

costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

This final rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

## XII. Executive Order 13084

### *What Is Executive Order 13084 and Is It Applicable to This Final Rule?*

Under Executive Order 13084, EPA may not issue a regulation that is not

required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

## List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Natural resources, Oil pollution, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 22, 1998.

**Timothy Fields, Jr.,**

*Acting Assistant Administrator, Office of Solid Waste and Emergency Response.*

40 CFR part 300 is amended as follows:

## PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

2. Table 1 of Appendix B to Part 300 is amended by adding the following site in alphabetical order to read as follows:

## Appendix B to Part 300—National Priorities List

TABLE 1.—GENERAL SUPERFUND SECTION

State	Site name	City/County	Notes(a)
TX .....	Rockwool Industries Inc .....	Bell County.	

[FR Doc. 98–25889 Filed 9–28–98; 8:45 am]  
BILLING CODE 6560–50–P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### 43 CFR Part 4200

[WO–130–1820–00–241A]

RIN 1004–AC70

### Grazing Administration; Alaska; Livestock

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Final rule.

**SUMMARY:** The Bureau of Land Management (BLM) is removing the grazing regulations which implement the livestock grazing program on BLM lands in Alaska because they are

obsolete. This action is necessary because there are currently no livestock grazing operations under BLM's program. We do not anticipate receiving any more applications. The effect of this action is to eliminate the obsolete regulations covering livestock grazing on BLM lands in Alaska. The amount of BLM lands suitable for livestock grazing has decreased dramatically.

**DATES:** This rule is effective October 29, 1998.

#### FOR FURTHER INFORMATION CONTACT:

Peggy Fox, Alaska State Office, Bureau of Land Management, U.S. Department of the Interior, 222 West 7th Avenue, #13, Anchorage, Alaska 99513–7599; Telephone (907) 271–3346 (Commercial or FTS).

#### SUPPLEMENTARY INFORMATION:

- I. Background
- II. Discussion of the Final Rule and Response to Comments
- III. Procedural Matters

## I. Background

The current part 4200 regulations were written in order to carry out the provisions of the Act of March 4, 1927, commonly known as the Alaska Livestock Grazing Act (43 U.S.C. 316, 316a–316o) (Act). The Act declared that it is Congressional policy to:

- Promote the conservation of the natural resources of Alaska;
- Provide for the protection and development of forage plants; and
- Provide for the beneficial use of the land for grazing by livestock.

The Act authorizes the Secretary of the Interior to lease to qualified applicants grazing privileges on the grazing districts established in Alaska. The Act states that the use of public lands in Alaska for grazing must be subordinated to the following uses:

- Development of the mineral resources;

- Protection, development, and use of forests;
- Protection, development, and use of water resources;
- Agriculture; and
- Protection, development, and use of other resources that may be of greater benefit to the public.

There are currently no grazing permit holders under BLM's livestock grazing program in Alaska. BLM does not anticipate receiving any more applications. The amount of BLM lands suitable for livestock grazing has decreased dramatically because of Native and State of Alaska land selections. The regulations at part 4200 are therefore unnecessary. The part 4200 regulations are specific to Alaska and removing them would have no effect on any other grazing regulations elsewhere in the United States.

On March 20, 1998, (63 FR 13608) BLM published a proposed rule in the **Federal Register** to remove the grazing regulations which implement the livestock grazing program on BLM lands in Alaska because they are obsolete. The 60-day comment period closed on May 19, 1998. BLM did not receive any public comments. However, BLM did receive one internal technical comment which we considered in finalizing the rule.

## **II. Discussion of Final Rule and Response To Comments**

### **A. Legal Basis for the Final Rule**

This action is necessary because there are currently no livestock grazing permit holders under the part 4200 regulations. We do not anticipate receiving any more applications. However, if there is a need in the future for a livestock grazing permit, BLM still has the authority to issue a livestock grazing permit. We will issue the livestock grazing permit in accordance with the provisions of the statute (Alaska Livestock Grazing Act, 43 U.S.C. 316, 316a-316o). The effect of this action is to eliminate the obsolete regulations covering livestock grazing on BLM lands in Alaska (43 U.S.C. 1701 *et seq.*).

### **B. General and Specific Comments**

BLM did not receive any public comments to be considered or included in the preparation of this final rule. We have modified the proposed rule to eliminate any reference to how the BLM would respond to future livestock grazing permit applications. Specifically, BLM has revised the proposed rule to delete the following language: "Due to a lack of interest in the program, BLM removed these regulations. For applicants wishing to

apply for permits to graze livestock other than reindeer, BLM may issue special use permits."

Accordingly, BLM is removing the part 4200 regulations and replacing them with a statement that BLM continues to have the authority to issue a livestock grazing permit if needed.

## **III. Procedural Matters**

### **Executive Order 12866**

This final rule is not a significant rule and was not subject to review by the Office of Management and Budget under Executive Order 12866. This final rule will not have an effect of \$100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities. The final rule merely removes the obsolete regulations covering livestock grazing on BLM lands in Alaska. This final rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. This final rule does not alter the budgetary effects or entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients. This final rule merely fulfills the requirements of the Act, and does not raise novel legal or policy issues.

### **Regulatory Flexibility Act**

The Department certifies that this final rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This final rule will not have a significant economic impact on a number of small entities because there are no livestock grazing permit holders at present.

### **Small Business Regulatory Enforcement Fairness Act**

The Department has determined that this final rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This final rule is not a major rule because removal of 43 CFR part 4200 will not result in or affect the \$100 million statutory threshold.

### **Unfunded Mandates Reform Act**

This final rule to remove 43 CFR part 4200 does not impose an unfunded mandate on State, local, or tribal governments, or the private sectors of more than \$100 million per year. This final rule does not have a significant or unique effect on State, local, or tribal governments, or the private sector. A statement containing the information

required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required. The final rule merely removes obsolete regulations covering livestock grazing on BLM lands in Alaska.

### **Executive Order 12630**

In accordance with Executive Order 12630, this final rule does not have significant takings implications. A takings implications assessment is not required. Since the final rule merely removes obsolete regulations, there will be no private property rights impaired as a result.

### **Executive Order 12612**

In accordance with Executive Order 12612, the final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. This final rule does not impose any obligations on any other Government nor preempt any regulatory authority of any State.

### **Executive Order 12988**

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this final rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

### **Paperwork Reduction Act**

This rule does not contain information collection requirements that the Office of Management and Budget must approve under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

### **National Environmental Policy Act**

BLM has determined that the action of removing the Alaska livestock grazing regulations will have no measurable effect on the human environment. There are currently no grazing permit holders under BLM's livestock grazing program. BLM considers this final rule an administrative action to remove unnecessary regulations for a program that is no longer used. Therefore, it is categorically excluded from environmental review under section 102(2)(C) of the National Environmental Policy Act, pursuant to 516 Departmental Manual (DM), Chapter 2, Appendix 1, Item 1.10. In addition, this final rule does not meet any of the 10 criteria for exceptions to categorical exclusions listed in 516 DM, Chapter 2, Appendix 2. Pursuant to Council on Environmental Quality regulations (40 FR 1508.4) and the environmental policies and procedures of the Department of the Interior, the term "categorical exclusions" means a category of actions which do not individually or cumulatively have a

significant effect on the human environment and that has been found to have no such effect in procedures adopted by a Federal agency and for which neither an environmental assessment nor an environmental impact statement is required.

**Author.** The principal author of this final rule is Shirlean Beshir, Regulatory Affairs Group, Room 401LS, Bureau of Land Management, 1849 C Street, NW, Washington, D.C. 20240; Telephone: (202) 452-5033 (Commercial or FTS).

#### List of Subjects in 43 CFR Part 4200

Administrative practice and procedure, Alaska, Grazing lands, Livestock, Range management.

Dated: September 18, 1998.

**Sylvia V. Baca,**

*Deputy Assistant Secretary, Land and Minerals Management.*

Accordingly, BLM under the authority of 43 U.S.C. 316n revises part 4200, Group 4200, Subchapter D, Chapter II of Title 43 of the Code of Federal Regulations to read as follows:

#### PART 4200—GRAZING ADMINISTRATION; ALASKA; LIVESTOCK

**Authority:** 43 U.S.C. 316, 316a-316o; 43 U.S.C. 1701 *et seq.*

##### § 4200.1 Authority for grazing privileges.

The BLM is authorized under the Alaska Livestock Grazing Act (Act of March 4, 1927, 43 U.S.C. 316, 316a-316o) to lease to qualified applicants the grazing privileges on the grazing districts established in Alaska.

[FR Doc. 98-25974 Filed 9-28-98; 8:45 am]

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 285

[I.D. 092298C]

##### Atlantic Tuna Fisheries; Atlantic Bluefin Tuna

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

**ACTION:** Inseason transfer.

**SUMMARY:** NMFS allocates 7 mt of the 1998 Atlantic bluefin tuna (BFT) Reserve to the Harpoon category to cover overharvest of the Harpoon category quota. In addition, NMFS adjusts the October-December subquota for the General category BFT fishery by transferring 10 mt from the Reserve and

40 mt from the Incidental Longline South quota for a revised coastwide General category subquota of 116 mt for October-December. These actions are being taken to extend scientific data collection on several size classes of BFT while preventing overharvest of the adjusted subquotas for the affected fishing categories and to ensure maximum utilization of the quota while maintaining a fair distribution of fishing opportunities.

**DATES:** Allocation to the Harpoon category effective September 23, 1998. Transfer to the General category effective October 1, 1998, until December 31, 1998, or until the effective date of the closure, which will be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Sarah McLaughlin, 301-713-2347, or Mark Murray-Brown, 978-281-9260.

**SUPPLEMENTARY INFORMATION:** Regulations implemented under the authority of the Atlantic Tunas Convention Act (ATCA) (16 U.S.C. 971 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 285. Section 285.22 subdivides the U.S. quota recommended by the International Commission for the Conservation of Atlantic Tunas among the various domestic fishing categories. Under the implementing regulations at § 285.22(f), the Assistant Administrator for Fisheries, NOAA (AA), has the authority to allocate any portion of the Reserve to any category or categories of the fishery after considering the following factors: (1) The usefulness of information obtained from catches of the particular category of the fishery for biological sampling and monitoring the status of the stock, (2) the catches of the particular gear segment to date and the likelihood of closure of that segment of the fishery if no allocation is made, (3) the projected ability of the particular gear segment to harvest the additional amount of BFT tuna before the anticipated end of the fishing season, and (4) the estimated amounts by which quotas established for other gear segments of the fishery might be exceeded. Such authority was exercised to transfer 19 mt of the 52-mt Reserve to the Angling category large school/small medium subquota effective August 13, 1998 (63 FR 44173).

The AA is also authorized under § 285.22(i) to make adjustments to quotas involving transfers between categories if, during a single year quota period, it is determined, based on landing statistics, present year catch rates, effort, and other available information, that any category is not likely to take its entire quota as

previously allocated for that year. Given that determination, the AA may transfer inseason any portion of the quota of any fishing category to any other fishing category after considering the preceding factors.

#### Quota Adjustments

Pursuant to § 285.7 and under the authority of ATCA, NMFS has provided a Letter of Authorization to fisheries biologists from the Massachusetts Division of Marine Fisheries to conduct joint research with NMFS comparing the effects of circle and straight hooks on BFT and Atlantic yellowfin tuna (YFT). A combined total of 200 BFT and/or YFT (averaging 40 lb. (18 kg)) may be collected off the Massachusetts and Rhode Island coasts under this authorization, which is effective June 29 through October 31, 1998. Because eight large school BFT have been collected to date, 0.26 mt have been deducted from the Reserve. In addition, because landings by Harpoon category vessels exceeded the 53 mt Harpoon category quota by approximately 7 mt, NMFS is transferring 7 mt of the Reserve to cover this overharvest. Following these two deductions, approximately 25 mt remain in the Reserve.

Implementing regulations for the Atlantic tuna fisheries at § 285.22 provide for a quota of 657 mt of large medium and giant BFT to be harvested from the regulatory area by vessels fishing under the General category quota during calendar year 1998. The General category BFT quota is further subdivided into time period subquotas to provide for broad temporal and geographic distribution of scientific data collection and fishing opportunities. Approximately 66 mt remain available for the October-December General category fishery, in addition to the 10 mt set aside for the traditional fall New York Bight fishery.

After considering the previously cited factors for making transfers between categories and from the Reserve, the AA has determined that 10 mt of the remaining 25 mt of Reserve should be transferred to the General category. In addition, the AA has determined that 40 mt of the remaining Incidental Longline South quota of approximately 66 mt should be transferred to the General category. Thus, the coastwide General category quota for the October-December period is set at 116 mt.

Once the General category quota for October-December period has been attained, the fishery will be closed. The announcement of the closure will be filed at the Office of the Federal Register, stating the effective date of