

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.

\* \* \* \* \*

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

#### § 32.57 Pennsylvania.

\* \* \* \* \*

#### 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.

\* \* \* \* \*

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.

\* \* \* \* \*

#### Ohio River Islands National Wildlife Refuge

\* \* \* \* \*

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.

\* \* \* \* \*

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]

BILLING CODE 4310-55-P

#### 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

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 wildlife management 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 programs as proposed.

#### Paperwork Reduction Act

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

#### Economic Effect

Service review has revealed that this rulemaking will increase hunter 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 hunting camps and marinas in the general area. This final 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 fishing and hunting 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 overlap. 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 Great Bay National Wildlife Refuge, 500 hunters are expected to spend \$20,000 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 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 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 the final 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 contacting the primary author.

#### Primary Author

Stephen R. Vehrs, Division of Refuges, U.S. Fish and Wildlife Service, Washington, DC 20240, 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 to add the alphabetical listing of "Great Bay National Wildlife Refuge" under the State of New Hampshire.

3. Section 32.48 *New Hampshire* is amended by adding the alphabetical listing of Great Bay National Wildlife Refuge to read as follows:

### § 32.48 New Hampshire.

#### *Great Bay National Wildlife Refuge*

##### *A. Hunting of Migratory Game Birds.*

Hunting of migratory game birds is permitted on designated areas of the refuge subject to the following conditions:

1. Waterfowl hunting will not require a permit. Hunting will be allowed only from the immediate shoreline of the Bay.

2. Only portable blinds are permitted. All decoys, blinds, and boats must be removed after each day's hunt.

3. Waterfowl hunters will access shorelines by boat only.

##### *B. Upland Game Hunting.* [Reserved]

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

1. Refuge Permits are required for the deer hunt.

2. Big game hunters are required to wear, in a conspicuous manner on the head, chest and back, a minimum of 400 square inches of solid-colored blaze orange clothing or material.

##### *D. Sport Fishing.* [Reserved]

\* \* \* \* \*

Dated: March 15, 1996.

George T. Frampton, Jr.,

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 96-15737 Filed 6-19-96; 8:45 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 675

[Docket No. 960129019-6019-01; I.D. 061496C]

#### Groundfish of the Bering Sea and Aleutian Islands Area; Yellowfin Sole by Vessels Using Trawl Gear

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

**ACTION:** Closure.

**SUMMARY:** NMFS is closing the directed fishery for yellowfin sole by vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the third seasonal bycatch allowance of Pacific halibut apportioned to the trawl yellowfin sole fishery in the BSAI.

**EFFECTIVE DATE:** 12 noon, Alaska local time (A.l.t.), June 17, 1996, until 12 noon, A.l.t., August 15, 1996.

**FOR FURTHER INFORMATION CONTACT:** Andrew N. Smoker, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS

according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 675.

The third seasonal bycatch allowance of Pacific halibut for the BSAI trawl yellowfin sole fishery, which is defined at § 675.21(b)(1)(iii)(B)(1), was established by the Final 1996 Harvest Specifications of Groundfish (61 FR 4311, February 5, 1996) as 100 metric tons.

The Director, Alaska Region, NMFS, has determined, in accordance with § 675.21(c)(1)(iii), that the third seasonal bycatch allowance of Pacific halibut apportioned to the trawl yellowfin sole fishery in the BSAI has been caught. Therefore, NMFS is prohibiting directed fishing for yellowfin sole by vessels using trawl gear in the BSAI.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 675.20(h).

#### Classification

This action is taken under 50 CFR 675.21 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: June 17, 1996.

Richard H. Schaefer,

*Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

[FR Doc. 96-15766 Filed 6-17-96; 2:58 pm]

BILLING CODE 3510-22-F