

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 070213032-7032-01]

RIN 0648-XF44

**Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Amendment 80 Vessels Subject to Sideboard Limits in the Gulf of Alaska**

**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 species that comprise the shallow-water species fishery by Amendment 80 vessels subject to sideboard limits in the Gulf of Alaska (GOA). This action is necessary to fully use the first seasonal apportionment of the 2008 Pacific halibut prohibited species catch (PSC) limit specified for the shallow-water species fishery by Amendment 80 vessels subject to sideboard limits in the GOA.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), January 29, 2008, through 1200 hrs, A.l.t., April 1, 2008.

Comments must be received at the following address no later than 4:30 p.m., A.l.t., February 13, 2008.

**ADDRESSES:** You may submit comments, identified by 0648-XF44, 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. Send comments to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries

Division, Alaska Region, NMFS, Attn: Ellen Sebastian.

Instructions: 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 (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 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.

NMFS closed the directed fishery for the shallow-water species fishery by Amendment 80 vessels subject to sideboard limits in the GOA under § 679.20(d)(1)(iii) on January 23, 2008 (73 FR 4760, January 28, 2008).

NMFS has determined that approximately 10 mt remain in the first seasonal apportionment of the 2008 Pacific halibut PSC limit specified for the shallow-water fishery by Amendment 80 vessels subject to sideboard limits in the GOA. Therefore, in accordance with § 679.25(a)(1)(i), (a)(2)(i)(C), and (a)(2)(iii)(D), and to fully utilize the first seasonal apportionment of the 2008 Pacific halibut PSC limit specified for the shallow-water species fishery by Amendment 80 vessels subject to sideboard limits in the GOA, NMFS is terminating the previous closure and is reopening directed fishing for shallow-water species by

Amendment 80 vessels subject to sideboard limits in the GOA.

**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 opening of the shallow-water species fishery by Amendment 80 vessels subject to sideboard limits in 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 January 28, 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 fishery for shallow-water species by Amendment 80 vessels subject to sideboard limits in the GOA 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 February 13, 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: January 29, 2008.

**Alan D. Risenhoover,**

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

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