

environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction. This rule involves the establishment of a safety zone. Based on our preliminary determination, there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, we believe that this rule should be categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation. Because this event establishes a safety zone, paragraph (34)(g) of the Instruction applies. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add new temporary § 165.T09–0483 as follows:

§ 165.T09–0483 Safety Zone; Target Fireworks; Detroit River; Detroit, MI.

(a) *Location.* The following areas are temporary safety zones:

(1) The first safety zone area will encompass all waters of the Detroit River bounded by the arc of a circle with a 900-foot radius with its center in approximate position 42°19'23" N, 083°04'34" W (NAD 83).

(2) The second safety zone area will encompass a portion of the Detroit River bounded on the South by the International Boundary line, on the West by 83°03'30" W, on the North by the City of Detroit shoreline and on the East by 083°01'15" W (NAD 83).

(3) The third safety zone will encompass a portion of the Detroit River bounded on the South by the International Boundary line, on the West by the Ambassador Bridge, on the North by the City of Detroit shoreline, and on the East by the downstream end of Belle Isle. The Captain of the Port Detroit has determined that vessels

below 65 feet in length may enter this zone.

(b) *Effective Period.*

(1) The first safety zone is effective from 7 a.m. on June 20, 2009 to 5 p.m. on June 25 2009. The first safety zone will be enforced from 7 a.m. to 9 p.m. on June 20, 2009, from 6 a.m. to 9 p.m. June 21, 2009, from 6 a.m. to 9 p.m. June 22, 2009, from 6 a.m. to 9 p.m. June 23, 2009 and from 6 a.m. to 5 p.m. on June 24, 2009. In the event of inclement weather, the first safety zone will also be enforced from 6 a.m. to 5 p.m. on June 25, 2009.

(2) The second safety zone is effective from 5 p.m. on June 24, 2009 through 12:15 a.m. on June 26, 2009. The second safety zone will be enforced from 5 p.m. on June 24, 2009 through 12:15 a.m. on June 25, 2009. In the event of inclement weather, the second safety zone will also be enforced from 5 p.m. on June 25, 2009 to 12:15 a.m. on June 26, 2009.

(3) The third safety zone is effective from 8 p.m. on June 24, 2009 through 12:15 a.m. on June 26, 2009. The third safety zone will be enforced from 8 p.m. on June 24, 2009 through 12:15 a.m. on June 25, 2009. In the event of inclement weather, the third safety zone will also be enforced from 8 p.m. on June 25, 2009 to 12:15 a.m. on June 26, 2009.

(c) *Regulations.*

(1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Detroit, or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Detroit or his designated on-scene representative.

(3) The “on-scene representative” of the Captain of the Port is any Coast Guard commissioned, warrant, or petty officer who has been designated by the Captain of the Port to act on his behalf. The on-scene representative of the Captain of the Port will be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The Captain of the Port or his designated on scene representative may be contacted via VHF Channel 16.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port Detroit or his on-scene representative to obtain permission to do so.

(5) Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port or his on-scene representative.

Dated: June 8, 2009.

F.M. Midgette,

Captain, U.S. Coast Guard, Captain of the Port Detroit.

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 1

Collection of Debts Owed by Reason of Participation in a Benefits Program

CFR Correction

In Title 38 of the Code of Federal Regulations, Parts 0 to 17, revised as of July 1, 2008, on page 91, in § 1.911, remove paragraphs (b)(1) through (b)(4).

[FR Doc. E9–14689 Filed 6–19–09; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 040205043–4043–01]

RIN 0648–XP56

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2009 Deepwater Grouper Commercial Fishery

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS closes the commercial fishery for deepwater grouper (misty grouper, snowy grouper, yellowedge grouper, warsaw grouper, and speckled hind) in the exclusive economic zone (EEZ) of the Gulf of Mexico. NMFS has determined that the deepwater grouper quota for the commercial fishery will have been reached by June 27, 2009. This closure is necessary to protect the deepwater grouper resource.

DATES: Closure is effective 12:01 a.m., local time, June 27, 2009, until 12:01 a.m., local time, on January 1, 2010.

FOR FURTHER INFORMATION CONTACT: Catherine Bruger, telephone 727–551–5727, fax 727–824–5308, e-mail Catherine.Bruger@noaa.gov.

SUPPLEMENTARY INFORMATION: The reef fish fishery of the Gulf of Mexico is managed under the Fishery

Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622. Those regulations set the commercial quota for deepwater grouper in the Gulf of Mexico at 1.02 million lb (463,636 kg) for the current fishing year, January 1 through December 31, 2009.

Under 50 CFR 622.43(a), NMFS is required to close the commercial fishery for a species or species group when the quota for that species or species group is reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. Based on current statistics, NMFS has determined that the available commercial quota of 1.02 million lb (463,636 kg) for deepwater grouper will be reached on or before June 27, 2009. Accordingly, NMFS is closing the commercial deepwater grouper fishery in the Gulf of Mexico EEZ from 12:01 a.m., local time, on June 27, 2009, until 12:01 a.m., local time, on January 1, 2010. The operator of a vessel with a valid commercial vessel permit for Gulf reef fish having deepwater grouper aboard must have landed and bartered, traded, or sold such deepwater grouper prior to 12:01 a.m., local time, June 27, 2009.

During the closure, the bag and possession limits specified in 50 CFR 622.39(b) apply to all harvest or possession of deepwater grouper in or from the Gulf of Mexico EEZ, and the sale or purchase of deepwater grouper taken from the EEZ is prohibited. Vessels with commercial quantities of reef fish on board are prohibited from retaining a recreational bag limit. Thus a vessel may only have a commercial quantity of reef fish or a recreational bag limit of reef fish. The prohibition on sale or purchase does not apply to sale or purchase of deepwater grouper that were harvested, landed ashore, and sold prior to 12:01 a.m., local time, June 27, 2009, and were held in cold storage by a dealer or processor.

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 prior notice and opportunity for public comment is

unnecessary and contrary to the public interest. Such procedures would be unnecessary because the rule itself has already been subject to notice and comment, and all that remains is to notify the public of the closure. Allowing prior notice and opportunity for public comment is contrary to the public interest because of the need to immediately implement this action to protect the fishery since the capacity of the fishing fleet allows for rapid harvest of the quota. Prior notice and opportunity for public comment would require time and would potentially result in a harvest well in excess of the established quota.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

This action is taken under 50 CFR 622.43(a) and is exempt from review under Executive Order 12866.

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

Dated: June 17, 2009.

Alan D. Risenhoover,

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

[FR Doc. E9-14610 Filed 6-17-09; 4:15 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 090428799-9802-01]

RIN 0648-XP82

Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Closure of the Pacific Whiting Primary Fishery for the Mothership Sector

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

ACTION: Fishing restrictions.

SUMMARY: NMFS announces closure of the primary season for the mothership sector of the Pacific whiting fishery at 10:00 p.m. local time (l.t.) June 1, 2009. The closure was necessary because the mothership sector was projected to reach its Pacific whiting harvest guideline. This action is authorized by regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California. This action is intended to keep the harvest of Pacific whiting at the 2009 allocation levels.

DATES: Effective from 10:00 p.m. l.t. June 1, 2009, until the start of the 2010 primary season for the mothership sector, unless modified, superseded or rescinded.

FOR FURTHER INFORMATION CONTACT:

Becky Renko at 206-526-6110.

SUPPLEMENTARY INFORMATION: This action is authorized by regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California. The regulations at 50 CFR 660.323(a) established separate allocations for the catcher/processor, mothership, and shore based sectors of the whiting fishery. The 2009 commercial Optimum Yield (OY) for Pacific whiting is 81,939 mt. This is calculated by deducting the 50,000-mt tribal set-aside and 4,000-mt for research catch and bycatch in non-groundfish fisheries from the 135,939 mt total catch OY. Each sector receives a portion of the commercial OY, with the catcher/processors getting 34 percent (27,859 mt), motherships getting 24 percent (19,665 mt), and the shore-based sector getting 42 percent (34,414 mt).

Regulations at 50 CFR 660.323 (c) provide that if the Regional Administrator determines that a portion of the tribal set-aside or another sector's allocation will not be used during the year, the Regional Administrator can reapportion that Pacific whiting to other sectors in proportion to their initial allocations. At the Pacific Fishery Management Council's March 2009 meeting, the Makah Tribal representatives stated their intent to harvest only 23,789 mt of their 42,000 mt set-aside and asked that the remaining 18,211 mt be reapportioned to the non-tribal sectors of the fishery. Therefore, the mothership sector received an additional 5,823 mt, resulting in a harvest guideline of 24,034 mt.

When each sector's Pacific whiting harvest allocation or harvest guideline is reached, the primary season for that sector is ended. The mothership sector is composed of motherships and catcher vessels that harvest whiting for delivery to motherships. Motherships are vessels that process, but do not harvest, whiting. The regulations at 50 CFR 660.323 (a)(3)(i) describe the primary season for vessels delivering to motherships as the period(s) when at-sea processing is allowed and the fishery is open for the mothership sector.

To prevent an allocation from being exceeded, regulations at 50 CFR 660.323