

22, 2001) because it is not a significant regulatory action under Executive Order 12866. Because the agency has made a "good cause" finding that this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute as indicated in the **SUPPLEMENTARY INFORMATION** section above, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. This rule also does 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), nor will it 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 rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

This technical correction action does not involve technical standards; 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. The rule also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). In issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1998) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This rule does not impose an information collection burden under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). EPA's compliance

with these statutes and Executive Orders for the underlying rules are discussed in the September 19, 1975, May 1, 1984, and January 27, 1995, actions approving revisions to the East Helena SO<sub>2</sub> SIP.

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. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefore, and established an effective date of December 26, 2002. 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**. These corrections to the identification of plan for Montana is not a "major rule" as defined by 5 U.S.C. 804(2).

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: November 14, 2002.

**Kerrigan G. Clough,**

*Acting Regional Administrator, Region 8.*

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 BB—Montana**

2. Section 52.1370 is amended by revising the introductory text of paragraph (c)(37) to read as follows:

**§ 52.1370 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(37) The Governor of Montana submitted a State Implementation Plan (SIP) revision meeting the requirements for the primary SO<sub>2</sub> NAAQS SIP for the

East Helena, Montana nonattainment area with a letter dated March 30, 1994. The submittal was to satisfy those SO<sub>2</sub> nonattainment area SIP requirements due for East Helena on May 15, 1992. The East Helena SO<sub>2</sub> SIP revision submitted on March 30, 1994, supercedes the East Helena SO<sub>2</sub> SIP approved in paragraph (c)(5) of this section and, effective after November 15, 1995, terminates the East Helena SO<sub>2</sub> SIP approved in paragraph (c)(16) of this section.

\* \* \* \* \*

[FR Doc. 02-29775 Filed 11-22-02; 8:45 am]  
BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[CA 272-0376; FRL-7412-9]

**Withdrawal of Direct Final Rule Revising the California State Implementation Plan, Bay Area Air Quality Management District**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** On October 7, 2002 (67 FR 62385), EPA published a direct final approval of a revision to the Bay Area Air Quality Management District (BAAQMD) State Implementation Plan (SIP). This revision concerned BAAQMD Rule 9-10, Nitrogen Oxides and Carbon Monoxide from Boilers, Steam Generators, and Process Heaters in Petroleum Refineries. The direct final action was published without prior proposal because EPA anticipated no adverse comment. The direct final rule stated that if adverse comments were received by November 6, 2002, EPA would publish a timely withdrawal in the **Federal Register**. EPA received timely adverse comments and is, therefore, withdrawing the direct final approval. EPA will address the comments in a subsequent final action based on the parallel proposal also published on October 7, 2002 (67 FR 62427). As stated in the parallel proposal, EPA will not institute a second comment period on this action. The interim final determination also published on October 7, 2002 and also regarding BAAQMD Rule 9-10 is not affected by this withdrawal.

**EFFECTIVE DATE:** The direct final rule published on October 7, 2002, is withdrawn as of November 25, 2002.

**FOR FURTHER INFORMATION CONTACT:** Charnjit Bhullar, EPA Region IX, (415) 947-972-3960.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: November 7, 2002.

**Sally Seymour,**

*Acting Regional Administrator, Region IX.*

Accordingly, the revision to 40 CFR 52.220, published in the **Federal Register** on October 7, 2002 (67 FR 62385), [FR Doc. 02-25297 Filed 10-4-02], which was to become effective on December 6, 2002, is withdrawn.

[FR Doc. 02-29884 Filed 11-22-02; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 02-3176, MM Docket No. 00-138, RM-9896]

#### Digital Television Broadcast Service; Boca Raton, FL

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, by this document, denies a petition for reconsideration filed by Sherjan Broadcasting Company, Inc., of the Report and Order, which substituted DTV channel \*40 for station WPPB-TV's assigned DTV channel \*44 at Boca Raton, Florida.<sup>1</sup> With this action, this proceeding is terminated.

**FOR FURTHER INFORMATION CONTACT:** Alan E. Aronowitz, Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Memorandum Opinion and Order, MM Docket No. 00-138, adopted November 14, 2002, and released November 20, 2002. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., CY-B402,

<sup>1</sup> This *Report and Order* was not published in the **Federal Register**.

Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail *qualexint@aol.com*.

#### List of Subjects in 47 CFR Part 73

Digital television broadcasting, television.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Division, Media Bureau.*

[FR Doc. 02-29853 Filed 11-22-02; 8:45 am]

**BILLING CODE 6712-01-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 011005244-2011-02; I.D. 111902A]

#### Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Reopening of Directed Fishery for Loligo Squid

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

**ACTION:** Directed fishery reopening.

**SUMMARY:** NMFS announces that commercial quota is available to allow the directed fishery for Loligo squid to reopen. Vessels issued a Federal moratorium permit to harvest Loligo squid in excess of the incidental catch allowance may resume landing of Loligo squid effective 0001 hours, December 2, 2002, through 0001 hours, December 12, 2002. The intent of this action is to allow for the full utilization of the commercial quota allocated to the Loligo squid directed fishery.

**DATES:** Effective 0001 hours, December 2, 2002, through 0001 hours, December 12, 2002.

**FOR FURTHER INFORMATION CONTACT:** Paul H. Jones, Fishery Policy Analyst, 978-281-9273, fax 978-281-9135, e-mail *paul.h.jones@noaa.gov*.

**SUPPLEMENTARY INFORMATION:** Section 648.22 of part 50 CFR requires NMFS to close the directed Loligo squid fishery in the EEZ for the remainder of the year when 95 percent of the total annual domestic annual harvest (DAH) has been harvested. The Administrator, Northeast Region, NMFS, based on dealer reports and other available information, determined that 95 percent of the total DAH for *Loligo* squid would be harvested by November 2, 2002 (67 FR 66072, October 30, 2002). Therefore,

effective 0001 hours, November 2, 2002, the directed fishery for *Loligo* squid was closed. However, the closure threshold level of *Loligo* harvest has not yet been attained. Therefore, NMFS announces that the directed *Loligo* squid fishery will reopen. Vessels issued a Federal moratorium permit to harvest *Loligo* squid in excess of the incidental catch allowance may resume fishing for, retaining and landing Loligo squid in excess of the incidental catch allowance from 0001 hours, December 2, 2002, through 0001 hours, December 12, 2002. After 0001 hours, December 12, 2002, the directed fishery for *Loligo* squid will be closed and vessels issued Federal permits for *Loligo* squid may not retain or land more than 2,500 lb (1.13 mt) of *Loligo*. Such vessels may not land more than 2,500 lb (1.13 mt) of *Loligo* during a calendar day. The directed fishery will reopen effective 0001 hours, January 1, 2003, when the 2003 quota becomes available.

#### Classification

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

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

Dated: November 20, 2002.

**Richard W. Surdi,**

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

[FR Doc. 02-29893 Filed 11-20-02; 4:26 pm]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 011109274-1301-02; I.D. 111902D]

#### Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Connecticut

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

**ACTION:** Closure; commercial quota harvested for Connecticut.

**SUMMARY:** NMFS announces that the summer flounder commercial quota available to the State of Connecticut has been harvested. Vessels issued a commercial Federal fisheries permit for the summer flounder fishery may not land summer flounder in Connecticut for the remainder of calendar year 2002,