

Regulation Correction

■ For reasons set forth in the preamble, we correct 50 CFR 17.44 by making the following correcting amendments:

PART 17—[CORRECTED]

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

■ 2. Amend § 17.44 as follows:

■ a. In paragraph (y)(2)(i) in the first sentence, remove the word “paragraph” and add the word “paragraphs” in its place.

■ b. In paragraph (y)(2)(ii) in the first sentence, remove the word “paragraphs” and add the word “paragraph” in its place and add a comma after the word “re-export” the second time it appears.

■ c. In paragraph (y)(3)(i) in the sentence following the introductory sentence, add the words “of this section” before the closing parenthesis at the end of the sentence.

■ d. In paragraph (y)(3)(i)(A) at the beginning of the first sentence, remove the word “Any” and add the words “Except for caviar contained in cosmetics, any” in its place.

■ e. In paragraph (y)(3)(ii)(B)(2) remove the words “through (E)” and add the words “and (D)” in its place.

■ f. In paragraph (y)(4)(i) in the heading, italicize the words “Basin-wide”.

■ g. In paragraph (y)(4)(ii) in the second sentence, remove the words “basin-wide management plans” and add the words “national laws and regulations” in their place.

■ h. In paragraph (y)(4)(iii) in the second sentence, remove the words “Service (see **FOR FURTHER INFORMATION CONTACT** above)” and add the words “Division of Management Authority, Branch of Permits International, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 700, Arlington, VA 22203” in their place.

■ i. In paragraph (y)(5) introductory text, revise the last sentence as set forth below.

■ j. In paragraph (y)(5)(iv) in the first sentence, remove the word “this” before the word “paragraph” and add the words “(y)(5) of this section” after the word “paragraph”, and in the last sentence, remove the words “paragraphs (y)(6) and” and add the word “paragraph” in their place.

■ k. In paragraph (y)(6) in the sentence following the introductory sentence, remove the words “through (iii)” and add the words “or (ii)” in their place.

■ l. In paragraph (y)(7) in the first sentence following the introductory

sentence, remove the words “and paragraph (y)(5) for aquaculture facilities)” and add the words “and, for aquaculture facilities, as per paragraph (y)(5)(iv) of this section)” in their place.

■ m. In paragraph (y)(7)(i), remove the word “may” and add the word “will” in its place.

■ n. In paragraph (y)(7)(i)(A), remove the word “above” and add the words “in paragraph (y)(4) of this section” in its place.

■ o. In paragraph (y)(7)(i)(J), revise the text as set forth below.

§ 17.44 Special rules—fishes.

* * * * *

(y) * * *

(5) * * * Facilities outside the littoral states wishing to obtain such exemptions must submit a written request to the Division of Management Authority, Branch of Permits—International, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 700, Arlington, VA 22203, and provide to the Service’s Division of Scientific Authority, in Room 750 at the same address, information that shows, at a minimum, all of the following:

* * * * *

(7) * * *

(i) * * *

(J) An aquaculture facility outside the littoral states has been issued a programmatic exemption from threatened species permits under paragraph (y)(5) of this section, but is not abiding by the provisions of paragraphs (y)(5)(i) through (iii) of this section, or, based on the biennial reports required under paragraph (y)(5) of this section, has not actively cooperated with one or more littoral states in a meaningful way to support beluga sturgeon conservation.

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Dated: August 4, 2005.

David P. Smith,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 05–16569 Filed 8–19–05; 8:45 am]

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 660**

[Docket No. 040830250–5109–04; I.D. 081605C]

RIN 0648–AS27

Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Pacific Whiting Primary Season for the Shore-based Sector and the Resumption of Trip Limits

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

ACTION: Temporary rule; fishing restrictions; request for comments.

SUMMARY: NMFS announces the end of the 2005 primary season for the Pacific whiting (whiting) shore-based sector at 2100 local time (l.t.) August 18, 2005, because the allocation is projected to be reached. This action is intended to keep the harvest of whiting at the 2005 allocation levels.

DATES: Effective from 2100 l.t. August 18, 2005, until January 1, 2006. Comments will be accepted through September 6, 2005.

ADDRESSES: You may submit comments, identified by I.D. 0081605C, by any of the following methods:

• E-mail:

WhitingSBclosure.nwr@noaa.gov. Include I.D. 081605C in the subject line of the message.

• Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

• Fax: 206–526–6736, Attn: Becky Renko.

• Mail: D. Robert Lohn, Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115–0070, Attn: Becky Renko.

FOR FURTHER INFORMATION CONTACT: Becky Renko at 206–526–6110.

SUPPLEMENTARY INFORMATION: This action is authorized by regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California.

The regulations at 50 CFR 660.323(a) establish separate allocations for the catcher/processor, mothership, and shore-based sectors of the whiting fishery. For 2005, the 232,069 mt commercial harvest guideline for whiting is divided with the catcher/

processor sector receiving 78,903 mt (34 percent); the mothership sector receiving 55,696 mt (24 percent); and the shore-based sector receiving 97,469 mt (42 percent).

Regulations at 50 CFR 660.373(b) describe the primary season for each sector. The primary season for the shore-based sector is the period(s) when the large-scale target fishery is conducted, and when "per trip" limits are not in effect. Before and after the primary season, per-trip limits are in effect for whiting.

The best available information on August 16, 2005, indicates that 89,406 mt had been taken through August 14, 2005, and that the 97,469 mt shore-based allocation will be reached by 2100 l.t. August 18, 2005. This **Federal Register** document announces that the primary season for the shore-based sector ends on August 18, 2005, and a 10,000-lb (4,536 kg) trip limit is imposed as of August 18, 2005. Per-trip limits are for vessels using large or small footrope trawl gear and are intended to accommodate small bait and fresh fish markets, and bycatch in other fisheries. To minimize incidental catch of Chinook salmon by vessels fishing shoreward of the 100 fm (183 m) contour in the Eureka area, at any time

during a fishing trip, a limit of 10,000-lb (4,536 kg) of whiting is in effect year-round, except when landings of whiting are prohibited.

NMFS Action

For the reasons stated above, and in accordance with the regulations at 50 CFR 660.323(b)(3), NMFS herein announces:

Effective 2100 l.t. August 18, 2005, no more than 10,000-lb (4,536 kg) of whiting may be taken and retained, possessed or landed by any vessel participating in the shore-based sector of the whiting fishery, unless otherwise announced in the **Federal Register**. If a vessel fishes shoreward of the 100 fm (183 m) contour in the Eureka area (43° - 40°30' N. lat.) at any time during a fishing trip, the 10,000-lb (4,536-kg) trip limit applies, as announced in the annual management measures at paragraph IV, B (3)(c)(ii), except when the whiting fishery is closed.

Classification

This action is authorized by the regulations implementing the FMP. The determination to take this action is based on the most recent data available. The Assistant Administrator for fisheries, NMFS, finds good cause to

waive the requirement to provide prior notice and opportunity for comment on this action pursuant to 5 U.S.C. 553(b)(B), because providing prior notice and opportunity would be impracticable. It would be impracticable because if this closure were delayed in order to provide notice and comment, the fishery would be expected to greatly exceed the sector allocation. This would either result in the entire whiting optimum yield being exceeded, or in the allocations for the other sectors being reduced. Therefore, good cause also exists to waive the 30-day delay in effectiveness requirement of 5 U.S.C. 553 (d)(3). The aggregate data upon which the determination is based are available for public inspection at the Office of the Regional Administrator (see **ADDRESSES**) during business hours. This action is taken under the authority of 50 CFR 660.323(b)(3) and is exempt from review under Executive Order 12866.

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

Dated: August 16, 2005.

Alan D. Risenhoover,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
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