

section 112, to use VCS in place of a request for rule approval under CAA section 112 that otherwise satisfies the provisions of the CAA. 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.*).

B. Submission to Congress and the Comptroller General

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**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 1, 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 rule or action. This action, pertaining to the approval of ACHD's delegation of authority for the hazardous air pollutant emission standards and the chemical accident prevention provisions (CAA section 112), may not be challenged

later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects 40 CFR Part 63

Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations.

Dated: January 22, 2002.

Judith M. Katz,

Director, Air Protection Division, Region III.

40 CFR part 63 is amended as follows:

PART 63—[AMENDED]

1. The authority citation for part 63 continues to read as follows:

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

Subpart E—Approval of State Programs and Delegation of Federal Authorities

2. Section 63.99 is amended by adding paragraphs (a)(38)(iv) and (v):

§ 63.99 Delegated Federal authorities.

(a) * * *

(38) * * *

(iv) Allegheny County is delegated the authority to implement and enforce all existing 40 CFR part 63 standards and all future unchanged 40 CFR part 63 standards at sources within Allegheny County, in accordance with the final rule, dated January 30, 2002, effective April 1, 2002, and any mutually acceptable amendments to the terms described in the direct final rule.

(v) Allegheny County is delegated the authority to implement and enforce the provisions of 40 CFR part 68 and all future unchanged amendments to 40 CFR part 68 at sources within Allegheny County, in accordance with the final rule, dated January 30, 2002, effective April 1, 2002, and any mutually acceptable amendments to the terms described in the direct final rule.

[FR Doc. 02-2228 Filed 1-29-02; 8:45 am]

BILLING CODE 6560-50-U

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Parts 2, 4, 7, 10, 13, and 35

RIN 1090-AA80

Change of Address for Office of Hearings and Appeals

AGENCY: Office of the Secretary, Interior.

ACTION: Final rule.

SUMMARY: The Department of the Interior is revising its regulations governing administrative appeals to

reflect a change of address for the Office of Hearings and Appeals (OHA). OHA is moving to a new building in Arlington, Virginia, effective February 11, 2002.

DATES: This rule is effective February 11, 2002.

FOR FURTHER INFORMATION CONTACT:

Charles E. Breece, Principal Deputy Director, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203, telephone 703-235-3810. After February 11, 2002, Mr. Breece's address will change to Office of Hearings and Appeals, 801 North Quincy Street, Arlington, Virginia 22203. The phone number will remain the same.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Procedural Requirements

I. Background

The Department of the Interior's Office of Hearings and Appeals (OHA) conducts hearings and renders decisions in a wide variety of administrative appeals from actions taken by the bureaus and offices of the Department. OHA consists of a headquarters office, located in Arlington, Virginia, and nine field offices located throughout the country. The headquarters office contains the Office of the Director, the Interior Board of Contract Appeals, the Interior Board of Indian Appeals, the Interior Board of Land Appeals, the headquarters component of the Hearings Division, and a Division of Administration. Since 1970, the headquarters office has been located at 4015 Wilson Boulevard, and that address is included in numerous provisions of the Code of Federal Regulations relating to administrative appeals within the Department.

Effective February 11, 2002, the OHA headquarters office is being relocated to 801 North Quincy Street, Arlington, Virginia. In anticipation of that move, the Department is revising its administrative appeals regulations to reflect OHA's new street address.

II. Procedural Requirements

A. Determination To Issue Final Rule Effective in Less than 30 Days

The Department has determined that the public notice and comment provisions of the Administrative Procedure Act, 5 U.S.C. 553(b), do not apply to this rulemaking because the changes being made relate solely to matters of agency organization, procedure, and practice. They therefore satisfy the exemption from notice and comment rulemaking in 5 U.S.C. 553(b)(A).

Moreover, the Department has determined that there is good cause to waive the requirement of publication 30 days in advance of the rule's effective date under 5 U.S.C. 553(d). Since the timing of OHA's relocation is dictated by the construction schedule for the building to which OHA is moving, the actual move date was confirmed only in the past few weeks. If the changes in this rule were to become effective 30 days after publication, it could cause delays in processing appeals. A February 11, 2002, effective date means that appeals will go directly to the new address and thus will be processed more quickly. Because a February 11 effective date benefits the public, there is good cause for making this rule effective in less than 30 days, as permitted by 5 U.S.C. 553(d)(3).

B. Review Under Procedural Statutes and Executive Orders

The Department has reviewed this rule under the following statutes and executive orders governing rulemaking procedures: the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1501 *et seq.*; the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*; the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 801 *et seq.*; the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*; the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*; Executive Order 12630 (Takings); Executive Order 12866 (Regulatory Planning and Review); Executive Order 12988 (Civil Justice Reform); Executive Order 13132 (Federalism); Executive Order 13175 (Tribal Consultation); and Executive Order 13211 (Energy Impacts). The Department has determined that this rule does not trigger any of the procedural requirements of those statutes and executive orders, since this rule merely changes the street address for OHA's headquarters office.

Dated: January 18, 2002.

P. Lynn Scarlett,

Assistant Secretary—Policy, Management and Budget.

For the reasons stated in the preamble, the Department of the Interior amends its regulations in 43 CFR parts 2, 4, 7, 10, 13, and 35 as follows:

43 CFR PART 2—[AMENDED]

1. The authority citation for part 2 continues to read as follows:

Authority: 5 U.S.C. 301, 552 and 552a; 31 U.S.C. 9701; and 43 U.S.C. 1460.

§ 2.2 [Amended]

2. In § 2.2, revise all references to "Ballston Building No. 3, 4015 Wilson Boulevard" to read "801 North Quincy Street".

§ 2.14 [Amended]

3. In § 2.14(a)(2)(i), revise "4015 Wilson Boulevard" to read "801 North Quincy Street".

Appendix B to Part 2 [Amended]

4. In Appendix B, paragraph 1, revise "4015 Wilson Boulevard" to read "801 North Quincy Street".

43 CFR PART 4—[AMENDED]

5. The authority citation for part 4 continues to read as follows:

Authority: R.S. 2478, as amended, 43 U.S.C. 1201, unless otherwise noted.

Subpart C—[Amended]

6. The authority citation for part 4, subpart C continues to read as follows:

Authority: 5 U.S.C. 301 and the Contract Disputes Act of 1978 (Pub. L. 95–563, Nov. 1, 1978 (41 U.S.C. 601–613)).

7. In part 4, subpart C, revise all references to "4015 Wilson Boulevard" to read "801 North Quincy Street".

Subpart D—[Amended]

8. The authority citation for part 4, subpart D continues to read as follows:

Authority: Secs. 1, 2, 36 Stat. 855, as amended, 856, as amended, sec. 1, 38 Stat. 586, 42 Stat. 1185, as amended, secs. 1, 2, 56 Stat. 1021, 1022; R.S. 463, 465; 5 U.S.C. 301; 25 U.S.C. secs. 2, 9, 372, 373, 374, 373a, 373b, 410; 100 Stat. 61, as amended by 101 Stat. 886 and 101 Stat. 1433, 25 U.S.C. 331 note.

9. In part 4, subpart D, revise all references to "4015 Wilson Boulevard" to read "801 North Quincy Street".

Subpart E—[Amended]

10. The authority citation for part 4, subpart E continues to read as follows:

Authority: Sections 4.470 to 4.478 also issued under authority of sec. 2, 48 Stat. 1270; 43 U.S.C. 315a.

11. In part 4, subpart E, revise all references to "4015 Wilson Boulevard" to read "801 North Quincy Street".

Subpart J—[Amended]

12. The authority citation for part 4, subpart J continues to read as follows:

Authority: 5 U.S.C. 301 *et seq.*; 25 U.S.C. 396 *et seq.*, 396a *et seq.*, 2101 *et seq.*; 30 U.S.C. 181 *et seq.*, 351 *et seq.*, 1001 *et seq.*, 1701 *et seq.*; 31 U.S.C. 9701; 43 U.S.C. 1301 *et seq.*, 1331 *et seq.*, and 1801 *et seq.*

13. In § 4.909(b)(1), revise "4015 Wilson Boulevard" to read "801 North Quincy Street".

Subpart L—[Amended]

14. The authority citation for part 4, subpart L continues to read as follows:

Authority: 30 U.S.C. 1256, 1260, 1261, 1264, 1268, 1271, 1272, 1275, 1293; 5 U.S.C. 301.

15. In part 4, subpart L, revise all references to "4015 Wilson Boulevard" to read "801 North Quincy Street".

Subpart M—[Amended]

16. The authority citation for part 4, subpart M continues to read as follows:

Authority: 5 U.S.C. 301

§ 4.1604 [Amended]

17. In § 4.1604, revise "room 1111, Ballston Towers Building No. 3, 4015 Wilson Boulevard" to read "801 North Quincy Street".

PART 7—[AMENDED]

18. The authority citation for part 7 continues to read as follows:

Authority: Pub. L. 96–95, 93 Stat. 721, as amended; 102 Stat. 2983 (16 U.S.C. 470aa–mm) (Sec. 10(a). Related authority: Pub. L. 59–209, 34 Stat. 225 (16 U.S.C. 432, 433); Pub. L. 86–523; 74 Stat. 220, 221 (16 U.S.C. 469), as amended; 88 Stat. 174 (1974); Pub. L. 89–665, 80 Stat. 915 (16 U.S.C. 470a–t), as amended, 84 Stat. 204 (1970), 87 Stat. 139 (1973), 90 Stat. 1320 (1976), 92 Stat. 3467 (1978), 94 Stat. 2987 (1980); Pub. L. 95–341, 92 Stat. 469 (42 U.S.C. 1996).

§ 7.37 [Amended]

19. In § 7.37, revise all references to "4015 Wilson Boulevard" to read "801 North Quincy Street".

PART 10—[AMENDED]

20. The authority citation for part 10 continues to read as follows:

Authority: 25 U.S.C. 3001 *et seq.*

§ 10.12 [Amended]

21. In § 10.12, revise all references to "4015 Wilson Boulevard" to read "801 North Quincy Street".

PART 13—[AMENDED]

22. The authority citation for part 13 continues to read as follows:

Authority: Sec. 4, 68 Stat. 663; 20 U.S.C. 107.

§ 13.6 [Amended]

23. In § 13.6, revise "4015 Wilson Boulevard" to read "801 North Quincy Street".

PART 35—[AMENDED]

24. The authority citation for part 35 continues to read as follows:

Authority: 5 U.S.C. 301; 31 U.S.C. 3801–3812.

§ 35.1 [Amended]

25. In § 35.1(g), revise “4015 Wilson Boulevard” to read “801 North Quincy Street”.

[FR Doc. 02–2188 Filed 1–29–02; 8:45 am]

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 660**

[Docket No. 010710171-2013-02; I.D. 051401B]

RIN 0648-AL41

Fisheries Off West Coast States and in the Western Pacific; Pelagic Fisheries; Prohibition on Fishing for Pelagic Management Unit Species; Nearshore Area Closures Around American Samoa by Vessels More Than 50 Feet in Length

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to prohibit certain vessels from fishing for Pacific pelagic management unit species (PMUS) within nearshore areas seaward of 3 nautical miles (nm) to approximately 50 nm around the islands of American Samoa. This prohibition applies to vessels that measure more than 50 ft (15.2 m) in length overall and that did not land pelagic management unit species in American Samoa under a Federal longline general permit prior to November 13, 1997. This action is intended to prevent the potential for gear conflicts and catch competition between large fishing vessels and locally based small fishing vessels. Such conflicts and competition could lead to reduced opportunities for sustained participation by residents of American Samoa in the small-scale pelagic fishery.

DATES: Effective March 1, 2002.

ADDRESSES: Copies of the Final Environmental Impact Statement for the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region (FEIS) may be obtained from Dr. Charles Karnella, Administrator, NMFS,

Pacific Islands Area Office (PIAO), 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814. Copies of the regulatory impact review/final regulatory flexibility analysis (RIR/FRFA) prepared for this final rule may be obtained from Ms. Kitty Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813.

FOR FURTHER INFORMATION CONTACT: Alvin Katekaru, PIAO, at 808-973-2937.

SUPPLEMENTARY INFORMATION: A proposed rule was published in the *Federal Register* on July 31, 2001 (66 FR 39475). As discussed in the proposed rule, small vessel fishermen have raised concerns over the potential for gear conflicts between the small-vessel (less than or equal to 50 ft (15.2 m) in length overall) fishing fleet and large longline fishing vessels greater than 50 ft (15.2 m) length overall, hereafter called “large vessels,” targeting PMUS in the American Samoa pelagic fishery, as well as regarding adverse impacts on fishery resources resulting from the increased numbers of large fishing vessels in the fishery. Due to the limited mobility of the smaller vessels, an influx of large domestic vessels fishing in the nearshore waters of the U.S. exclusive economic zone (EEZ) around American Samoa could lead to gear conflicts, catch competition, and reduced opportunities for sustained fishery participation by the locally based small boat operators. Local fishermen and associated fishing communities depend on this fishery not only for food, income, and employment, but also for the preservation of their Samoan culture.

This final rule, is a regulatory amendment under the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region (FMP). It prohibits U.S. vessels more than 50 ft (15.2 m) in length overall from fishing for PMUS within areas 3 nm from shore (i.e., waters regulated by the government of American Samoa) to approximately 50 nm around the islands of American Samoa. The boundaries of the closed areas are defined by latitude and longitude, and are delineated as straight lines drawn point to point, except for those segments that are bounded by the outer boundary of the EEZ around American Samoa. A vessel owner whose longline vessel was registered for use under a Federal longline general permit and made at least one landing of PMUS in American Samoa on or before November 13, 1997, is exempt from this final rule. An exemption may be registered for use with other vessels owned by the same

person; however, exemptions may not be applied to a replacement vessel that is larger than the vessel for which it was originally issued. If more than one person (e.g., a partnership or corporation), owned a large vessel when it was registered for use with a longline general permit, and made at least one landing of a PMUS prior to November 13, 1997, an exemption will be issued to only one person. Exemptions are not transferable between persons.

Comments and Responses

NMFS received sets of comments from three different commenters. These comments generally supported this action. NMFS addresses comments that recommended actions not in this final rule below.

Comment 1: One commenter recommended that the larger domestic longline vessels operating in the EEZ around American Samoa be required to use vessel monitoring system (VMS) units installed by NMFS to facilitate enforcement of the closed areas around American Samoa.

Response: NMFS agrees that VMS would enhance monitoring and enforcement of area closures around American Samoa as demonstrated by its application to the longline area closures around the Hawaiian Islands. However, due to budgetary constraints, NMFS is unable to provide VMS units to all the large longline vessels. NMFS may consider requiring industry to purchase VMS units for those vessels that do not already have them. However, VMS may not be necessary for an effective area closure program with adherence to these new closures and cooperation among the fishermen, both small and large fishing vessel operators and the local community to avoid conflicts and localized depletions of the fisheries.

Comment 2: One commenter recommended a more extensive 100-nm closed area around Rose Atoll, a National Wildlife Refuge. An extended area closure would provide a larger buffer zone around the atoll and safeguard against potential groundings of fishing vessels.

Response: NMFS believes the 50-nm nearshore closure provides adequate protection for the fauna and flora at Rose Atoll, while striking a balance with the needs of large domestic longline fishing vessels for access to offshore fishing grounds.

The final rule is changed from the proposed rule with respect to the coordinates specified for the boundaries of the closed areas around Swains Island and the remainder of the American Samoa islands (Tutuila Island, the Manu’a Islands, and Rose