

(C) All up-bound and down-bound tows that consist of barges carrying flammable liquid cargos (grade A through C, flashpoint below 140 degrees Fahrenheit, or heated to within 15 degrees Fahrenheit of flash point) must engage the services of a bow boat at all times until the entire tow is clear of the safety and security zone.

(D) Vessels engaged in commercial service, as defined in 46 U.S.C. 2101(5), may not pass (meet or overtake) in the safety zone and must make a SECURITE call when approaching the safety zone to announce intentions and work out passing arrangements on either side.

(E) Commercial tows transiting the safety zone must be made up with wire rope to ensure electrical connectivity between all segments of the tow.

(F) All vessels are prohibited from loitering in the safety and security zone.

(G) Vessels may enter the safety and security zone for the sole purpose of transiting to the other side and must maintain headway throughout the transit. All vessels and persons are prohibited from dredging, laying cable, dragging, fishing, conducting salvage operations, or any other activity, which could disturb the bottom of the safety and security zone.

(H) If a vessel is permitted by the Captain of the Port Sector Lake Michigan or her representative to transit the safety and security zone, all personnel should remain on open decks inside the cabin, or as inboard as practicable and wear a Coast Guard approved Type I personal flotation device. Alternatively, personnel on recreational vessels may wear a Coast Guard approved personal flotation device under 33 CFR Part 175 while in the safety zone.

(I) Vessels may not moor or lay up on the right or left descending banks of the safety zone.

(J) Towboats may not make or break tows if any portion of the towboat or tow is located in the safety zone.

(v) Starting at 8 a.m. on December 2, 2009, this safety and security zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Sector Lake Michigan or her representative. As soon as clean-up efforts from the rotenone application are complete, the Captain of the Port will cause notice of the safety and security zone being open to vessel transits, so long as the vessels comply with regulations described in paragraph (b)(4)(iv) of this section, by all appropriate means to effect the widest publicity among the affected segments of the public. Such means of notification include but are not limited

to, Broadcast Notice to Mariners or Local Notice to Mariners.

(vi) Persons on board any vessel transiting this safety and security zone in accordance with this rule or otherwise are advised they do so at their own risk.

Dated: November 16, 2009.

**D.R. Callahan,**

*Captain, U.S. Coast Guard, Commander,  
Ninth Coast Guard District, Acting.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 0808041043-9036-02]

RIN 0648-XS77

#### Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of the Directed Butterfish Fishery

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS announces that the directed fishery for butterfish in the Exclusive Economic Zone (EEZ) will be closed effective 0001 hours, November 25, 2009. Vessels issued a Federal permit to harvest butterfish may not retain or land more than 600 lb (0.27-mt) of butterfish per trip for the remainder of the year (through December 31, 2009). This action is necessary to prevent the fishery from exceeding its domestic annual harvest (DAH) of 500 mt and to allow for effective management of this stock.

**DATES:** Effective 0001 hours, November 25, 2009, through 2400 hours, December 31, 2009.

**FOR FURTHER INFORMATION CONTACT:**

Lindsey Feldman, Fishery Management Specialist, 978-675-2179, Fax 978-281-9135.

**SUPPLEMENTARY INFORMATION:**

Regulations governing the butterfish fishery are found at 50 CFR part 648. The regulations require specifications for maximum sustainable yield, initial optimum yield, allowable biological catch, domestic annual harvest (DAH), domestic annual processing, joint venture processing, and total allowable levels of foreign fishing for the species managed under the Atlantic Mackerel,

Squid, and Butterfish Fishery Management Plan (FMP). The procedures for setting the annual initial specifications are described in § 648.21.

The 2009 specification of DAH for butterfish was set at 500 mt (74 FR 6244, February 6, 2009).

Section 648.22 requires NMFS to close the directed butterfish fishery in the EEZ when 80 percent of the total annual DAH has been harvested. If 80 percent of the butterfish DAH is projected to be landed prior to October 1, a 250-lb (0.11-mt) incidental butterfish possession limit is put in effect for the remainder of the year, and if 80 percent of the butterfish DAH is projected to be landed on or after October 1, a 600-lb (0.27-mt) incidental butterfish possession limit is put in effect for the remainder of the year. NMFS is further required to notify, in advance of the closure, the Executive Directors of the Mid-Atlantic, New England, and South Atlantic Fishery Management Councils; mail notification of the closure to all holders of butterfish permits at least 72 hr before the effective date of the closure; provide adequate notice of the closure to recreational participants in the fishery; and publish notification of the closure in the **Federal Register**.

The Administrator, Northeast Region, NMFS, based on dealer reports and other available information, has determined that 80 percent of the DAH for butterfish in 2009 fishing year will be harvested. Therefore, effective 0001 hours, November 25, 2009, the directed fishery for butterfish fishery is closed and vessels issued Federal permits for butterfish may not retain or land more than 600 lb (0.27 mt) of butterfish during a calendar day. The directed fishery will reopen effective 0001 hours, January 1, 2010, when the 2010 DAH becomes available.

#### Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA (AA), finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest. This action closes the butterfish fishery until December 31, 2009, under current regulations. The regulations at § 648.21 require such action to ensure that butterfish vessels do not exceed the 2009 TAC. Data indicating the butterfish fleet will have landed at least 80 percent of the 2009 TAC have only recently become available. If implementation of this closure is delayed to solicit prior

public comment, the quota for this year will be exceeded, thereby undermining the conservation objectives of the FMP. The AA further finds, pursuant to 5 U.S.C. 553(d)(3), good cause to waive the 30-day delayed effectiveness period for the reasons stated above.

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

Dated: November 18, 2009.

**Alan D. Risenhoover,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 090324366-9371-01]

**RIN 0648-XS52**

#### **Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions #8, #9, #10, #11, and #12**

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

**ACTION:** Modification of fishing seasons, gear restrictions, and landing and possession limits; request for comments.

**SUMMARY:** NOAA Fisheries announces five inseason actions in the ocean salmon fisheries. Inseason actions #8, #9, and #11 modified the recreational fishery in the area from the U.S./Canada Border to Cape Falcon, Oregon. Inseason action #10 modified the commercial and recreational fisheries in the area from Cape Falcon, Oregon to the Oregon/California Border. Inseason action #12 modified the commercial fishery in the area from the U.S./Canada Border to Cape Falcon, Oregon.

**DATES:** See **SUPPLEMENTARY INFORMATION** for effective dates of inseason actions #8, #9, #10, #11, and #12. Comments will be accepted through December 9, 2009.

**ADDRESSES:** You may submit comments, identified by 0648-XS52, by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>
- Fax: 206-526-6736, Attn: Peggy Busby
- Mail: 7600 Sand Point Way NE, Building 1, Seattle, WA, 98115

Instructions: No comments will be posted for public viewing until after the comment period has closed. 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 (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

**FOR FURTHER INFORMATION CONTACT:** Peggy Busby, by phone at 206-526-4323.

**SUPPLEMENTARY INFORMATION:** In the 2009 annual management measures for ocean salmon fisheries (74 FR 20610, May 5, 2009), NMFS announced the commercial and recreational fisheries in the area from the U.S./Canada Border to the U.S./Mexico Border, beginning May 1, 2009.

The Regional Administrator (RA) consulted with representatives of the Pacific Fishery Management Council, Washington Department of Fish and Wildlife and Oregon Department of Fish and Wildlife on August 26 and September 3, 2009. The information considered related to catch to date and Chinook and coho catch rates compared to quotas and other management measures established preseason.

Inseason action #8 modified the recreational quota in the area from the U.S./Canada Border to Cape Falcon, Oregon by transferring quota among subareas; 1,000 coho were transferred from the quota of the Neah Bay subarea (U.S./Canada Border to Cape Alava, Washington) to the quota for the LaPush subarea (Cape Alava, Washington to Queets River, Washington). This action was taken to distribute remaining quota among the subareas to allow fishing to continue in the LaPush subarea. On August 26, the states recommended this action and the RA concurred; inseason action #8 took effect on August 26, 2009, and will remain in effect until it is modified by any subsequent inseason actions; otherwise, regulations are consistent with 2009 annual management measures for ocean salmon fisheries (74 FR 20610, May 5, 2009). Modification in quota and/or fishing seasons is authorized by regulations at 50 CFR 660.409 (b)(1)(i).

Inseason action #9 closed the recreational fishery in the Columbia River subarea (Leadbetter Point, Washington to Cape Falcon, Oregon). This action was taken to prevent exceeding the subarea coho quota. On August 26, 2009 the states recommended this action and the RA concurred; inseason action #9 took effect on August 31, 2009, and will remain in effect until it is modified by any subsequent inseason actions; otherwise, regulations are consistent with 2009 annual management measures for ocean salmon fisheries (74 FR 20610, May 5, 2009). Modification in quota and/or fishing seasons is authorized by regulations at 50 CFR 660.409 (b)(1)(i).

Inseason action #10 modified the commercial and recreational quotas in the area from the Cape Falcon, Oregon to the Oregon/California Border by transferring unutilized coho salmon quota from the June-August recreational fishery to the September commercial and recreational quotas; 10,240 coho were transferred to the non-mark-selective commercial fishery in the area from Cape Falcon, Oregon to Humbug Mountain, Oregon; 2,560 coho were transferred to the mark-selective recreational fishery in the area from Cape Falcon, Oregon to the Oregon/California Border. This action was taken to utilize available coho salmon quota south of Cape Falcon, Oregon. On September 3, the states recommended this action and the RA concurred; inseason action #10 took effect on September 3, 2009, and will remain in effect until it is modified by any subsequent inseason actions; otherwise, regulations are consistent with 2009 annual management measures for ocean salmon fisheries (74 FR 20610, May 5, 2009). Modification in quota and/or fishing seasons is authorized by regulations at 50 CFR 660.409 (b)(1)(i).

Inseason action #11 modified the recreational fishery in the Columbia River subarea (Leadbetter Point, Washington to Cape Falcon, Oregon), previously closed by inseason action #9. This action was taken to utilize remaining quota in the Columbia River subarea. On September 3, 2009, the states recommended this action and the RA concurred; inseason action #11 took effect on September 7, 2009, and will remain in effect until it is modified by any subsequent inseason actions; otherwise, regulations are consistent with 2009 annual management measures for ocean salmon fisheries (74 FR 20610, May 5, 2009). Modification in quota and/or fishing seasons is authorized by regulations at 50 CFR 660.409 (b)(1)(i).