

Rule 404 should be withdrawn from the SIP. None of these rules has a direct impact on NAAQS pollutants and, therefore, will not affect the attainment or maintenance plans which have been approved. It should also be noted that it is EPA policy that no odor regulations be included in SIPs because there is no NAAQS specifically for odor. EPA is proposing approval of Puerto Rico's request to withdraw Rules 411, 418, 419, 420, and 421 from the SIP. These rules, however, will remain enforceable by Puerto Rico.

V. Regulations Concerning HAPs which were Approved Pursuant to Section 112(l) of the Clean Air Act

Section 112(l) of the Act enables Puerto Rico to develop a program for the implementation and enforcement of HAP emissions standards. Approval by EPA of such program would provide for the delegation of the EPA Administrator's authorities and responsibilities to implement and enforce the HAP emissions standards to Puerto Rico. Puerto Rico has revised Rule 211 of the Puerto Rico Regulations pursuant to section 112(l) of the Act in order to provide sources with a mechanism to limit potential HAP emissions.

EPA can only approve a program under 112(l) if Puerto Rico meets the following criteria: (1) adequate authority to assure compliance with any section 112 standard or requirements; (2) adequate resources; (3) the program provides for an expeditious schedule for assuring compliance with section 112 requirements; and (4) the program is otherwise likely to satisfy the objectives of the Act. EQB has already demonstrated through Title V that it has adequate authority to implement and enforce all section 112 requirements for both Title V and non-Title V sources. EQB also demonstrated sufficient fees to implement all section 112 requirements in its Title V Fee Demonstration. While EPA is approving Rule 211 as part of the SIP, Rule 211 will also have the effect of limiting HAP emissions pursuant to its approval under section 112(l) of the Act.

Conclusion

EPA is proposing approval the revisions to the Regulations, which include revisions to Rules 102, 105, 106, 107, 109, 110, 111, 112, 114, 117, 121, 201, 203, 204, 205, 206, 209, 211, 301, 401, 402, 403, 404, 405, 406, 408, 409, 410, 412, 413, 414, 417, and 501. EPA is not incorporating new Rule 422 into the federally approved SIP. In addition, EPA is proposing approval of the withdrawal of Rules 411, 418, 419, 420

and 421 from the SIP, which contain the federally approved regulations, however, EPA is not approving the withdrawal of Rule 404 from the SIP.

Nothing in this proposed rule should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et. seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the Clean Air Act, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v US EPA*, 427 US 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

Under sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a federal mandate that may result in estimated annual costs of \$100 million or more to the private sector, or to state, local, or tribal governments in the aggregate.

Through submission of this SIP or plan revision, the state and any affected local or tribal governments have elected to adopt the program provided for under section 112(l) and 110 of the Clean Air Act. These rules may bind state, local and tribal governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being approved by this action would impose

any mandate upon the state, local or tribal governments either as the owner or operator of a source or as a regulator, or would impose any mandate upon the private sector, EPA's action will impose no new requirements; such sources are already subject to these regulations under state law. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action. EPA has also determined that this direct final action does not include a mandate that may result in estimated annual costs of \$100 million or more to state, local, or tribal governments in the aggregate or to the private sector.

The Office of Management and Budget has exempted this action from review under Executive Order 12866.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: May 31, 1996.
William J. Muszynski,
Acting Regional Administrator.
[FR Doc. 96-15885 Filed 6-20-96; 8:45 am]
BILLING CODE 6560-50-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

RIN 1018-AD78

Addition of Cossatot National Wildlife Refuge to the List of Open Areas for Hunting and Sport Fishing in Arkansas

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) proposes to add Cossatot National Wildlife Refuge to the list of areas open for hunting and sport fishing in Arkansas 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, and is otherwise in the public interest by providing additional recreational opportunities at national wildlife refuges.

DATES: Comments may be submitted on or before 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 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 otherwise must be in the public interest. The Service proposes to open Cossatot National Wildlife Refuge to hunting migratory game birds, upland game, big game, and sport fishing.

Request for Comments

Department of the Interior policy is, whenever practicable, to afford the public a meaningful opportunity to participate in the rulemaking process. A 30-day comment period is specified in order to facilitate public input. Accordingly, interested persons may submit written comments concerning this proposed rule to the person listed above under the heading ADDRESSES. All substantive comments will be reviewed and considered.

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.

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 a newly acquired refuge like Cossatot 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.

Opening Package

In preparation for this opening, the following documents are included in the refuge's "openings package" for Regional review and approval from the Washington Office: an interim hunting and fishing management plan; an environmental action memorandum and categorical exclusion certification; a Section 7 determination pursuant to the Endangered Species Act, that these openings will have no effect on listed species or critical habitats; a letter of concurrence from the affected State; interim compatibility determination; and refuge-specific regulations to administer the hunting and fishing programs. Upon review of these documents, the Secretary has determined that the opening of the Cossatot National Wildlife Refuge to hunting and fishing is compatible with the principles of sound fish and wildlife management and otherwise will be in the public interest. A brief description of the refuge program follows.

Cossatot National Wildlife Refuge

Cossatot National Wildlife Refuge, located in Sevier County, Arkansas, was established in 1994 to preserve both habitat and wintering areas vital to the

long-term conservation of migratory waterfowl and afford protection to threatened and endangered species. The Service plans to increase the refuge from its current 1,933 acres to encompass Millwood Lake, a 30,000-acre Corps of Engineers impoundment adjoining the refuge. The protection of these habitats benefits all fish and wildlife species in the area and makes available additional lands for public recreational use. All consumptive public use programs are planned and administered to complement and/or assist with the primary goal of habitat and fish and wildlife management without conflicting with other primary objectives of the refuge.

The area is especially notable for its abundant water resources. The Cossatot River is designated as an Arkansas Scenic Stream just north of the refuge. The Little River, Red Lake, Wilson Creek, Roberts Branch, Pond Creek, Clear Creek and several old oxbow lakes also contribute to the areas wetland values.

The refuge provides outstanding habitat for a diversity of birds, mammals and aquatic life. The flooded green and dead timber provide excellent wintering habitat for waterfowl, and wood duck breeding and nesting habitat. The primary waterfowl species in this part of Arkansas are mallards and wood ducks; however, other species such as gadwall, green-winged teal and ring-necked ducks use the flooded timber, sloughs and beaver ponds. The refuge is positioned to receive ducks from both the Central and Mississippi Flyways and has a long history of good waterfowl hunting. Wading birds frequent these wetlands and four rookeries are present on the subject property.

Hunting and fishing will continue on these lands in the interim during the refuge master planning process. All hunting and fishing seasons are designed to provide optimum opportunity for quality recreation experiences. Management objectives of the refuge are to:

- Preserve and manage the area's wetland and bottomland hardwood habitat for a natural diversity of wildlife;
- Provide habitat for neotropical migratory birds;
- Provide wintering habitat for migratory waterfowl;
- Provide breeding and nesting habitat for wood ducks; and
- Provide opportunities for compatible public recreation such as hunting, fishing, hiking, birdwatching and environmental education and interpretation.

Hunting will be allowed under permit in accordance with State of Arkansas regulations and licensing requirements with the following exceptions:

- Vehicles will be restricted to existing roads;
- All-terrain vehicles will be restricted to designated trails and roads;
- Off-road travel will be limited to foot travel;
- Firearms and bows will be prohibited except during hunting seasons;
- Hunting deer with dogs will not be allowed;
- Camping will be restricted to designated areas; and
- Non-toxic shot will be required for shotgun hunting.

Paperwork Reduction Act

This regulation has been examined under the Paperwork Reduction Act of 1995 and has been found to contain no information collection requirements.

Economic Effect

Service review has revealed that this rulemaking will increase hunter and fishermen visitation to the surrounding area of the refuge before, during or after the recreational use, 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 proposed 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 Cossatot National Wildlife Refuge results in the following: 800 hunters are expected to spend \$28,000 annually and 2,000 fishermen will spend approximately \$82,000 in pursuit of their sports on the refuge.

This rulemaking was not subject to Office of Management and Budget review under Executive Order 12866. A review under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.) has revealed that the rulemaking would increase visitation and expenditures in the surrounding area of the refuge. The rulemaking would not have a significant effect on a substantial number of small entities in the area, such as businesses, organizations and governmental jurisdictions.

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 not prepared for this opening. The Service invoked a categorical exclusion as provided by 516 DM6 Appendix 1 with respect to the opening. A Section 7 evaluation pursuant to the Endangered Species Act was conducted. The Service determined that the proposed action will have no effect on three species and is not likely to effect a fourth species of 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 noted below.

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.

Primary Author

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

List of Subjects in 50 CFR Part 32

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

Accordingly, Part 32 of chapter I of Title 50 of the *Code of Federal Regulations* is proposed to be 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.

2. Section 32.7 *List of refuge units open to hunting and/or fishing* is amended by adding the alphabetical listing of "Cossatot National Wildlife Refuge" under the State of Arkansas.

3. Section 32.23 *Arkansas* is amended by adding in alphabetical order Cossatot National Wildlife Refuge to read as follows:

§ 32.23 Arkansas.

* * * * *

Cossatot National Wildlife Refuge

A. Hunting of Migratory Game Birds. Hunting of ducks, geese, coots, woodcock, snipe, and mourning doves is permitted on designated areas of the refuge subject to the following condition:

1. Permits are required.

B. Upland Game Hunting. Hunting of quail, rabbit, squirrel, raccoon, opossum and beaver is permitted on designated areas of the refuge subject to the following condition:

1. Permits are required.

C. Big Game Hunting. Hunting of white-tail deer and turkey is permitted on designated areas of the refuge subject to the following condition:

1. Permits are required.

D. Sport Fishing. Fishing, frogging, and taking of turtles and crawfish is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing and the taking of turtles and crawfish in accordance with applicable state regulations.

2. Trotlines must be reset when receding water levels expose them. The ends of

Trotlines must consist of a length of cotton line that extends from the point of attachment into the water.

* * * * *

Dated: June 3, 1996.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 96-15130 Filed 6-20-96; 8:45 am]

BILLING CODE 4310-55-P

50 CFR Part 32

RIN 1018-AD80

Addition of Bald Knob National Wildlife Refuge to the List of Open Areas for Hunting and Sport Fishing in Arkansas

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) proposes to add Bald Knob National Wildlife Refuge to the list of areas open for hunting and sport fishing in Arkansas 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, and is otherwise in the public interest by providing additional recreational opportunities at national wildlife refuges.

DATES: Comments may be submitted on or before 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 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 otherwise must be in the public interest. The Service proposes to open Bald Knob National Wildlife Refuge to hunting migratory

game birds, upland game, big game and sport fishing.

Request for Comments

Department of the Interior policy is, whenever practicable, to afford the public a meaningful opportunity to participate in the rulemaking process. A 30-day comment period is specified in order to facilitate public input. Accordingly, interested persons may submit written comments concerning this proposed rule to the person listed above under the heading **ADDRESSES**. All substantive comments will be reviewed and considered.

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.

Opening Package

In preparation for this opening, the following documents are included in the refuge's "openings package" for Regional review and approval from the Washington Office: a hunting and fishing management plan; an environmental assessment; a Finding of No Significant Impact (FONSI); a Section 7 evaluation or statement, pursuant to the Endangered Species Act, that this opening is not likely to adversely affect a listed species or critical habitat; a letter of concurrence from the affected State; and refuge-specific regulations to administer the hunting and fishing programs. Upon review of these documents, the Secretary has determined that the opening of the Bald Knob National Wildlife Refuge to hunting and sport fishing is compatible with the principles of sound fish and wildlife management and otherwise will be in the public interest.

In accordance with the NWRSA and the RRA, the Secretary also has determined that this opening for hunting and sport fishing is compatible and consistent with the primary purposes for which the refuge was established and that sufficient funds are available to conduct the activity. A brief description of the refuge program follows.

Bald Knob National Wildlife Refuge

Bald Knob National Wildlife Refuge was established on September 22, 1993. The initial purchase was the first of an accepted multi-year purchase of 12,940 acres from John Hancock Mutual Life Insurance Company. The refuge is located in White County, Arkansas, southwest of Bald Knob, Arkansas. The refuge is bordered by the Little Red River and is adjacent to the state-owned Hurricane Wildlife Management Area. This protected corridor of wetlands is strategically located in the Mississippi Flyway and has been identified as a high priority site of the North American Waterfowl Management Plan. The area has historically wintered large concentrations of waterfowl and is