

For the Amendment 80 cooperative, the vessels authorized to participate in the first HLA directed fishery in area 543 and the second HLA directed fishery in area 542 are as follows: FFP 3835 Seafisher.

For the Amendment 80 limited access sector, vessels authorized to participate in the first HLA directed fishery in area 542 and in the second HLA directed fishery in area 543 are as follows: FFP 2443 Alaska Juris and FFP 3819 Alaska Spirit.

For the Amendment 80 limited access sector, the vessels authorized to participate in the first HLA directed fishery in area 543 and the second HLA directed fishery in area 542 are as follows: FFP 3423 Alaska Warrior and FFP 4093 Alaska Victory.

For the BSAI trawl limited access sector, the vessel authorized to participate in the first HLA directed fishery in area 542 is as follows: FFP 11770 Alaska Knight.

This action removes six vessels that registered with NMFS to fish in the A season HLA fisheries in areas 542 and/or 543 and does not otherwise change the requirements in the January 14, 2009 (74 FR 1946) temporary rule.

Classification

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 unnecessary. This notice merely advises the owners of these vessels of the results of a random assignment required by regulation. The notice needs to occur immediately to notify the owner of each vessel of its assignment to allow these vessel owners to plan for participation in the A season HLA fisheries in area 542 and area 543.

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.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: February 23, 2009.

Emily H. Menashes,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 0812011537-9145-01]

RIN 0648-AX45

Fisheries of the Exclusive Economic Zone Off Alaska; Recordkeeping and Reporting

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

ACTION: Final rule.

SUMMARY: NMFS issues a final rule to update regulations in 50 CFR part 679. The action would remove regulations that have lapsed and is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act.

DATES: Effective February 27, 2009.

ADDRESSES: Copies of the Categorical Exclusion (CE) and Regulatory Impact Review (RIR) prepared for this action may be obtained from the NMFS Alaska Region, P.O. Box 21668, Juneau, AK 99802, or by calling the Alaska Region, NMFS, at 907-586-7228, or from the NMFS Alaska Region website at <http://alaskafisheries.noaa.gov>.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, 907-586-7008.

SUPPLEMENTARY INFORMATION: The groundfish fisheries in the exclusive economic zone (EEZ) off Alaska are managed under the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area and the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMPs). The North Pacific Fishery Management Council prepared the FMPs under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.* Regulations implementing the FMPs appear at 50 CFR part 679. General regulations governing U.S. fisheries also appear at 50 CFR part 600.

Need for Action

In 50 CFR part 679, text is amended to remove lapsed regulatory provisions from the Code of Federal Regulations (CFR). This final rule amends regulations by removing text as follows:

| Location | Amendment |
|----------------------------------|---|
| 679.20(a)(5)(i)(D), (E), and (F) | Remove from CFR because (F) was applicable only through December 31, 2002, and (D) and (E) were previously removed and re-served. |
| 679.20(a)(5)(iv)(C) | Remove from CFR because this paragraph was applicable only through December 31, 2002. |
| 679.20(c)(2) | Remove from CFR and reserve because this paragraph was applicable only until April 1, 2005. |
| 679.20(c)(5) and (c)(6) | Remove the phrase "(Effective April 1, 2005)" because related regulations are now effective. |

Classification

Pursuant to section 305(d) of the Magnuson-Stevens Act, NMFS has determined that this final rule is consistent with the FMPs and other provisions of the Magnuson-Stevens Act.

This rule has been determined to be not significant for purposes of Executive Order 12866.

This action will not increase recordkeeping and reporting costs.

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator of Fisheries (AA) finds good cause to waive prior notice and opportunity for public comment. Prior notice and opportunity for public comment are unnecessary because these changes remove regulatory provisions that have lapsed. For the same reason, the AA finds good cause to waive the 30-day delay in the effective date under 5 U.S.C. 553(d)(3).

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* are inapplicable.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Recordkeeping and reporting requirements.

Dated: February 23, 2009.

Samuel D. Rauch III

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

■ For the reasons set out in the preamble, 50 CFR part 679 is amended as follows:

**PART 679—FISHERIES OF THE
EXCLUSIVE ECONOMIC ZONE OFF
ALASKA**

■ 1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, 3631 *et seq.*; Pub. L. 108-447.

§ 679.20 [Amended]

■ 2. In § 679.20:

■ A. Remove paragraphs (a)(5)(i)(D), (E), and (F), and paragraph (a)(5)(iv)(C).

■ B. Remove and reserve paragraph (c)(2).

■ C. Remove the parenthetical phrase “(Effective April 1, 2005)” from paragraphs (c)(5) and (c)(6).

[FR Doc. E9-4281 Filed 2-26-09; 8:45 am]

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