

Area	De Tour	Gros Cap	Any Harbor
Gros Cap .....	\$1,853	N/A	N/A
Algoma Steel Corporation Wharf at Sault Ste. Marie Ontario .....	1,853	\$698	N/A
Any point in Sault Ste. Marie, Ontario, except the Algoma Steel Corporation Wharf .....	1,553	698	N/A
Sault Ste. Marie, MI .....	1,553	698	N/A
Harbor Movage .....	N/A	N/A	\$698

## (c) Area 8 (Undesignated Waters):

Service	Lake Superior
Six-Hour Period .....	\$503
Docking or Undocking .....	478

**§ 401.420 [Amended]**

- 5. In § 401.420—
  - a. In paragraph (a), remove the number “\$86” and add, in its place, the number “\$93”; and remove the number “\$1,349” and add, in its place, the number “\$1,459”.
  - b. In paragraph (b), remove the number “\$86” and add, in its place, the number “\$93”; and remove the number “\$1,349” and add, in its place, the number “\$1,459”.
  - c. In paragraph (c)(1), remove the number “\$510” and add, in its place, the number “\$552”; in paragraph (c)(3), remove the number “\$86” and add, in its place, the number “\$93”; and, also in paragraph (c)(3), remove the number “\$1,349” and add, in its place, the number “\$1,459”.

**§ 401.428 [Amended]**

- 6. In § 401.428, remove the number “\$520” and add, in its place, the number “\$562”.

Dated: March 18, 2008.

**James Watson,**

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

[FR Doc. 08-1063 Filed 3-18-08; 4:02 pm]

**BILLING CODE 4910-15-P**

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 071106673-8011-02]

**RIN 0648-XG52**

**Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel 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 Atka mackerel in the Eastern Aleutian District and the Bering Sea subarea 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 A season total allowable catch (TAC) of Atka mackerel in these areas specified for vessels participating in the BSAI trawl limited access fishery.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), March 18, 2008, through 1200 hrs, A.l.t., March 20, 2008. Comments must be received at the following address no later than 4:30 p.m., A.l.t., April 2, 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 0648-XG52, 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> 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 Atka mackerel by vessels participating in the BSAI trawl limited access fishery in the Eastern Aleutian District and the Bering Sea subarea on January 20, 2008 (73 FR 4494, January 25, 2008).

NMFS has determined that approximately 159 mt of the 2008 A season Atka mackerel TAC for vessels participating in the BSAI trawl limited access fishery in the Eastern Aleutian District and the Bering Sea subarea 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 A season TAC of Atka mackerel in these areas specified for vessels participating in the BSAI trawl limited access fishery, NMFS is terminating the previous closure and is reopening directed fishing for Atka mackerel by vessels participating in the BSAI trawl limited access fishery in the Eastern Aleutian District and the Bering Sea subarea. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will be reached after 48 hours. Consequently, NMFS is prohibiting directed fishing for the 2008 A season TAC of Atka mackerel in these areas specified for vessels participating in the BSAI trawl limited access fishery effective 1200 hrs, A.l.t., March 20, 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 Atka mackerel fishery in the Eastern Aleutian District and the Bering Sea subarea for vessels participating in the BSAI trawl limited access fishery. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of March 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 fishery for Atka mackerel fishery in the Eastern Aleutian District and the Bering Sea subarea 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 April 2, 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: March 18, 2008.

**Alan D. Risenhoover**

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

[FR Doc. 08-1061 Filed 3-18-08; 3:31 pm]

**BILLING CODE 3510-22-S**