

ACTION: Final rule.

SUMMARY: The Department of Justice is finalizing without change the interim final rule with request for comments published at 68 FR 66534, on November 26, 2003. The interim final rule implemented changes to the government-wide nonprocurement debarment and suspension common rule (NCR) and the associated rule on drug-free workplace requirements. The NCR sets forth the common policies and procedures that Federal Executive branch agencies must use in taking suspension or debarment actions. It also establishes procedures for participants and Federal agencies in entering covered transactions.

DATES: This final rule is effective April 11, 2005.

FOR FURTHER INFORMATION CONTACT: Linda Fallowfield, Attorney Advisor, Office of the General Counsel, Office of Justice Programs, Department of Justice, 810 7th Street, NW., Washington, DC 20531. Telephone: (202) 305-2534. (This is not a toll-free number.) E-mail: Linda.Fallowfield@usdoj.gov.

SUPPLEMENTARY INFORMATION: On November 26, 2003, at 68 FR 65534, a number of Federal agencies jointly published a final government-wide nonprocurement debarment and suspension common rule (NCR). At that time, because the Department of Justice (the Department) had not previously proposed changes to the NCR along with the other participating agencies, the Department adopted the NCR on an interim final basis. This interim final rule also separated the Department's drug-free workplace requirements from the uniform requirements on debarment and suspension. The Department did not receive any comments and is now finalizing without change the common rule it adopted on November 26, 2003.

The NCR promotes consistency within the Federal Government and provides uniform requirements for debarment and suspension by Executive branch agencies to protect assistance, loans, benefits, and other nonprocurement activities from waste, fraud, abuse, and poor performance, similar to the system used for Federal procurement activities under Subpart 9.4 of the Federal Acquisition Regulations (FAR). Drug-free workplace requirements were moved from 28 CFR part 67 to 28 CFR part 83. This places the requirements nearer other requirements used predominantly by award officials.

Regulatory Certifications

Executive Order 12866

This regulation has been drafted and reviewed in accordance with Executive Order 12866, "Regulatory Planning and Review," section 1(b), Principles of Regulation. The Department has determined that this rule is a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and accordingly this rule has been reviewed by the Office of Management and Budget.

Executive Order 13132

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation, and by approving it, certifies that this regulation will not have a significant economic impact on a substantial number of small entities for the following reasons: this rule addresses Federal agency procedures for suspension and debarment, and it clarifies current requirements under the Nonprocurement Common Rule for Debarment and Suspension by reorganizing information and presenting that information in a plain language, question-and-answer format.

Unfunded Mandates Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Paperwork Reduction Act

This rule does not impose additional reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996. 5 U.S.C. 804. This rule will not result in: an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

List of Subjects

28 CFR Part 67

Administrative practice and procedure, Government contracts, Grant programs, Loan programs, Reporting and recordkeeping requirements, Technical assistance, Drug abuse.

28 CFR Part 83

Administrative practice and procedure, Drug abuse, Grant programs, Reporting and recordkeeping requirements.

■ Accordingly, the interim final rule amending 28 CFR Parts 67 and 83, which was published at 68 FR 66534 on November 26, 2003, is adopted as a final rule without change.

Dated: March 7, 2005.

Alberto R. Gonzales,

Attorney General.

[FR Doc. 05-4850 Filed 3-10-05; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[I.D. 030405B]

Atlantic Highly Migratory Species; Bluefin Tuna Fisheries

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

ACTION: Closure.

SUMMARY: NMFS has determined that the available Angling category Atlantic bluefin tuna (BFT) quota for the 2004 fishing year (June 1, 2004 May 31, 2005) is projected to be reached by March 11, 2005. Therefore, the Angling category BFT fishery will close, coastwide, effective March 11, 2005. This action is

being taken to prevent overharvest of the adjusted Angling category quota of 299.6 metric tons (mt).

DATES: Effective 11:30 p.m., local time, March 11, 2005, through May 31, 2005.

FOR FURTHER INFORMATION CONTACT:

HMS Management Division at 978-281-9260.

SUPPLEMENTARY INFORMATION:

Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 subdivides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas among the various domestic fishing categories and are specified annually under 50 CFR 635.23(b) and 635.27(a).

Angling Category Closure

NMFS is required, under 50 CFR 635.28 (a)(1), to file with the Office of the **Federal Register** for publication, notification of closure when a BFT quota is reached, or is projected to be reached. On and after the effective date and time of such closure notification, for the remainder of the fishing year, or for a specified period as indicated in the notification, fishing for, retaining, possessing, or landing BFT under that quota category is prohibited until the opening of the subsequent quota period, or until such date as specified in the notification.

The 2004 final initial BFT quota specifications issued pursuant to 635.27, set an Angling category quota of 76.5 mt to be harvested from the regulatory area during the 2004 fishing year (70 FR 10896, March 7, 2005). On December 10, 2004, NMFS transferred a total of 223.1 mt from the General category to the Angling category establishing an adjusted Angling category BFT quota of 299.6 mt for the 2004 fishing year (69 FR 71732). Based on the available Angling category quota and preliminary information regarding recreational BFT landings for the 2004 fishing year, NMFS projects that the available Angling category quota will be reached by March 11, 2005. Therefore, fishing for, retaining, possessing, or landing BFT by persons aboard vessels permitted in the Atlantic Highly Migratory Species (HMS) Angling, and HMS Charter/Headboat categories, must cease at 11:30 p.m. local time March 11, 2005, in all areas. The intent of this closure is to prevent overharvest of the

available quota established for the Angling category. Atlantic HMS Angling and HMS Charter/Headboat category permit holders may tag and release BFT of all sizes while the Angling quota category is closed, subject to the requirements of the tag-and-release program at § 635.26.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), finds that it is impracticable and contrary to the public interest to provide prior notice of, and an opportunity for public comment on, this action. Based on the available Angling category quota for the 2004 fishing year and the most recent information regarding recreational BFT landings, this closure is necessary to prevent overharvest of the adjusted Angling category quota.

This fishery is currently underway and delaying this action would be contrary to the public interest as it will result in additional recreational BFT landings, potentially contributing to an overharvest of the adjusted Angling category quota. Therefore, the AA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment. For all of the above reasons, there is good cause under 5 U.S.C. 553(d) to waive the delay in effectiveness of this action.

NMFS provides notification of closures by publishing the closure notice in the **Federal Register**, faxing notification to individuals on the HMS FAX Network and know fishery representatives, announcing the notice on the Atlantic Tunas Information Lines, posting the closure notice on www.nmfspermits.com, and announcing the notice over the NOAA Weather radio channel.

This action is being taken under 50 CFR 635.23(a)(4) and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: March 7, 2005.

Alan D. Risenhoover

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 05-4832 Filed 3-8-05; 12:58 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 041126332-5039-02; I.D. 112204C]

Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Final 2005 and 2006 Harvest Specifications for Groundfish; Correction

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

ACTION: Final rule; correction.

SUMMARY: This document corrects a February 24, 2005, final rule that implements 2005 and 2006 harvest specifications, reserves, and apportionments thereof, Pacific halibut prohibited species catch (PSC) limits, and associated management measures for the groundfish fishery of the Gulf of Alaska (GOA). Specifically, this document corrects errors in Tables 12 and 13 to the final specifications.

DATES: Effective at 1200 hrs, Alaska local time (A.l.t.), February 24, 2005, through 2400 hrs, A.l.t., December 31, 2006.

ADDRESSES: Copies of the Final Environmental Assessment and Final Regulatory Flexibility Analysis prepared for this action are available from Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Durall, or from the Alaska Region website at www.fakr.noaa.gov.

Copies of the final 2004 Stock Assessment and Fishery Evaluation report for the groundfish resources of the GOA, dated November 2004, are available from the North Pacific Fishery Management Council, West 4th Avenue, Suite 306, Anchorage, AK 99510-2252, (907-271-2809) or from its website at www.fakr.noaa.gov/npfmc.

FOR FURTHER INFORMATION CONTACT:

Mary Furuness, 907-586-7228, or e-mail at mary.furuness@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS published 2005 and 2006 harvest specifications, reserves, and apportionments thereof, Pacific halibut PSC limits, and associated management measures for the groundfish fishery of the GOA on February 24, 2005 (70 FR 8958). That rule lists sideboard limitations for non-exempt American Fisheries Act catcher vessels in the GOA. This document corrects the final rule by reflecting accurately all of the