

will not have a significant economic impact on a substantial number of small business entities because the requirements of the rule are being stayed for continuous web cleaning machines.

E. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), P.L. 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, the EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures by State, local, and tribal governments, in aggregate, or by the private sector, of \$100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires the EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows the EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before the EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

The EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of \$100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA. In addition, the EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small

governments because it contains no requirements that apply to such governments or impose obligations upon them. Therefore, today's rule is not subject to the requirements of section 203 of the UMRA.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

Dated: April 27, 1998.

Carol M. Browner,
Administrator.

Title 40 chapter I of the Code of Federal Regulations is amended as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

1. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

Subpart T—[Amended]

2. Section 63.461 is amended by adding in alphabetical order the definition for "continuous web cleaning machine" and by revising the definition for "part" to read as follows:

§ 63.461 Definitions.

* * * * *

Continuous web cleaning machine means a solvent cleaning machine in which parts such as film, coils, wire, and metal strips are cleaned at speeds in excess of 11 feet per minute. Parts are generally uncoiled, cleaned such that the same part is simultaneously entering and exiting the solvent cleaning machine, and then recoiled or cut.

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Part means any object that is cleaned in a solvent cleaning machine. Parts include, but are not limited to, discrete parts, assemblies, sets of parts, and parts cleaned in a continuous web cleaning machine (i.e., continuous sheets of metal, film).

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3. Section 63.470 is added to Subpart T to read as follows:

§ 63.470 Stay of effective date.

Notwithstanding any other provision of this subpart, the effectiveness of §§ 63.460 thru 63.469 of subpart T is stayed until August 3, 1998 as applied to continuous web cleaning machines using halogenated HAP solvents.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 980225048-8099-03; I.D. 021898B]

RIN 0648-AK58

Pacific Halibut Fisheries; Retention of Undersized Halibut in Regulatory Area 4E

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

ACTION: Final rule.

SUMMARY: NMFS issues a final rule that would allow the retention of halibut less than 32 inches (81.3 cm) with the head on, or less than 24 inches (61 cm) with the head off (undersized halibut) caught with setline gear in International Pacific Halibut Commission (IPHC) Regulatory Area 4E for personal use. Commercial sale of undersized halibut would remain prohibited. This action is necessary to implement the recommendation of the North Pacific Fishery Management Council (Council) to allow the legal harvest of undersized halibut by persons using Community Development Quota (CDQ) in Regulatory Area 4E. This action is intended to provide for the continued existence of the customary and traditional food practices of indigenous inhabitants by allowing them to retain all halibut caught with setline gear in Regulatory Area 4E.

DATES: This final rule is effective June 4, 1998.

ADDRESSES: The final Environmental Assessment/Regulatory Impact Review (EA/RIR) prepared for this action may be obtained from the Sustainable Fisheries Division, Alaska Region, NMFS, 709 West 9th Street, Room 453, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802, Attention: Lori J. Gravel.

FOR FURTHER INFORMATION CONTACT: John Lepore, 907-586-7228

SUPPLEMENTARY INFORMATION: The Northern Pacific Halibut Act (Halibut Act, 16 U.S.C. 773-773k), in section 5, provides that the Regional Fishery Management Council having authority for the geographical area concerned may recommend management measures governing Pacific halibut catch in U.S. Convention waters that are in addition to, but not in conflict with, regulations of the IPHC. The IPHC is the body authorized by the Convention between the United States and Canada for the

Preservation of the Halibut Fishery of the North Pacific Ocean and the Bering Sea (Convention) to promulgate regulations for the conservation and management of the Pacific halibut fishery. Section 5 of the Halibut Act also provides that the Secretary of Commerce (Secretary) shall have the general responsibility for carrying out the Convention, and that the Secretary shall adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and the Halibut Act. The Secretary's authority has been delegated to the Assistant Administrator for Fisheries, NOAA (AA).

In 1996, the Council was requested by Alaska Native tribal organizations to review the prohibition on retaining undersized halibut caught with authorized commercial gear. This request was made on behalf of Alaska Native fishermen of Yupik descent who were retaining undersized halibut harvested along with CDQ halibut of commercial length in Regulatory Area 4E. Traditionally, fishermen of Yupik descent have kept all fish caught and have endeavored to utilize that fish to the fullest extent possible. This practice is in keeping with traditional Yupik belief that a fish, as well as the stock of fish to which a captured fish is returned, is irreparably harmed by its capture and release.

In June 1997, the Council recommended that regulations be developed that would allow the retention of undersized halibut caught with authorized commercial gear in Regulatory Area 4E for personal use. The IPHC, at its annual meeting during the week of January 26, 1998, relaxed its existing regulation on the minimum size retention limit to allow CDQ fishermen in Regulatory Area 4E to land undersized halibut caught with authorized commercial gear for personal use. NMFS published a proposed rule consistent with the IPHC regulation on

March 9, 1998 (63 FR 11401), that would revise its current fishing regulations to allow the retention of undersized halibut caught with authorized commercial gear in Regulatory Area 4E for personal use. The public comment period for this proposed rule ended on March 24, 1998. No public comments were received concerning this action.

This final rule revises regulations that were in conflict with the customary and traditional fishing practices of the fishermen of Yupik descent. Three changes are made to the final rule to make it consistent with the IPHC annual management measures, published on March 17, 1998 (63 FR 13000). These changes are not considered substantive in nature. First, the term "setline" is added to the final rule. This term is added to confirm that undersized halibut could be retained while commercial fishing with setline gear, the only gear that is authorized for commercial fishing. Second, the final rule is made effective only through December 31, 1999, because the IPHC anticipates that a comprehensive solution to the subsistence issue for the halibut fishery will be developed by that date. Finally, minor editorial changes are made to the final rule to make it conform more closely to the text of the IPHC annual management measures.

Classification

The Council prepared an EA/RIR for this action that describes the management background, the purpose and need for action, the management action alternatives, and the environmental and the socio-economic impacts of the alternatives. The AA has concluded that this action is not likely to significantly affect the quality of the human environment, or expected to have significant impacts on endangered or threatened species, or marine mammals. A copy of the EA/RIR can be obtained from NMFS (see ADDRESSES).

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule would not have a significant economic impact on a substantial number of small entities. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not prepared.

This final rule has been determined to be not significant for purposes of E.O. 12866.

List of Subjects in 50 CFR Part 300

Fisheries, Fishing, Reporting and recordkeeping requirements, Treaties.

Dated: April 29, 1998.

Rolland A. Schmitt,

Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For reasons set out in the preamble, 50 CFR part 300 is amended to read as follows:

PART 300—INTERNATIONAL FISHERIES REGULATIONS

1. The authority citation for 50 CFR part 300, subpart E continues to read as follows:

Authority: 16 U.S.C. 773–773k.

2. In § 300.63, paragraph (c) is added to read as follows:

§ 300.63 Catch sharing plans and domestic management measures.

* * * * *

(c) (Applicable through December 31, 1999). A person may retain halibut taken with setline gear in Area 4E that are smaller than the size limit specified in the annual management measures published pursuant to § 300.62, provided that no person may sell or barter such halibut.

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