

## EPA-APPROVED REGULATIONS IN THE WEST VIRGINIA SIP—Continued

| State citation<br>[Chapter 16–20 or<br>45 CSR] | Title/subject                       | State<br>effective<br>date | EPA approval date   | Additional explanation/citation at 40<br>CFR 52.2565   |
|--|-------------------------------------|----------------------------|---|--|
| Section 45–8–4 .....                           | Ambient Air Quality Stand-<br>ards. | 6/1/08                     | 02/10/09 [Insert page number where<br>the document begins]. | Added ambient air quality standards<br>for PM <sub>2.5</sub> , carbon monoxide, nitro-<br>gen dioxide, ozone and lead. |
| Section 45–8–5 .....                           | Methods of Measurement ....         | 6/1/08                     | 02/10/09 [Insert page number where<br>the document begins]. | Added reference methods for PM <sub>2.5</sub> ,<br>carbon monoxide, nitrogen dioxide,<br>ozone and lead.               |
| Section 45–8–6 .....                           | Reference Conditions .....          | 6/1/08                     | 02/10/09 [Insert page number where<br>the document begins]. | New Section.   |
| Section 45–8–7 .....                           | Inconsistency Between<br>Rules.     | 6/1/08                     | 02/10/09 [Insert page number where<br>the document begins]. |  |
| *  | *                                   | *                          | *   | *  |

[FR Doc. E9–2359 Filed 2–9–09; 8:45 am]

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## DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric  
Administration

## 50 CFR Part 679

[Docket No. 071106673–8011–02]

RIN 0648–XN01

Fisheries of the Exclusive Economic  
Zone Off Alaska; Pacific Cod by  
Catcher Vessels Greater Than or Equal  
To 60 Feet (18.3 Meters) Length Overall  
Using Pot Gear in the Bering Sea and  
Aleutian Islands Management Area

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed  
fishing for Pacific cod by pot catcher  
vessels greater than or equal to 60 feet  
(≥18.3 meters (m)) length overall (LOA)  
in the Bering Sea and Aleutian Islands  
management area (BSAI). This action is  
necessary to prevent exceeding the A  
season allowance of the 2009 Pacific  
cod allowable catch (TAC) specified for  
pot catcher vessels ≥60 feet (18.3 m)  
LOA in the BSAI.

**DATES:** Effective 1200 hrs, Alaska local  
time (A.l.t.), February 1, 2009, though  
1200 hrs, A.l.t., September 1, 2009.

**FOR FURTHER INFORMATION CONTACT:** Josh  
Keaton, 907–586–7228.

**SUPPLEMENTARY INFORMATION:** NMFS  
manages the groundfish fishery in the  
BSAI exclusive economic zone  
according to the Fishery Management  
Plan for Groundfish of the Bering Sea  
and Aleutian Islands Management Area  
(FMP) prepared by the North Pacific

Fishery Management Council under  
authority of the Magnuson–Stevens  
Fishery Conservation and Management  
Act. Regulations governing fishing by  
U.S. vessels in accordance with the FMP  
appear at subpart H of 50 CFR part 600  
and 50 CFR part 679.

The A season allowance of the 2009  
Pacific cod TAC allocated to pot catcher  
vessels ≥60 feet (18.3 m) LOA in the  
BSAI is 6,496 metric tons as established  
by the 2008 and 2009 final harvest  
specifications for groundfish in the  
BSAI (73 FR 10160, February 26, 2008).  
See § 679.20(c)(3)(iii), § 679.20(c)(5),  
and § 679.20(a)(7)(ii)(A) and  
(a)(7)(ii)(C)(1)(iv).

In accordance with § 679.20(d)(1)(iii),  
the Administrator, Alaska Region,  
NMFS, has determined that the A  
season directed fishing allowance of the  
2009 Pacific cod TAC allocated to pot  
catcher vessels ≥60 feet (18.3 m) LOA in  
the BSAI has been reached.  
Consequently, NMFS is prohibiting  
directed fishing for Pacific cod by pot  
catcher vessels ≥60 feet (18.3 m) LOA in  
the BSAI.

After the effective date of this closure  
the maximum retainable amounts at  
§ 679.20(e) and (f) apply at any time  
during a trip.

## 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 requirement is  
impracticable and contrary to the public  
interest. This requirement is  
impracticable and contrary to the public  
interest as it would prevent NMFS from  
responding to the most recent fisheries  
data in a timely fashion and would  
delay the closure of Pacific cod by

catcher vessels ≥60 ft (18.3 m) LOA  
using pot gear in the BSAI. NMFS was  
unable to publish a notice providing  
time for public comment because the  
most recent, relevant data only became  
available as of January 29, 2009.

The AA also finds good cause to  
waive the 30-day delay in the effective  
date of this action under 5 U.S.C.  
553(d)(3). This finding is based upon  
the reasons provided above for waiver of  
prior notice and opportunity for public  
comment.

This action is required by § 679.20  
and is exempt from review under  
Executive Order 12866.

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

**Dated:** February 5, 2009.

**Emily H. Menashes,**

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

[FR Doc. E9–2745 Filed 2–5–09; 4:15 am]

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## DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric  
Administration

## 50 CFR Part 679

[Docket No. 071106673–8011–02]

RIN 0648–XM95

Fisheries of the Exclusive Economic  
Zone Off Alaska; Pacific Cod by  
Catcher Processors Using Pot Gear in  
the Bering Sea and Aleutian Islands  
Management Area

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed  
fishing for Pacific cod by pot catcher  
processors in the Bering Sea and