

interest. EPA has reviewed the State's submittal and, through its proposed action, is indicating that it is more likely than not that the State has corrected the deficiencies that started the sanctions clocks. Therefore, it is not in the public interest to initially impose sanctions or to keep applied sanctions in place when the State has most likely done all it can to correct the deficiencies that triggered the sanctions clocks. Moreover, it would be impracticable to go through notice-and-comment rulemaking on a finding that the State has corrected the deficiencies prior to the rulemaking approving the State's submittal. Therefore, EPA believes that it is necessary to use the interim final rulemaking process to temporarily stay or defer sanctions while EPA completes its rulemaking process on the approvability of the State's submittal. Moreover, with respect to the effective date of this action, EPA is invoking the good cause exception to the 30-day notice requirement of the APA because the purpose of this action is to relieve a restriction (5 U.S.C. 553(d)(1)).

### III. Administrative Requirements

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. This action merely stays and defers federal sanctions. Accordingly, 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 only stays an imposed sanction and defers the imposition of another, 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). For the same reason, this rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This rule will 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), because it merely stays a sanction and defers another one, 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 (62 FR 19885,

April 23, 1997), because it is not economically significant.

This rule does not contain 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. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), 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. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) 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 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. However, section 808 provides that any rule for which the issuing agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rule) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, shall take effect at such time as the agency promulgating the rule determines. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefor, and established an effective date of April 1, 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**. This rule 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, Intergovernmental regulations, Particulate matter, Reporting and recordkeeping requirements.

Dated: March 20, 2002.

Wayne Nastri,

Regional Administrator, Region IX.

[FR Doc. 02-7633 Filed 3-29-02; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF THE INTERIOR

### U.S. Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-AH73

#### Endangered and Threatened Wildlife and Plants; Re-opening of Comment Period on the Sacramento Splittail Final Rule; Correction

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule; re-opening of comment period; correction.

**SUMMARY:** The re-opening of the comment period for the final rule on the Sacramento splittail (*Pogonichthys macrolepidotus*) was published on March 21, 2002. The comment period closing date was incorrectly published as October 15, 2002. The actual closing date is May 20, 2002. Comments previously submitted need not be resubmitted as they will be incorporated into the public record as part of this re-opened comment period, and will be fully considered in the final rule. We are re-opening the comment period to invite comments and to obtain peer review on the statistical analysis completed by us to re-analyze the available splittail abundance data. We are also inviting additional comments on the status of and factors affecting the species, as first solicited in the January 12, 2001 (66 FR 2828), comment period and re-solicited in the May 8, 2001 (66 FR 23181), and August 17, 2001 (66 FR 43145), re-openings of same.

**DATES:** We will accept public comments until May 20, 2002.

**ADDRESSES:**

Comment Submission: If you wish to comment, you may submit your comments and materials concerning this proposal by any one of several methods:

1. You may submit written comments and information by mail to the Field Supervisor, Sacramento Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2800 Cottage Way, Suite W-2605, Sacramento, California 95825.
2. You may hand-deliver comments to our Sacramento Fish and Wildlife Office, during normal business hours, at the address given above.
3. You may send comments by electronic mail (e-mail) to:

*fw1splittail@fws.gov*. See the Public Comments Solicited section below for file format and other information about electronic filing.

Comments and materials received will be available for inspection, by appointment, during normal business hours at the address under (1) above.

**FOR FURTHER INFORMATION CONTACT:** For general information, Susan Moore, at the above address (telephone 916/414-6600; facsimile 916/414-6713).

**SUPPLEMENTARY INFORMATION:** The re-opening of the comment period for the final rule on the Sacramento splittail (*Pogonichthys macrolepidotus*) was published on March 21, 2002. The comment period closing date was incorrectly published as October 15, 2002. The actual closing date is May 20, 2002. Comments previously submitted need not be resubmitted as they will be incorporated into the public record as part of this re-opened comment period, and will be fully considered in the final rule. We are re-opening the comment period to invite comments and to obtain peer review on the statistical analysis completed by us to re-analyze the available splittail abundance data. We are also inviting additional comments on the status of and factors affecting the species, as first solicited in the January 12, 2001 (66 FR 2828), comment period and re-solicited in the May 8, 2001 (66 FR 23181), and August 17, 2001 (66 FR 43145), re-openings of same.

#### Public Comments Solicited

We will accept written comments during this re-opened comment period, and comments should be submitted to the Sacramento Fish and Wildlife Office as found in the **ADDRESSES** section.

Accordingly, in FR Doc. 02-6803 published at 67 FR 13095 on March 21, 2002, on page 13095 in column 2, correct the **DATES** caption to read as follows:

**DATES:** We will accept public comments until May 20, 2002.

Dated: March 26, 2002.

**Steve Williams,**

*Director, Fish and Wildlife Service.*

[FR Doc. 02-7882 Filed 3-29-02; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 600 and 660

[Docket No. 011231309-2090-03; I.D. 121301A]

RIN 0648-A069

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

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

**ACTION:** Correction to the final rule; 2002 Pacific Coast groundfish fishery specifications and management measures.

**SUMMARY:** This document contains corrections to the final rule implementing the 2002 Pacific Coast groundfish fishery specifications and management measures published on March 7, 2002.

**DATES:** Effective 0001 hours local time (l.t.) March 1, 2002, until the 2003 annual specifications and management measures are effective, unless modified, superseded, or rescinded through a publication in the **Federal Register**. Section 660.323, paragraph (a)(2)(ii)(A) is effective 0001 hours l.t. March 1, 2002.

**FOR FURTHER INFORMATION CONTACT:** Yvonne deReynier, NMFS, (206)-526-6140.

#### SUPPLEMENTARY INFORMATION:

##### Background

The final rule for the 2002 specifications and 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, was published in the

**Federal Register** on March 7, 2002 (67 FR 10490). This final rule contained errors that require correction.

#### Corrections

In the rule FR Doc. 02-5302, in the issue of Thursday, March 7, 2002 (67 FR 10490) make the following corrections:

1. On page 10490, in the first column, the DATES section is corrected to read as set forth in the DATES section of this document.

2. On page 10522, in the second column, Section IV., paragraph D.(3)(b), the first sentence is corrected to read as follows:

\* \* \* \* \*

IV. \* \* \*

D. \* \* \*

(3) \* \* \*

(b) "Recreational fishing for lingcod is closed between January 1 and March 15, and between October 16 and December 31."

\* \* \* \* \*

3. On page 10525, in the third column, amendatory instruction 2 and regulatory text are corrected to read as follows:

"2. In § 660.323, paragraph (a)(2)(ii)(A) is revised to read as follows:"

#### § 660.323 Catch restrictions.

(a) \* \* \*

(2) \* \* \*

(ii) \* \* \*

(A) *Season dates.* North of 36° N. lat., the primary sablefish season for limited entry, fixed gear vessels begins at 12 noon l.t. on April 1 and ends at 12 noon l.t. on October 31, unless otherwise announced by the Regional Administrator.

\* \* \* \* \*

Dated: March 25, 2002.

**Rebecca Lent,**

*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

[FR Doc. 02-7711 Filed 3-29-02; 8:45 am]

**BILLING CODE 3510-22-S**