

governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have federalism implications because it does not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action 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. This rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. section 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. section 804(2).

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 July 11, 2005. 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, Carbon monoxide, Incorporation by reference, Intergovernmental regulations, Reporting and recordkeeping requirements.

Dated: April 20, 2005.

**Ronald A. Kreizenbeck,**

*Acting Regional Administrator, Region 10.*

■ 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 WW—Washington

■ 2. Section 52.2470 is amended by adding paragraph (c)(87) to read as follows:

##### § 52.2470 Identification of plan

\* \* \* \* \*

(c) \* \* \*

(87) On September 20, 2001, and November 22, 2004, the Washington State Department of Ecology submitted revisions to the Washington State Implementation Plan consisting of A Plan for Attaining Carbon Monoxide National Ambient Air Quality Standards in the Spokane Serious Nonattainment Area. On September 26, 2001, the Washington State Department of Ecology submitted minor revisions to the Washington State Inspection and Maintenance Program.

(i) Incorporation by reference.

(A) Kaiser Aluminum and Chemical Corporation Administrative Order No. DE 01AQIS-3285 dated October 24, 2001, and Kaiser Aluminum and Chemical Corporation Administrative Order No. DE 01AQIS-3285, Amendment #1 dated April 9, 2003.

(B) Washington Administrative Code 173-422-031, "Vehicle emission inspection schedules," and Washington Administrative Code 173-422-170, "Exemptions," as effective 12/2/2000.

(ii) Additional material.

A Plan for Attaining Carbon Monoxide National Ambient Air Quality Standards in the Spokane Serious Nonattainment Area, adopted September 19, 2001, and November 17, 2004.

■ 3. Paragraph (a) (2) of § 52.2475 is revised to read as follows:

##### § 52.2475 Approval of plans.

(a) \* \* \*

(2) Spokane.

(i) EPA approves as a revision to the Washington State Implementation Plan, A Plan for Attaining Carbon Monoxide National Ambient Air Quality Standards in the Spokane Serious Nonattainment Area submitted by the Washington Department of Ecology on September 20, 2001 and November 22, 2004.

(ii) [Reserved]

\* \* \* \* \*

[FR Doc. 05-9400 Filed 5-11-05; 8:45 am]

BILLING CODE 6560-50-P

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 679

[Docket No. 041126332-5039-02; I.D. 050605D]

##### Fisheries of the Exclusive Economic Zone Off Alaska; Alaska Plaice in the Bering Sea and Aleutian Islands Management Area

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

**ACTION:** Prohibition of retention.

**SUMMARY:** NMFS is prohibiting retention of Alaska plaice in the Bering Sea and Aleutian Islands management area (BSAI). NMFS is requiring that catch of Alaska plaice in this area be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the 2005 total allowable catch (TAC) of

Alaska plaice in the BSAI has been reached.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), May 9, 2005, until 2400 hrs, A.l.t., December 31, 2005.

**FOR FURTHER INFORMATION CONTACT:** Mary Furuness, 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 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 2005 TAC of Alaska plaice in the BSAI was established as 6,800 metric

tons by the 2005 and 2006 final harvest specifications for groundfish in the BSAI (70 FR 8979, February 24, 2005).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS, has determined that the Alaska plaice TAC in the BSAI has been reached. Therefore, NMFS is requiring that further catches of Alaska plaice in the BSAI be treated as a prohibited species in accordance with § 679.21(b).

#### **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 a 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 prohibition of retention of Alaska plaice in the BSAI.

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: May 6, 2005.

**Alan D. Risenhoover**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 05-9515 Filed 5-9-05; 2:18 pm]

**BILLING CODE 3510-22-S**