

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
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Maps are available for inspection at 197 E Tabernacle St, St. George, UT 84770.

**Unincorporated Areas of Washington County**

Maps are available for inspection at 197 E Tabernacle St, St. George, UT 84770.

**Sheboygan County, Wisconsin, and Incorporated Areas  
FEMA Docket No.: D-7800**

East Branch Milwaukee River	Just upstream of Division Road .....	+1012	Unincorporated Areas of Sheboygan County.
Sheboygan River .....	At intersection between Division Road and Scenic Drive .....	+1012	Unincorporated Areas of Sheboygan County.
	Approximately 4,700 feet upstream of County Highway JM	+770	
	Approximately 1,500 feet upstream of County Highway A ...	+798	

\* National Geodetic Vertical Datum.  
+ North American Vertical Datum.  
# Depth in feet above ground.

**ADDRESSES**

**Sheboygan County (Unincorporated Areas)**

Maps are available for inspection at Administration Building, 508 New York Avenue, Sheboygan, WI 53081-4126.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: October 16, 2008.

**Edward L. Connor,**

*Acting Federal Insurance Administrator of the National Flood Insurance Program, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. E8-25257 Filed 10-24-08; 8:45 am]

**BILLING CODE 9110-12-P**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[DA 08-2275; MB Docket No. 07-124; RM-11378]

**Radio Broadcasting Services; Waldport, OR**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Audio Division, at the request of Radio Beam, LLC, allots FM Channel 229C2 at Waldport, Oregon, as a second local service. Channel 229C2 can be allotted at Waldport, Oregon, in compliance with the Commission's minimum distance separation requirements without site restriction at the center city reference coordinates: 44-25-37 North Latitude and 124-04-02 West Longitude.

**DATES:** Effective November 24, 2008.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:**

Deborah Dupont, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MB Docket No. 07-124, adopted October 8, 2008, and released October 10, 2008. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. The complete text of this decision also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC, 20554, (800) 378-3160, or via the company's Web site, <http://www.bcpweb.com>. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

**List of Subjects in 47 CFR Part 73**

Radio, Radio broadcasting.

■ As stated in the preamble, the Federal Communications Commission amends 47 CFR Part 73 as follows:

**PART 73—RADIO BROADCAST SERVICES**

■ 1. The authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

**§ 73.202 [Amended]**

■ 2. Section 73.202(b), the Table of FM Allotments under Oregon, is amended by adding Waldport, Channel 229C2.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. E8-25456 Filed 10-24-08; 8:45 am]

**BILLING CODE 6712-01-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 0401120010-4114-02]

**RIN 0648-XL40**

**Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Modification of the Yellowtail Flounder Landing Limit for the U.S./Canada Management Area**

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

**ACTION:** Temporary rule; reduction of landing limit.

**SUMMARY:** This action decreases the Georges Bank (GB) yellowtail flounder trip limit to 2,500 lb (1,134 kg) for NE multispecies days-at-sea (DAS) vessels

fishing in the U.S./Canada Management Area. This action is authorized by the regulations implementing Amendment 13 to the NE Multispecies Fishery Management Plan and is intended to prevent over-harvesting of the total allowable catch (TAC) for GB yellowtail flounder during the 2008 fishing year. This action is being taken to maintain opportunities for vessels to fully harvest the TACs for transboundary stocks of GB cod, haddock, and yellowtail flounder under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

**DATES:** Effective October 23, 2008, through April 30, 2009.

**FOR FURTHER INFORMATION CONTACT:** Douglas Potts, Fishery Policy Analyst, (978) 281-9341, fax (978) 281-9135.

**SUPPLEMENTARY INFORMATION:**

Regulations governing the GB yellowtail flounder landing limit within the U.S./Canada Management Area are found at 50 CFR 648.85(a)(3)(iv)(C) and (D). The regulations authorize vessels issued a valid limited access NE multispecies permit and fishing under a NE multispecies DAS to fish in the U.S./Canada Management Area, as defined at § 648.85(a)(1), under specific conditions. The TAC for GB yellowtail flounder for the 2008 fishing year (May 1, 2008 - April 30, 2009) was set at 1,950 mt (73 FR 16572, March 28, 2008), a 217-percent increase from the TAC for the 2007 fishing year.

The regulations at § 648.85(a)(3)(iv)(D) authorize the Administrator, Northeast (NE) Region, NMFS (Regional Administrator) to increase or decrease the trip limits in the U.S./Canada Management Area to prevent over-harvesting or under-harvesting the TAC allocation. On April 29, 2008 (73 FR 23130), based upon the 2008 TAC for GB yellowtail flounder and projections of harvest rates in the fishery, the trip limit for GB yellowtail flounder was set at 5,000 lb (2,268 kg) for the 2008 fishing year, to prevent a premature closure of the Eastern U.S./Canada Management Area and, therefore, reduced opportunities to fish for Eastern GB cod and haddock in the Eastern U.S./Canada Area.

According to the most recent Vessel Monitoring System (VMS) reports and other available information, the cumulative GB yellowtail flounder catch, as of October 16, 2008, is estimated to be over 40 percent of the TAC. Harvest of the GB yellowtail flounder TAC would result in the closing of the Eastern U.S./Canada Area, preventing harvest of the remaining portions of the GB cod and GB haddock

TACs. Decreasing the GB yellowtail flounder trip limit to 2,500 lb (1,134 kg) from 5,000 lb (2,268 kg) is expected to reduce the number of trips made to the U.S./Canada Management Area to target GB yellowtail flounder, decrease landings of yellowtail flounder without increasing discards, and result in the achievement of the TAC during the fishing year without exceeding it. Based on this information, and at the request of the New England Fishery Management Council (Council), the Regional Administrator is decreasing the current 5,000-lb (2,268-kg) yellowtail flounder trip limit in the U.S./Canada Management Area to 2,500-lb (1,134-kg) per trip, effective 0001 hours local time October 23, 2008, through April 30, 2009.

GB yellowtail flounder landings will continue to be closely monitored. Further inseason adjustments to increase or decrease the trip limit may be considered, based on updated catch data and projections. Should 100 percent of the TAC allocation for GB yellowtail flounder be projected to be harvested, all vessels would be prohibited from harvesting, possessing, or landing yellowtail flounder from the entire U.S./Canada Management Area, and the Eastern U.S./Canada Area would be closed to limited access NE multispecies DAS vessels for the remainder of the fishing year.

**Classification**

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

Pursuant to 5 U.S.C. 553(b)(3)(B) and (d)(3), there is good cause to waive prior notice and opportunity for public comment; as well as the delayed effectiveness for this action, because prior notice and comment, and a delayed effectiveness, would be impracticable and contrary to the public interest. The regulations under § 658.85(a)(3)(iv)(D) grant the Regional Administrator the authority to adjust the GB yellowtail flounder trip limit to prevent over-harvesting or under-harvesting the TAC allocation. This action would reduce the GB yellowtail trip limit for all NE multispecies DAS vessels fishing in the U.S./Canada Management Area for the remainder of the 2008 fishing year. This action is intended to prevent the over-harvest of the GB yellowtail flounder TAC while allowing continued opportunities to achieve optimum yield in the NE multispecies fishery.

This action is authorized by the regulations at § 648.85(a)(3)(iv)(D). It is important to take this action immediately to slow the rate of GB

yellowtail flounder harvest. Any further delay of this action is likely to result in a precipitous harvest of the GB yellowtail flounder TAC which would require that the Eastern U.S./Canada Management Area be closed for the remainder of the 2008 fishing year, preventing the harvest of the remaining portions of the GB cod and GB haddock TACs, thereby reducing the ability of fishers to maximize their fishing opportunities. Exceeding the 2008 TAC for GB yellowtail flounder would increase mortality of this overfished stock beyond that evaluated during the development of Amendment 13, resulting in decreased revenue for the NE multispecies fishery, increased negative economic impacts to vessels operating in the U.S./Canada Area, a reduced chance of achieving optimum yield in the groundfish fishery, and unnecessary delays to the rebuilding of this overfished stock. Exceeding the 2008 GB yellowtail flounder TAC would also necessitate that any overages during the 2008 fishing year be deducted from the GB yellowtail flounder TAC for the 2009 fishing year. Reducing the 2009 TAC due to any 2008 TAC overage caused by delaying this action would create an unnecessary burden on the fishing industry and further negative economic and social impacts that were not previously considered.

The potential of decreasing the GB yellowtail flounder trip limit was announced to the public when the 5,000-lb (2,268-kg) trip limit was implemented on April 29, 2008. Additional public notice occurred when the Council voted to request that the Regional Administrator reduce the trip limit at its public meeting on October 8, 2008. Further, the public is able to obtain information on the rate of harvest of the GB yellowtail flounder TAC via the NMFS Northeast Regional Office website (<http://www.nero.noaa.gov>), which provides at least some advanced notice of a potential action to prevent the TAC for GB yellowtail flounder from being exceeded during the 2008 fishing year. The Regional Administrator's authority to decrease the trip limit for GB yellowtail flounder in the U.S./Canada Management Area to ensure the shared U.S./Canada stocks of fish are harvested, but not exceeded, was publically considered and open to public comment during the development of Amendment 13 and FW 42. Therefore, any negative effect the waiving of public comment and delayed effectiveness may have on the public is mitigated by these factors.

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

Dated: October 22, 2008.

**Emily H. Menashes,**

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

[FR Doc. E8-25593 Filed 10-22-08; 4:40 pm]

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