

(b) *Repayment.* Loan funds become due and payable in accordance with the terms and conditions of the Promissory Note. The note shall include the following provisions:

(1) The term of a loan made under this program is 5 years, unless extended by the Associate Director. Interest will accrue on outstanding cash from the actual date of its disbursement by FEMA or FEMA's designated Disbursing Agency.

(2) The interest amount due will be computed separately for each Treasury disbursement as follows:  $I = P \times R \times T$ , where I = the amount of simple interest, P = the principal amount disbursed; R = the interest rate of the loan; and, T = the outstanding term in years from the date of disbursement to date of repayment, with periods less than 1 year computed on the basis of 365 days/year.

(3) Each payment made against the loan will be applied first to the interest computed to the date of the payment, and then to the principal. Prepayments of scheduled installments, or any portion thereof, may be made at any time and shall be applied to the installments last to become due under the loan and shall not affect the obligation of the borrower to pay the remaining installments.

(4) The Associate Director may defer payments of principal and interest for up to five years. However, interest will continue to accrue.

(5) Any costs incurred by the Federal Government in collecting the note shall be added to the unpaid balance of the loan, bear interest at the same rate as the loan, and be immediately due without demand.

(6) In the event of default on this note by the borrower, the FEMA claims collection officer will take action to recover the outstanding principal plus related interest under Federal debt collection authorities, including administrative offset against other Federal funds due the borrower and/or referral to the Department of Justice for judicial enforcement and collection.

(c) *Additional time.* In unusual circumstances involving financial hardship, the local government may request an additional period of time beyond the original 10 year term to repay the indebtedness. Such request may be approved by the Associate Director subject to the following conditions:

(1) The local government must submit documented evidence that it has applied for the same credit elsewhere and that such credit is not available at

a rate equivalent to the current Treasury rate.

(2) The principal amount shall be the original principal plus related interest less any payments made.

(3) The interest rate shall be the Treasury rate in effect at the time the new Promissory Note is executed but in no case less than the original interest rate. A reduced rate may not be applied if it was not previously applied to the loan.

(4) The term of the new Promissory Note shall be for the settlement period requested by the local government but not greater than 10 years from the date the new note is executed.

#### §§ 206.378–206.389 [Reserved]

Dated: October 14, 2005.

#### R. David Paulison,

*Acting Director, Emergency Preparedness and Response, Federal Emergency Management Agency, Department of Homeland Security.*

[FR Doc. 05–20920 Filed 10–17–05; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 041110317–4364–02; I.D. 053105F]

#### Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer

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

**ACTION:** Temporary rule; inseason adjustment.

**SUMMARY:** NMFS announces that it has approved the request of the State of New Jersey to transfer 36,333 lb (16,481 kg) of commercial summer flounder quota to the states of Maine, Connecticut, and New York, and the Commonwealth of Massachusetts, in accordance with the Atlantic States Marine Fisheries Commission (ASMFC) Addendum XV to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP). By this action, NMFS adjusts the quotas and announces the revised commercial quota for each state involved.

**DATES:** Effective October 13, 2005 through December 31, 2005, unless NMFS publishes a superseding document in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Mike Ruccio, Fishery Management Specialist, (978) 281–9104, fax (978) 281–9135.

#### SUPPLEMENTARY INFORMATION:

Regulations governing the summer flounder fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned among the coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state are described in § 648.100.

The ASMFC adopted Addendum XV to the FMP in November 2004. The Addendum is being implemented under the adaptive management and framework procedures that are part of the FMP. Addendum XV establishes a program, for 2005 and 2006, that allocates the increase in commercial summer flounder quota (from the 2004 amount) differently than the existing allocation scheme, in order to reduce the amount of fish that must be discarded as bycatch in the commercial fishery in states with relatively low summer flounder quotas. The transfer of quota from donor states will allow recipient states to marginally increase trip limits, thereby decreasing the amount of summer flounder discarded at sea.

The final rule implementing Amendment 5 to the FMP (December 17, 1993; 58 FR 65936) provided a mechanism for summer flounder quota to be transferred from one state to another. Two or more states, under mutual agreement and with the concurrence of the Administrator, Northeast Region, NMFS (Regional Administrator), can transfer or combine summer flounder commercial quota under § 648.100(d). The Regional Administrator is required to consider the criteria set forth in § 648.100(d)(3) in the evaluation of requests for quota transfers or combinations. The Regional Administrator has reviewed those criteria and approved the quota transfer requests submitted by the State of New Jersey.

Consistent with Addendum XV, New Jersey, a designated “donor state,” has voluntarily employed the quota transfer provisions of the FMP to transfer a total of 36,333 lb (16,481 kg) to be allocated as follows: Maine 999 lb (453 kg); Massachusetts 10,957 lb (4,970 kg); Connecticut 13,965 lb (6,335 kg); and New York 10,412 lb (4,723 kg)(see Table 1).

TABLE 1. SUMMER FLOUNDER COMMERCIAL QUOTA TRANSFERS

State	Amount Transferred		2005 Quota <sup>1</sup>		2005 Revised Quota	
	lb	kg	lb	kg	lb	kg
New Jersey	-36,333	-16,481	3,005,481	1,363,286	2,969,148	1,346,806
Maine	+999	+453	12,396	5,623	13,395	6,076
Massachusetts	+10,957	+4,970	1,219,773	553,289	1,230,730	558,259
Connecticut	+13,965	+6,335	459,408	208,387	473,373	214,722
New York	+10,412	+4,723	1,414,282	641,518	1,424,694	646,241

<sup>1</sup>Reflects quotas as published on June 21, 2005 (70 FR 35557), inclusive of previous Addendum XV and “safe harbor” transfers.

**Classification**

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

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

Dated: October 12, 2005.

**Alan D. Risenhoover,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 05-20829 Filed 10-13-05; 3:01 pm]

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 050613158-5262-03; I.D. 090105A]

**RIN 0648-AT48**

**Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Emergency Fishery Closure Due to the Presence of the Toxin That Causes Paralytic Shellfish Poisoning**

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

**ACTION:** Temporary rule; emergency action.

**SUMMARY:** This action reinstates the temporary regulations published in the **Federal Register** on September 9, 2005, and establishes the prohibition that was inadvertently omitted in the September 9, 2005 rule. In the September 9, 2005, temporary rule, NMFS continued the closure through September 30, 2005, of one portion of an area it had previously closed on June 16, 2005, to the harvest for human consumption of certain bivalve molluscan shellfish due to the presence in those waters of the toxin

that causes Paralytic Shellfish Poisoning (PSP). The prohibition of harvesting whole or roe-on sea scallops, only, in the other portion of the area previously closed on June 16, 2005, was inadvertently omitted from the regulatory text of the September 9, 2005, publication. NMFS establishes this prohibition in this action. The intent of this action is to respond to the request of the U.S. Food and Drug Administration (FDA), having determined on September 23, 2005, that there is insufficient analytical data to support the scheduled reopening of the entire area to all bivalve molluscan shellfish fishing on October 1, 2005.

**DATES:** Effective October 18, 2005, through December 31, 2005. Comments must be received by November 17, 2005.

**ADDRESSES:** Comments may be submitted by any of the following methods:

- E-mail: [PSPclosure2@NOAA.gov](mailto:PSPclosure2@NOAA.gov). Include the subject line the following: “Comments on the October Emergency Rule for Area closures Due to PSP.”
- Federal e-Rulemaking Portal: <http://www.regulations.gov>.
- Mail: Paper, disk, or CD-ROM comments should be sent to Patricia A. Kurkul, Regional Administrator, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope “Comments on October PSP closure.”
- Fax: (978) 281-9135.

Copies of the small entity compliance guide prepared for the September 9, 2005, emergency action are available from Patricia A. Kurkul, Regional Administrator, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930. The small entity compliance guide/permit holder letter is also accessible via the Internet at <http://www.nero.noaa.gov>. Copies of the emergency rule are available from Patricia A. Kurkul, at the mailing address specified above.

**FOR FURTHER INFORMATION CONTACT:** E. Martin Jaffe, Fishery Policy Analyst, (978) 281-9272.

**SUPPLEMENTARY INFORMATION:**

**Background**

Toxic algal blooms are responsible for the marine toxin that causes PSP in persons consuming affected shellfish. People have become seriously ill and some have died from consuming affected shellfish under similar circumstances.

On June 10, 2005, the FDA requested that NMFS issue an emergency rule to close an area of Federal waters to the harvesting of bivalve molluscan shellfish intended for human consumption because of toxic algal blooms off the coasts of New Hampshire and Massachusetts. This closure prohibited harvests of shellfish such as Atlantic surfclams and ocean quahogs, as well as scallop viscera. The emergency rule for the action, published in the **Federal Register** on June 16, 2005 (70 FR 35047), stated it would be in effect from June 14 through September 30, 2005, unless extended. The emergency rule was modified on July 7, 2005 (70 FR 39192) to allow for the collection of biological samples by commercial fishing vessels issued a Letter of Authorization signed by the Regional Administrator.

The action temporarily closed all Federal waters of the Exclusive Economic Zone of the northeastern United States to any bivalve molluscan shellfish harvesting, except for Atlantic sea scallops shucked at sea for their adductor muscles, in the area bound by the following coordinates in the order stated: (1) 43° 00' N. lat., 71° 00' W. long.; (2) 43° 00' N. lat., 69° 00' W. long.; (3) 40° 00' N. lat., 69° 00' W. long.; (4) 40° 00' N. lat., 71° 00' W. long., and then ending at the first point. The scallop adductor muscle, or “meat,” is unaffected by the toxin. Further details of the original closure may be found in the June 16, 2005, and the July 7, 2005,