

### Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked privileged or confidential business information will be deemed to be nonconfidential. An original and five (5) copies, plus two (2) copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Export Trading Company Affairs, International Trade Administration, U.S. Department of Commerce, Room 7021-X H, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as "Export Trade Certificate of Review, application number 08-00009." A summary of the application follows.

### Summary of the Application

*Applicant:* Golden Tree Trading Company ("GTTC"), 8040 N. Augusta Street, Fresno, CA 93720.

*Contact:* Mr. Sypher Lee, Telephone: (626) 500-7942.

*Application No.:* 08-00009.

*Date Deemed Submitted:* November 20, 2008.

*Members:* None.

The applicant (GTTC) seeks a Certificate of Review to engage in the Export Trade Activities and Methods of Operation described below in the following Export Trade and Export Markets.

### I. Export Trade

#### 1. Products

All Products.

#### 2. Services

All Services.

#### 3. Technology Rights

Technology rights, including, but not limited to, patents, trademarks, copyrights, and trade secrets.

#### 4. Export Trade Facilitation Services (as They Relate to the Export of Products, Services, and Technology Rights)

Export Trade Facilitation Services including, but not limited to,

professional services in the areas of government relations and assistance with state and federal programs; foreign trade and business protocol; consulting; market research and analysis; collection of information on trade opportunities; marketing; negotiations; joint ventures; shipping; export management; export licensing; advertising; documentation and services related to compliance with customs requirements; insurance and financing; trade show exhibitions; organizational development; management and labor strategies; transfer of technology; transportation; and facilitating the formation of shippers' associations.

### II. Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

### III. Export Trade Activities and Methods of Operation

1. With respect to the export of Products and Services, licensing of Technology Rights and provision of Export Trade Facilitation Services, GTTC, subject to the terms and conditions listed below, may:

a. Provide and/or arrange for the provision of Export Trade Facilitation Services and engage in promotional and marketing activities and collect information on trade opportunities in the Export Markets and distribute such information to clients;

b. Enter into exclusive and/or non-exclusive licensing and/or sales agreements with Suppliers for the export of Products, Services, and/or Technology Rights to Export Markets;

c. Enter into exclusive and/or non-exclusive agreements with distributors and/or sales representatives in Export Markets;

d. Allocate export sales or divide Export Markets among Suppliers for the sale and/or licensing of Products, Services, and/or Technology Rights;

e. Allocate export orders among Suppliers;

f. Establish the price of Products, Services, and/or Technology Rights for sales and/or licensing in Export Markets;

g. Negotiate, enter into, and/or manage licensing agreements for the export of Technology Rights;

h. Enter into contracts for shipping; and

i. Refuse to provide Export Trade Facilitation Services to customers in any Export Market or Markets.

2. GTTC may exchange information with individual Suppliers on a one-to-one basis regarding that Supplier's inventories and near-term production schedules in order that the availability of Products for export can be determined and effectively coordinated by GTTC with its distributors in Export Markets.

### IV. Terms and Conditions of Certificate

1. In engaging in Export Trade Activities and Methods of Operation, GTTC will not intentionally disclose, directly or indirectly, to any Supplier any information about any other Supplier's costs, production, capacity, inventories, domestic prices, domestic sales, or U.S. business plans, strategies, or methods that is not already generally available to the trade or public.

2. GTTC will comply with requests made by the Secretary of Commerce on behalf of the Secretary or the Attorney General for information or documents relevant to conduct under the Certificate. The Secretary of Commerce will request such information or documents when either the Attorney General or the Secretary of Commerce believes that the information or documents are required to determine that the Export Trade, Export Trade Activities and Methods of Operation of a person protected by this Certificate of Review continue to comply with the standards of section 303(a) of the Act.

#### Definition

"Supplier" means a person who produces, provides, or sells Products, Services, and/or Technology Rights.

Dated: November 26, 2008.

**Jeffrey Anspacher,**

*Director, Export Trading Company Affairs.*

[FR Doc. E8-28724 Filed 12-3-08; 8:45 am]

BILLING CODE 3510-DR-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XL90

### Fisheries of the Exclusive Economic Zone Off Alaska; North Pacific Halibut and Sablefish Individual Fishing Quota Cost Recovery Programs

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

**ACTION:** Notification of standard prices and fee percentage.

**SUMMARY:** NMFS publishes IFQ standard prices for the individual fishing quota (IFQ) cost recovery program in the halibut and sablefish fisheries of the North Pacific. This action is intended to provide holders of halibut and sablefish IFQ permits with the 2008 standard prices and fee percentage to calculate the required payment for IFQ cost recovery fees due by January 31, 2009.

**DATES:** Effective December 4, 2008.

**FOR FURTHER INFORMATION CONTACT:** Troie Zuniga, Fee Coordinator, 907-586-7231.

**SUPPLEMENTARY INFORMATION:**

**Background**

NMFS Alaska Region administers the halibut and sablefish IFQ programs in the North Pacific. The IFQ programs are limited access systems authorized by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the Northern Pacific Halibut Act of 1982. Fishing under the IFQ programs began in March 1995. Regulations implementing the IFQ program are set forth at 50 CFR part 679.

In 1996, the Magnuson-Stevens Act was amended (by Public Law 104-297) to, among other things, require the Secretary of Commerce to “collect a fee to recover the actual costs directly related to the management and enforcement of any . . . individual quota program.” This requirement was further amended in 2006 (by Public Law 109-479) to include collection of the actual costs of data collection, and to replace the reference to “individual quota program” with a more general reference to “limited access privilege program” at section 304(d)(2)(A). This section of the Magnuson-Stevens Act also specifies an upper limit on these fees, when the fees must be collected, and where the fees must be deposited.

On March 20, 2000, NMFS published regulations implementing the IFQ cost recovery program (65 FR 14919), which are set forth at § 679.45. Under the regulations, an IFQ permit holder incurs a cost recovery fee liability for every pound of IFQ halibut and IFQ sablefish that is landed on his or her IFQ permit(s). The IFQ permit holder is responsible for self-collecting the fee liability for all IFQ halibut and IFQ sablefish landings on his or her permit(s). The IFQ permit holder is also responsible for submitting a fee liability payment to NMFS on or before the due date of January 31 following the year in which the IFQ landings were made. The dollar amount of the fee due is determined by multiplying the annual IFQ fee percentage (3 percent or less) by the ex-vessel value of each IFQ landing made on a permit and summing the totals of each permit (if more than one).

**Standard Prices**

The fee liability is based on the sum of all payments of monetary worth made to fishermen for the sale of the fish during the year. This includes any retro-payments (e.g., bonuses, delayed partial payments, post-season payments) made to the IFQ permit holder for previously landed IFQ halibut or sablefish.

For purposes of calculating IFQ cost recovery fees, NMFS distinguishes between two types of ex-vessel value: “actual” and “standard.” “Actual” ex-vessel value is the amount of all compensation, monetary or non-monetary, that an IFQ permit holder received as payment for his or her IFQ fish sold. “Standard” ex-vessel value is the default value on which to base fee liability calculations. IFQ permit holders have the option of using actual ex-vessel value if they can satisfactorily document it, otherwise the “standard” ex-vessel value is used.

Regulations at § 679.45(c)(2)(i) require the Regional Administrator to publish IFQ standard prices during the last

quarter of each calendar year. These standard prices are used, along with estimates of IFQ halibut and IFQ sablefish landings, to calculate standard values. The standard prices are described in U.S. dollars per IFQ equivalent pound for IFQ halibut and IFQ sablefish landings made during the year. IFQ equivalent pound(s) is the weight (in pounds) for an IFQ landing, calculated as the round weight for sablefish and headed and gutted net weight for halibut. NMFS calculates the standard prices to closely reflect the variations in the actual ex-vessel values of IFQ halibut and IFQ sablefish landings by month and port or port-group. The standard prices for IFQ halibut and IFQ sablefish are listed in the tables that follow the next section. Data from ports are combined as necessary to protect confidentiality.

**Fee Percentage**

Section 304(d)(2)(B) of the Magnuson-Stevens Act specifies a maximum fee of 3 percent of the ex-vessel value of fish harvested under an IFQ Program. NMFS annually sets a fee percentage for sablefish and halibut IFQ holders that is based on the actual annual costs associated with certain management and enforcement functions, as well as the standard ex-vessel value of the catch subject to the IFQ fee for the current year. The method used by NMFS to calculate the IFQ fee percentage is described at § 679.45(d)(2)(ii).

Regulations at § 679.45(d) require NMFS to publish the IFQ fee percentage for the halibut and sablefish IFQ fisheries in the **Federal Register** during or before the last quarter of each year. For the 2008 sablefish and halibut IFQ fishing season, an IFQ permit holder is to use a fee liability percentage of 1.4 percent to calculate his or her fee for landed IFQ in pounds. The IFQ permit holder is responsible for submitting the fee liability payment to NMFS on or before January 31, 2009.

**REGISTERED BUYER STANDARD EX-VESSEL PRICES BY LANDING LOCATION FOR 2008 IFQ SEASON**

LANDING LOCATION	PERIOD ENDING	HALIBUT STANDARD EX-VESSEL PRICE (\$)	SABLEFISH STANDARD EX-VESSEL PRICE (\$)
CORDOVA	March 31	—	—
	April 30	—	—
	May 31	—	—
	June 30	\$4.42	—
	July 31	\$4.67	—
	August 31	\$4.71	—

REGISTERED BUYER STANDARD EX-VESSEL PRICES BY LANDING LOCATION FOR 2008 IFQ SEASON—  
Continued

LANDING LOCATION	PERIOD ENDING	HALIBUT STANDARD EX-VESSEL PRICE (\$)	SABLEFISH STANDARD EX-VESSEL PRICE (\$)
	September 30	\$4.34	—
	October 31	\$4.34	—
	November 30	\$4.34	—
DUTCH HARBOR	March 31	—	—
	April 30	—	—
	May 31	—	—
	June 30	—	—
	July 31	—	—
	August 31	—	—
	September 30	—	—
	October 31	—	—
	November 30	—	—
HOMER	March 31	—	—
	April 30	—	—
	May 31	—	—
	June 30	\$4.62	—
	July 31	\$4.74	—
	August 31	\$4.29	—
	September 30	—	—
	October 31	—	—
	November 30	—	—
KETCHIKAN	March 31	—	—
	April 30	\$4.28	—
	May 31	\$4.41	—
	June 30	—	—
	July 31	\$4.04	—
	August 31	\$4.35	—
	September 30	\$4.43	—
	October 31	\$4.43	—
	November 30	\$4.43	—
KODIAK	March 31	\$3.93	\$2.66
	April 30	\$4.13	\$2.86
	May 31	\$4.22	\$2.91
	June 30	\$4.23	\$2.99
	July 31	\$4.32	\$3.06
	August 31	\$4.36	\$3.09

REGISTERED BUYER STANDARD EX-VESSEL PRICES BY LANDING LOCATION FOR 2008 IFQ SEASON—  
Continued

LANDING LOCATION	PERIOD ENDING	HALIBUT STANDARD EX-VESSEL PRICE (\$)	SABLEFISH STANDARD EX-VESSEL PRICE (\$)
	September 30	\$4.39	\$3.13
	October 31	\$4.39	\$3.13
	November 30	\$4.39	\$3.13
PETERSBURG	March 31	—	—
	April 30	\$4.11	—
	May 31	\$4.27	—
	June 30	\$4.35	—
	July 31	\$4.42	—
	August 31	\$4.46	—
	September 30	\$4.43	—
	October 31	\$4.43	—
	November 30	\$4.43	—
SEWARD	March 31	—	—
	April 30	—	—
	May 31	—	—
	June 30	—	—
	July 31	—	—
	August 31	—	—
	September 30	—	—
	October 31	—	—
	November 30	—	—
SITKA	March 31	—	—
	April 30	—	—
	May 31	—	—
	June 30	—	—
	July 31	\$4.53	\$4.14
	August 31	\$4.28	\$4.71
	September 30	—	—
	October 31	—	—
	November 30	—	—
YAKUTAT	March 31	—	—
	April 30	—	—
	May 31	—	—
	June 30	—	—
	July 31	—	—
	August 31	—	—

REGISTERED BUYER STANDARD EX-VESSEL PRICES BY LANDING LOCATION FOR 2008 IFQ SEASON—  
Continued

LANDING LOCATION	PERIOD ENDING	HALIBUT STANDARD EX-VESSEL PRICE (\$)	SABLEFISH STANDARD EX-VESSEL PRICE (\$)
	September 30	—	—
	October 31	—	—
	November 30	—	—

REGISTERED BUYER STANDARD EX-VESSEL PRICES BY PORT GROUP FOR 2008 IFQ SEASON

PORT GROUP	PERIOD ENDING	HALIBUT STANDARD EX-VESSEL PRICE (\$)	SABLEFISH STANDARD EX-VESSEL PRICE (\$)
BERING SEA <sup>1</sup>	March 31	—	—
	April 30	\$4.06	\$2.65
	May 31	\$4.10	\$2.82
	June 30	\$4.23	\$2.85
	July 31	\$4.22	\$3.13
	August 31	\$4.30	\$2.88
	September 30	\$4.22	\$2.87
	October 31	\$4.22	\$2.87
	November 30	\$4.22	\$2.87
CENTRAL GULF OF ALASKA <sup>2</sup>	March 31	\$4.10	\$2.89
	April 30	\$4.30	\$2.95
	May 31	\$4.28	\$2.98
	June 30	\$4.30	\$3.03
	July 31	\$4.38	\$3.06
	August 31	\$4.38	\$3.08
	September 30	\$4.38	\$3.26
	October 31	\$4.38	\$3.26
	November 30	\$4.38	\$3.26
SOUTHEAST ALASKA <sup>3</sup>	March 31	\$4.17	\$3.26
	April 30	\$4.17	\$3.25
	May 31	\$4.27	\$3.22
	June 30	\$4.41	\$3.30
	July 31	\$4.48	\$3.82
	August 31	\$4.45	\$3.87
	September 30	\$4.49	\$3.33
	October 31	\$4.49	\$3.33
	November 30	\$4.49	\$3.33
ALL <sup>4</sup>	March 31	\$4.13	\$3.10
	April 30	\$4.25	\$3.05
	May 31	\$4.26	\$3.03

## REGISTERED BUYER STANDARD EX-VESSEL PRICES BY PORT GROUP FOR 2008 IFQ SEASON—Continued

PORT GROUP	PERIOD ENDING	HALIBUT STANDARD EX-VESSEL PRICE (\$)	SABLEFISH STANDARD EX-VESSEL PRICE (\$)
	June 30	\$4.32	\$3.06
	July 31	\$4.36	\$3.25
	August 31	\$4.37	\$3.25
	September 30	\$4.36	\$3.26
	October 31	\$4.36	\$3.26
	November 30	\$4.36	\$3.26

<sup>1</sup>Landing locations Within Port Group – Bering Sea: Adak, Akutan, Akutan Bay, Atka, Bristol Bay, Cheformak, Dillingham, Captains Bay, Dutch Harbor, Egegik, Ikatan Bay, Hooper Bay, King Cove, King Salmon, Kipnuk, Mekoryuk, Naknek, Nome, Quinhagak, Savoonga, St. George, St. Lawrence, St. Paul, Togiak, Toksook Bay, Tununak, Beaver Inlet, Ugadaga Bay, Unalaska

<sup>2</sup>Landing Locations Within Port Group – Central Gulf of Alaska: Anchor Point, Anchorage, Alitak, Chignik, Cordova, Eagle River, False Pass, West Anchor Cove, Girdwood, Chinitna Bay, Halibut Cove, Homer, Kasilof, Kenai, Kenai River, Kodiak, Port Bailey, Nikiski, Ninilchik, Old Harbor, Palmer, Sand Point, Seldovia, Resurrection Bay, Seward, Valdez, Whittier

<sup>3</sup>Landing Locations Within Port Group – Southeast Alaska: Angoon, Baranof Warm Springs, Craig, Edna Bay, Elfin Cove, Excursion Inlet, Gustavus, Haines, Hollis, Hoonah, Hyder, Auke Bay, Douglas, Tee Harbor, Juneau, Kake, Ketchikan, Klawock, Metlakatla, Pelican, Petersburg, Portage Bay, Port Alexander, Port Graham, Port Protection, Point Baker, Sitka, Skagway, Tenakee Springs, Thorne Bay, Wrangell, Yakutat

<sup>4</sup>Landing Locations Within Port Group – All: **For Alaska:** All landing locations included in 1, 2, and 3. **For California:** Eureka, Fort Bragg, Other California. **For Oregon:** Astoria, Aurora, Lincoln City, Newport, Warrenton, Other Oregon. **For Washington:** Anacortes, Bellevue, Bellingham, Nagai Island, Edmonds, Everett, Granite Falls, Ilwaco, La Conner, Port Angeles, Port Orchard, Port Townsend, Rainier, Fox Island, Mercer Island, Seattle, Standwood, Other Washington. **For Canada:** Port Hardy, Port Edward, Prince Rupert, Vancouver, Haines Junction, Other Canada

Note In many instances prices have not been reported to comply with confidentiality guidelines that prevent price reports when there are fewer than three processors operating in a location during a month.

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

Dated: November 28, 2008.

**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

RIN 0648-XK27

#### Incidental Takes of Marine Mammals During Specified Activities; Beach Boulevard AICWW Bridge Blasting Project, Duval County, FL

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

**ACTION:** Notice; issuance of an incidental take authorization.

**SUMMARY:** In accordance with the Marine Mammal Protection Act (MMPA) regulations, NMFS has issued an Incidental Harassment Authorization (IHA) to the Jacksonville Transportation Authority (JTA) for the take of small numbers of marine mammals, by Level B harassment only, incidental to the removal and replacement of support structures for the Beach Boulevard Bridge over the Atlantic Intracoastal

Waterway (AICWW) in Duval County, FL.

**DATES:** The IHA is effective from December 1, 2008, through February 28, 2009.

**ADDRESSES:** A copy of the IHA is available by writing to Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3225, or by telephoning the contact listed here.

A copy of the application containing a list of the references used in this document may be obtained by writing to the address specified above, telephoning the contact listed below (see **FOR FURTHER INFORMATION CONTACT**), or online at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm>. Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address.

**FOR FURTHER INFORMATION CONTACT:** Howard Goldstein or Ken Hollingshead, NMFS, (301) 713-2289.

#### SUPPLEMENTARY INFORMATION:

##### Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified

geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses, and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth to achieve the least practicable adverse impact. NMFS has defined “negligible impact” in 50 CFR 216.103 as “...an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.”

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Except with respect to certain activities not pertinent here, the MMPA defines “harassment” as:

any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential