

regarding today's action under section 801 because this is a rule of particular applicability establishing source-specific requirements for Washington Gas Company, Ravensworth Station, located in Fairfax County, Virginia.

*C. 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 December 6, 2004. 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, pertaining to the NO<sub>x</sub> RACT for Washington Gas Company, Ravensworth Station, located in Fairfax County, Virginia, 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, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 28, 2004.

**Thomas Voltaggio,**

*Acting, Regional Administrator, Region III.*

■ 40 CFR part 52 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 VV—Virginia**

■ 2. Section 52.2420, the table in paragraph (d) is amended by adding entries for "Washington Gas Company, Ravensworth Station" at the end of the table to read as follows:

**§ 52.2420 Identification of plan.**

\* \* \* \* \*  
(d) \* \* \*

**EPA-APPROVED VIRGINIA SOURCE-SPECIFIC REQUIREMENTS**

Source name	Permit/order or registration number	State effective date	EPA approval date	40 CFR part 52 citation
.....	.....	.....	.....	.....
Washington Gas Company, Ravensworth Station	Registration No. 72277.	04/16/04 08/11/04	10/06/04	52.2420(d)(6).

\* \* \* \* \*  
[FR Doc. 04-22360 Filed 10-5-04; 8:45 am]  
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**DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**50 CFR Part 648**  
[Docket No. 040112010-4114-02; I.D. 093004C]  
**Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Closure of the Eastern U.S./Canada Area and Prohibition of Harvesting, Possessing, or Landing of Yellowtail Flounder from the U.S./Canada Management Area**  
**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.  
**ACTION:** Closure of the Eastern U.S./Canada Area and prohibition of harvesting, possessing, or landing of yellowtail flounder from the U.S./Canada Management Area.  
**SUMMARY:** NMFS announces that the Administrator, Northeast Region, NMFS (Regional Administrator), has

determined that 85 percent of the total allowable catch (TAC) of Georges Bank (GB) yellowtail flounder allocated to be harvested from the Western and Eastern U.S./Canada Areas has been harvested by October 1, 2004. To prevent the GB yellowtail flounder TAC allocation from being exceeded, the Regional Administrator is closing the Eastern U.S./Canada Area to all limited access NE multispecies days-at-sea (DAS) vessels, unless participating in a future approved Special Access Program (SAP) for which the TAC allocation for the target stock for that SAP has not been fully harvested. In addition, the Regional Administrator is prohibiting all limited access NE multispecies DAS vessels from harvesting, possessing, or landing GB yellowtail flounder from within the entire U.S./Canada Management Area, effective October 1, 2004.  
**DATES:** Effective October 1, 2004, 2004, through April 30, 2005.  
**FOR FURTHER INFORMATION CONTACT:** Douglas W. Christel, Fishery Policy Analyst, (978) 281-9141, fax (978) 281-9135.  
**SUPPLEMENTARY INFORMATION:** Regulations governing the yellowtail flounder landing limit within the Western and Eastern U.S./Canada Areas are found at 50 CFR 648.85(a)(3)(iv)(C). 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, under specific conditions. The TAC allocation for GB yellowtail flounder for the 2004 fishing year was specified at 6,000 mt in the final rule implementing Amendment 13 to the NE Multispecies Fishery Management Plan (FMP) (April 27, 2004, 69 FR 22906). Once 30 percent and/or 60 percent of the TAC allocations specified for the U.S./Canada Management Area are projected to have been harvested, the regulations at § 648.85(a)(3)(iv)(D) authorize the Regional Administrator to modify or close access to the Eastern U.S./Canada Area to all limited access NE multispecies DAS vessels and prohibit all limited access NE multispecies DAS vessels from harvesting, possessing, or landing GB yellowtail flounder from the entire U.S./Canada Management Area to prevent over-harvesting the yellowtail flounder TAC allocation.  
Based upon Vessel Monitoring System reports and other available information, the Regional Administrator has determined that 85 percent of the GB yellowtail flounder TAC of 6,000 mt has been harvested by October 1, 2004. Due to concerns regarding expected yellowtail flounder bycatch by vessels targeting groundfish other than yellowtail flounder within the U.S./Canada Management Area and the

potential impact of scallop vessels fishing in Closed Area II under the Sea Scallop Access Program proposed under Framework 16/39 to the Atlantic Sea Scallop and NE Multispecies FMPs, respectively, the Regional Administrator is closing the Eastern U.S./Canada Area to all limited access NE multispecies DAS vessels, unless they are participating in a future approved SAP for which the TAC allocation for the target stock for that SAP has not been fully harvested. In addition, the Regional Administrator is prohibiting all limited access NE multispecies DAS vessels from harvesting, possessing, or landing GB yellowtail flounder from the entire U.S./Canada Management for the remainder of the fishing year, effective October 6, 2004. This action is being taken at this time to ensure that the TAC for GB yellowtail flounder will not be exceeded during the 2004 fishing year.

#### Classification

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

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

Dated: September 30, 2004.

**Alan D. Risenhoover,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 04-22481 Filed 10-1-04; 3:29 pm]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 031216314-3314-01; I.D. 092904C]

#### Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Inseason Adjustments

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

**ACTION:** Inseason adjustments to management measures; request for comments.

**SUMMARY:** NMFS announces changes to the commercial and recreational fisheries, and to the commercial fishery's trawl rockfish conservation areas (RCAs) for the Pacific Coast groundfish fishery. These actions, which are authorized by the Pacific Coast Groundfish Fishery Management

Plan (FMP), will allow fisheries to access more abundant groundfish stocks while protecting overfished and depleted stocks.

**DATES:** Effective 0001 hours (local time) October 1, 2004, until the 2005-06 annual specifications and management measures are effective; unless modified, superseded, or rescinded through a publication in the **Federal Register**. Comments on this rule will be accepted through November 1, 2004.

**ADDRESSES:** You may submit comments, identified by [092904C], by any of the following methods:

- E-mail:

*GroundfishInseason#6.nwr@noaa.gov*: identified by the I.D. number in the subject line of the message.

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

- Fax: 206-526-6736

- Mail: D. Robert Lohn, Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115-0070; or Rod McInnis, Acting Administrator, Southwest Region, NMFS, 501 West Ocean Blvd, Suite 4200, Long Beach, CA 90802-4213.

#### FOR FURTHER INFORMATION CONTACT:

Jamie Goen (Northwest Region, NMFS), phone: 206-526-4646; fax: 206-526-6736; and e-mail: *jamie.goen@noaa.gov*.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

This **Federal Register** document is available on the Government Printing Office's website at: [www.gpoaccess.gov/fr/index.html](http://www.gpoaccess.gov/fr/index.html).

Background information and documents are available at the NMFS Northwest Region website at: [www.nwr.noaa.gov/1sustfsh/gdfsh01.htm](http://www.nwr.noaa.gov/1sustfsh/gdfsh01.htm) and at the Pacific Fishery Management Council's website at: [www.pcouncil.org](http://www.pcouncil.org).

##### Background

The Pacific Coast Groundfish FMP and its implementing regulations at 50 CFR part 660, subpart G, regulate fishing for over 80 species of groundfish off the coasts of Washington, Oregon, and California. Groundfish specifications and management measures are developed by the Pacific Fishery Management Council (Pacific Council), and are implemented by NMFS. The specifications and management measures for the 2004 fishing year (January 1 - December 31, 2004) were initially published in the **Federal Register** as an emergency rule for January 1 - February 29, 2004 (69 FR 1322, January 8, 2004) and as a

proposed rule for March 1 - December 31, 2004 (69 FR 1380, January 8, 2004). The emergency rule was amended at 69 FR 4084, January 28, 2004, and the final rule for March 1 - December 31, 2004 was published in the **Federal Register** on March 9, 2004 (69 FR 11064), and subsequently amended at 69 FR 23440 (April 29, 2004), 69 FR 23667 (April 30, 2004), 69 FR 25013 (May 5, 2004), 69 FR 28086 (May 18, 2004), 69 FR 38857 (June 29, 2004), and at 69 FR 40805 (July 7, 2004). In addition, an emergency rule establishing routine management measure authority, under the Pacific Coast Groundfish FMP, to close the Pacific whiting (whiting) primary season fisheries by sector before the sector's whiting allocation is reached in order to minimize impacts on overfished species was implemented at 69 FR 46448 (August 3, 2004).

The following changes to current groundfish management measures were recommended by the Pacific Council, in consultation with Pacific Coast Treaty Indian Tribes and the states of Washington, Oregon, and California, at its September 12-17, 2004, meeting in San Diego, CA. Pacific Coast groundfish landings will be monitored throughout the year, and further adjustments to trip limits or management measures will be made as necessary to allow achievement of, or to avoid exceeding the 2004 optimum yields (OYs).

In the May inseason action (69 FR 25013, May 5, 2004) NMFS provided additional fishing opportunity for the northern limited entry trawl fleet, which had been severely restricted to reduce the incidental catch of canary rockfish, by reducing the size of the trawl rockfish conservation area (the area closed to fishing for groundfish with trawl gear) or RCA, between the U.S. border with Canada and 40°10' N. lat. The western, seaward boundary of the trawl RCA was moved from specific latitude and longitude coordinates approximating the 200-fm (366-m) depth contour to specific latitude and longitude coordinates approximating the 150-fm (274-m) depth contour. The reduction in the size of the trawl RCA for the remainder of the year was possible because new observer data indicated that the catch of overfished species, specifically darkblotched rockfish, was lower than predicted in this area. Darkblotched rockfish is a slope species that commonly inhabit waters between approximately 100 fm (183 m) and 220 fm (402 m). Additionally, canary rockfish are most commonly found in waters 50 fm (91 m) to 150 fm (274 m) in depth. Therefore, the reduction in the size of the trawl RCA was not predicted to result in