

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp. p.351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp. p.193.

Appendix B—[Amended]

2. Table 1 of appendix B to part 300 is amended by removing the Site for “Northwest 58th Street Landfill, Hialeah, Florida”.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Subchapter D

RIN 1018–AD72

Removal of Subchapter D; Management of Wildlife Research Areas

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) removes Subchapter D, Management of Wildlife Research Areas from Title 50. Subchapter D (Part 60) provides special regulations for the Patuxent Wildlife Research Center (PWRC). Since the land base of PWRC is managed only by the Service as a part of the National Wildlife Refuge System and all public use must be compatible with the primary purpose of the area, future public use regulations will be published in parts 25–32 of title 50. The regulations regarding fishing, contained in this section prior to this action, have been relocated. The Service has determined that this action is consistent with principles of sound fish and wildlife management, and is otherwise in the public interest.

EFFECTIVE DATE: This rule is effective October 11, 1996.

FOR FURTHER INFORMATION CONTACT: Stephen R. Vehrs, Telephone (703) 358–2397.

SUPPLEMENTARY INFORMATION: This administrative action was not published as a proposed rule since it does not increase or decrease protection for the unit, or impose any management actions where the public is impacted. The Service will manage the unit under the regulations contained in Parts 25–32 which are essentially the same, if not identical to, those removed here. The PWRC historically was managed in partnership with the Service’s Research Region, and this organization and function recently was reassigned to the

National Biological Service. The National Wildlife Refuge System (Refuge System) has management jurisdiction over the wildlands of the Center. This rule is an administrative action to simplify and reduce unnecessary Federal regulations.

For the forgoing reasons, and in accordance with 5 U.S.C. Sec. 553(b)(3)(B), the Department of the Interior, U.S. Fish and Wildlife Service, for good cause finds that notice and opportunity for public comment are unnecessary.

National wildlife refuges generally are closed to hunting and sport fishing until opened by rulemaking. Public uses are controlled under Parts 25–32 of Title 50 CFR. The Secretary of the Interior (Secretary) may open units of the Refuge System to hunting, fishing and other public uses upon a determination that such uses are compatible with the purpose(s) for which the area 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 removes Subchapter D, Management of Wildlife Research Areas from Title 50 CFR.

The special regulations pertaining to fishing removed by this action (50 CFR 60.11) were relocated to (50 CFR 32.39). The Service published those regulations as part of a final rule, September 3, 1996 at 61 FR 46390. This rule is final upon publication. The Service has determined that any further delay in the implementation of these refuge regulations would not be in the public interest in that it would hinder the effective planning and administration of the refuge programs. Delay of 30 days would jeopardize the refuge program and thereby lessen the management effectiveness of this regulation. Therefore, the Service finds good cause to make this rule effective upon publication (5 U.S.C. 553 (d)(3)).

Statutory Authority

Patuxent Wildlife Research Center is a unit within the Refuge System administered by the Service on behalf of the Secretary. 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 units of the Refuge System. Specifically, Section 4(d)(1)(A) of the NWRSA authorizes the Secretary to permit the use of any areas within the 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 unit was established. The Secretary receives additional authority from the RRA 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.

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. General regulations in Subchapter C apply to all National Wildlife Refuges and the specific regulations for Patuxent Wildlife Research Center in Title 50 CFR 32.39 will remain in effect. Removal of Part 60 has no impact on what activities are allowed on the refuge.

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 change public recreation or visitation to the surrounding area of the Patuxent Wildlife Research Center. Therefore, the rulemaking would not have a significant effect on a substantial number of small entities, such as businesses, organizations and governmental jurisdictions in the area.

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 action. With regard to the Endangered Species Act, the Service determined that this final action is administrative in nature and will not affect any Federally listed or proposed for listing threatened or endangered species or their critical habitats.

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 Department has determined that these final regulations meet the applicable standards provided in Sections 3(a) and 3(b)(2) of Executive Order 12988.

Primary Author

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

List of Subjects in Part 60

Research, Wildlife.

Accordingly, under the authority 16 U.S.C. 460(k) subchapter D, consisting of part 60, is removed and reserved.

Dated: August 13, 1996.

George T. Frampton, Jr.,
Assistant Secretary for Fish and Wildlife and Parks.

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