

Prohibited article (includes seeds only if specifically mentioned)	Foreign places from which prohibited	Plant pests existing in the places named and capable of being transported with the prohibited article
* Bambuseae (seeds, plants, and cuttings).	* All .....	* Various plant diseases, including bamboo smut ( <i>Ustilago shiraiana</i> )
* Poaceae (vegetative parts of all grains and grasses, except species of Bambuseae).	* * * *	* * * *
*	*	*

\* \* \* \* \*

**§ 319.40-2 [Amended]**

5. In § 319.40-2, paragraph (c) is amended by removing the words “; § 319.34, “Subpart—Bamboo Capable of

Propagation”; and by adding in their place a comma immediately after the word “Diseases”.  
6. In § 319.56-2t, the table is amended by adding entries, in alphabetical order, to read as follows:

**§ 319.56-2t Administrative instructions; conditions governing the entry of certain fruits and vegetables.**

\* \* \* \* \*

Country/locality	Common name	Botanical name	Plant part(s)
* China .....	* Bamboo .....	* <i>Bambuseae</i> spp .....	* Edible shoot, free of leaves and roots.
* Dominican Republic .....	* Bamboo .....	* <i>Bambuseae</i> spp .....	* Edible shoot, free of leaves and roots.
* Japan .....	* Bamboo .....	* <i>Bambuseae</i> spp .....	* Edible shoot, free of leaves and roots.
* Taiwan .....	* Bamboo .....	* <i>Bambuseae</i> spp .....	* Edible shoot, free of leaves and roots.
*	*	*	*

\* \* \* \* \*

Done in Washington, DC, this 16th day of March 1998.

**Craig A. Reed,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

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## DEPARTMENT OF ENERGY

### 10 CFR Chapter 15

RIN 1990 AA25

#### Office of the Federal Inspector for the Alaska Natural Gas Transportation System

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Final rule.

**SUMMARY:** The Office of Fossil Energy, Department of Energy, is eliminating the regulations codified at 10 CFR chapter 15, entitled “Office of the Federal

Inspector for the Alaska Natural Gas Transportation System.”

**EFFECTIVE DATE:** March 20, 1998.

**FOR FURTHER INFORMATION CONTACT:**

Nancy Ellett, Office of Fossil Energy, (202) 586-4669, or Diane Stubbs, Office of the General Counsel, (202) 586-6667.

**SUPPLEMENTARY INFORMATION:** The regulations codified at 10 CFR chapter 15, entitled “Office of the Federal Inspector for the Alaska Natural Gas Transportation System,” are being eliminated as contemplated by section 3012 of the Energy Policy Act of 1992 (EPACT), Pub. L. 102-486, 106 Stat. 2776, 3128 (1992).

The Office of the Federal Inspector (OFI) was established pursuant to the Alaska Natural Gas Transportation Act of 1976 (ANGTA), 15 U.S.C. 719; Reorganization Plan No. 1 of 1979, 44 FR 33663 (June 12, 1979); and Executive Order No. 12142, 44 FR 36927 (June 25, 1979), to oversee construction of the Alaska Natural Gas Transportation

System (ANGTS). The ANGTS encompasses a 4,800-mile joint U.S.-Canadian overland pipeline project selected and approved for the delivery of Alaska natural gas from Prudhoe Bay to the lower 48 states. The first phase of the project, completed in the early 1980s, involved construction of facilities in the United States and southern Canada. Changing economic conditions and natural gas markets have not supported the second phase of construction, which would complete the Alaskan and northern Canadian portions of ANGTS.

In recognition of ANGTS construction inactivity, section 3012 of EPACT repealed section 7(a)(5) of ANGTA, which authorized the appointment of a Federal Inspector; abolished OFI and transferred all functions and authority vested in the Federal Inspector to the Secretary of Energy; and revoked the OFI regulations in 10 CFR chapter 15. This rule merely eliminates from the CFR regulations which have already

been revoked by law. In the event of remobilization, the Department would promulgate those regulations determined to be necessary for its oversight of ANGTS construction activity.

#### A. Administrative Procedure Act

In accordance with 5 U.S.C. 553(b), the Administrative Procedure Act, DOE generally publishes a rule in a proposed form and solicits public comment on it before issuing the rule in final. However, 5 U.S.C. 553(b)(3)(B) provides an exception to the public comment requirement if the agency finds good cause to omit advance notice and public participation. Good cause is shown when public comment is "impracticable, unnecessary, or contrary to the public interest."

Because the statutory authority for OFI has been repealed and its regulations have been revoked by EPACT, the Department finds that providing an opportunity for public comment prior to publication of this rule is not necessary and would be contrary to the public interest.

#### B. Review Under Executive Order 12866

Today's action does not constitute a "significant regulatory action" as defined in section 3(f) of Executive Order 12866, "Regulatory Planning and Review" (58 FR 51735), and has not been reviewed by the Office of Management and Budget.

#### C. Review Under the Paperwork Reduction Act

No new information collection requirements subject to the Paperwork Reduction Act, 44 U.S.C. 501 *et seq.*, are imposed by today's regulatory action.

#### D. Federalism

The Department has analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 12612, and has determined that there are no implications for federalism that would warrant the preparation of a Federalism Assessment.

#### E. National Environmental Policy Act

The regulations being amended have no current environmental effect and this rulemaking will not change that status quo. The Department has therefore determined that this rule is covered under the Categorical Exclusion found at paragraph A.5 of Appendix A to subpart D, 10 CFR part 1021, which applies to a rulemaking amending an existing regulation that does not change the environmental effect of the

regulation being amended. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

#### F. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 requires each agency to assess the effects of Federal regulatory action on State, local, and tribal governments and the private sector. Section 201 excepts agencies from assessing effects on State, local or tribal governments or the private sector of rules that incorporate requirements specifically set forth in law. The Department has determined that today's regulatory action does not impose a Federal mandate on State, local or tribal governments or on the private sector.

#### G. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, directs agencies to prepare a regulatory flexibility analysis whenever an agency is required to publish a general notice of proposed rulemaking. As discussed above, the Department has determined that prior notice and opportunity for public comment is unnecessary and contrary to the public interest. In accordance with 5 U.S.C. 604(a), no regulatory flexibility analysis has been prepared for today's rule.

#### H. Small Business Regulatory Enforcement Fairness Act

In accordance with section 801 of the Small Business Regulatory Enforcement Act of 1996, 5 U.S.C. 801, DOE will report to Congress the promulgation of this rule prior to its effective date. The report will state that it has been determined that this rule is not a "major rule" as defined by 5 U.S.C. 804(a).

#### I. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3 of Executive Order 12988, "Civil Justice Reform," 61 FR 4729 (February 7, 1996), imposes on Executive agencies the general duty to eliminate drafting errors and ambiguity; write regulations to minimize litigation; provide a clear legal standard for affected conduct rather than a general standard; and promote simplification and burden reduction. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met. DOE has completed the required review and determined that, to the extent permitted

by law, this final rule meets the relevant standards of Executive Order 12988.

#### List of Subjects in 10 CFR Chapter 15

##### 10 CFR 1500

Alaska Natural Gas Transportation System, Office of Federal Inspector Organization and functions (Government agencies), Seals and insignia.

##### 10 CFR 1502

Alaska Natural Gas Transportation System, Office of Federal Inspector, Organization and functions (Government agencies).

##### 10 CFR 1504

Alaska Natural Gas Transportation System, Office of Federal Inspector, Confidential business information, Freedom of information.

##### 10 CFR 1506

Alaska Natural Gas Transportation System, Office of Federal Inspector, Conflict of interests, Penalties.

##### 10 CFR 1530

Administrative practice and procedure, Alaska, Alaska Natural Gas Transportation System, Office of Federal Inspector, Natural gas, Pipelines, Public lands-rights-of-way.

##### 10 CFR 1534

Administrative practice and procedure, Alaska, Alaska Natural Gas Transportation System, Office of Federal Inspector, Civil rights, Equal employment opportunity, Natural gas, Pipelines.

##### 10 CFR 1535

Administrative practice and procedure, Alaska Natural Gas Transportation System, Office of Federal Inspector, Civil rights, Equal employment opportunity, Federal buildings and facilities, Individuals with disabilities.

Issued in Washington, D.C. on March 16, 1998.

**Robert S. Kripowicz,**

*Principal Deputy Assistant Secretary for Fossil Energy.*

As set forth in the preamble, under the authority of section 3012 of the Energy Policy Act of 1992, Pub. L. 102-486, 106 Stat. 2776, 3128 (1992), title 10 of the Code of Federal Regulations is amended by removing chapter 15, consisting of parts 1500-1535.

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