

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

RIN: 0648-XM42

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Habitat/MPA/Ecosystem Committee, on January 15, 2009, to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Thursday, January 15, 2009 at 9:30 a.m.

ADDRESSES: The meeting will be held at the Sheraton Harborside Hotel, 250 Market Street, Portsmouth, NH 03801; telephone: (603) 431-2300; fax: (603) 433-5649.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465-0492.

SUPPLEMENTARY INFORMATION: The Habitat/MPA/Ecosystem Committee will discuss EFH requirements and potential incorporation of Wolffish into the Northeastern Multispecies management unit; review Vulnerability Assessment literature database; review preliminary Geological and Biological habitat component matrices and review preliminary SASI and spatial model results. The Committee may also consider other topics at their discretion.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for

sign language interpretation or other auxiliary aids should be directed to Paul J. Howard, Executive Director, at (978) 465-0492, at least 5 days prior to the meeting date.

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

Dated: December 23, 2008.

Tracey L. Thompson,

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

[FR Doc. E8-30988 Filed 12-29-08; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

RIN: 0648-XM45

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of a public committee meeting.

SUMMARY: The North Pacific Fishery Management Council's (Council) Crab Committee will meet January 14, 2009.

DATES: The meeting will be held on January 14, 2009, from 9 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Anchorage Hilton, 500 West 3rd Avenue, Birch/Willow Room, Anchorage, AK.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501-2252.

FOR FURTHER INFORMATION CONTACT: Mark Fina, North Pacific Fishery Management Council; telephone: (907) 271-2809.

SUPPLEMENTARY INFORMATION: The committee will discuss the Crab Rationalization program. Discussions will focus on crew issues including: (1) a potential regional fishery association to hold and distribute C share quota and (2) a private arrangement among owners that would fund Quota Share purchases by active crew.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management

Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen, (907) 271-2809, at least 5 working days prior to the meeting date.

Dated: December 23, 2008.

Tracey L. Thompson,

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

[FR Doc. E8-30990 Filed 12-29-08; 8:45 am]

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

RIN: 0648-XM44

Western Pacific Fishery Management Council; Public Teleconference Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold a teleconference call meeting of the Council's archipelagic Plan Teams (PTs).

DATES: The meeting of the PTs will be held from 1 p.m. to 4 p.m. (Hawaii Standard Time) (12 noon to 3 p.m. in American Samoa) on Thursday, January 15, 2009 (9 a.m. to 12 noon on Friday, January 16, 2009 in Guam and the Commonwealth of the Northern Mariana Islands). For specific times, and the agenda, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The teleconference meeting of the PTs will be held at the Western Pacific Fishery Management Council conference room, 1164 Bishop Street, Suite 1400, Honolulu, HI. For participants residing in American Samoa, the Northern Mariana Islands, Guam, Hawaii and the continental United States, the PTs telephone conference call-in-number is: 1-888-482-3560; Access Code: 5228220. For Guam and international participants, the call-in-number is: 1-647-723-3959; Access Code: 5228220.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director; telephone: (808) 522-8220.

SUPPLEMENTARY INFORMATION: The PTs will meet to discuss the following agenda items.

January 15, 2009, 1 p.m. to 4 p.m. (HST)

1. Introductions
2. Review draft "Risk Ranked" list of management unit species by Archipelago
 - a. American Samoa
 - b. Commonwealth of the Northern Mariana Islands
 - c. Guam
 - d. Hawaii & Pacific Remote Island Areas
3. Establishment of annual catch limits (ACLs) for non-pelagic species with known maximum sustainable yield (MSY) values
4. Emerging issues
5. Plan Team Discussion and Recommendations
6. Other Business

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522-8220 (voice) or (808) 522-8226 (fax), at least 5 days prior to the meeting date.

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

Dated: December 23, 2008.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. E8-30989 Filed 12-29-08; 8:45 am]

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COMMODITY FUTURES TRADING COMMISSION

Order Exempting the Trading and Clearing of Certain Products Related to iShares® COMEX Gold Trust Shares and iShares® Silver Trust Shares

AGENCY: Commodity Futures Trading Commission.

ACTION: Final order.

SUMMARY: On November 12, 2008, the Commodity Futures Trading

Commission ("CFTC" or the "Commission") published for public comment in the **Federal Register**¹ a proposal to exempt the trading and clearing of certain contracts called "options" and other contracts called "security futures" on each of iShares® COMEX Gold Trust Shares ("Gold Products") and iShares® Silver Trust Shares ("Silver Products") (collectively, "Gold and Silver Products") from the provisions of the Commodity Exchange Act ("CEA")² and the regulations thereunder to the extent necessary to permit them to be traded and cleared as described below. The contracts are proposed to be traded on national securities exchanges (as to options) and designated contract markets registered with the Securities and Exchange Commission ("SEC") as limited purpose national securities exchanges (as to security futures), and in both cases to be cleared through the Options Clearing Corporation ("OCC") in its capacity as a registered securities clearing agency. Authority for this exemption is found in Section 4(c) of the CEA.³

DATES: *Effective Date:* December 3, 2008

FOR FURTHER INFORMATION CONTACT:

Robert B. Wasserman, Associate Director, 202-418-5092, rwasserman@cftc.gov, Division of Clearing and Intermediary Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1151 21st Street, NW., Washington, DC 20581.

SUPPLEMENTARY INFORMATION:

I. Introduction

The OCC is both a Derivatives Clearing Organization ("DCO") registered pursuant to Section 5b of the CEA,⁴ and a securities clearing agency registered pursuant to Section 17A of the Securities Exchange Act of 1934 ("the '34 Act"),⁵

OCC filed with the CFTC, pursuant to Section 5c(c) of the CEA and Commission Regulations 39.4(a) and 40.5 thereunder,⁶ requests for approval of rules and rule amendments that would enable OCC (1) to clear and settle contracts called "options" ("Options") on Gold and Silver Products traded on national securities exchanges, in its capacity as a registered securities clearing agency (and not in its capacity as a DCO) and (2) to clear and settle contracts called "security futures" ("Security Futures") on Gold and Silver Products traded on designated contract

markets⁷ registered with the SEC as limited purpose national securities exchanges pursuant to Section 6(g) of the '34 Act⁸ ("DCMs") as security futures subject to the CEA and CFTC regulations thereunder governing security futures, in both cases in OCC's capacity as a registered securities clearing agency (and not in its capacity as a DCO).⁹ Section 5c(c)(3) provides that the CFTC must approve such rules and rule amendments submitted for approval unless it finds that the rules or rule amendments would violate the CEA.

The request for approval concerning the Options and Security Futures on Gold and Silver Products was filed effective July 23, 2008. By letter dated August 20, 2008, the Director of the Division of Clearing and Intermediary Oversight, pursuant to delegated authority, extended the review period of the request until October 21, 2008 due to the novel and complex issues raised by the products that are the subject of the request. By letters dated October 16, 2008 and November 19, 2008, OCC consented to extensions of the review period, ultimately until December 3, 2008.

II. Section 4(c) of the Commodity Exchange Act

Section 4(c)(1) of the CEA empowers the CFTC to "promote responsible economic or financial innovation and fair competition" by exempting any transaction or class of transactions from any of the provisions of the CEA (subject to exceptions not relevant here) where the Commission determines that the exemption would be consistent with the public interest.¹⁰ The Commission

⁷ See Section 5 of the CEA, 7 U.S.C. 7.

⁸ 15 U.S.C. 78ff(g).

⁹ See SR-OCC-2008-13 and SR-OCC-2008-14. OCC has also filed these proposed rule changes with the Securities and Exchange Commission ("SEC").

¹⁰ Section 4(c)(1) of the CEA, 7 U.S.C. 6(c)(1), provides in full that:

In order to promote responsible economic or financial innovation and fair competition, the Commission by rule, regulation, or order, after notice and opportunity for hearing, may (on its own initiative or on application of any person, including any board of trade designated or registered as a contract market or derivatives transaction execution facility for transactions for future delivery in any commodity under section 7 of this title) exempt any agreement, contract, or transaction (or class thereof) that is otherwise subject to subsection (a) of this section (including any person or class of persons offering, entering into, rendering advice or rendering other services with respect to, the agreement, contract, or transaction), either unconditionally or on stated terms or conditions or for stated periods and either retroactively or prospectively, or both, from any of the requirements of subsection (a) of this section, or from any other provision of this chapter (except subparagraphs

¹ 73 FR 66847 (November 12, 2008).

² 7 U.S.C. 1 *et seq.*

³ 7 U.S.C. 6(c).

⁴ 7 U.S.C. 7a-1

⁵ 15 U.S.C. 78q-1.

⁶ 7 U.S.C. 7a-2(c), 17 CFR 39.4(a), 40.5.