

identified as substituted phenol (PMNs P-89-1125, P-91-87, P-92-41, P-92-511, P-94-1527, and P-94-1755) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j) (ingredient in a photoresist formulation).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

[FR Doc. 98-11474 Filed 4-29-98; 8:45 am]

BILLING CODE 6560-50-F

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2200

[WO-420-1050-00-24 1A]

RIN 1004-AC97

National Forest Exchanges

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Land Management (BLM) is removing 43 CFR subpart 2202 in its entirety, and revising section 2201.1-2(a) to include a statement about segregative effect. Subpart 2202 contains material that is substantially covered by BLM's general Exchange regulations at 43 CFR 2201. The new 43 CFR 2201.1-2(a), as revised by this final rule, will cover any additional material from the existing subpart 2202. As a result, this removal and revision action will have no impact on BLM customers or the public at large.

EFFECTIVE DATE: June 1, 1998.

ADDRESSES: You may send inquiries or suggestions to: Administrative Record (630), Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Ted Milesnick, Lands and Realty Group, Bureau of Land Management, at (202) 452-7727.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Final Rule as Adopted
- III. Responses to Comments
- IV. Procedural Matters

I. Background

BLM is removing 43 CFR subpart 2202 because it duplicates sections contained elsewhere in BLM's regulations, at 43 CFR 2201.1-2. Subpart 2202 requires that exchange proposals for the consolidation or extension of national forests be filed with the appropriate officer of the Forest Service. It says that a request may be made to the BLM to segregate the National Forest System lands involved in the exchange from appropriation under the public land laws and the mineral laws and also that any interests of the United States in the non-Federal lands to be acquired may be segregated from the mineral laws. The period of these segregations would not exceed 5 years from the date of notation.

Similar language can be found at section 2201.1-2 (as well as in the Forest Service regulations at 36 CFR Part 254, Subpart A); with only two differences. First, section 2201.1-2 does not include the authorities section found at 2202.1(a), or the statement that proposals for exchange of National Forest System lands must be filed with the Forest Service in accordance with 36 CFR 254. However, regulations which direct people to comply with other valid regulations are redundant and unnecessary, and the authorities will be added to section 2201.1-2.

Second, section 2201.1-2 exists in a CFR part that defines *Federal lands* as those lands administered by BLM, not National Forest System lands. However, amending this section to apply its provisions to National Forest System lands as well (as the Forest Service's regulations already do) will insure that the removal of 43 CFR 2202 cannot alter any existing rights or obligations. This rule accomplishes that amendment by adding 43 CFR 2201.1-2(e) below, renders subpart 2202 completely redundant and unnecessary, and removes subpart 2202 from the Code of Federal Regulations.

The final rule published today is a stage of a rulemaking process that will complete the removal of 43 CFR subpart 2202 and the revision of 43 CFR 2201.1-2. This rule was preceded by a proposed rule which introduced this action and BLM's purpose and need. The proposed rule was published in the **Federal Register** on September 11, 1996 (61 FR 47855). This proposed rule was intended to give anyone who would be adversely affected by this action an

opportunity to call their concerns to our attention. The BLM invited public comments for 30 days and received no comments.

II. Final Rule as Adopted

This rule will remove all of 43 CFR subpart 2202—Exchanges: National Forest Exchanges. In addition, it will amend 43 CFR 2201.1-2 to enable this section to perform all of the functions currently accomplished by 43 CFR subpart 2202. Therefore, this removal will not affect existing laws or the rights of the United States, BLM, or the public at large.

The new section is designed to extend the coverage of the general exchange provisions in 43 CFR section 2201.1-2 to include the National Forest exchanges conducted in nearly identical fashion by 43 CFR subpart 2202. Very few differences exist between the two sets of regulations, but some of those differences are substantive in nature and require the amendment that this rule promulgates. Therefore, a new subsection will be added at 43 CFR 2201.1-2(e) which will accomplish three important tasks. First, it will say that this section also applies to proposals to exchange lands under the National Forest System; until now this section only applied to exchanges of BLM lands. Secondly, it will direct that exchanges of National Forest System lands be conducted in accordance with the Forest Service regulations at 36 CFR part 254. Finally, it will permit the authorized Forest Service officer to request the appropriate BLM State Office to segregate the land at issue by making a notation on the public land records. Since amended 43 CFR 2201.1-2(e) will accomplish these tasks, all of subpart 2202 will be expendable, and may be removed at this same time without any substantive impact on the United States, BLM, or the public at large.

43 CFR 2202.1(a) contains the authorities' cites for the remainder of the subpart. This includes statutory citations and a reference to the regulations of the U.S. Forest Service which govern exchanges of National Forest lands. These citations, as well as the requirement that proposals shall be filed in accordance with Forest Service regulations, will be relocated to 43 CFR 2201.1-2(e) by the amendment contained in this rule. Therefore, elimination of this section will have no substantive effect.

Subsection (b) of 43 CFR 2202.1 largely duplicates the general exchange provisions found at 43 CFR 2201.1-2(a). The only substantive difference is that § 2201.1-2 applies to segregations of

"Federal lands," which part 2200 defines as lands administered by BLM (and therefore excluding National Forest System lands); while § 2202.1 applies to "lands reserved * * * for National Forest System purposes." Again, the amendment contained in this rule will render 43 CFR section 2201.1-2 applicable to National Forest System lands as well as BLM-administered Federal lands, and ensure that removing this section will have no substantive effect.

Subsections (c) and (d) of 43 CFR 2202.1 duplicate the existing regulations at 43 CFR 2201.1-2(b) and (c), with the exception of one difference in word order. Therefore, removing 43 CFR subsections 2202.1(c) and (d) will have no substantive effect, since the corresponding sections in 43 CFR 2201.1-2 already accomplish exactly the same functions.

III. Responses to Comments

As mentioned above, BLM received no comments on this proposed rule.

IV. Procedural Matters

National Environmental Policy Act

BLM has determined that this proposed rule makes no substantive changes to the Code of Federal Regulations, because it is limited to removing provisions which are found in their entirety elsewhere in Title 43 of the CFR and are therefore wholly unnecessary. Therefore, this change is purely technical in nature and 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 I, Item 1.10. Furthermore, the rule does not meet any of the 10 criteria for exceptions to categorical exclusion listed in 516 DM, Chapter 2, Appendix 2. Pursuant to Council on Environmental Quality regulations (40 CFR 1508.4) and the environmental policies and procedures of the Department of the Interior, the term "categorical exclusions" means a category of actions that do not individually or cumulatively have a significant effect on the human environment and that have 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.

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.*

Regulatory Flexibility Act

Congress enacted the Regulatory Flexibility Act (RFA) of 1980, 5 U.S.C. 601 *et seq.*, to ensure that Government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. Based on the discussion contained in the preamble above, this action will not have significant impact on small entities. BLM anticipates that this final rule will not substantially burden any member of the public at large. Therefore, BLM has determined under the RFA that this final rule would not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act

Removal of 43 CFR subpart 2202 and amendment of 43 CFR section 2201.1-2 will not result in any unfunded mandate to State, local, or tribal governments in the aggregate, or to the private sector, of \$100 million or more in any one year.

Executive Order 12612

The final rule will not have a substantial direct effect 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. Therefore, in accordance with Executive Order 12612, BLM has determined that this final rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Executive Order 12630

The final rule does not represent a government action capable of interfering with constitutionally protected property rights. Section 2(a)(1) of Executive Order 12630 specifically exempts actions abolishing regulations or modifying regulations in a way that lessens interference with private property use from the definition of "policies that have takings implications." Since the primary function of the final rule is to abolish unnecessary regulations, there will be no private property rights impaired as a result. Therefore, the Department of the Interior has determined that the rule would not cause a taking of private property or require further discussion of takings implications under this Executive Order.

Executive Order 12866

According to the criteria listed in section 3(f) of Executive Order 12866, BLM has determined that the final rule is not a significant regulatory action. As such, the final rule is not subject to Office of Management and Budget review under section 6(a)(3) of the order.

Executive Order 12988

The Department of the Interior has determined that this rule meets the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988.

Author

The principal author of this rule is Ted Milesnick, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240; Telephone: 202-452-7727 (Commercial or FTS).

List of Subjects in 43 CFR Part 2200

National forests, Public lands.

For the reasons stated in the preamble, and under the authority of 43 U.S.C. 1740, part 2200, Group 2200, Subchapter B, Chapter II of Title 43 of the Code of Federal Regulations is amended as set forth below:

Dated: April 17, 1998.

Bob Armstrong,

Assistant Secretary, Land and Minerals Management.

PART 2200—[AMENDED]

1. The authority citation for part 2200 continues to read as follows:

Authority: 43 U.S.C. 1716, 1740.

2. Section 2201.1-2 is amended by adding paragraph (e) to read as follows:

§ 2201.1-2 Segregative effect.

* * * * *

(e) The provisions of this section apply equally to proposals to exchange National Forest System lands under the authority and provisions of the Act of March 20, 1922, 42 Stat. 465, as amended, 16 U.S.C. 485, and the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 *et seq.*, except that if a proposal is made to exchange National Forest System lands, which proposal shall be filed in compliance with 36 CFR part 254, the authorized officer may request that the appropriate BLM State Office segregate such lands by a notation on the public land records.

Subpart 2202—[Removed]

3. Subpart 2202 is removed in its entirety.

[FR Doc. 98-11499 Filed 4-29-98; 8:45 am]

BILLING CODE 4310-84-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 630**

[I.D. 042398A]

South Atlantic Swordfish Fishery; Fishery Reopening

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

ACTION: Reopening of fishery.

SUMMARY: Based on projected landings, NMFS closed the south Atlantic swordfish fishery effective April 15, 1998. Actual catch reports tallied since the closure indicate that the south Atlantic swordfish quota for the period December 1, 1997, to May 31, 1998, has not been reached. NMFS therefore reopens the South Atlantic swordfish fishery to allow U.S. fishermen to harvest the remaining 1997 South Atlantic quota.

DATES: The reopening is effective on April 27, 1998, for vessels fishing Atlantic swordfish south of 5° N. Lat.

FOR FURTHER INFORMATION CONTACT: Jill Stevenson, 301-713-2347, or Buck Sutter, 813-570-5447.

SUPPLEMENTARY INFORMATION: The U.S. Atlantic swordfish fishery is managed under the Fishery Management Plan for Atlantic Swordfish and its implementing regulations at 50 CFR part 630 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*). Regulations issued under the authority of ATCA carry out the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT).

ICCAT has divided the Atlantic swordfish stock into northern and southern management units. The south Atlantic swordfish fishery refers to

those swordfish caught in the Atlantic ocean south of 5° N latitude. ICCAT's Standing Committee on Research and Statistics estimated that the 1995 fishing mortality rate for south Atlantic swordfish was greater than the level that would produce maximum sustainable yield. To prevent further increases in fishing mortality, ICCAT recommended that contracting parties limit catch of south Atlantic swordfish to levels harvested in 1993 or 1994, whichever was greater. On October 24, 1997 (62 FR 55357), consistent with ICCAT's recommendations, NMFS established a U.S. quota for the South Atlantic swordfish fishery of 188 mt dressed weight(dw), and implemented the same management measures for the South Atlantic swordfish fishery as were in place for the North Atlantic swordfish fishery (i.e., logbook reporting, permitting, minimum size, transfer-at-sea, etc.).

Regulations governing the south Atlantic swordfish fishery at § 630.24 divide the annual quota into semiannual quotas of 94 mt for each of two fishing periods (June 1 through November 30 and December 1 through May 31). NMFS is required, under § 630.25(a)(1), to monitor landings statistics and, on the basis of these statistics, to project a date when the catch will equal the quota, and to announce a closure of the fishery by publication of a notice in the **Federal Register**.

In 1996, ICCAT adopted compliance measures such that member nations could be subject to trade restrictions and reduced quotas equal to a minimum of 125 percent of the excess harvest if North Atlantic swordfish quotas are repeatedly exceeded. In 1997, ICCAT extended these compliance measures to the South Atlantic swordfish fishery. Given the compliance recommendations, it is necessary for NMFS to closely monitor harvest rate in the south Atlantic swordfish fishery.

Reporting of swordfish landings by U.S.-flagged vessels in Atlantic waters south of 5° N lat. was not required until the 1997 fishing year; therefore, past fishing effort was difficult to estimate for the purpose of projecting a closure date. However, limited logbook data from 1996 and 1997 indicated that a significant increase in landings could be expected during February and March. Therefore, NMFS announced that the directed South Atlantic swordfish

fishery would close at 6 p.m., local time, on April 15, 1998. The estimate was conservative to reduce the risk of exceeding U.S. swordfish quotas, which could invoke ICCAT penalties. However, actual reported landings of swordfish in the South Atlantic swordfish fishery through March 31, 1998, in the second semiannual season total 22.5 mt(49,623 lbs) dw.

The ICCAT quota recommendation for the 1997 fishing year, and the U.S. regulations to implement it, did not provide for carryover to the 1998 fishing year of any unharvested fish. To provide U.S. vessels additional fishing opportunity, NMFS reopens the fishery for Atlantic swordfish south of 5° N. latitude effective Monday, April 27, 1998. This reopening announcement provides ample time for vessels to travel to the south Atlantic fishing areas and to fish for swordfish prior to the end of the 1997 season on May 31, 1998.

Vessel operators who resume fishing for swordfish in the south Atlantic fishery are reminded that the closure for the north Atlantic swordfish fishery (63 FR 12687, March 16, 1998) remains in effect through June 1, 1998. During a closure of the north Atlantic swordfish fishery, any vessels north of 5° N latitude are limited to an incidental catch of no more than 15 swordfish per trip. Thus, vessels fishing in the south Atlantic may not transit north of 5° N. lat. with more than the incidental catch limit aboard. Vessels harvesting more than 15 swordfish in the south Atlantic must offload in a port south of 5° N. lat. or offload in the north after June 1, 1998. However, swordfish offloaded after June 1 will be counted against the 1998 fishing year. Swordfish offloaded north of 5° N. lat., must be sold to a permitted swordfish dealer, regardless of ocean area of catch.

Classification

This action is taken under 50 CFR 630.24 and 50 CFR 630.25(a) and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: April 24, 1998

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 98-11470 Filed 4-24-98; 5:10 pm]

BILLING CODE 3510-22-F