

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60110, 60113 and 60118; 49 CFR 1.53.

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2. Part 192 is amended by adding § 192.381 to subpart H to read as follows:

§ 192.381 Service lines: Excess flow valve performance standards.

(a) Excess flow valves to be used on single residence service lines that operate continuously throughout the year at a pressure not less than 10 psig must be manufactured and tested by the manufacturer according to an industry specification, or the manufacturer's written specification, to ensure that each valve will:

(1) Function properly up to the maximum operating pressure at which the valve is rated;

(2) Function properly at all temperatures reasonably expected in the operating environment of the service line;

(3) At 10 psig:

(i) Be sized to close at, or not more than 50 percent above the rated closure flow rate specified by the manufacturer; and

(ii) Upon closure, reduce gas flow—

(A) For an excess flow valve designed to allow pressure to equalize across the valve, to no more than 5 percent of the manufacturer's specified closure flow rate, up to a maximum of 20 cubic feet per hour; or

(B) For an excess flow valve designed to prevent equalization of pressure across the valve, to no more than 0.4 cubic feet per hour; and

(4) Not close when the pressure is less than the manufacturer's minimum specified operating pressure and the flow rate is below the manufacturer's minimum specified closure flow rate.

(b) An excess flow valve must meet the applicable requirements of Subparts B and D of this part.

(c) An operator must mark or otherwise identify the presence of an excess flow valve in the service line.

(d) An operator should locate an excess flow valve beyond the hard surface and as near as practical to the fitting connecting the service line to its source of gas supply.

(e) An operator should not install an excess flow valve on a service line where the operator has prior experience with contaminants in the gas stream, where these contaminants could be expected to cause the excess flow valve to malfunction or where the excess flow valve would interfere with necessary operation and maintenance activities on the service, such as blowing liquids from the line.

Issued in Washington, DC, on June 14, 1996.

D.K. Sharma,

Administrator, Research and Special Programs Administration.

[FR Doc. 96-15564 Filed 6-19-96; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

RIN 1018-AD43

Addition of Ohio River Islands National Wildlife Refuge to the List of Open Areas for Sport Fishing in West Virginia, Pennsylvania, and Kentucky

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) adds Ohio River Islands National Wildlife Refuge to the list of areas open for sport fishing in West Virginia, Pennsylvania, and Kentucky, 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 fish and wildlife management, helps implement Executive Order 12962, (Recreational Fisheries), and is otherwise in the public interest by providing additional recreational opportunities at a national wildlife refuge.

EFFECTIVE DATE: This rule is effective July 22, 1996.

ADDRESSES: Assistant Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, 1849 C Street, NW., MS 670 ARLSQ, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Stephen R. Vehrs, Division of Refuges, U.S. Fish and Wildlife Service, Washington, DC 20240; Telephone (703) 358-2397.

SUPPLEMENTARY INFORMATION: National wildlife refuges generally are 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 also must be in accordance with provisions of all laws applicable to the

areas, must be consistent with the principles of sound fish and wildlife management, and must otherwise be in the public interest. This rulemaking opens Ohio River Islands National Wildlife Refuge to sport fishing.

In the November 29, 1995, issue of the Federal Register (60 FR 61239-61240) the Service published a proposed rulemaking and invited public comment. A description of the refuge and the proposed fishing program was provided. No comments were received during the 60-day public comment period.

Statutory Authority

The National Wildlife Refuge System Administration Act (NWRSA) of 1966, as amended (16 U.S.C. 668dd), and the Refuge Recreation Act of 1962 (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 of the Interior to permit the use of any area within the Refuge System for any purpose, including but not limited to, hunting, fishing and public recreation, accommodations and access, when he determines that such uses are compatible with the major purpose(s) for which the area was established.

The Refuge Recreation Act (RRA) authorizes the Secretary to administer 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 purpose(s) for which the areas were established. The NWRSA and the RRA also authorize the Secretary to issue regulations to carry out the purposes of the Acts and regulate uses.

In many cases, refuge-specific regulations are developed to ensure the compatibility of the programs with the purposes for which the refuge was established. Initial compliance with the NWRSA and the RRA has been ensured for hunting and sport fishing on newly acquired refuges through an interim determination of compatibility made at the time of acquisition. This has ensured that the determinations required by these acts have been made prior to the addition of refuges to the lists of areas open to hunting and fishing in 50 CFR part 32. Continued compliance is ensured by the development of long-term hunting and sport fishing plans and by annual review of hunting and sport fishing programs and regulations.

The Service has determined that this action is in accordance with the provisions of all applicable laws, is

consistent with principles of sound fish and wildlife management, helps implement Executive Order 12962 (Recreational Fisheries), and is otherwise in the public interest by providing additional recreational opportunities at national wildlife refuges. Sufficient funds will be available within the refuge budget to operate the hunting and sport fishing programs as proposed.

Ohio River Islands National Wildlife Refuge

Established in 1990, the Ohio River Islands National Wildlife Refuge is located on the Ohio River from Shippingport, Pennsylvania to Manchester, Ohio. There are currently eighteen islands in the refuge totaling 1,020 acres. Through ongoing acquisition efforts, the refuge has the potential to include all, or a portion of, 38 islands located along 362 river miles encompassing up to 3,500 acres of wildlife habitat.

The Ohio River islands and their back channels are recognized for high quality fish and wildlife, recreation, scientific, and natural heritage values. These areas provide some of the regions' highest quality riverine, wetland, and bottomland habitats, and are used by waterfowl, shorebirds, songbirds, warmwater fish, and freshwater mussels.

The Ohio River Islands National Wildlife Refuge was established under the authority of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a-742j). The refuge's primary purposes are: "* * * for the development, advancement, management, conservation and protection of fish and wildlife resources", and "for the benefit of the United States Fish and Wildlife Service, in performing its activities and services." The objectives of the sport fishing program are to:

- (1) Provide for the wise use of renewable natural resources;
- (2) provide an opportunity for sport fishing and minimal interference from other anglers and freedom to participate in a natural setting; and
- (3) provide sport fishing opportunity when such use was not detrimental to the refuge's primary objective and is compatible with other wildlife-dependent recreation.

A total of 55 species of fish were collected by the West Virginia Department of Natural Resources and the Service in the vicinity of the islands. The shallow water areas against the islands, particularly the back channels, are important nursery areas for a variety of game fish. Opening the refuge to sport

fishing will have a negligible impact on the fishery resource.

The 18 refuge islands comprise 1,020 acres, and State surveys of recreational fishing indicate little impact has been realized on the island habitats. The overwhelming majority of fish harvest occurs at dam tailwaters and main channel borders.

Opening the refuge to fishing is compatible with refuge purposes. The fishing program will be reviewed, as appropriate, to ensure that sensitive habitats are protected from disturbance. Sufficient funds will be available within the refuge budget to operate this fishing program.

Paperwork Reduction Act

The Service has examined this regulation under the Paperwork Reduction Act of 1995 and found it to contain no information collection requirements.

Economic Effect

Service review has revealed that this rulemaking will increase fishermen visitation to the surrounding area of the refuge before, during or after recreational uses, compared to the refuge being closed to these recreational uses. When the Service acquired this land, all public use ceased under law until opened to the public in accordance with this rulemaking.

This refuge is located away from large metropolitan areas. Businesses in the area consist primarily of small family owned stores, restaurants, gas stations and other small commercial enterprises. In addition, there are several small commercial and recreational fishing and hunting camps and marinas in the general area. This rule would have a positive effect on such entities; however, the amount of revenue generated is not large.

Many area residents enjoy a rural lifestyle that includes frequent recreational use of the abundant natural resources of the area. A high percentage of the households enjoy hunting, fishing, and boating in area wetlands, rivers and lakes. Refuge lands were not generally available for general public use prior to government acquisition; however, they were fished and hunted upon by friends and relatives of the landowners, and some were under commercial hunting and fishing leases. Many nearby residents also participate in other forms of nonconsumptive outdoor recreation, such as biking, hiking, camping, birdwatching, canoeing, and other outdoor sports.

Economic impacts of refuge hunting and fishing programs on local communities are calculated from

average expenditures in the "1995 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation". In 1995, 42 million U.S. residents 16 years old and older hunted and/or fished. More specifically, 37 million fished and 14.5 million hunted. Those who both fished and hunted account for the 9.5 million average. Nationwide expenditures by sportsmen totaled \$42 billion. Trip-related expenditures for food, lodging, and transportation were \$16 billion or 37 percent of all fishing and hunting expenditures; equipment expenditures amounted to \$19 billion, or 46 percent of the total; other expenditures such as those for magazines, membership dues, contributions, land leasing, ownership, licenses, stamps, tags, and permits accounted for \$6.9 billion, or 16 percent of all expenditures. Overall, anglers spent an average of \$41 per day. For each day of hunting, big game hunters averaged spending \$40, small game hunters \$20, and migratory bird hunters \$33. Applying these national averages to projected visitation at Ohio River Islands NWR results in the following: 1200 fisherman are expected to spend \$12,200 annually in pursuit of their sport.

This rulemaking was not subject to review by the Office of Management and Budget under Executive Order 12866. A review under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.) has revealed that this rulemaking would not have a significant effect on a substantial number of small entities, which include businesses, organizations, or governmental jurisdictions. Hunters and/or fishermen increase visitation and expenditures in the surrounding area of the refuge and contribute in a positive manner, but the total amounts are not significant to the local area, therefore, this rule would have minimal effect on such entities.

Federalism

This rule will not have substantial direct effects on the States, in their relationship between the Federal 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, the Service has determined that this rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

Unfunded Mandates

The Service has determined and certifies pursuant to the Unfunded Mandates Act, 2 U.S.C. 1502 et seq., that this rulemaking will not impose a cost

of \$100 million or more in any given year on local or State governments or private entities.

Civil Justice Reform

The Service has determined that these final regulations meet the applicable standards provided in Sections (a) and (b) of Executive Order 12988.

Environmental Effects

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 was prepared for this opening. Based upon the Environmental Assessment, the Service issued a Finding of No Significant Impact with respect to the opening. A Section 7 evaluation pursuant to the Endangered Species Act was conducted. The Service determined that this action will not affect any Federally listed or proposed for listing threatened or endangered species or their critical habitats. These documents are on file at the offices of the Service and may be reviewed by making preliminary arrangements with the primary author noted below.

Primary Author: Stephen R. Vehrs, Division of Wildlife 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

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

Accordingly, part 32 of chapter I of Title 50 of the Code of Federal Regulations is amended 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.

§ 32.7 [Amended]

2. Section 32.7, List of refuge units open to hunting and/or fishing, is amended by alphabetical adding "Ohio River Islands National Wildlife Refuge" to the States of Kentucky and Pennsylvania.

3. Section 32.36 *Kentucky* is amended by adding "Ohio River Islands National Wildlife Refuge" in alphabetical order to read as follows:

§ 32.36 Kentucky.

* * * * *

Ohio River Islands National Wildlife Refuge

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* [Reserved]

D. *Sport Fishing.* Sport fishing is permitted on designated areas of the refuge under Kentucky's State fishing regulations and guidelines, unless otherwise posted on the refuge.

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4. Section 32.57, *Pennsylvania* is amended by adding "Ohio River Islands National Wildlife" alphabetically to read as follows:

§ 32.57 Pennsylvania.

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Ohio River Islands National Wildlife Refuge

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* [Reserved]

D. *Sport Fishing.* Sport fishing is permitted on designated areas of the refuge under Pennsylvania's State fishing regulations and guidelines, unless otherwise posted on the refuge.

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5. Section 32.68, *West Virginia* is amended by revising paragraph D, under "Ohio River Islands National Wildlife Refuge" to read as follows:

§ 32.68 West Virginia.

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Ohio River Islands National Wildlife Refuge

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D. *Sport fishing.* Sport fishing is permitted on designated areas of the refuge under West Virginia's State regulations and guidelines, unless otherwise posted on the refuge.

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Dated: April 16, 1996.
George T. Frampton, Jr.,
Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 96-15738 Filed 6-19-96; 8:45 am]

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50 CFR Part 32

RIN 1018-AD44

Addition of Great Bay National Wildlife Refuge to the List of Open Areas for Hunting in New Hampshire

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) adds Great Bay National Wildlife Refuge to the list of areas open for hunting in New Hampshire 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 at a national wildlife refuge.

EFFECTIVE DATE: This rule is effective July 22, 1996.

ADDRESSES: Assistant Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, 1849 C Street, NW, MS 670 ARLSQ, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Stephen R. Vehrs, at the address above; Telephone (703) 358-2397.

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

In the November 29, 1995, issue of the Federal Register (60 FR 61237-61239) the Service published a proposed rulemaking and invited public comment. A description of the refuge and the proposed hunting program was provided. No comments were received during the 60-day public comment period.

Statutory Authority

The National Wildlife Refuge System Administration Act (NWRSA) of 1966, as amended (16 U.S.C. 668dd), and the Refuge Recreation Act of 1962 (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 of the Interior to permit the use of any area within the Refuge System for any purpose, including but not limited to, hunting, fishing and public recreation, accommodations and access, when he determines that such uses are compatible with the major purpose(s) for which the area was established.

The Refuge Recreation Act (RRA) authorizes the Secretary to administer areas within the Refuge System for