

distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely approves a State rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

F. Executive Order 13175, Coordination With Indian Tribal Governments

Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." This final rule does not have tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes. Thus, Executive Order 13175 does not apply to this rule.

G. Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5-501 of the Executive Order has the potential to influence the regulation. This rule is not subject to Executive Order 13045, because it approves a State rule implementing a Federal standard.

H. Executive Order 13211, Actions That Significantly Affect Energy Supply, Distribution, or Use

This rule is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA,

EPA must consider and use "voluntary consensus standards" (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

J. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the Federal Register. A major rule cannot take effect until 60 days after it is published in the Federal Register. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This rule will be effective on February 25, 2010.

K. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 29, 2010. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: December 11, 2009.

Laura Yoshii, Acting Regional Administrator, Region IX.

■ Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 et seq.

Subpart F—California

■ 2. Section 52.220, is amended by adding paragraphs (c)(350)(i)(C)(2), (354)(i)(E)(11) and (354)(i)(E)(12) to read as follows:

§ 52.220 Identification of plan.

\* \* \* \* \*

- (c) \* \* \*
(350) \* \* \*
(i) \* \* \*
(C) \* \* \*

(2) Rule 4401, "Steam-Enhanced Crude Oil Production Wells," adopted on December 14, 2006.

\* \* \* \* \*

- (354) \* \* \*
(i) \* \* \*
(E) \* \* \*

(11) Rule 4605, "Aerospace Assembly and Component Coating Operations," adopted on September 20, 2007.

(12) 4684, "Polyester Resin Operations," adopted on September 20, 2007.

\* \* \* \* \*

[FR Doc. 2010-1385 Filed 1-25-10; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8113]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and

a notice of this will be provided by publication in the **Federal Register** on a subsequent date.

**DATES: Effective Dates:** The effective date of each community's scheduled suspension is the third date ("Susp.") listed in the third column of the following tables.

**FOR FURTHER INFORMATION CONTACT:** If you want to determine whether a particular community was suspended on the suspension date or for further information, contact David Starrett, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2953.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the NFIP, 42 U.S.C. 4001 *et seq.*; unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A

notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, FEMA has identified the Special Flood Hazard Areas (SFHAs) in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year, on FEMA's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

*National Environmental Policy Act.* This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

*Regulatory Flexibility Act.* The Administrator has determined that this

rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

*Regulatory Classification.* This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

*Executive Order 13132, Federalism.* This rule involves no policies that have federalism implications under Executive Order 13132.

*Executive Order 12988, Civil Justice Reform.* This rule meets the applicable standards of Executive Order 12988.

*Paperwork Reduction Act.* This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

**List of Subjects in 44 CFR Part 64**

Flood insurance, Floodplains.

■ Accordingly, 44 CFR part 64 is amended as follows:

**PART 64—[AMENDED]**

■ 1. The authority citation for part 64 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

**§ 64.6 [Amended]**

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
<b>Region III</b>				
West Virginia:				
Hinton, City of, Summers County .....	540187	March 10, 1975, Emerg; August 1, 1979, Reg; February 3, 2010, Susp.	Feb. 3, 2010 .....	Feb. 3, 2010.
Summers County, Unincorporated Areas.	540186	March 19, 1975, Emerg; November 5, 1980, Reg; February 3, 2010, Susp.	.....*do .....	Do.
<b>Region IV</b>				
Mississippi:				
Baldwyn, City of, Lee County .....	280134	December 2, 1974, Emerg; September 18, 1987, Reg; February 3, 2010, Susp.	.....do .....	Do.
Guntown, Town of, Lee County .....	280345	N/A, Emerg; August 28, 2007, Reg; February 3, 2010, Susp.	.....do .....	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Lauderdale County, Unincorporated Areas.	280224	May 28, 1975, Emerg; September 29, 1989, Reg; February 3, 2010, Susp.	.....do .....	Do.
Lee County, Unincorporated Areas .....	280227	February 7, 1978, Emerg; March 5, 1990, Reg; February 3, 2010, Susp.	.....do .....	Do.
Marion, Town of, Lauderdale County ....	280095	June 26, 1975, Emerg; September 29, 1989, Reg; February 3, 2010, Susp.	.....do .....	Do.
Meridian, City of, Lauderdale County ....	280096	November 19, 1971, Emerg; December 15, 1977, Reg; February 3, 2010, Susp.	.....do .....	Do.
Plantersville, Village of, Lee County .....	280099	April 4, 1975, Emerg; August 1, 1986, Reg; February 3, 2010, Susp.	.....do .....	Do.
Saltillo, Town of, Lee County .....	280261	April 24, 1975, Emerg; September 18, 1987, Reg; February 3, 2010, Susp.	.....do .....	Do.
Shannon, Town of, Lee County .....	280343	N/A, Emerg; February 26, 2009, Reg; February 3, 2010, Susp.	.....do .....	Do.
Tupelo, City of, Lee County .....	280100	March 4, 1974, Emerg; April 3, 1978, Reg; February 3, 2010, Susp.	.....do .....	Do.
Verona, Town of, Lee County .....	280262	May 6, 1975, Emerg; June 4, 1987, Reg; February 3, 2010, Susp.	.....do .....	Do.
Tennessee: Sweetwater, City of, Monroe County	470135	May 24, 1974, Emerg; March 18, 1986, Reg; February 3, 2010, Susp.	.....do .....	Do.
<b>Region V</b>				
Minnesota:				
Afton, City of, Washington County .....	275226	March 19, 1971, Emerg; April 21, 1972, Reg; February 3, 2010, Susp.	.....do .....	Do.
Bayport, City of, Washington County ....	275229	April 2, 1971, Emerg; May 12, 1972, Reg; February 3, 2010, Susp.	.....do .....	Do.
Birchwood Village, City of, Washington County.	270720	July 9, 1979, Emerg; June 8, 1984, Reg; February 3, 2010, Susp.	.....do .....	Do.
Cottage Grove, City of, Washington County.	270502	May 12, 1972, Emerg; April 30, 1976, Reg; February 3, 2010, Susp.	.....do .....	Do.
Dellwood, City of, Washington County ..	270694	January 16, 1978, Emerg; December 26, 1978, Reg; February 3, 2010, Susp.	.....do .....	Do.
Grant, City of, Washington County .....	270780	N/A, Emerg; July 3, 2003, Reg; February 3, 2010, Susp.	.....do .....	Do.
Hastings, City of, Washington County ..	270105	March 9, 1973, Emerg; July 16, 1980, Reg; February 3, 2010, Susp.	.....do .....	Do.
Hugo, City of, Washington County .....	270504	June 20, 1974, Emerg; September 29, 1978, Reg; February 3, 2010, Susp.	.....do .....	Do.
Lake Elmo, City of, Washington County	270505	August 18, 1972, Emerg; July 2, 1979, Reg; February 3, 2010, Susp.	.....do .....	Do.
Lake Saint Croix Beach, City of, Washington County.	275240	March 19, 1971, Emerg; February 19, 1972, Reg; February 3, 2010, Susp.	.....do .....	Do.
Lakeland Shores, City of, Washington County.	275239	April 9, 1971, Emerg; April 28, 1972, Reg; February 3, 2010, Susp.	.....do .....	Do.
Lakeland, City of, Washington County ..	275238	April 9, 1971, Emerg; February 9, 1972, Reg; February 3, 2010, Susp.	.....do .....	Do.
Mahtomedi, City of, Washington County	270698	April 30, 1979, Emerg; June 22, 1984, Reg; February 3, 2010, Susp.	.....do .....	Do.
Marine on Saint Croix, City of, Washington County.	270509	September 12, 1975, Emerg; September 27, 1985, Reg; February 3, 2010, Susp.	.....do .....	Do.
Newport, City of, Washington County ...	270510	February 15, 1974, Emerg; July 2, 1980, Reg; February 3, 2010, Susp.	.....do .....	Do.
Oakdale, City of, Washington County ...	270511	April 18, 1975, Emerg; December 26, 1978, Reg; February 3, 2010, Susp.	.....do .....	Do.
Scandia, City of, Washington County ...	270582	N/A, Emerg; August 12, 2008, Reg; February 3, 2010, Susp.	.....do .....	Do.
Saint Mary's Point, City of, Washington County.	275247	March 19, 1971, Emerg; February 25, 1972, Reg; February 3, 2010, Susp.	.....do .....	Do.
Saint Paul Park, City of, Washington County.	270514	September 11, 1974, Emerg; June 18, 1980, Reg; February 3, 2010, Susp.	.....do .....	Do.
Stillwater, City of, Washington County ..	275249	November 5, 1971, Emerg; March 16, 1973, Reg; February 3, 2010, Susp.	.....do .....	Do.
Washington County, Unincorporated Areas.	270499	April 30, 1971, Emerg; May 17, 1982, Reg; February 3, 2010, Susp.	.....do .....	Do.
Woodbury, City of, Washington County	270699	May 8, 2001, Emerg; N/A, Reg; February 3, 2010, Susp.	.....do .....	Do.
Ohio:				
Eastlake, City of, Lake County .....	390313	February 4, 1972, Emerg; February 18, 1981, Reg; February 3, 2010, Susp.	.....do .....	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Fairport Harbor, Village of, Lake County	390314	N/A, Emerg; September 13, 2006, Reg; February 3, 2010, Susp.	.....do .....	Do.
Grand River, Village of, Lake County ...	390315	September 25, 1975, Emerg; July 16, 1979, Reg; February 3, 2010, Susp.	.....do .....	Do.
Kirtland Hills, Village of, Lake County ...	390810	March 17, 1977, Emerg; October 5, 1984, Reg; February 3, 2010, Susp.	.....do .....	Do.
Kirtland, City of, Lake County .....	390616	October 27, 1976, Emerg; February 1, 1980, Reg; February 3, 2010, Susp.	.....do .....	Do.
Lake County, Unincorporated Areas .....	390771	October 22, 1975, Emerg; January 2, 1981, Reg; February 3, 2010, Susp.	.....do .....	Do.
Lakeline, Village of, Lake County .....	390888	May 27, 1988, Emerg; August 4, 1988, Reg; February 3, 2010, Susp.	.....do .....	Do.
Madison, Village of, Lake County .....	390316	August 26, 1975, Emerg; December 4, 1979, Reg; February 3, 2010, Susp.	.....do .....	Do.
Mentor, City of, Lake County .....	390317	December 29, 1972, Emerg; December 1, 1977, Reg; February 3, 2010, Susp.	.....do .....	Do.
North Perry, Village of, Lake County ...	390742	March 19, 1976, Emerg; July 16, 1979, Reg; February 3, 2010, Susp.	.....do .....	Do.
Painesville, City of, Lake County .....	390319	December 30, 1971, Emerg; February 2, 1977, Reg; February 3, 2010, Susp.	.....do .....	Do.
Perry, Village of, Lake County .....	390320	June 11, 1975, Emerg; December 15, 1978, Reg; February 3, 2010, Susp.	.....do .....	Do.
Timberlake, Village of, Lake County .....	390890	May 27, 1988, Emerg; August 4, 1988, Reg; February 3, 2010, Susp.	.....do .....	Do.
Waite Hill, Village of, Lake County .....	390649	December 21, 1978, Emerg; August 1, 1979, Reg; February 3, 2010, Susp.	.....do .....	Do.
Wickliffe, City of, Lake County .....	390321	August 9, 1976, Emerg; January 2, 1980, Reg; February 3, 2010, Susp.	.....do .....	Do.
Willoughby, City of, Lake County .....	390322	June 12, 1975, Emerg; January 16, 1981, Reg; February 3, 2010, Susp.	.....do .....	Do.
Willowick, City of, Lake County .....	390324	February 18, 1976, Emerg; December 4, 1979, Reg; February 3, 2010, Susp.	.....do .....	Do.
<b>Wisconsin:</b>				
Berlin, City of, Green Lake County .....	550166	September 26, 1973, Emerg; September 30, 1977, Reg; February 3, 2010, Susp.	.....do .....	Do.
Green Lake, City of, Green Lake County.	550167	May 16, 1975, Emerg; September 27, 1985, Reg; February 3, 2010, Susp.	.....do .....	Do.
Ladysmith, City of, Rusk County .....	550375	February 14, 1974, Emerg; September 1, 1978, Reg; February 3, 2010, Susp.	.....do .....	Do.
Markesan, City of, Green Lake County	550169	June 9, 1975, Emerg; July 2, 2003, Reg; February 3, 2010, Susp.	.....do .....	Do.
Princeton, City of, Green Lake County	550171	June 26, 1975, Emerg; June 15, 1988, Reg; February 3, 2010, Susp.	.....do .....	Do.
Green Lake County, Unincorporated Areas.	550165	March 10, 1972, Emerg; March 1, 1978, Reg; February 3, 2010, Susp.	.....do .....	Do.
Rusk County, Unincorporated Areas .....	550602	May 31, 1988, Emerg; May 31, 1988, Reg; February 3, 2010, Susp.	.....do .....	Do.
Bruce, Village of, Rusk County .....	550370	November 26, 1974, Emerg; September 1, 1986, Reg; February 3, 2010, Susp.	.....do .....	Do.
Hawkins, Village of, Rusk County .....	550373	August 30, 1974, Emerg; July 15, 1988, Reg; February 3, 2010, Susp.	.....do .....	Do.
Ingram, Village of, Rusk County .....	550374	July 11, 1979, Emerg; January 2, 1987, Reg; February 3, 2010, Susp.	.....do .....	Do.
Kingston, Village of, Green Lake County.	550168	April 10, 1975, Emerg; September 1, 1986, Reg; February 3, 2010, Susp.	.....do .....	Do.
Marquette, Village of, Green Lake County.	550170	April 28, 2008, Emerg; N/A, Reg; February 3, 2010, Susp.	.....do .....	Do.
Sheldon, Village of, Rusk County .....	550376	July 18, 1975, Emerg; September 27, 1985, Reg; February 3, 2010, Susp.	.....do .....	Do.
Tony, Village of, Rusk County .....	550377	July 22, 1975, Emerg; September 16, 1988, Reg; February 3, 2010, Susp.	.....do .....	Do.
<b>Region VI</b>				
<b>Texas:</b>				
Burkburnett, City of, Wichita County .....	480658	February 7, 1975, Emerg; December 15, 1982, Reg; February 3, 2010, Susp.	.....do .....	Do.
Iowa Park, City of, Wichita County .....	480660	July 9, 1975, Emerg; December 15, 1982, Reg; February 3, 2010, Susp.	.....do .....	Do.
Lakeside City, City of, Archer and Wichita Counties.	481496	October 23, 1990, Emerg; April 1, 1991, Reg; February 3, 2010, Susp.	.....do .....	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Palestine, City of, Anderson County .....	480004	August 19, 1975, Emerg; February 18, 1981, Reg; February 3, 2010, Susp.	.....do .....	Do.
Anderson County, Unincorporated Areas. <b>Region VII</b>	480001	January 24, 1992, Emerg; May 1, 1992, Reg; February 3, 2010, Susp.	.....do .....	Do.
Kansas:				
Burlingame, City of, Osage County .....	200249	April 14, 2003, Emerg; N/A, Reg; February 3, 2010, Susp.	.....do .....	Do.
Carbondale, City of, Osage County .....	200250	August 7, 1975, Emerg; March 4, 1988, Reg; February 3, 2010, Susp.	.....do .....	Do.
Lyndon, City of, Osage County .....	200251	July 15, 1975, Emerg; June 3, 1986, Reg; February 3, 2010, Susp.	.....do .....	Do.
Osage County, Unincorporated Areas ..	200601	February 11, 2005, Emerg; N/A, Reg; February 3, 2010, Susp.	.....do .....	Do.
Overbrook, City of, Osage County .....	200546	N/A, Emerg; January 10, 2008, Reg; February 3, 2010, Susp.	.....do .....	Do.
Quenemo, City of, Osage County .....	200253	July 6, 1976, Emerg; September 1, 1990, Reg; February 3, 2010, Susp.	.....do .....	Do.
<b>Region X</b>				
Alaska:				
Togiak, City of, Dillingham Census Area	020090	January 17, 1997, Emerg; May 21, 2009, Reg; February 3, 2010, Susp.	.....do .....	Do.
Lake and Peninsula Borough, Lake and Peninsula Borough.	025063	March 4, 2004, Emerg; N/A, Reg; February 3, 2010, Susp.	.....do .....	Do.

\* do = Ditto.  
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: January 15, 2010.  
**Sandra K. Knight,**  
*Deputy Assistant Administrator for Mitigation  
Department of Homeland Security Federal  
Emergency Management Agency.*  
[FR Doc. 2010-1414 Filed 1-25-10; 8:45 am]  
**BILLING CODE 9110-12-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 060418103-6181-02]

RIN 0648-XT98

**Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Commercial Period 2 Quota Harvested**

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

**ACTION:** Temporary rule; Closure of spiny dogfish fishery.

**SUMMARY:** NMFS announces that the spiny dogfish commercial quota available to the coastal states from Maine through Florida for the second semi-annual quota period, November 1, 2009 — April 30, 2010, has been harvested. Therefore, effective 0001 hours, January 26, 2010, federally

permitted spiny dogfish vessels may not fish for, possess, transfer, or land spiny dogfish until May 1, 2010, when the Period 1 quota becomes available. Regulations governing the spiny dogfish fishery require publication of this notification to advise the coastal states from Maine through Florida that the quota has been harvested and to advise vessel permit holders and dealer permit holders that no Federal commercial quota is available for landing spiny dogfish in these states. This action is necessary to prevent the fishery from exceeding its Period 2 quota and to allow for effective management of this stock.

**DATES:** Quota Period 2 for the spiny dogfish fishery is closed effective at 0001 hr local time, January 26, 2010, through 2400 hr local time April 30, 2010. Effective January 26, 2010, federally permitted dealers are also advised that they may not purchase spiny dogfish from federally permitted spiny dogfish vessels.

**FOR FURTHER INFORMATION CONTACT:** Lindsey Feldman at (978) 675-2179, or *Lindsey.Feldman@noaa.gov*.

**SUPPLEMENTARY INFORMATION:** Regulations governing the spiny dogfish fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota, which is allocated into two quota periods based upon percentages

specified in the fishery management plan. The commercial quota is distributed to the coastal states from Maine through Florida, as described in § 648.230.

The initial total commercial quota for spiny dogfish for the 2009 fishing year is 12 million lb (5,443.11 mt) (74 FR 20230, May 1, 2009). The commercial quota is allocated into two periods (May 1 through October 31, and November 1 through April 30). Vessel possession limits are intended to preclude directed fishing, and they are set at 3,000 lb (1.36 mt) for both Quota Periods 1 and 2. Quota Period 1 is allocated 6,948,000 lb (3,151.56 mt), and Quota Period 2 is allocated 5,052,000 lb (2,291.55 mt) of the commercial quota. The total quota cannot be exceeded, so landings in excess of the amount allocated to Period 1 have the effect of reducing the quota available to the fishery during Period 2.

The Administrator, Northeast Region, NMFS (Regional Administrator) monitors the commercial spiny dogfish quota for each quota period and, based upon dealer reports, state data, and other available information, determines when the total commercial quota will be harvested. NMFS is required to publish a notification in the **Federal Register** advising and notifying commercial vessels and dealer permit holders that, effective upon a specific date, the Federal spiny dogfish commercial quota has been harvested and no Federal