

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.

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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.

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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

closure, and further communicated through the Highly Migratory Species Fax Network, the Atlantic Tunas Information Line, NOAA weather radio, and Coast Guard Notice to Mariners. Although notification of closure will be provided as far in advance as possible, fishermen are encouraged to call the Atlantic Tunas Information Line at (888) USA-TUNA, (301) 713-1279, or (978) 281-9305, to check the status of the fishery before leaving for a fishing trip.

Classification

This action is taken under 50 CFR 285.22 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 971 et seq.

Dated: September 23, 1998.

Bruce C. Morehead,

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

[FR Doc. 98-25927 Filed 9-23-98; 4:58 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 630

[Docket No. 980527137-8237-02; I.D. 121597D]

RIN 0648-AL24

Atlantic Swordfish Fishery; South Atlantic Quotas; Quota Adjustment Procedures

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to establish annual quotas for the South Atlantic swordfish stock and to amend the regulations governing quota adjustment procedures in the Atlantic swordfish fishery. The purpose of this action is to improve the conservation and management of the Atlantic swordfish resource, while allowing harvests consistent with the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT).

DATES: All provisions of this final rule are effective October 8, 1998.

ADDRESSES: Copies of the Environmental Assessment/Regulatory Impact Review (EA/RIR) supporting this action may be obtained from Rebecca Lent, Chief, Highly Migratory Species Management Division, NMFS, 1315 East-West Highway, Silver Spring, MD

20910. Applications for a delayed offloading exempted fishing permit may be obtained from Buck Sutter, Highly Migratory Species Management Division, St. Petersburg, FL, (813) 570-5447.

FOR FURTHER INFORMATION CONTACT: Steve Meyers or Jill Stevenson: 301-713-2347 or FAX 301-713-1917.

SUPPLEMENTARY INFORMATION: The harvest of Atlantic swordfish by U.S. fishermen is managed pursuant to the Fishery Management Plan for Atlantic Swordfish. Regulations found at 50 CFR part 630 and issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 et seq.) and of the Atlantic Tunas Convention Act (ATCA) (16 U.S.C. 971 et seq.) implement the plan. Regulations issued under the authority of ATCA implement the recommendations of ICCAT.

Background information about the need for revisions to Atlantic swordfish fishery regulations was provided in the preamble to the proposed rule (63 FR 31710, June 10, 1998) and is not repeated here.

South Atlantic Swordfish Quota

In this final rule, NMFS establishes the a South Atlantic swordfish quota of 289 mt dw (384 mt ww) for each of the 1998, 1999, and 2000 fishing years. A single fishing period each year is preferred by fishery participants, semi-annual quotas are not established. The quotas established are consistent with ICCAT recommendations and negotiated quota-sharing agreements.

Reminder: In South Atlantic waters, U.S.-flagged vessels continue to be prohibited from fishing for swordfish with any gear other than pelagic longline. Following a closure of the directed longline fishery in the South Atlantic Ocean, no incidental harvest is allowed. Permitting and reporting requirements and minimum size requirements are also applicable to the South Atlantic swordfish fishery. Because no South Atlantic swordfish quota has been allocated to the recreational fishery sector, recreational fishery participants are prohibited from fishing for or landing South Atlantic swordfish.

Quota Adjustment Procedures

In this final rule, NMFS revises quota adjustment procedures to expedite adjustments involving simple carryover situations within a season or between seasons. Specifically, NMFS will accomplish within- and between-season carryover quota adjustments by

notice action. NMFS will consult on long-term quota adjustments necessary to prevent overfishing and/or to comply with ICCAT recommendations with the Magnuson-Stevens Act advisory panels (APs) during annual discussions on the need to amend the Fishery Management Plan (FMP).

Other Issues

In addition to the above measures, NMFS requested comments in this rulemaking on two related issues that concern management of Atlantic swordfish: (1) The offloading of swordfish harvested from the South Atlantic stock during a closure in the North Atlantic fishery and (2) the use of trip limits to extend the length of the North Atlantic swordfish fishery.

Offloading of Swordfish

NMFS is continuing the swordfish Vessel Monitoring System (VMS) pilot program (63 FR 12687, March 16, 1998), with one modification to the offloading provisions applicable during closures of the directed swordfish fisheries. Fishermen that apply for and receive an exempted fishing permit (EFP) may (1) offload swordfish after a directed fishery closure in either the North or the South Atlantic swordfish fishery and (2) possess greater than 15 South Atlantic swordfish on board in the North Atlantic Ocean during a closure of the North Atlantic directed fishery. NMFS intends to issue EFPs to those vessels that purchase, install, and operate a VMS unit. To apply for an EFP, fishermen must contact NMFS (see ADDRESSES).

NMFS must implement an ICCAT recommendation that requires 10 U.S. vessels to operate VMS units for a 3-year pilot program, beginning in 1999. Vessels that participate in the swordfish VMS program may be able to participate in the ICCAT program as well. NMFS encourages vessels that fish on the high seas for swordfish to join voluntarily the ICCAT VMS pilot program.

Trip Limits

Trip limits were implemented on a temporary basis in 1996 to slow down catch rates and avoid extended closure periods. In 1997 the trip limits lapsed. NMFS received comments on trip limits during the comment period of the proposed consolidation of the regulations governing highly migratory species (HMS) (61 FR 57361, November 6, 1996) and requested comments in connection with the present rule (63 FR 31710, June 10, 1998). Based on comments received, NMFS is not implementing trip limits in this rulemaking due to the need for further