reference. Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: February 18, 2005.

Robert W. Varney,
Regional Administrator, EPA New England.

Part 52 of 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 U—Maine

2. Section 52.1020 is amended by adding paragraph (c)(56) to read as follows:

§52.1020 Identification of plan.

(c) * * *

(56) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on February 12, 2004.

(i) Incorporation by reference.

(A) Chapter 145 of the Maine Department of Environmental Protection

* * * * *

Note.—1. The regulations are effective statewide unless stated otherwise in comments section.

TABLE 52.1031.—EPA-APPROVED RULES AND REGULATIONS

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Note.—1. The regulations are effective statewide unless stated otherwise in comments section.

[FR Doc. 05–4709 Filed 3–9–05; 8:45 am]

BILLING CODE 6560–50–P
boundaries of the Phoenix Planning Area designated nonattainment for PM-10. Therefore, EPA is taking action today to amend the Arizona PM-10 table in 40 CFR 81.303 to match the description in the State’s September 13, 2004 letter. Specifically, the Phoenix Planning Area will be defined as:

“Maricopa County:
Phoenix Planning Area * * *
T6N, R1–3W, R1–7E
T5N, R1–3W, R1–7E
T4N, R1–3W, R1–7E
T3N, R1–3W, R1–7E
T2N, R1–3W, R1–7E
T1N, R1–3W, R1–7E
T1S, R1–3W, R1–7E
T2S, R1–3W, R1–7E

Pinal County:
Phoenix Planning Area * * *
T1N, RdW”

This change will not alter the actual boundaries of the Phoenix Planning Area; the change merely clarifies their description.

We are taking this action under our authority in CAA section 110(k)(6). Section 110(k)(6) provides, “Whenever the Administrator determines that the Administrator’s action approving, disapproving, or promulgating any plan or plan revisions (or part thereof), area designation, redesignation, classification, or reclassification was in error, the Administrator may, in the same manner as the approval, disapproval, or promulgation revise such action as appropriate.* * * *”

Today’s action corrects errors in the description of the Phoenix Planning Area designated nonattainment for PM-10. This action is not a redesignation under CAA section 107(d)(3) and does not change the actual boundaries of the nonattainment area. We are finalizing this action without notice and comment because this action is a correction to a designation promulgated under section 107(d)(1) and, under CAA section 107(d)(2)(B), such designations are not subject to the notice and comment requirements of the Administrative Procedures Act. Pursuant to section 110(k)(6), we are to make the correction today in the same manner as our original designation under section 107(d)(1).

Summary of Final Action

In this action, EPA is amending 40 CFR part 81, subpart C, to correct errors in the Arizona PM-10 table for the Phoenix Planning Area. Specifically, this action amends 40 CFR 81.303, describing the boundary of the Phoenix Planning Area for PM-10. This action aligns the applicable sections of 40 CFR part 81 with the State’s request submitted on September 13, 2004 to correct the boundary.

Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001). The Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Because this rule does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small 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 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. 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).

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 May 9, 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 CAA section 307(b)(2))

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental regulations, Particulate matter.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: February 16, 2005.

Wayne Nastri,
Regional Administrator, Region IX.
PART 52—[AMENDED]

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

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

Subpart D—Arizona

2. Section 52.120 is amended by adding paragraph (c)(120) to read as follows:

§52.120 Identification of plan.

* * * * *

(c) * * *

(120) The following plan was submitted on September 13, 2004, by the Governor’s designee.

(i) Incorporation by reference.

(A) Arizona Department of Environmental Quality.


PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

ARIZONA—PM–10

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* * * * *

[FR Doc. 05–4710 Filed 3–9–05; 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. 030405A]

Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish by Vessels Using Non-Pelagic Trawl Gear in the Red King Crab Savings Subarea

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

ACTION: Closure.

SUMMARY: NMFS is closing directed fishing for groundfish with non-pelagic trawl gear in the red king crab savings subarea (RKCSS) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2005 red king crab prohibited species catch (PSC) limit that is specified for the RKCSS of the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 8, 2005, through 2400 hrs, A.l.t., December 31, 2005.

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

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI 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 2005 red king crab PSC limit specified for the RKCSS is 42,495 animals as established by the 2005 and 2006 final harvest specifications for groundfish in the BSAI (70 FR 8979, February 24, 2005).

In accordance with §679.21(e)(7)(ii)(B), the Administrator, Alaska Region, NMFS, has determined that the amount of the 2005 red king crab PSC limit specified for the RKCSS has been caught. Consequently, NMFS is closing the RKCSS to directed fishing for groundfish with non-pelagic trawl gear.

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