

Permit Issued

A notice of the receipt of an application for a scientific research permit (10093 and 10094) was published in the **Federal Register** on January 16, 2008 (73 FR 2900). Permits 10093 and 10094 were issued to CDFG Region 1 and Region 3 on September 23, 2008.

Permits 10093 and 10094 authorizes CDFG Region 1 and Region 3; respectively, intentional non-lethal take, and unintentional lethal take of the following ESA-listed salmonids: juvenile SONCC coho salmon, CCC coho salmon, CC Chinook salmon, NC steelhead, CCC steelhead, S-CCC steelhead, and SC steelhead; adult CCC coho salmon, CC Chinook salmon, NC steelhead, CCC steelhead, and S-CCC steelhead; and adult carcasses of SONCC coho salmon, CCC coho salmon, CC Chinook salmon, NC steelhead, CCC steelhead, and S-CCC steelhead. The take activities associated with juvenile and adult ESA-listed salmonid studies include; capture (backpack electrofishing, beach seine, rotary screw trap, fish ladder trap, resistance board weir, flume-type-raceway/finger-weir-trap, hook and line and funnel/fyke trap), anesthetizing (optional), handling (identify, measure, and weigh), tissue sampling (fin-clip), scale sampling, marking (fin-clips and/or opercular-hole-punch), tagging (PIT and/or Floy tags) and release of fish. Take activities associated with adult ESA-listed salmonid carcass studies include; handling (identify, measure, and count), marking (opercular-hole-punch and/or cut-in-half), tagging (hog-ring), retaining (head; adipose clipped fish), scale sampling, tissue sampling (fin-clip), and release of fish.

Permits 10093 and 10094 authorizes unintentional lethal take of juvenile SONCC coho salmon, CCC coho salmon, CC Chinook salmon, NC steelhead, CCC steelhead, S-CCC steelhead, and SC steelhead not to exceed 2.5 percent of fish captured. Permits 10093 and 10094 authorizes unintentional lethal take of adult CCC coho salmon, CC Chinook salmon, NC steelhead, CCC steelhead, and S-CCC steelhead not to exceed 2 percent of fish captured.

Permits 10093 and 10094 are for research to be conducted in streams and estuaries throughout the State of California. The purpose of the research is to support conservation and recovery planning of ESA-listed salmonids, address information needs identified by CDFG Region 1 and Region 3, and contribute to the general body of scientific knowledge pertaining to ESA-

listed salmonids. Permits 10093 and 10094 expire on December 31, 2013.

Dated: January 14, 2009.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

RIN 0648-XM62

Fisheries of the Exclusive Economic Zone off Alaska; Application for an Exempted Fishing Permit

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

ACTION: Notice; receipt of application for exempted fishing permit.

SUMMARY: This notice announces receipt of an exempted fishing permit (EFP) application from the North Pacific Fisheries Foundation. If granted, this permit would allow the applicant to collect approximately 100 Pacific halibut caught in the non-pelagic trawl gear fishery for flatfish to evaluate the accuracy of two models for predicting delayed mortality of individual trawl caught halibut. This activity has the potential to promote the objectives of the Magnuson-Stevens Fishery Conservation and Management Act, and the Pacific Halibut Act by assessing techniques for improving survival of halibut in non-pelagic trawl fisheries and improving the accuracy of estimates of halibut mortality. Comments will be accepted at the February 4-10, 2009, North Pacific Fishery Management Council (Council) meeting in Seattle, WA.

DATES: Interested persons may comment on the EFP application during the Council's February 4-10, 2009, meeting in Seattle, WA.

ADDRESSES: The Council meeting will be held at the Renaissance Hotel, 515 Madison Street, Seattle, WA.

Copies of the EFP application and the basis for a categorical exclusion under the National Environmental Policy Act are available by writing to the Alaska Region, NMFS, P. O. Box 21668, Juneau, AK 99802, Attn: Ellen Sebastian. The application also is available from the Alaska Region, NMFS website at <http://www.fakr.noaa.gov>.

FOR FURTHER INFORMATION CONTACT: Jeff Hartman, 907-586-7442 or jeff.hartman@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS manages the domestic groundfish fisheries in the Bering Sea and Aleutian Islands (BSAI) under the Fishery Management Plan for Groundfish of the BSAI (FMP), which the Council prepared under the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing the groundfish fisheries of the BSAI appear at 50 CFR parts 600 and 679. The FMP and the implementing regulations at § 600.745(b) and § 679.6 allow the NMFS Regional Administrator to authorize, for limited experimental purposes, fishing that would otherwise be prohibited. Procedures for issuing EFPs are contained in the implementing regulations.

The International Pacific Halibut Commission (IPHC) and NMFS manage fishing for Pacific halibut (*Hippoglossus stenolepis*) through regulations established under the authority of the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (Convention) and the Northern Pacific Halibut Act of 1982 (Halibut Act). The IPHC promulgates regulations pursuant to the Convention. The IPHC's regulations are subject to approval by the Secretary of State with concurrence from the Secretary of Commerce (Secretary).

NMFS has received an application for an EFP from the North Pacific Fisheries Foundation (NPF). Under this EFP, the NPF would evaluate methods for projecting survival of released halibut, which could improve NMFS's estimates of halibut mortality in the non-pelagic trawl gear fishery for flatfish and identify techniques for minimizing mortality of this species in trawl fisheries.

Background

Regulations implemented by the IPHC allow Pacific halibut to be commercially harvested by the directed North Pacific longline fishery only. Halibut caught incidentally in other fisheries, such as non-pelagic trawl fisheries, must be recorded and returned to the ocean as soon as possible. The North Pacific Fishery Management Council establishes a seasonal maximum biomass of halibut bycatch adjusted for the estimated halibut discard mortality factor for each non-halibut directed fishery. Fisheries close when they reach their seasonal mortality cap even if the catch of the target species is less than the seasonal quota for the directed

fishery. In the case of Bering Sea flatfish fisheries, seasons have been cut short by the halibut bycatch cap before the quotas have been reached. Accurately accounting for halibut in NMFS estimates of mortality and assuring that each halibut returned to the sea has the highest possible chance of survival are therefore high priorities for the IPHC's, the Council's, and NMFS's management goals for both halibut and groundfish.

Before halibut are discarded at-sea, the catch must first be estimated by at-sea observers. In order to credibly account for halibut catch and to ensure that the catch and discard of halibut is observed, NMFS prohibits any removal of halibut from a cod end, bin, or conveyance system prior to being observed and enumerated by an at-sea observer.

With the implementation of Amendment 80 to the FMP on September 14, 2007 (72 FR 52668), allocation of halibut was modified for certain vessels, but halibut bycatch continued to limit fishing in some fisheries. The Amendment 80 sector received an initial allocation of 2,525 mt of halibut bycatch mortality, but that allocation will decrease by 50 mt per year until it reaches 2,325 mt in 2012 and subsequent years. In certain years, this amount is less than the sector's historic catch; therefore, finding ways to accurately estimate halibut survival is important for this sector.

This application for an EFP from NPF proposes to study two methods for predicting halibut survival. It would allow researchers onboard a catcher processor vessel to collect approximately 100 halibut caught with non-pelagic trawl gear and evaluate a reflex action mortality predictor (RAMP) for predicting delayed mortality in individual trawl-caught halibut. The RAMP method would be combined with and compared to the existing IPHC halibut mortality predictor currently used by observers. To assess and compare these two methods, halibut would be held in live tanks on a vessel and assessed by each method. The collection and holding of halibut in this manner requires an exemption from regulations that prohibit retention of halibut by trawl gear, and requiring that all halibut caught with this gear be released as soon as possible (§ 679.7(a)(12), and § 679.21(b)(2)(ii)).

This EFP would apply for the period of time required to complete the experiment during 2009, in areas open to directed fishing for flatfish. It would be of limited scope and duration and would not be expected to change the nature or duration of the groundfish fishery, fishing practices or gear used by

this vessel, or the amount or species of fish caught.

The activities that would be conducted under this EFP are not expected to have a significant impact on the human environment as detailed in the categorical exclusion issued for this action (see **ADDRESSES**).

In accordance with § 679.6, NMFS has determined that the proposal warrants further consideration and has forwarded the application to the Council to initiate consultation. The Council will consider the EFP application during its February 4-10, 2009, meeting, which will be held at the Renaissance Hotel in Seattle, Washington. The applicant has been invited to appear in support of the application.

Public Comments

Interested persons may comment on the application at the February 2009 Council meeting during public testimony. Information regarding the meeting is available at the Council's website at <http://www.fakr.noaa.gov/npfmc/council.htm>. Copies of the application and categorical exclusion are available for review from NMFS (see **ADDRESSES**).

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

Dated: January 15, 2009.

Emily H. Menashes,

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

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CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 09-C0003]

Lasko Products Inc., Provisional Acceptance of a Settlement Agreement and Order

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: It is the policy of the Commission to publish settlements which it provisionally accepts under the Consumer Product Safety Act in the **Federal Register** in accordance with the terms of 16 CFR 1118.20(e). Published below is a provisionally accepted Settlement Agreement with Lasko Products Inc., containing a civil penalty of \$500,000.00.

DATES: Any interested person may ask the Commission not to accept this agreement or otherwise comment on its contents by filing a written request with the Office of the Secretary by February 5, 2009.

ADDRESSES: Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 09-C0003, Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Room 502, Bethesda, Maryland 20814-4408.

FOR FURTHER INFORMATION CONTACT: Belinda V. Bell, Trial Attorney, Division of Compliance, Office of the General Counsel, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814-4408; telephone (301) 504-7592.

SUPPLEMENTARY INFORMATION: The text of the Agreement and Order appears below.

Dated: January 9, 2009.

Todd A. Stevenson,

Secretary.

United States of America

Consumer Product Safety Commission

In the Matter of Lasko Products Inc., a corporation

[CPSC Docket No. 09-C0003]

Settlement Agreement

1. This Settlement Agreement ("Agreement") is made by and between the staff ("staff") of the U.S. Consumer Product Safety Commission ("Commission") and Lasko Products Inc. ("Lasko"), a corporation, in accordance with 16 CFR 1118.20 of the Commission's Procedures for Investigations, Inspections, and Inquiries under the Consumer Product Safety Act ("CPSA"). This Agreement and the incorporated attached Order ("Order") resolve the staffs allegations set forth below.

The Parties

2. The Commission is an independent federal regulatory agency established pursuant to, and responsible for the enforcement of the CPSA, 15 U.S.C. 2051-2089.

3. Lasko is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, with its principal corporate office located in West Chester, Pennsylvania.

4. At all times relevant herein, Lasko designed, manufactured and sold portable electric fans, including those that are the subject of the Agreement and Order.

Staff Allegations

5. Between 1999 and 2001, Lasko manufactured and distributed approximately 5.6 million of the subject portable electric fans under the following brand names and model numbers: Lasko 2135, 3300, 3400, 3410, 3510, 3515, 3521, 3550, 3700, 3723,