

(c) Area 8 (Undesignated Waters):

Service	Lake Superior
Six-Hour Period .....	\$536
Docking or Undocking .....	509

**§ 401.420 [Amended]**

- 5. In § 401.420—
  - a. In paragraph (a), remove the number “\$93” and add, in its place, the number “\$102”; and remove the number “\$1,459” and add, in its place, the number “\$1,604”.
  - b. In paragraph (b), remove the number “\$93” and add, in its place, the number “\$102”; and remove the number “\$1,459” and add, in its place, the number “\$1,604”.
  - c. In paragraph (c)(1), remove the number “\$552” and add, in its place, the number “\$606”.
  - d. In paragraph (c)(3), remove the number “\$93” and add, in its place, the number “\$102”; and remove the number “\$1,459” and add, in its place, the number “\$1,604”.

**§ 401.428 [Amended]**

- 6. In § 401.428, remove the number “\$562” and add, in its place, the number “\$618”.

Dated: December 23, 2008.

**Brian M. Salerno,**

*Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety, Security and Stewardship.*

[FR Doc. E8-31341 Filed 1-2-09; 8:45 am]

**BILLING CODE 4910-15-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 071030625-7696-02]

RIN 0648-XM32

**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 quota transfer.

**SUMMARY:** NMFS announces that the State of North Carolina is transferring commercial summer flounder quota to the Commonwealth of Virginia from its 2008 quota. By this action, NMFS adjusts the quotas and announces the

revised commercial quota for each state involved.

**DATES:** Effective December 30, 2008 through December 31, 2008.

**FOR FURTHER INFORMATION CONTACT:**

Emily Bryant, Fishery Management Specialist, (978) 281-9244, 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 final rule implementing Amendment 5 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, which was published on 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.

North Carolina has agreed to transfer 4,777 lb (2,167 kg) of its 2008 commercial quota to Virginia to cover the summer flounder landings of two North Carolina vessels granted safe harbor in Virginia due to mechanical issues that occurred on the vessels between December 15 and December 16, 2008. The Regional Administrator has determined that the criteria set forth in § 648.100(d)(3) have been met. The revised quotas for calendar year 2008 are: North Carolina, 2,525,702 lb (1,145,639 kg); and Virginia, 2,019,988 lb (916,251 kg).

**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: December 30, 2008.

**Alan D. Risenhoover,**

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

[FR Doc. E8-31317 Filed 12-30-08; 4:15 pm]

**BILLING CODE 3510-22-S**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 071106671-8010-02]

RIN 0648-XM48

**Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2009 Gulf of Alaska Pollock and Pacific cod Total Allowable Catch Amounts**

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

**ACTION:** Temporary rule; inseason adjustment; request for comments.

**SUMMARY:** NMFS is adjusting the 2009 total allowable catch (TAC) amounts for the Gulf of Alaska (GOA) pollock and Pacific cod fisheries. This action is necessary because NMFS has determined these TACs are incorrectly specified. This action will ensure the GOA pollock and Pacific cod TACs do not exceed the appropriate amounts based on the best available scientific information for pollock and Pacific cod in the GOA. This action is consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska Management Area (FMP).

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), January 5, 2009, until the effective date of the final 2009 and 2010 harvest specifications for GOA groundfish, unless otherwise modified or superseded through publication of a notification in the **Federal Register**.

Comments must be received at the following address no later than 4:30 p.m., A.l.t., January 20, 2009.

**ADDRESSES:** Send comments to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian. You may submit comments, identified by 0648-XM48, by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal website at <http://www.regulations.gov>.
- Mail: P.O. Box 21668, Juneau, AK 99802.

- Fax: (907) 586-7557.
- Hand delivery to the Federal Building: 709 West 9th Street, Room 420A, Juneau, AK.

All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov>

without change. All personal identifying information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe portable document file (pdf) formats only.

**FOR FURTHER INFORMATION CONTACT:** Obren Davis, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the FMP prepared by the North Pacific Fishery Management Council (Council) under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2008 and 2009 harvest specifications for groundfish in the GOA (73 FR 10562, February 27, 2008) set the 2009 pollock TAC at 78,170 mt and the 2009 Pacific cod TAC at 50,269 metric tons (mt) in the GOA. In December 2008, the Council recommended a 2009 pollock TAC of 49,900 mt for the GOA, which is less than the 78,170 mt established by the 2008 and 2009 GOA harvest specifications. The Council also recommended a 2009 Pacific cod TAC of 41,807 mt for the GOA, which is less than the 50,269 mt established by the 2008 and 2009 harvest specifications for groundfish in the GOA. The Council's recommended TACs are based on the Stock Assessment and Fishery Evaluation report (SAFE), dated November 2008, which NMFS has determined is the best available scientific information for these fisheries.

Steller sea lions occur in the same location as the pollock and Pacific cod fisheries and are listed as endangered under the Endangered Species Act (ESA). Pollock and Pacific cod are a principal prey species for Steller sea lions in the GOA. The seasonal apportionment of pollock and Pacific

cod harvest is necessary to ensure the groundfish fisheries are not likely to cause jeopardy of extinction or adverse modification of critical habitat for Steller sea lions. The regulations at § 679.20(a)(5)(iv) specify how the pollock TAC will be apportioned. The regulations at § 679.20(a)(6)(ii) and § 679.20(a)(12)(i) specify how the Pacific cod TAC shall be apportioned.

In accordance with § 679.25(a)(2)(i)(B), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that, based on the November 2008 SAFE report for this fishery, the current GOA pollock and Pacific cod TACs are incorrectly specified. Consequently, pursuant to § 679.25(a)(1)(iii), the Regional Administrator is adjusting the 2009 GOA pollock TAC to 49,900 mt and the 2009 GOA Pacific cod TAC to 41,807 mt.

Pursuant to § 679.20(a)(5)(iv), Table 6 of the final 2008 and 2009 harvest specifications for groundfish in the GOA (73 FR 10562, February 27, 2008) is revised for the 2009 pollock TACs in the Western, Central, and Eastern GOA consistent with this adjustment.

**TABLE 6—FINAL 2009 DISTRIBUTION OF POLLOCK IN THE CENTRAL AND WESTERN REGULATORY AREAS OF THE GULF OF ALASKA; SEASONAL BIOMASS DISTRIBUTION, AREA APPORTIONMENTS; AND SEASONAL ALLOWANCES OF ANNUAL TAC**  
(Values are rounded to the nearest metric ton)

Season	Shumagin (Area 610)		Chirikof (Area 620)		Kodiak (Area 630)		Total <sup>1</sup>	
	mt	(%)	mt	(%)	mt	(%)	mt	(%)
A	3,234	(32.01%)	4,365	(43.21%)	2,503	(24.78%)	10,102	(100%)
B	3,233	(32.01%)	5,413	(53.59%)	1,455	(14.90%)	10,101	(100%)
C	4,391	(43.47%)	2,160	(21.38%)	3,550	(35.15%)	10,101	(100%)
D	4,391	(43.47%)	2,160	(21.38%)	3,550	(35.15%)	10,101	(100%)
Annual Total	15,249		14,098		11,058		40,405	

<sup>1</sup>The West Yakutat and Southeast Outside District pollock TACs are not allocated by season and are not included in the total pollock TACs shown in this table.

Note: As established by § 679.23(d)(2)(i) through (iv), the A, B, C, and D season allowances are available from January 20 to March 10, March 10 to May 31, August 25 to October 1, and October 1 to November 1, respectively. The amounts of pollock for processing by the inshore and offshore components are not shown in this table.

Pursuant to § 679.20(a)(6)(ii) and § 679.20(a)(12)(i), Table 7 of the final 2008 and 2009 harvest specifications for

groundfish in the GOA (73 FR 10562, February 27, 2008) is revised for the 2009 Pacific cod TACs in the Western,

Central, and Eastern GOA consistent with this adjustment.

**TABLE 7 – FINAL 2009 SEASONAL APPORTIONMENTS AND ALLOCATION OF PACIFIC COD TAC AMOUNTS IN THE GULF OF ALASKA; ALLOCATIONS FOR PROCESSING BY THE INSHORE AND OFFSHORE COMPONENTS**  
(values are rounded to the nearest metric ton)

Season	Regulatory Area	TAC	Component allocation	
			Inshore (90%)	Offshore (10%)
A season (60%) B season (40%)	Western	16,175	14,558	1,617
		9,705	8,735	970
A season (60%) B season (40%)	Central	6,470	5,823	647
		23,641	21,277	2,364
A season (60%) B season (40%)	Eastern	14,185	12,767	1,418
		9,456	8,510	946
		1,991	1,792	199

TABLE 7 – FINAL 2009 SEASONAL APPORTIONMENTS AND ALLOCATION OF PACIFIC COD TAC AMOUNTS IN THE GULF OF ALASKA; ALLOCATIONS FOR PROCESSING BY THE INSHORE AND OFFSHORE COMPONENTS—Continued  
(values are rounded to the nearest metric ton)

Season	Regulatory Area	TAC	Component allocation	
			Inshore (90%)	Offshore (10%)
	Total	41,807	37,627	4,180

### Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would

allow for harvests that exceed the appropriate allocations for Pacific cod based on the best scientific information available. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of December 13, 2008, and additional time for prior public comment would result in conservation concerns for the ESA-listed Steller sea lions.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of

prior notice and opportunity for public comment.

Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until January 20, 2009.

This action is required by § 679.22 and § 679.25 and is exempt from review under Executive Order 12866.

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

Dated: December 30, 2008.

**Alan D. Risenhoover**

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

[FR Doc. E8-31363 Filed 1-2-09; 8:45 am]

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