

on 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, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that 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." This final rule directly regulates growers, food processors, food handlers, and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of the FFDCA. For these same reasons, the Agency has determined that this rule does not have any "tribal implications" as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop

an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." "Policies that have tribal implications" is defined in the Executive Order to include regulations that have "substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes." This rule will not have substantial direct effects on tribal governments, 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 in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

#### IX. 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 this final rule in the **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

#### List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: November 8, 2002.

**Debra Edwards,**

*Acting Director, Registration Division, Office of Pesticide Programs.*

Therefore, 40 CFR chapter I is amended as follows:

#### PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

**Authority:** 21 U.S.C. 321(q), 346(a) and 371.

2. Section 180.510 is amended by alphabetically adding "strawberry" to the table in paragraph (b) to read as follows:

#### § 180.510 Pyriproxyfen; tolerances for residues.

\* \* \* \* \*

(b) \* \* \*

Commodity	Parts per million	Expiration/revocation date
Strawberry .....	* * * * *	0.30 12/31/04

\* \* \* \* \*

[FR Doc. 02-30260 Filed 11-27-02; 8:45 am]

BILLING CODE 6560-50-S

#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Parts 1, 2, 27, 87, 90 and 95

[WT Docket No. 02-08; FCC 02-152]

#### License Services in the 216-220 MHz, 1390-1395 MHz, 1427-1429 MHz, 1429-1432 MHz, 1432-1435 MHz, 1670-1675 MHz, and 2385-2390 MHz Government Transfer Bands

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; correction.

**SUMMARY:** The Federal Communications Commission published a document in the Federal Register on June 20, 2002,

(67 FR 41847), revising the Quiet Zone procedures for operation near GOES stations. The publication incorrectly indicated that the GOES procedures were contained in § 1.924(f) and, therefore, inadvertently removed the Quiet Zone procedures for operation in the 420-450 MHz band. This document corrects the Quiet Zone procedures by re-inserting the procedures for operation in 420-450 MHz band into § 1.924(f) and lists the updated procedures for operation near GOES stations into § 1.924(g).

**DATES:** Effective November 29, 2002.

#### FOR FURTHER INFORMATION CONTACT:

Keith Fickner regarding legal matters, and/or Brian Marengo or Tim Maguire regarding engineering matters via phone at (202) 418-0680, via TTY (202) 418-7233, or via e-mail at [kfickner@fcc.gov](mailto:kfickner@fcc.gov), [bmarengo@fcc.gov](mailto:bmarengo@fcc.gov) or [tmaguire@fcc.gov](mailto:tmaguire@fcc.gov), respectively, Wireless Telecommunications Bureau, Federal

Communications Commission, Washington, DC 20554.

**SUPPLEMENTARY INFORMATION:** In the FR Doc. 02-15373 published in the **Federal Register** on June 20, 2002, (67 FR 41847) the Commission updated the Quiet Zone procedures for operation near GOES stations. The document incorrectly indicated that the GOES procedures were contained in § 1.924(f). The GOES procedures are supposed to be listed in § 1.924(g). The Quiet Zone procedures listed in § 1.924(f) are intended for operation in the 420-450 MHz band. Therefore, the **Federal Register** publication inadvertently deleted the Quiet Zone procedures for operation in the 420-450 MHz band. The Quiet Zone procedures for operations near GOES stations are intended to apply only to operation in the 1670-1675 MHz band.

Therefore, the Quiet Zone procedures for operation in the 420-450 MHz band should be re-inserted into § 1.924(f) and

the updated GOES procedures should be listed in § 1.924(g).

Federal Communications Commission.

**Marlene H. Dortch,**  
*Secretary.*

## Rules Changes

For the reasons discussed in the preamble, the Federal Communications Commission corrects 47 CFR part 1 as follows:

### PART 1—PRACTICE AND PROCEDURES

1. The authority citation for part 90 continues to read as follows:

**Authority:** 47 U.S.C. 151, 154(i), 154(j), 155, 225, 303(r), 309 and 325(e).

2. Section 1.924 is amended by correctly designating paragraph (f) as paragraph (g) and by reinstating the former text of paragraph (f) to read as follows:

#### § 1.924 Quiet zones.

\* \* \* \* \*

(f) *420–450 MHz band.* (1) In the band 420–450 MHz, applicants should not expect to be accommodated if their area of service is within 160 kilometers (100 miles) of the following locations:

- (i) 45°45'00.2" N., 70°31'58.3" W.,
- (ii) 64°17'00.0" N., 149°10'00.0" W.,

**Note to:** Paragraph(f)(ii) is referenced to NAD27.

(iii) 48°43'00.0" N., 97°54'01.4" W.;

(2) Within 200 kilometers (124 miles) of the following locations:

- (i) 32°38'00.5" N., 83°34'59.7" W.,
- (ii) 31°25'00.6" N., 100°24'01.3" W.;

(3) Within 240 kilometers (150 miles) of the following location:

- (i) 39°07'59.6" N., 121°26'03.9" W.;
- (ii) [Reserved]

(4) Within 320 kilometers (200 miles) of the following locations:

- (i) 28°21'01.0" N., 80°42'59.2" W.,
- (ii) 30°30'00.7" N., 86°29'59.8" W.,
- (iii) 43°08'59.6" N., 119°11'03.8" W.;

(5) Or in the following locations:

- (i) The state of Arizona,
- (ii) The state of Florida,
- (iii) Portions of California and Nevada south of 37°10' N.,

(iv) And portions of Texas and New Mexico bounded by 31°45' N., 34°30' N., 104°00' W., and 107°30' W

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[FR Doc. 02–29810 Filed 11–27–02; 8:45 am]

BILLING CODE 6712–01–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No.011005245–2012–02; I.D. 112202A]

#### Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested for Management Area 1A

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

**ACTION:** Closure of directed fishery for Management Area 1A.

**SUMMARY:** NMFS announces that 95 percent of the Atlantic herring total allowable catch (TAC) allocated to Management Area 1A (Area 1A) for fishing year 2002 has been harvested. Therefore, federally permitted vessels may not fish for, catch, possess, transfer or land more than 2,000 lb (907.2 kg) of Atlantic herring harvested from Area 1A per trip or calendar day until January 1, 2003, when the 2003 TAC becomes available. Regulations governing the Atlantic herring fishery require publication of this notification to advise vessel and dealer permit holders that 95 percent of the Atlantic herring TAC allocated to Area 1A has been harvested, and no TAC is available for the directed fishery for Atlantic herring harvested from Area 1A.

**DATES:** Effective 0001 hrs local time, December 1, 2002, through 2400 hrs local time, December 31, 2002.

**FOR FURTHER INFORMATION CONTACT:** Don Frei, Fisheries Management Specialist, at (978) 281–9221.

**SUPPLEMENTARY INFORMATION:** Regulations governing the Atlantic herring fishery are found at 50 CFR part 648. The regulations require annual specification of optimum yield, domestic and foreign fishing, and management area TACs. The 2002 TAC allocated to Area 1A for the fishing year is 60,000 mt (132,277,357 lb). The TAC is further allocated into a period 1 TAC of 6,000 mt (13,227,735 lb), a period 2 TAC of 54,000 mt (119,049,621 lb), with period 1 spanning January 1 - May 31; and period 2, June 1 - December 31. (67 FR 3442, January 24, 2002)

The regulations at 50 CFR 648.202 require the Administrator, Northeast Region, NMFS (Regional Administrator) to monitor the Atlantic herring fishery in each of the four management areas

designated in the Fishery Management Plan for the Atlantic Herring Fishery and, based upon dealer reports, state data, and other available information, to determine when the harvest of Atlantic herring is projected to reach 95 percent of the TAC allocated. When such a determination is made, NMFS is required to publish notification in the **Federal Register** notifying vessel and dealer permit holders that, effective upon a specific date, vessels may not fish for, catch, possess, transfer or land more than 2,000 lb (907.2 kg) of herring per trip or calendar day from the specified management area for the remainder of the fishing year.

The Regional Administrator determined that 95 percent of the Period 1 TAC allocated to Area 1A was harvested on April 26, 2002, and the directed fishery was closed for the remainder of the quota period 1 (67 FR 20056, April 24, 2002).

The Regional Administrator has determined, based upon dealer reports and other available information, that 95 percent of the total Atlantic herring TAC allocated to Area 1A for fishing year 2002 has been harvested. Therefore, effective 0001 hrs local time, December 1, 2002, federally permitted vessels may not fish for, catch, possess, transfer or land more than 2,000 lb (907.2 kg) of Atlantic herring harvested from Area 1A per trip or calendar day until the Period 1 TAC becomes available at 0001 hrs, January 1, 2003. Vessels may transit an area that is limited to the 2,000–lb (907.2–kg) limit with more than 2,000 lb (907.2 kg) of herring on board, provided all fishing gear is stowed and not available for immediate use, as required by § 648.23(b). A vessel may land herring in an area that is limited to the 2,000–lb (907.2–kg) limit specified in § 648.202(a) with more than 2,000 lb (907.2 kg) of herring on board, provided such herring were caught in an area or areas not subject to the 2,000–lb (907.2–kg) limit and provided all fishing gear is stowed and not available for immediate use as required by § 648.23(b). Effective December 1, 2002, federally permitted dealers are also advised that they may not purchase Atlantic herring from federally permitted Atlantic herring vessels that harvest more than 2,000 lb (907.2 kg) of Atlantic herring from Area 1A through January 1, 2003, 0001 hrs local time.

#### 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.*