

Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and 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 (Public Law 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. 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 March 29, 2002. 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 rules. 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 regulations, Nitrogen dioxide, Reporting and recordkeeping, Ozone.

Dated: December 28, 2001.

Jack Broadbent,

Acting Regional Administrator, Region IX.

[FR Doc. 02-2006 Filed 1-25-02; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 600 and 660

[Docket No. 011231309-1309-01; I.D. 121301A]

RIN 0648-AO69

Magnuson-Stevens Act Provisions; Fisheries off the West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Groundfish Fishery Management Measures; Corrections

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

ACTION: Corrections to the emergency rule; January through February 2002

Pacific Coast groundfish fishery management measures.

SUMMARY: This document contains corrections to the emergency rule for the January through February 2002 Pacific Coast groundfish fishery management measures published on January 11, 2002.

DATES: Effective January 28, 2002 through February 28, 2002.

FOR FURTHER INFORMATION CONTACT: Carrie Nordeen, NMFS, (206)-526-6140.

SUPPLEMENTARY INFORMATION:

Background

The emergency rule for the January through February 2002 management measures for groundfish taken in the U.S. exclusive economic zone and state waters off the coasts of Washington, Oregon, and California, as authorized by the Pacific Coast Groundfish Fishery Management Plan, were published in the **Federal Register** on January 11, 2002 (67 FR 1540). This emergency rule contained a number of errors that require correction.

Corrections

In the rule FR Doc. 01-32261, in the issue of Friday, January 11, 2002 (67 FR 1540) make the following corrections:

1. On page 1541, in the second column, paragraph A.(1)(c), the first sentence is corrected to read as follows:

"(c) A weekly trip limit is the maximum amount that may be taken and retained, possessed, or landed per vessel in 7 consecutive days, starting at 0001 hours l.t. on Sunday and ending at 2400 hours l.t. on Saturday."

2. On page 1542, in the third column, paragraph A.(11), the third and fourth sentences are corrected to read as follows:

"If a vessel has a limited entry permit and uses open access gear, but the open access limit is smaller than the limited entry limit, the open access cannot be exceeded and counts toward the limited entry limit. If a vessel has a limited entry permit and uses open access gear, but the open access limit is larger than the limited entry limit, the smaller limited entry limit applies, even if taken entirely with open access gear."

3. On page 1543, in the second column, paragraph A.(13)(a)(i) is corrected to read as follows:

"(i) Coastwide - widow rockfish, canary rockfish, darkblotched rockfish, yelloweye rockfish, shortbelly rockfish, minor nearshore rockfish, minor shelf rockfish, minor slope rockfish, shortspine and longspine thornyhead, Dover sole, arrowtooth flounder, rex sole, petrale sole, other flatfish, lingcod, sablefish, and Pacific whiting;"

4. On page 1543, in the third column, paragraph A.(14)(a)(iii), the first sentence is corrected to read as follows:

“(iii) Midwater trawl gear is pelagic trawl gear, as specified at 50 CFR 660.302 and 660.322 (b)(5).”

5. On page 1544, in the first column, paragraph A.(14)(b)(v), the heading is corrected to read as follows:

“(iv) More than one type of trawl gear on board.”

6. On page 1544, in the third column, paragraph A.(19)(h)(ii) is corrected to read as follows:

“(ii) Columbia—47°30′ to 43°00′ N. lat.”

7. On pages 1548 and 1549, Table 2 and 3, respectively, and their footnotes are corrected to read as follows:

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Table 2. Trip Limits ^{1/} and Gear Requirements ^{2/} for Limited Entry Trawl Gear
Other Limits and Requirements Apply -- Read Sections IV. A. and B. NMFS Actions before using this table

line	Species/groups	JAN-FEB	MARCH - DECEMBER
1	Minor slope rockfish		Management measures for March through December 2002 were proposed on January 11, 2002 at 67 FR 1555.
2	North	1,800 lb/ 2 months	
3	South	50,000 lb/ 2 months	
4	Splitnose - South ^{6/}	25,000 lb/ 2 months	
5	Pacific ocean perch - North ^{6/}	2,000 lb/ month	
6	Chilipepper - South ^{6/}		
7	mid-water trawl	25,000 lb/ 2 months	
8	small footrope trawl	7,500 lb/ 2 months	
9	large footrope trawl	500 lb/ trip, not to exceed small footrope cumulative 2-month limits at any time during the year.	
10	DTS complex - North		
11	Sablefish	6,000 lb/ 2 months	
12	Longspine thornyhead	10,000 lb/ 2 months	
13	Shortspine thornyhead	2,600 lb/ 2 months	
14	Dover sole	30,000 lb/ 2 months	
15	DTS complex - South		
16	Sablefish	4,500 lb/ 2 months	
17	Longspine thornyhead	10,000 lb/ 2 months	
18	Shortspine thornyhead	2,600 lb/ 2 months	
19	Dover sole	22,000 lb/ 2 months	
20	Flatfish - North		
21	All other flatfish ^{3/}	Small footrope required:15,000 lb/ month	
22	Petrale sole	Not limited	
23	Rex sole	Not limited	
24	Arrowtooth flounder	30,000 lb/ trip	
25	Flatfish - South		
26	All other flatfish ^{3/}	Small footrope: 70,000 lb/ month, no more than 40,000 lb of which may be species other than Pacific sanddabs	
27	Petrale sole	Not limited	
28	Rex sole	Not limited	
29	Arrowtooth flounder	30,000 lb/ trip	
30	All other flatfish ^{3/} - North and South	Large footrope: 1,000 lb/trip, not to exceed small footrope cumulative monthly limits at any time during the year.	
31	Whiting shoreside ^{4/}	20,000 lb/ trip	
32	USE OF SMALL FOOTROPE BOTTOM TRAWL ^{5/} OR MIDWATER TRAWL REQUIRED FOR LANDING ALL OF THE FOLLOWING SPECIES:		
33	Minor shelf rockfish		
34	North	300 lb/ month	
35	South	500 lb/ month	
36	Canary rockfish	200 lb/ 2 months	
37	Widow rockfish		
38	mid-water trawl	CLOSED ^{7/}	
39	small footrope trawl	1,000 lb/ month	
40	Yellowtail - North ^{6/}		
41	mid-water trawl	CLOSED ^{7/}	
42	small footrope trawl	Without flatfish, 1,000 lb/ month. As flatfish bycatch, per trip limit is the sum of 33% (by weight) of all flatfish except arrowtooth flounder, plus 10% (by weight) of arrowtooth flounder, not to exceed 30,000 lb/ 2 months.	
43	Bocaccio - South ^{6/}	600 lb/ 2 months	
44	Cowcod	CLOSED ^{7/}	
45	Minor nearshore rockfish		
46	North	300 lb/ month	
47	South	300 lb/ month	
48	Lingcod ^{8/}	800 lb/ 2 months	

^{1/} Trip limits apply coastwide unless otherwise specified. "North" means 40°10' N. lat. to the U.S.-Canada border.

"South" means 40°10' N. lat. to the U.S.-Mexico border. 40°10' N. lat. is about 20 nm south of Cape Mendocino, CA.

^{2/} Gear requirements and prohibitions are explained above.

^{3/} "Other" flatfish means all flatfish at 50 CFR 660.302 except those in this Table 2 with species specific management measures, including trip limits.

^{4/} The whiting "per trip" limit in the Eureka area inside 100 fm is 10,000 lb/ trip throughout the year.

Outside Eureka area, the 20,000 lb/ trip limit applies before and after the primary season.

^{5/} Small footrope trawl means a bottom trawl net with a footrope no larger than 8 inches (20 cm) in diameter.

Midwater gear also may be used; the footrope must be bare. See above.

^{6/} Yellowtail rockfish in the south and bocaccio and chilipepper rockfishes in the north are included in the trip limits for minor shelf rockfish

in the appropriate area. Pop in the south and splitnose rockfish in the north are included in the trip limits for minor slope rockfish.

^{7/} Closed means that it is prohibited to take and retain, possess, or land the designated species

in the time or area indicated. See IV.A.(7).

^{8/} The minimum size limit for lingcod is 24 inches (61 cm) total length.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

Table 3. Trip Limits^{1/} for Limited Entry Fixed Gear

Other Limits and Requirements Apply -- Read Sections IV. A. and B. NMFS Actions before using this table

line	Species/groups	JAN-FEB	MARCH - DECEMBER
1	Minor slope rockfish		
2	North	1,000 lb/ month	
3	South	25,000 lb/ 2 months	
4	Splitnose - South ^{5/}	25,000 lb/ 2 months	
5	Pacific ocean perch - North ^{5/}	2,000 lb/ month	
6	Sablefish		
7	North of 36° N. lat.	300 lb/ day, or 1 landing per week of up to 800 lb, not to exceed 2,400 lb/ 2 months	
8	South of 36° N. lat.	350 lb/ day, or 1 landing per week of up to 1,050 lb	
9	Longspine thornyhead	9,000 lb/ 2 months	
10	Shortspine thornyhead	2,000 lb/ 2 months	
11	Dover sole		
12	Arrowtooth flounder		
13	Petrale sole	5,000 lb/ month (all flatfish)	
14	Rex sole		
15	All other flatfish ^{2/}		
16	Whiting ^{3/}	20,000 lb/ trip	
17	Shelf rockfish, including minor shelf rockfish, widow and yellowtail rockfish ^{5/}		
18	North	200 lb/ month	
19	South		
20	40°10' - 34°27' N. lat.	200 lb/ month	
21	South of 34°27' N. lat.	CLOSED ^{4/}	
22	Canary rockfish	CLOSED ^{4/}	
23	Yelloweye rockfish	CLOSED ^{4/}	
24	Cowcod	CLOSED ^{4/}	
25	Bocaccio - South ^{5/}		
26	40°10' - 34°27' N. lat.	200 lb/ month	
27	South of 34°27' N. lat.	CLOSED ^{4/}	
28	Chilipepper - South ^{5/}		
29	40°10' - 34°27' N. lat.	500 lb/ month	
30	South of 34°27' N. lat.	CLOSED ^{4/}	
31	Minor nearshore rockfish		
32	North	5,000 lb/ month, no more than 2,000 lb of which may be species other than black or blue rockfish ^{6/}	
33	South		
34	40°10' - 34°27' N. lat.	1,600 lb/ 2 months	
35	South of 34°27' N. lat.	CLOSED ^{4/}	
36	Lingcod ^{7/}		
37	North	CLOSED ^{4/}	
38	South		
39	40°10' - 34°27' N. lat.	CLOSED ^{4/}	
40	South of 34°27' N. lat.	CLOSED ^{4/}	

Management measures for March through December 2002 were proposed on January 11, 2002 at 67 FR 1555.

1/ Trip limits apply coastwide unless otherwise specified. "North" means 40°10' N. lat. to the U.S.-Canada border.

"South" means 40°10' N. lat. to the U.S.-Mexico border. 40°10' N. lat. is about 20 nm south of Cape Mendocino, CA.

2/ "Other flatfish" means all flatfish at 50 CFR 660.302 except those in this Table 3 with species specific management measures, including trip limits.

3/ The whiting "per trip" limit in the Eureka area inside 100 fm is 10,000 lb/ trip throughout the year.

4/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See IV.A.(7).

5/ Yellowtail rockfish and widow rockfish coastwide and bocaccio and chilipepper rockfishes in the north are included in the trip limits for shelf rockfish in the appropriate area. Pop in the south and splitnose rockfish in the north are included in the trip limits for minor slope rockfish.

6/ For black rockfish north of Cape Alava (48°09'30" N.lat.), and between Destruction Island (47°40'00" N.lat.) and Leadbetter Point (46°38'10" N.lat.), there is an additional limit of 100 lbs or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip.

7/ The minimum size limit for lingcod is 24 inches (61 cm) total length.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

8. On page 1550, in the third column, paragraph B.(4), the last sentence is corrected to read as follows:

"The crossover provisions at paragraphs A.(12) do not apply to the black rockfish per-trip limits."

9. On page 1550, in the third column, paragraph C.(1), the second to last sentence is corrected to read as follows:

"The trip limit at 50 CFR 660.323 (a)(1) for black rockfish caught with hook-and-line gear also applies."

10. On page 1551, Table 4 and its footnotes are corrected to read as follows:

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Table 4. Trip Limits^{1/} for Open Access Gears

Other Limits and Requirements Apply -- Read Sections IV. A. and C. NMFS Actions before using this table
 Exceptions for exempted gears at Section IV.C.

line	Species/groups	JAN-FEB	MARCH - DECEMBER
1	Minor slope rockfish		
2	North	Per trip, no more than 25% of weight of the sablefish landed	
3	South	10,000 lb/ 2 months	
4	Splitnose - South ^{4/}	200 lb/ month	
5	Pacific ocean perch - North ^{5/}	100 lb/ month	
6	Sablefish		
7	North of 36° N. lat.	300 lb/ day, or 1 landing per week of up to 800 lb, not to exceed 2,400 lb/ 2 months	
8	South of 36° N. lat.	350 lb/ day, or 1 landing per week of up to 1,050 lb	
9	Thornyheads		
10	North of 34° 27' N. lat.	CLOSED ^{3/}	
11	South of 34° 27' N. lat.	50 lb/ day, no more than 2,000 lb/ 2 months	
12	Dover sole	3,000 lb/ month, no more than 300 lb of which may be species other than Pacific sanddabs	
13	Arrowtooth flounder		
14	Petrale sole		
15	Rex sole		
16	All other flatfish ^{2/}		
17	Whiting	300 lb/ month	
18	Shelf rockfish, including minor shelf rockfish, widow and yellowtail rockfish ^{5/}		
19	North	200 lb/ month	
20	South		
21	40°10' - 34°27' N. lat.	200 lb/ month	
22	South of 34°27' N. lat.	CLOSED ^{3/}	
23	Canary rockfish	CLOSED ^{3/}	
24	Yelloweye rockfish	CLOSED ^{3/}	
25	Cowcod	CLOSED ^{3/}	
26	Bocaccio - South ^{5/}		
27	40°10' - 34°27' N. lat.	200 lb/ month	
	South of 34°27' N. lat.	CLOSED ^{3/}	
28	Chilipepper - South ^{5/}		
29	40°10' - 34°27' N. lat.	500 lb/ month	
30	South of 34°27' N. lat.	CLOSED ^{3/}	
31	Minor nearshore rockfish		
32	North	3,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black or blue rockfish ^{5/}	
33	South		
34	40°10' - 34°27' N. lat.	1,200 lb/ 2 months	
35	South of 34°27' N. lat.	CLOSED ^{3/}	
36	Lingcod ^{7/}		
37	North	CLOSED ^{3/}	
38	South		
39	40°10' - 34°27' N. lat.	CLOSED ^{3/}	
40	South of 34°27' N. lat.	CLOSED ^{3/}	

Management measures for March through December 2002 were proposed on January 11, 2002 at 67 FR 1555.

1/ Trip limits apply coastwide unless otherwise specified. "North" means 40°10' N. lat. To the U.S.-Canada border.

"South" means 40°10' N. lat. To the U.S.-Mexico border. 40°10' N. lat is about 20 nm south of Cape Mendocino, CA.

2/ "Other flatfish" means all flatfish at 50 CFR 660.302 except those in this Table 4 with species specific management measures, including trip limits.

3/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See IV.A.(7). in the time or area indicated.

4/ Yellowtail rockfish in the south and bocaccio and chilipepper rockfishes in the north are included in the trip limits for minor shelf rockfish in the appropriate area. POP in the south and splitnose rockfish in the north are included in the trip limits for minor slope rockfish.

5/ For black rockfish north of Cape Alava (48°09'30" N.lat.), and between Destruction Island (47°40'00" N.lat.) and Leadbetter Point (46°38'10" N.lat.), there is an additional limit of 100 lbs or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip.

6/ The size limit for lingcod is 24 inches (61 cm) total length.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

11. On page 1552, in the third column, paragraph D.(1), the first sentence is corrected to read as follows:

“(1) California. (Note: California law provides that, in times and areas when

the recreational fishery is open, there is a 20-fish bag limit for all species of finfish, within which no more than 10 fish of any one species may be taken or possessed by any one person.)”

Dated: January 21, 2002.

William T. Hogarth,

*Assistant Administrator for Fisheries,
 National Marine Fisheries Service.*

[FR Doc. 02-1999 Filed 1-25-02; 8:45 am]

BILLING CODE 3510-22-S