

Iwersen Dock on Point Roberts in the State of Washington to the Georgina Point Light at the entrance to Active Pass in the province of British Columbia.

*Order Number 2009-07: Issued 1:45 p.m., September 10, 2009*

#### All Citizen Fisheries

*Areas 7 and 7A Purse Seine:* Will remain closed after 9 p.m. Thursday, September 10, 2009; and will not reopen Friday, September 11, 2009.

*Areas 7 and 7A Gillnet:* Will remain closed after 11:59 p.m. (midnight) on Thursday, September 10, 2009; and will not reopen on Friday, September 11, 2009.

*Areas 7 and 7A Reef net:* Will remain closed after 9 p.m. on Thursday, September 10, 2009; and will not reopen Friday, September 11, 2009.

*Order Number 2009-08: Issued 11:45 a.m., September 11, 2009*

#### Treaty Indian Fisheries

*Areas 4B, 5, and 6C:* Open to drift gillnets from 12 p.m. (noon) Saturday, September 12, 2009 to 11:59 p.m. (midnight) on Monday, September 14, 2009.

*Areas 6, 7, and 7A:* Open to drift gillnets and purse seines from 11 a.m. Saturday, September 12, 2009 to 9 p.m. Monday, September 14, 2009. Iwersen Dock Line restriction is not in effect. Iwersen Dock Line restriction rescinded effective 11:05 a.m. Friday, September 11, 2009.

The Fraser River Panel approved the following relinquishment of regulatory control in U.S. Puget Sound Panel waters:

*Area 4B, 5, and 6C:* Relinquish regulatory control effective 12:01 a.m., Tuesday, September 15, 2009.

*Order Number 2009-09: Issued 1:20 p.m., September 12, 2009*

#### Treaty Indian Fisheries

*Areas 6, 7, and 7A:* Fishery closed at 9:00 p.m. Sunday, September 13, 2009.

*Order Number 2009-10: Issued 12:01 a.m., September 18, 2009*

The Fraser River Panel approved the following relinquishment of regulatory control in U.S. Puget Sound Panel waters:

*Area 7:* Relinquish Regulatory Control effective 12:01 a.m. Friday, September 18, 2009.

#### Classification

The Assistant Administrator for Fisheries NOAA (AA), finds that good cause exists for the inseason orders to be issued without affording the public

prior notice and opportunity for comment under 5 U.S.C. 553(b)(B) as such prior notice and opportunity for comments is impracticable and contrary to the public interest. Prior notice and opportunity for public comment is impracticable because NMFS has insufficient time to allow for prior notice and opportunity for public comment between the time the stock abundance information is available to determine how much fishing can be allowed and the time the fishery must open and close in order to harvest the appropriate amount of fish while they are available.

The AA also finds good cause to waive the 30-day delay in the effective date, required under 5 U.S.C. 553(d)(3), of the inseason orders. A delay in the effective date of the inseason orders would not allow fishers appropriately controlled access to the available fish at that time they are available.

This action is authorized by 50 CFR 300.97, and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 3636(b).

Dated: November 20, 2009.

**Emily H. Menashes,**

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

[FR Doc. E9-28319 Filed 11-24-09; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 09100091344-9056-02]

RIN 0648-XT10

#### Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2009 total allowable catch (TAC) of Pacific cod apportioned to vessels catching Pacific cod for processing by the inshore

component of the Western Regulatory Area of the GOA.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), November 22, 2009, until 2400 hrs, A.l.t., December 31, 2009.

**FOR FURTHER INFORMATION CONTACT:** Josh Keaton, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management 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 2009 TAC of Pacific cod apportioned to vessels catching Pacific cod for processing by the inshore component of the Western Regulatory Area of the GOA is 14,558 metric tons (mt) as established by the final 2009 and 2010 harvest specifications for groundfish of the GOA (74 FR 7333, February 17, 2009).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the 2009 TAC of Pacific cod apportioned to vessels catching Pacific cod for processing by the inshore component of the Western Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 14,508 mt, and is setting aside the remaining 50 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Western Regulatory Area of the GOA.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

#### 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 delay the closure of Pacific cod apportioned to vessels catching Pacific cod for processing by the inshore component of the Western Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most

recent, relevant data only became available as of November 19, 2009.

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: November 20, 2009.

**Emily H. Menashes,**  
*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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