the applicability of certain federal regulations in favor of Michigan's program, thereby eliminating duplicate requirements for handlers of hazardous waste in the state. Authorization will not impose any new burdens on small entities. Accordingly, I certify that this action 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 action authorizes 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 action does not have tribal implications within the meaning of Executive Order 13175 (65 *FR* 67249, November 9, 2000). This action 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 authorizes state requirements as part of the state RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 *FR* 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. This action does not include environmental justice related issues that require consideration under Executive Order 12898 (59 *FR* 7629, February 16, 1994).

Under RCRA 3006(b), EPA grants a state's application for authorization as long as the state meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a state authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. 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 action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1994 (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 has submitted a report containing this document 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 this 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).

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: July 23, 2002.

Thomas V. Skinner,

Regional Administrator, Region 5.

[FR Doc. 02–19226 Filed 7–30–02; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 011109274–1301–02; I.D. 072202B]

Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Adjustment to the 2002 Scup Winter II Commercial Quota

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

ACTION: Scup Winter II commercial quota adjustment for 2002.

SUMMARY: NMFS (NOAA Fisheries) adjusts the 2002 Winter II commercial scup quota. This action complies with a provision of the commercial quota management program established by the Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries (FMP). Scup landings in excess of the quota allocated for the prior year's Winter II quota period (November and December) must be deducted from the Winter II scup quota for the following year. The intent of this action is to continue the rebuilding program described in the FMP's objectives, by taking into account 2001 overages of the scup Winter II quota.

DATES: Effective July 31, 2002, through December 31, 2002.

FOR FURTHER INFORMATION CONTACT: Richard A. Pearson, Fisheries Policy Analyst, (978) 281–9279.

SUPPLEMENTARY INFORMATION:

Background

NOAA Fisheries published a final rule in the **Federal Register** on December 26, 2001 (66 FR 66348), announcing specifications and adjustments to the 2002 summer flounder, scup, and black sea bass commercial quotas. On February 14, 2002, NOAA Fisheries published a final rule in the **Federal Register** (67 FR 6877) revising the method by which the commercial quotas for these species are to be adjusted if landings in any fishing year exceed the quota allocated (thus resulting in a quota overage). The FMP originally required that any landings in excess of a commercial quota allocation for a state or period in one year would be deducted from that state's or period's annual quota allocation for the following year. This was problematic because complete landings data for the

year were often not available until much later in the next fishing year. As a result, it was frequently necessary for NMFS to publish several subsequent quota adjustments during the next fishing year, as landings information became available. These adjustments complicated the resource management efforts of state marine fisheries agencies, and hampered planning by commercial fishers. The regulatory amendment corrected these deficiencies by establishing a cut-off date of October 31 for landings data to be used in calculating quota overages and making the resultant adjustments to the quotas when developing the specifications for the upcoming fishing year. The regulatory amendment also specified that, by June 30 of the following year, all available landings data for the previous year's Winter II scup quota period (November - December) and the Quarter 4 black sea bass quota period (October - December) would be compiled and compared to the quota allocations for those periods. Any resultant overages would be deducted from the quotas for the current fishing year in July, through notification in the **Federal Register**. Any further overages identified as a result of late data submitted for any given year's quota periods would be applied to the quota allocations for the next fishing year. Accordingly, this notice is being published to inform the public of overages of the 2001 Winter II scup quota period and to adjust the 2002 Winter II scup quota to account for those overages. There was not an overage of the 2001 Quarter 4 black sea bass quota so an adjustment of the 2002 Quarter 4 quota is not necessary.

The adjustment in this notification is final. Additional data, including late landings reported from either federally permitted dealers or state statistical agencies reporting landings by non-federally permitted dealers, that are received will be added onto available 2002 landings and then used to determine any adjustments to the 2003 quotas during the specification-setting process for the 2003 fishing year.

Scup

The 2001 Winter II scup quota, available 2001 Winter II scup landings, and the resulting overage of the 2001 Winter II scup quota are presented in Table 1. The resulting adjusted 2002 Winter II scup commercial quota is presented in Table 2.

TABLE 1. SCUP WINTER II 2001 LANDINGS AND OVERAGE

Period	2001 Quota		2001 Landings		2001 Overage	
	Lb	Kg[1]	Lb	Kg[1]	Lb	Kg[1]
Winter II	708,469	321,356	777,790	352,800	69,321	31,444

[1] Kilograms are as converted from pounds, and may not necessarily add due to rounding.

TABLE 2. SCUP WINTER II ADJUSTED 2002 QUOTA

Period	2002 Initial Quota		2002 Adjusted Quota	
	Lb	Kg[1]	Lb	Kg[1]
Winter II	1,248,823	566,456	1,179,502	535,013

[1] Kilograms are as converted from pounds, and may not necessarily add due to rounding.

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: July 25, 2002.

John H. Dunnigan,

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

[FR Doc. 02–19363 Filed 7–30–02; 8:45 am]

BILLING CODE 3510–22–S