjustment and emergency closures do not contain information collection requirements subject to Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1995.

#### *Other Requirements*

The adjustments have been exempted from OMB review under Executive Order 12866.

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations, or governmental jurisdictions. The exact number of businesses and the amount of trade that will result from this Federal land-related activity is unknown. The aggregate effect is an insignificant economic effect (both positive and negative) on a small number of small entities supporting subsistence activities, such as boat, fishing gear, and gasoline dealers.

The number of small entities affected is unknown; however, the effects will be seasonally and geographically-limited in nature and will likely not be significant. The Departments certify that the adjustments will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act. Under the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801 *et seq.*), this rule is not a major rule. It does not have an effect on the economy of \$100 million or more, will not cause a major increase in costs or prices for consumers, and does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Title VIII of ANILCA requires the Secretaries to administer a subsistence preference on public lands. The scope of this program is limited by definition to certain public lands. Likewise, the adjustments have no potential takings of private property implications as defined by Executive Order 12630.

The Service has determined and certifies pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that the adjustments will not impose a cost of \$100 million or more in any given year on local or State governments or private entities. The implementation is by Federal agencies, and no cost is involved to any State or local entities or Tribal governments.

The Service has determined that the adjustments meet the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988, regarding civil justice reform.

In accordance with Executive Order 13132, the adjustments do not have sufficient federalism implications to warrant the preparation of a federalism assessment. Title VIII of ANILCA precludes the State from exercising subsistence management authority over fish and wildlife resources on Federal lands. Cooperative salmon run assessment efforts with ADF&G will continue.

In accordance with the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments" (59 FR 22951), Executive Order 13175, and 512 DM 2, we have evaluated possible effects on Federally recognized Indian tribes and have determined that there are no effects. The Bureau of Indian Affairs is a participating agency in this rulemaking.

On May 18, 2001, the President issued Executive Order 13211 on regulations that significantly affect energy supply, distribution, or use. This Executive Order requires agencies to prepare Statements of Energy Effects when undertaking certain actions. As these actions are not expected to significantly affect energy supply, distribution, or use, they are not significant energy actions and no Statement of Energy Effects is required.

#### *Drafting Information*

Bill Knauer drafted this document under the guidance of Thomas H. Boyd, of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Taylor Brelsford, Alaska State Office, Bureau of Land Management; Rod Simmons, Alaska Regional Office, U.S. Fish and Wildlife Service; Nancy Swanton, Alaska

Regional Office, National Park Service; Dr. Glenn Chen, Alaska Regional Office, Bureau of Indian Affairs; and Steve Kessler, USDA–Forest Service, provided additional guidance.

**Authority:** 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

Dated: June 6, 2005.

**Thomas H. Boyd,**

*Acting Chair, Federal Subsistence Board.*

Dated: June 6, 2005.

**Steve Kessler,**

*Subsistence Program Leader, USDA–Forest Service.*

[FR Doc. 05–12159 Filed 6–21–05; 8:45 am]

**BILLING CODE 3410–11–P; 4310–55–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

#### Approval and Promulgation of Implementation Plans

##### *CFR Correction*

In Title 40 of the Code of Federal Regulations, part 52 (§§ 52.01 to 52.1018), revised as of July 1, 2004, § 52.21 is corrected by removing paragraphs (b)(2)(iii)(h)(1) and (2).

[FR Doc. 05–55508 Filed 6–21–05; 8:45 am]

**BILLING CODE 1505–01–D**

## HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

### 45 CFR Part 1801

#### Scholar Accountability Policy

**AGENCY:** Harry S. Truman Scholarship Foundation.

**ACTION:** Final rule.

**SUMMARY:** This final rule adopts the Truman Scholarship Foundation [Foundation] Scholar Accountability Policy. This Accountability Policy clarifies and standardizes Foundation rules governing accountability of an individual selected as a Harry S. Truman Scholar [Scholar] to fulfill his or her obligation to become employed in public service. It requires any Scholar who is selected after January 2005 and who is not employed in public service for three of the seven years immediately following completion of his or her Foundation-funded graduate education to repay to the Foundation an amount equal to the Scholarship stipends received, with interest and any costs of collection.

**DATES:** This rule is effective July 22, 2005.

**ADDRESSES:** The final rule and supplemental information will also be posted on the Foundation Web site with links from the For Scholars, For Candidates, and For Fac Reps sections. They also may be obtained by written request to Louis H. Blair, Executive Secretary, Harry S. Truman Scholarship Foundation, 712 Jackson Place, NW., Washington, DC 20006.

#### **FOR FURTHER INFORMATION CONTACT:**

Louis Blair, Harry S. Truman Scholarship Foundation, 202–395–4831.

#### **SUPPLEMENTARY INFORMATION:**

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1. Background of the Harry S. Truman Scholarship
2. History of the Accountability Policy
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#### **1. Harry S. Truman Scholarship Foundation Directives**

The Harry S. Truman Memorial Scholarship Act [Act] honored former President Truman by creating “a perpetual education scholarship program to develop increased opportunities for young Americans to prepare for and pursue careers in public service.” 20 U.S.C. 2001. These scholarships are administered by the Foundation, whose purpose is to “[encourage] young people to recognize and provide service in the highest and best traditions of the American political system at all levels of government \* \* \* [and] to develop increased opportunities for young Americans to prepare and pursue careers in public service.” 20 U.S.C. 2001. The Act authorizes the Foundation to “award scholarships to persons who demonstrate outstanding potential for and who plan to pursue a career in public service.” 20 U.S.C. 2005(a)

Under this scholarship program, the Foundation annually selects Scholars from among outstanding college juniors nominated by their college or university. Those selected receive educational stipends from the Foundation.

The Act requires those nominated and selected for a Truman Scholarship to “[indicate] a serious intent to enter the public service upon the completion of his or her educational program.” 20 U.S.C. 2005(d). The Foundation finds evidence of this intent in the nominee’s previous record of public service and in his or her signing of a scholarship acceptance agreement, which in past years acknowledged an obligation to “enter public service immediately upon

graduation or immediately upon completion of any judicial clerkships(s) after graduation.” A Scholar may continue to receive Foundation financial support only while “devoting full time to study or research designed to prepare him or her for a career in public service.” 20 U.S.C. 2008(a).

While the Foundation’s regulations provide that it may suspend or terminate the Scholarship for a student who has a “\* \* \* loss of interest in a career in public service,” 45 CFR 1801.61, it has only done so rarely. As detailed below, the Foundation has lacked an effective mechanism for assuring that Scholars who receive the Foundation’s financial support are actually employed in public service.

#### **2. History of the Accountability Policy**

While many Scholars pursue a public service career after completing their graduate education, a significant number do not. Because the Foundation has not imposed any reporting requirements on those whose scholarship funding has been completed, the Foundation’s knowledge of former Scholars’ career choices relies largely on informal contacts with former Scholars. Additionally, a mid-1990’s survey (with a 60% response rate) of former Scholars revealed that two-thirds of the Scholars with law school degrees were employed in the private sector at the time of the survey. One quarter of former Scholars with other kinds of graduate degrees were employed in the private sector. This survey confirmed the impressions gleaned from less formal contacts.

The Foundation, using the authority granted in 20 U.S.C. 2012, made several program changes to address the issue of Scholar Accountability.

First, in 1991 the Foundation began selecting Scholars later in their academic career in anticipation that their career plans would be more definitive.

Second, the Foundation established increased public service opportunities for Scholars through programming, Foundation staffing, and enhanced Scholar networks. The Foundation instituted Truman Scholars Leadership Week, Summer Institute, the Public Service Law Conference, and the Truman Fellows program in an effort to increase awareness of additional public service opportunities. The Foundation has also expanded its Web site to include fellowship, scholarship, and employment listings as well as a Scholar database. The Foundation has established relationships with graduate schools, graduate fellowships, and other public service programs in an effort to