

252.242–7005 and 252.242–7006
[Removed]

■ 8. Sections 252.242–7005 and
252.242–7006 are removed.

[FR Doc. E8–8706 Filed 4–22–08; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 071106673–8011–02]

RIN 0648–XH33

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; modification of
a closure.

SUMMARY: NMFS is opening directed
fishing for Pacific ocean perch in the
Eastern Aleutian District of the Bering
Sea and Aleutian Islands management
area (BSAI) for vessels participating in
the BSAI trawl limited access fishery.
This action is necessary to fully use the
2008 total allowable catch (TAC) of
Pacific ocean perch in this area
specified for vessels participating in the
BSAI trawl limited access fishery.

DATES: Effective 1200 hrs, Alaska local
time (A.l.t.), April 18, 2008, through
2400 hrs, A.l.t., December 31, 2008.
Comments must be received at the
following address no later than 4:30
p.m., A.l.t., May 5, 2008.

ADDRESSES: Send comments to Sue
Salveson, Assistant Regional
Administrator, Sustainable Fisheries
Division, Alaska Region, NMFS, Attn:
Ellen Sebastian. You may submit
comments, identified by “RIN 0648–
XH33,” 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; or

- Hand delivery to the Federal
Building: 709 West 9th Street, Room
420A, Juneau, AK.

Instructions: All comments received
are a part of the public record and will
generally be posted to [http://
www.regulations.gov](http://www.regulations.gov) without change.
All Personal Identifying Information (for
example, name, address, etc.)
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. Attachments to electronic
comments will be accepted in Microsoft
Word, Excel, WordPerfect, or Adobe
PDF file formats only.

FOR FURTHER INFORMATION CONTACT:

Jennifer Hogan, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS
manages the groundfish fishery in the
BSAI exclusive economic zone
according to the Fishery Management
Plan for Groundfish of the Bering Sea
and Aleutian Islands Management Area
(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.

NMFS closed the directed fishery for
Pacific ocean perch by vessels
participating in the BSAI trawl limited
access fishery in the Eastern Aleutian
District of the BSAI on March 19, 2008
(73 FR 15458, March 24, 2008).

NMFS has determined that
approximately 59 mt of the 2008 TAC of
Pacific ocean perch for vessels
participating in the BSAI trawl limited
access fishery in the Eastern Aleutian
District of the BSAI remain in the
directed fishing allowance. Therefore, in
accordance with § 679.25(a)(1)(i),
(a)(2)(i)(C), and (a)(2)(iii)(D), and to fully
utilize the 2008 TAC of Pacific ocean
perch in this area specified for vessels
participating in the BSAI trawl limited
access fishery, NMFS is terminating the
previous closure and is reopening
directed fishing for Pacific ocean perch
by vessels participating in the BSAI
trawl limited access fishery in the
Eastern Aleutian District of the BSAI.
The opening is effective 1200 hrs, A.l.t.,
April 18, 2008, through 2400 hours,
December 31, 2008.

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 a 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 opening of the Pacific ocean
perch fishery in the Eastern Aleutian
District of the BSAI for vessels
participating in the BSAI trawl limited
access fishery. Immediate notification is
necessary to allow for the orderly
conduct and efficient operation of this
fishery, to allow the industry to plan for
the fishing season, and to avoid
potential disruption to the fishing fleet
and processors. NMFS was unable to
publish a notice providing time for
public comment because the most
recent, relevant data only became
available as of April 17, 2008.

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.

Without this inseason adjustment,
NMFS could not allow the Pacific ocean
perch fishery in the Eastern Aleutian
District of the BSAI for vessels
participating in the BSAI trawl limited
access fishery to be harvested in an
expedient manner and in accordance
with the regulatory schedule. Under
§ 679.25(c)(2), interested persons are
invited to submit written comments on
this action to the above address until
May 5, 2008.

This action is required by § 679.20
and § 679.25 and is exempt from review
under Executive Order 12866.

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

Dated: April 17, 2008.

William D. Chappell

*Acting Director, Office of Sustainable
Fisheries, National Marine Fisheries Service.*
[FR Doc. 08–1173 Filed 4–18–08; 1:37 pm]

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