

determination of the probable cause(s) when (1) any Board Member so requests, (2) it appears to the Office Director that, because of significant public interest, a policy issue, or a safety issue of other matter, the determination of the probable cause(s) should be made by the Board, or (3) the accident investigation will be used to support findings in a special investigation or study. Provided, that a petition for reconsideration or modification of a determination of the probable cause(s) made under § 845.41 of this Chapter shall be acted on by the Board.

(d) Consistent with Board resources, investigate accidents as provided under § 304(a) of the Independent Safety Board Act of 1974, as amended (49 U.S.C. 1131(a)) and the Appendix to this Part.

11. Section 800.26 is revised to read as follows:

§ 800.26 Delegation to the Director, Office of Administration.

The Board delegates to the Director, Office of Administration, the authority to:

(a) Determine, initially, the withholding of a Board record from inspection or copying, pursuant to Part 801 of this Chapter.

(b) Settle claims for money damages of \$2,500 or less against the United States arising under Section 2672 of 28 United States Code (the Federal Tort Claims Act) because of acts or omissions of Board employees.

12. Section 800.27 is revised to read as follows:

§ 800.27 Delegation to investigative officers and employees of the Board.

The Board delegates to any officer or employee of the Board designated by the Chairman of the Safety Board the authority to sign and issue subpoenas, and administer oaths and affirmations, and to take depositions or cause them to be taken in connection with the investigation of transportation accidents or incidents.

§ 800.28 [Removed]

13. Section 800.28 is removed.

Issued in Washington, DC, this 27th day of November 1995.

Jim Hall,

Chairman.

[FR Doc. 95-29227 Filed 11-29-95; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

RIN 1018-AD31

Addition of Ottawa National Wildlife Refuge to the List of Open Areas for Big Game Hunting in Ohio

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) adds Ottawa National Wildlife Refuge to the list of areas open for big game hunting in Ohio along with pertinent refuge-specific regulations for such activities. The Service has determined that such use will be compatible with the purposes for which the refuge was established. The Service has further determined that this action is in accordance with the provisions of all applicable laws, is consistent with principles of sound wildlife management, and is otherwise in the public interest by providing additional recreational opportunities of a renewable natural resource.

EFFECTIVE DATE: This rule is effective November 30, 1995.

FOR FURTHER INFORMATION CONTACT: Stephen R. Vehrs, Telephone (703) 358-2029, X-5242.

SUPPLEMENTARY INFORMATION: National wildlife refuges are generally closed to hunting and sport fishing until opened by rulemaking. The Secretary of the Interior (Secretary) may open refuge areas to hunting and/or fishing upon a determination that such uses are compatible with the purpose(s) for which the refuge was established. The action must also be in accordance with provisions of all laws applicable to the areas, consistent with the principles of sound wildlife management, and otherwise be in the public interest. This rulemaking opens Ottawa National Wildlife Refuge to big game (white-tailed deer) hunting.

In the July 13, 1995, issue of the Federal Register, 60 FR 36196, the Service published a proposed rulemaking and invited public comment. All substantive comments were reviewed and considered following a 60-day public comment period.

Four organizations and two individuals provided comments opposing the rule based on the rationale that recreational deer hunting was not justified nor compatible with the primary purpose for which the refuge

was established. These comments also indicated an opinion that the Service failed to show adequate evidence that the proposed reduction of deer numbers through hunting is based on solid scientific evidence, and that alternative herd reduction methods were considered.

Comments further indicated that an explanation was not presented explaining that hunting could destabilize this refuge deer herd and cause a compensatory rebound of offspring within the hunted population, and that the majority of the public is opposed to hunting on national wildlife refuges.

The Refuge Manager conducted a compatibility determination, on behalf of the Service, of the feasibility of deer hunting being applied as a management tool to control the refuge white-tailed deer population as well as to provide a quality wildlife-dependent recreational opportunity for deer hunters. The Manager's documented findings within the compatibility determination as well as within the environmental assessment were as follows: 1. The proposed white-tailed deer hunt was indeed compatible with the major purposes for which the refuge was established; 2. the proposed hunt was within the policy guidelines of the Service to be applied as both a herd management tool, and as a method to provide recreational opportunities for deer hunters; and 3. abundant scientific evidence exists which concludes that the recreational hunting of deer as a harvest technique is indeed a biologically sound practice, which could be expected to produce and sustain a healthy refuge white-tailed deer herd.

Substantive comments were also received referencing the environmental assessment completed for this hunt proposal, and that the preferred alternative, which parallels the proposal outlined in this Federal Register notice, provides for wildlife-dependent recreation while effectively protecting and controlling deer populations within the refuge. Other comments supported hunting as a management tool to control deer depredations on private land surrounding the refuge.

The Service agrees, of the alternative herd management methods proposed in the Refuge Environmental Assessment and adopted and presented in the Federal Register, recreational deer hunting is a biologically sound management technique that provides the best herd management and depredation control.

Consideration was given to delaying this final rule for a 30-day period, however, it was determined by the Service that any further delay in the

implementation of this refuge-specific regulation will hinder the effective planning and administration of the hunt. Public comment was received on this proposal during the Environmental Assessment planning phase as well as the 60-day comment period for this rule. A delay of an additional 30 days would specifically jeopardize holding the hunt this year, or shorten its duration and thereby lessen the herd management effectiveness of this regulation. Therefore, in accordance with (5 U.S.C. 553(d)(3)), the Service finds good cause to make this rule effective upon publication.

Statutory Authority

The National Wildlife Refuge System Administration Act of 1966, as amended (NWRSA) (16 U.S.C. 668dd), and the Refuge Recreation Act of 1962 (RRA) (16 U.S.C. 460k) govern the administration and public use of national wildlife refuges. Specifically, section 4(d)(1)(A) of the NWRSA authorizes the Secretary to permit the use of any areas within the National Wildlife Refuge System (Refuge System) for any purpose, including but not limited to hunting, fishing, public recreation and accommodations, and access, when the Secretary determines that such uses are compatible with the purposes for which each refuge was established. The Service administers the Refuge System on behalf of the Secretary. The RRA gives the Secretary additional authority to administer refuge areas within the Refuge System for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary purposes for which the refuges were established.

Opening Package

In preparation for this opening, the refuge unit has included in its "openings package" for Regional review and approval from the Washington Office the following documents: a hunting-fishing plan; an environmental assessment; a Finding of No Significant Impact (FONSI); a section 7 evaluation or statement, pursuant to the Endangered Species Act, that these openings are not likely to adversely affect a listed species or its critical habitat; a letter of concurrence from the affected States; and refuge-specific regulations to administer the hunts. From a review of the totality of these documents, the Service has determined that the opening of the Ottawa National Wildlife Refuge to big game hunting is compatible with the principles of sound wildlife management and will otherwise be in the public interest.

In accordance with the NWRSA and the RRA. The Service has also determined that this opening for big game hunting is compatible and consistent with the primary purposes for which the refuge was established. A brief description of the hunting program is as follows:

Ottawa National Wildlife Refuge

The Ottawa National Wildlife Refuge (NWR) is situated on the southwestern edge of Lake Erie in what was once part of a 300,000 acre forested wetland known as the Great Black Swamp.

Approximately 10% of the original habitat exists—mostly as modified, impounded wetland units formerly owned by agricultural or sport-hunting interests. Ottawa NWR was established on July 28, 1961, with land acquired under the authority of the Migratory Bird Conservation Act. The primary purpose of the refuge is for use as an inviolate sanctuary, or for any other management purpose, and for administration of areas of land, water or interest therein to conserve and protect migratory birds in accordance with treaty obligations and (to conserve) other species of wildlife found therein, including adequate wildlife habitat.

The total refuge acreage is 8,318 acres of which 5,350 acres are either open pools, marsh, or moist soil units. The remaining acreage is a mixture of grassland and shrubland, fallow fields, wet meadows, forests (310 acres), and croplands (600 acres).

Ottawa NWR is an important migration stopover for migratory birds. The refuge bird list contains 267 normally observed species. The refuge supports 32 native mammal species along with 53 indigenous amphibian and reptile species.

Public hunting is to be used primarily as a management tool for balancing the white-tailed deer population objectives with other wildlife objectives, thereby inhibiting this species from impacting the quality of vegetative habitat. In addition, the proposed hunt will provide limited public hunting opportunities on the refuge. The deer population estimate at the refuge was determined from a winter helicopter survey. The refuge estimates indicate that the current deer population is at 47.3 deer per square mile. In Ohio, the buck harvest estimates indicate a pre-harvest density for Lucas and Ottawa counties of 0.6 and 0.9 deer per square mile. The refuge population estimate is 315% above the upper end of average densities reported for the agricultural Midwest region. Wildlife managers expend a lot of time and money responding to deer-vehicle accident and

crop depredation complaints. Without a hunting program specifically used as a management tool, the refuge deer population may degrade habitat quality not only for that population but other important species. Controlled access, blind placement and hunting opportunity in designated management zones and seasonal restrictions will limit human disturbance of wildlife and provide wildlife a refuge interior sanctuary.

Opening the refuge to big game hunting has been found to be compatible in a separate compatibility determination. The hunting program will be reviewed annually to ensure that a harvestable surplus of animals exist, and that sensitive habitats are protected from disturbance. A Section 7 evaluation pursuant to the Endangered Species Act was conducted. The Service determined that the proposed action is not likely to adversely affect any Federally listed or proposed for listing threatened or endangered species or their critical habitats. Pursuant to the National Environmental Policy Act (NEPA), an environmental assessment was made and a Finding of No Significant Impact (FONSI) was made regarding the hunt. During the preparation of the environmental assessment, biologists and management personnel within the Ohio Division of Wildlife were consulted. Comments were solicited from the public during the draft environmental assessment phase. Articles on this assessment were carried in the local newspapers and sent to Federal, State and local legislators and conservation groups.

The Service has determined that there would be sufficient funds within the station budget to administer the proposed hunt.

Paperwork Reduction Act

The information collection requirements for Part 32 are found in 50 CFR Part 25 and have been approved by the Office of Management and Budget under Public Law 104-13 and assigned clearance number 1018-0014. The information is being collected to assist the Service in administering these program in accordance with statutory authorities which require that recreational uses be compatible with the primary purposes for which the areas were established. The information requested in the application form is required to obtain a benefit.

The public reporting burden for the application form is estimated to average six (6) minutes per response, including time for reviewing instructions, gathering and maintaining data, and completing the form. Direct comments

on the burden estimate or any other aspect of this form to the Service Information Collection Officer, U.S. Fish and Wildlife Service, 1849 C Street, NW, MS 224 ARLSQ, Washington, DC 20240; and the Office of Management and Budget, Paperwork Reduction Project (1018-0014), Washington, DC 20503.

Economic Effect

This rulemaking was not subject to Office of Management and Budget review under Executive Order 12866. In addition, a review under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.) has revealed that the rulemaking would not have a significant effect on a substantial number of small entities, which include businesses, organizations or governmental jurisdictions. While there would be an increase in the sale of firearms, ammunition, hunting gear, etc., this proposed rule would have minimal effect on such entities as this is not a big hunting program and hunting is otherwise allowed in surrounding areas.

Federalism

This proposed rule will not have substantial direct effects 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, it is determined that this rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Considerations

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), an environmental assessment has been prepared for this opening. Based upon the Environmental Assessments, the Service issued a Finding of No Significant Impact with respect to the opening. A Section 7 evaluation was prepared pursuant to the Endangered Species Act with a finding that these openings are not likely to adversely affect a listed species or its critical habitat.

Primary Author

Stephen R. Vehrs, Division of Refuges, U.S. Fish and Wildlife Service, Washington, DC, is the primary author of this rulemaking document.

List of Subjects in 50 CFR Part 32

Hunting, Fishing, Reporting and recordkeeping requirements, Wildlife, Wildlife refuges.

For the reasons set forth in the preamble, Part 32 of chapter I of Title 50 of the *Code of Federal Regulations* is amended to read as follows:

PART 32—[AMENDED]

1. The authority citation for Part 32 continues to read as follows:

Authority: 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd, and 715i.

2. Section 32.54 *Ohio* is amended by revising paragraph (c) to read as follows:

§ 32.54 Ohio.
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Ottawa National Wildlife Refuge

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C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:

1. Permits are required.
2. Hunters are required to check in and out of the refuge each day that they hunt.
3. No shooting from refuge roads or dikes is permitted.

* * * * *

Dated: October 20, 1995.
George T. Frampton, Jr.,
Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 95-29105 Filed 11-29-95; 8:45 am]
BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611, 672, 676, and 677

[Docket No. 951120272-5272-01; I.D. 110295A]

Groundfish of the Gulf of Alaska; Limited Access; Foreign Fishing; Interim 1996 Harvest Specifications

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

ACTION: Interim 1996 harvest specifications for groundfish; associated management measures; and closures.

SUMMARY: NMFS issues interim 1996 total allowable catch (TAC) amounts for each category of groundfish and specifications for prohibited species bycatch allowances for the groundfish fishery of the Gulf of Alaska (GOA). NMFS is closing certain fisheries as specified in the interim 1996 groundfish specifications. The intended effect is to conserve and manage the groundfish resources in the GOA.

EFFECTIVE DATE: 0001 hours, Alaska local time (A.L.T.), January 1, 1996, until the effective date of the Final 1996 Harvest Specifications for Groundfish, which will be published in the Federal Register.

ADDRESSES: The preliminary Stock Assessment and Fishery Evaluation (SAFE) Report, dated September 1995, is available from the North Pacific Fishery Management Council, 605 W. 4th Avenue, Suite 306, Anchorage, AK 99501-2252.

FOR FURTHER INFORMATION CONTACT: Kaja Brix, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

The domestic and foreign groundfish fisheries in the exclusive economic zone of the GOA are managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). The FMP was prepared by the North Pacific Fishery Management Council (Council) and approved by NMFS under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMP is implemented by regulations for the foreign fishery at 50 CFR part 611 and for the U.S. fisheries at 50 CFR parts 672, 676, and 677. General regulations that also pertain to the U.S. fisheries appear at 50 CFR part 620.

The Council met September 27 through October 2, 1995, to review scientific information concerning groundfish stocks. The preliminary specifications are based on the current stock assessments contained in the preliminary Gulf of Alaska Groundfish SAFE Report, dated September 1995, as well as recommendations by the GOA Groundfish Plan Team, Advisory Panel, and Scientific and Statistical Committee. The preliminary SAFE Report was prepared and presented to the Council by the GOA Groundfish Plan Team and summarizes the best available scientific information. Copies of the SAFE Report are available from the Council (see **ADDRESSES**). The Council recommended a preliminary total TAC amount of 267,917 metric tons (mt) and a preliminary total acceptable biological catch (ABC) amount of 477,110 mt for the 1996 fishing year.

Under § 672.20(c)(1)(ii), NMFS is publishing in the Proposed Rules section of this issue of the Federal Register for review and comment proposed initial harvest specifications for groundfish and associated management measures in the GOA for the 1996 fishing year. Those proposed specifications contain detailed