15 NCAC 2D.0505, Control of Particulates from Incinerators
15 NCAC 2H.0603, (Permit) Applications

(ii) Other material—none.

[FR Doc. 86-26072 Filed 11-18-86; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 62

[A-4-FRL-3113-9; NC-024]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants, North Carolina; Minor Revisions to 111(d) Regulations

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: In this action, EPA is approving revisions to three North Carolina regulations which are part of the North Carolina 111(d) plans for sulfuric acid mist, total reduced sulfur, and fluorides from primary aluminum reduction plants. These revisions are minor and do not change the meaning of the current regulations.

DATES: This action will be effective January 20, 1987 unless notice is received within 30 days that adverse or critical comments will be submitted.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection at the following locations and notice of adverse or critical comments may be submitted to Janet Hayward at the EPA Regional Office listed below:

Environmental Protection Agency, Region IV, Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365

Air Quality Section, Division of Environmental Management, North Carolina Department of Natural Resources and Community Development, Archdale Building, 512 N. Salisbury Street, Raleigh, North Carolina, 27611.

FOR FURTHER INFORMATION CONTACT: Janet Hayward of the EPA Region IV, Air Programs Branch, at the above address and telephone (404) 347-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: On December 17, 1984, the North Carolina Division of Environmental Management submitted numerous changes to the North Carolina Administrative Code to EPA for approval as part of the State Implementation Plan (SIP). These changes included several rule revisions which could not be processed as revisions to the SIP under section 110 of the Clean Air Act (the Act), because they dealt with "designated pollutants" which are regulated under section 111(d) of the Act. These rules were: 2D.0517 (Emissions from Plants Producing Sulfuric Acid), 2D.0528 (Total Reduced Sulfur from Kraft Pulp Mills) and 2D.0529 (Fluoride Emissions from Primary Aluminum Reduction Plants).

North Carolina resubmitted the above regulations on July 18, 1986, for approval as minor changes to the State's 111(d) plans for those designated pollutants. There are no substantive differences in the effect of the North Carolina air pollution control regulations as a result of the changes. Terms have been changed to make them consistent with current usage and changes have been made in order to standardize nomenclature and to clarify the intent and applicability of the regulations.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective 60 days from the date of this Federal Register unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted.

If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective January 20, 1987.

Final Action

After reviewing North Carolina's 111(d) plan revisions, EPA is approving these changes because they are routine wording changes and have no effect on the meaning of the regulations. Under 5 U.S.C. section 605(b), I certify that these revisions will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 20, 1987. This action may not be challenged later in proceedings to enforce its requirements (See 307(b)(2).).

List of Subjects in 40 CFR Part 62

Air pollution control, Fluoride, Aluminum, Pulp and paper products industry, Sulfur oxides, Sulfuric acid plants.

Dated: November 7, 1986.

Lee M. Thomas,
Administrator.

PART 62—[AMENDED]

Part 62 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 62 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

Subpart II—North Carolina

2. Section 62.8350 is amended by adding paragraph (b)(4) to read as follows:

§ 62.8350 Identification of Plan.

* * * * *

(b) * * *

(4) The following revisions to Title 15 of the North Carolina Administrative Code (15 NCAC) were submitted to EPA on July 18, 1986, following adoption by the North Carolina Environmental Management Commission on November 8, 1984: revised regulations 2D.0517—Emissions From Plants Producing Sulfuric Acid, 2D.0528—Total Reduced Sulfur From Kraft Pulp Mills, and 2D.0529—Fluoride Emissions From Primary Aluminum Reduction Plants.

* * * * *

[FR Doc. 86-26071 Filed 11-18-86; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 81

[A-9- FRL-3114-5]

Designation of Areas For Air Quality Planning Purposes; Las Vegas Valley, NV, Redesignation for Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This notice takes final action to approve the State of Nevada request for the redesignation of the Las Vegas Valley nonattainment area to attainment for ozone. EPA finds that the National Ambient Air Quality Standards (NAAQS) for ozone have not been violated, based on data available from 1983 to date measured in the area being redesignated. This action updates the attainment status for the area. Also, no additional Part D requirements need to be satisfied in the attainment area.

DATES: This action will be effective January 20, 1987, unless notice is received within 30 days that adverse or critical comments will be submitted.

ADDRESSES: The EPA Technical Support Document (June 1986) is available for public inspection during normal business hours at the EPA Region 9 address listed below and at the following locations:

Nevada Department of Conservation and Natural Resources, Division of Environmental Protection, 201 S. Fall Street, Carson City, NV 89710

Clark County Health District, Air Pollution Control Division, 625 Shadow Lane, Las Vegas, NV 19106

FOR FURTHER INFORMATION CONTACT: Morris Goldberg (A–2–1), Technical Evaluation Section, Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco CA 94105, Telephone: (415) 974–7651, (FTS) 454–7651.

SUPPLEMENTARY INFORMATION: .

Background

On March 3, 1978 (43 FR 8962), under paragraph 107(d)(2) of the Clean Air Act, as amended, EPA promulgated attainment status designations for all states. Ambient air quality data measured in Las Vegas Valley in 1977 was provided to EPA by the State along with a recommendation that the area be designated nonattainment for oxidant, in accord with paragraph 107(d)(1)(A) of the Act. EPA designated the Las Vegas Valley area nonattainment for oxidant.

On February 8, 1979 (44 FR 8220), the NAAQS were revised from 0.08 ppm oxidant, 1-hour average concentration, not to be exceeded more than once per year, to 0.12 ppm ozone, daily maximum 1-hour average concentration, not expected to be exceeded more than an 1.0 times per year, averaged over the most recent three years for which data are available. The attainment status designation table headings at 40 CFR Part 81 were revised accordingly.

On April 1, 1986, the State of Nevada requested that EPA redesignate the Las Vegas Valley area to attainment for ozone. The request indicated that the implementation of EPA-approved control measures had resulted in only one exceedance of the NAAQS at each of two monitoring stations and less than 1.0 expected exceedances at each of three sites in the last three years.

Evaluation

EPA reviewed the ozone ambient air quality data from the three monitoring sites in the Las Vegas Valley and found it consistent with the data in the redesignation request. EPA found one exceedance of the NAAQS at each of two of the three sites during the past three years. The exceedances were recorded on September 14, 1983, at the Casino Center site and on February 15, 1985, at the Henderson monitoring site. Based on the completeness of the data, EPA found 0.4 and 0.3 expected exceedances of the NAAQS, averaged over the most recent three years at the Las Vegas-Casino Center and Henderson-Powerline monitoring sites, respectively. Also no exceedances have been measured to-date in 1986 at any Las Vegas Valley monitoring station.

The ozone implementation plan for the Las Vegas Valley was submitted by the State of Nevada on January 11, 1985 and fully approved on August 21, 1986 (51 FR 29923). The approved plan contains chlorine stationary source emission limitations and new source review rules. These regulations, adopted on May 18, 1984, assure EPA that the 90% reduction in chlorine emissions obtained between 1979 and 1983 would continue. EPA also approved the plan's demonstration (of attainment) of the effect of the chlorine emission control strategy on the ozone ambient air quality concentrations in the area. EPA's approval of the control strategy containing these measures indicates that the plan satisfactorily demonstrates that these measures, when implemented, have the potential to provide the emission reduction necessary for the attainment and maintenance of the designated national ambient air quality standard. The plan also contains approved control measures for volatile organic compounds, as required by EPA, to ensure that ozone caused by the more traditional precursors is controlled.

Thus, EPA concludes, as did the State, that the implementation of federally enforceable control measures has resulted in air quality better than that needed for redesignation of the area. Thus, EPA concurs with the redesignation of the area from nonattainment to attainment for ozone.

EPA Action

This notice takes final action to redesignate the Las Vegas Valley, Nevada, from nonattainment to attainment for ozone, as requested by the State.

Direct Final

EPA's approval of the above redesignation in Nevada is being done without prior proposal because the redesigation is not considered to be controversial. The public should be advised that this approval action will be effective 60 days from the date this approval is published in the **Federal Register.** However, if notice is received by EPA within 30 days indicating that someone wishes to submit adverse or cirtical comments, this approval action will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will indefinitely postpone the effective date, modify the final action to a proposed action, and establish a comment period.

Regulatory Process

The Office of Management and Budget has exempted this action from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 20, 1987. This action may not be challenged later in processing to enforce its requirements (See 307(b)(2)).

Under 5 U.S.C. 605(b), I certify that this action will not have a significant economic impact on a substantial number of small business entities. [46 FR 8709].

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: October 17, 1986.

Lee M. Thomas,

Administrator.

PART 81—[AMENDED]

40 CFR Part 81 is amended as follows:

Subpart C—Section 107 Attainment Status Designations

1. The authority citation for Part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. In § 81.329 the Nevada attainment status designation table for ozone (O_3) is revised to read as follows:

§ 81.329 Nevada.

* * * * *

NEVADA—O_3

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Entire State		X

[FR Doc. 86–26073 Filed 11–18–86; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF AGRICULTURE

48 CFR Part 433

[Agriculture Acquisition Circular No. 1]

Acquisition Regulation; Competition in Contracting and Miscellaneous Changes; Correction

AGENCY: Office of Operations, USDA.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule, which was published in the **Federal Register** on Monday, September 29, 1986 (51 FR 34564) to amend Agriculture's Acquisition Regulation (AGAR) for the purpose of implementing the Competition in Contracting Act of 1984 and inserting other additions, deletions, and revisions.

EFFECTIVE DATE: September 29, 1986.

FOR FURTHER INFORMATION CONTACT: Larry Schreier, Office of Operations, United States Department of Agriculture, Washington, DC, (202) 447–8924.

SUPPLEMENTARY INFORMATION: In FR Doc. 86–21954 published Monday, September 29, 1986, make the following correction in order to remedy an inadvertent deletion of existing sections of text, which should have been redesignated as sections under Subpart 432.2:

1. On page 34566, the instruction for item 17 is corrected to read as follows:

"17. Part 433 is amended to read as follows by:

(a) revising the Table of Contents; (b) adding Subpart 433.1 consisting of sections 433.102 through 433.105; (c) redesignating sections 433.003, 433.003–70, 433.009, 433.011, and 433.012 as sections 433.203, 433.203–70, 433.209, 433.211, and 433.212, respectively and designating the redesignated sections as subpart 433.2; (d) revising the FAR cross-referenced section numbers 33.003, 33.009, and 33.011(a)(4) as shown in the text of redesignated sections 433.203(a), 433.209, and 433.211 to read as 33.203, 33.209, and 33.211(a)(4), respectively; and (e) revising the AGAR cross-referenced section number 433.003–70 shown in the text of redesignated section 433.211 to read as 433.203–70."

List of Subjects in 48 CFR Part 433

Government procurement; Protests, Disputes, & Appeals.

Dated: November 12, 1986.

Charles A. Bucy,

Acting Director.

[FR Doc. 86–25915 Filed 11–18–86; 8:45 am]

BILLING CODE 3410-98-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination of Experimental Population Status for an Introduced Population of Red Wolves in North Carolina

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service determines that it will introduce mated pairs of red wolves (*Canis rufus*) into the Alligator River National Wildlife Refuge (Refuge) in Dare County, North Carolina. The red wolf population in Dare County and the adjacent Tyrrell, Hyde, and Washington Counties is determined to be a nonessential experimental population according to section 10(j) of the Endangered Species Act of 1973 (ESA), as amended. The red wolf is now extirpated from its entire historic range in the southeastern United States; this action is being taken in an effort to reestablish a wild population. The experimental population status is designated because section 10(j) authorizes more discretion in devising an active management program for an experimental population than for a regularly listed species, a critical factor in insuring that other agencies and the public will accept the proposed reintroduction. An experimental population is treated as a threatened species for purposes of sections 4(d) and 9 of the Act, which prohibit certain activities involving listed species. Accordingly, a special rule for specifying circumstances under which taking of introduced red wolves will be allowed is being promulgated in conjunction with the nonessential, experimental population rule. Management actions that would involve take include recapture of wolves to replace transmitter or capture collars, provide routine veterinary care, return animals to the refuge which have strayed outside its boundaries, or to return to captivity animals that are a threat to human safety or property, or which are severely injured or diseased. The nonessential designation is determined because the species is fully protected in captivity in six different locations, and all animals released into the wild can be quickly replaced through captive breeding. When not on National Wildlife Refuge or National Park lands, a nonessential experimental population is treated as a proposed species, rather than a listed species, for purposes of the review of other Federal agency actions under section 7 of the ESA (except for section 7(a)(1), which applies to all experimental populations). No conflicts are envisioned between the red wolf reintroduction and any existing or anticipated Federal agency actions or traditional public uses of the refuge or surrounding lands.

DATES: The effective date of this rule is December 19, 1986. Although red wolves will be transported to North Carolina prior to the effective date, no wolves will be released until next spring, well after this final rule becomes effective.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Endangered Species Field Office, 100 Otis Street, Room 224, Asheville, North Carolina 28801.

FOR FURTHER INFORMATION CONTACT: Mr. Warren T. Parker, Asheville Endangered Species Field Supervisor (see **ADDRESSES** section above), or Mr. Marshall P. Jones, Chief, Endangered Species Division, U.S. Fish and Wildlife Service, 75 Spring Street, SW., Atlanta, Georgia 30303 (404/331–3580 or FTS 242–3580).

SUPPLEMENTARY INFORMATION:

Background

Among the signficant changes made by the Endangered Species Act Amendments of 1982, Pub. L. No. 97–304, was the creation of a new section 10(j) which provides for the designation of specific introduced populations of listed species as "experimental populations." Under previous authorities in the Act, the Service was permitted to reintroduce populations into unoccupied portions of a listed species historic range when it would foster the conservation and recovery of the species. Local opposition to reintroduction efforts, however, stemming from concerns about the restrictions and prohibitions on private and Federal activities contained in sections 7 and 9 of the Act, severely handicapped the effectiveness of this as a management tool. Under section 10(j), past and future reintroduced populations established outside the current range, but within the species' historic range, may now be designated, at the discretion of the Service, as "experimental." Such designations will increase the Service's flexibility to manage these reintroduced populations because such experimental populations may be treated as threatened species. The Service has much more discretion in devising management programs for threatened species that for endangered species, especially on matters regarding

incidental or regulated takings. Morever, experimental populations found to be "nonessential" to the continued existence of the species in question are to be treated as if they were only proposed for listing for purposes of section 7 of the ESA, except as noted below. A "nonessential" experimental population is not subject to the formal consultation requirement of section 7(a)(2) of the Act, but if the experimental population is found on a National Wildlife Refuge or National Park, the full protection of section 7 applies to such animals. (The provision in section 7(a)(1) applies to all experimental populations.) The individual organisms comprising the designated experimental population can be removed from an existing source or donor population only after it has been determined that their removal itself is not likely to jeopardize the continued existence of the species, and must be done under a permit issued in accordance with the requirements in 50 CFR 17.22.

The species included in this final rule is the red wolf (*Canis rufus*), an endangered species which is currently extirpated from the wild. The red wolf was originally native to the southeastern United States from the Atlantic Coast westward to central Texas and Oklahoma and from the Gulf of Mexico to central Missouri and southern Illinois. The historic relationship of the red wolf to other wild canids is poorly understood, but it is thought that the red wolf coexisted with the coyote (*Canis latrans*) along its western range generally along the line where deciduous cover gave way to open prairie in Texas and Oklahoma. The gray wolf (*Canis lupus*) is believed to have frequented the range north of the red wolf, but probably did range along higher elevations of the Appalachian Mountains as far south as Georgia and Alabama. Historical evidence seems to characterize the red wolf as common in the vast pristine bottomland riverine habitats of the southeast, and especially numerous in and adjacent to the extensive "canebrakes" that occurred in these habitats. The canebrakes harbored large populations of swamp and marsh rabbits, considered likely to be the primary prey species of the red wolf under natural conditions. The demise of the red wolf was directly related to man's activities, especially land changes, such as the drainage of vast wetland areas for agricultural purposes; the construction of dam projects that inundated prime habitat; and predator control efforts at the private, State, and Federal levels. At that time the natural history of the red wolf was poorly understood, and like most other large predators, it was considered a nuisance species. Today, the red wolf's role as a potentially important part of a natural ecosystem, if it can be successfully reintroduced, is better appreciated. Furthermore, it is now clear that traditional controls would not be needed in any case; the red wolf would pose no threat to livestock in situations where its natural prey, especially such small mammal species as rabbits and opossums, are abundant. Service studies have documented that there is an abundant prey base at the Alligator River National Wildlife Refuge. This was one of the criteria used to select it as a reintroduction site.

Man-caused pressures eventually forced the red wolf into the lower Mississippi River drainage and lastly into southeast Texas and southwest Louisiana. This was where the only surviving population remained in the mid-1970s when the Service decided to trap the animals and place them in a captive breeding program. This decision was based on the obviously low number of animals left in the wild, poor physical condition of these animals due to internal and external parasites and disease, and the treat posed by an expanding coyote population and consequent inbreeding problems. A Red Wolf Captive Breeding Program was established by contract with the Paint Defiance Zoological Garden of the Metropolitan Park Board of Tacoma, Washington. Soon, thereafter, 40 wild-caught adult red wolves were provided to the breeding program, and the first litter of pups was born in May 1977. Since then, the wolves have continued to prosper at this and six other captive facilities throughout the United States. Without this extreme action it is obvious that the species would now be completely extinct. Throughout this time, however, the goal of the Service's red wolf recovery program has continued to be the eventual release of at least some of the captive animals into the wild to establish new, self-sustaining populations.

To demonstrate the feasibility of such reintroductions of red wolves, the Service conducted carefully planned experiments in 1976 and 1978. These experiments involved the release of mated pairs of red wolves onto Bulls Island, a 4,000-acre component of the Cape Romain National Wildlife Refuge near Charleston, South Carolina. The results of these planned releases indicated that it is feasible to reestablish adult wild-caught red wolves in selected habitats in the wild. The experiments were eventually terminated, and the wolves recaptured and returned to captivity all in good health. Bulls Island was not large enough to support a self-sustaining population of wolves, and it was never intended to be a permanent reintroduction site. Observations and conclusions derived from these experiments, plus knowledge gained with wild-caught but captive-reared pups in Texas, also indicate the potential success of establishing captive reared populations in the wild.

Based on limited historical knowledge of this species, it is believed that the red wolf would thrive in dense cover typified by large acreages of bottomland vegetation now typically found in remnant sites throughout the Piedmont and Coastal Plain regions of the southeastern States. Such sites would provide the small mammal prey base and the denning and escape cover required by the species. Ideally such areas would also be isolated, have a low human encroachment potential, and be secured in either State or Federal ownership.

A great deal of investigative effort by the Fish and Wildlife Service since 1980 has been directed at locating suitable release sites throughout the historic range of the red wolf. Apparently ideal habitat for this species exists within the Alligator River National Wildlife Refuge in Dare and Tyrrell Counties, North Carolina. This refuge comprises nearly 120,000 acres of the finest wetland ecosystems found in the Mid-Atlantic region. Principal natural communities in the Refuge include broad expanses of palustrine (non-riverine) swamp forests, pocosins, and freshwater and salt marshes. Adjacent to the refuge is a 47,000-acre U.S. Air Force bombing range with similar habitats. The very limited live ordnance expended by the Air Force and Navy on this range is restricted to two extremely small, well defined, and cleared target areas (approximately 10 acres each). The establishment of an experimental population of red wolves in this refuge will greatly enhance the recovery of this species by demonstrating the feasibility of a large predator reintroduction. The approved Red Wolf Recovery Plan calls for the establishment of three self-sustaining populations before the species can be considered for possible downlisting from its endangered status. By demonstrating that reintroductions of red wolves into suitable habitats is feasible, the Service hopes to encourage other Federal land management agencies in the Southeast to become interested in further reintroduction efforts.

Presently, the Fish and Wildlife Service's Red Wolf Captive Breeding Program in Washington State has 49 animals. One small captive breeding program near St. Louis, Missouri, has 12 wolves, and 19 other animals are in five public and private zoos in the United States. The Fish and Wildlife Service has full responsibility for all of the red wolves in captivity, and from this captive group will come those animals selected for a reintroduction. A reintroduction project at the refuge requires the removal of 8 to 12 animals from the captive program over a period of 12 months. Animals selected for reintroduction to the wild will be flown to Norfolk, Virginia, in the fall and transported by truck to the refuge. Each pair will be placed in a 2,500-square foot acclimation pen for a period of six months. Acclimation pens will be isolated and provided maximum protection. During their acclimation each animal will be fitted with a radio collar and a capture collar to allow the animals time to adjust to the collars and also to insure the quick retrieval of any animals if this proves necessary.

During the early spring months of 1987, three pairs of mated, acclimated red wolves will be released on a 2-week staggered schedule. They will be closely monitored via telemetry tracking for the first 4 to 6 weeks, then the frequency of monitoring will be gradually reduced after each pair has established a home range on the refuge. If these initial releases are judged successful, two more mated pairs will be released on the refuge the following spring (1988) after going through the acclimation process. It is anticipated that the refuge and adjacent U.S. Air Force lands could eventually sustain a red wolf population of about 25 to 35 animals.

Status of Reintroduced Populations

This reintroduced population of red wolves is designated as a nonessential experimental population according to the provisions of section 10(j) of the Act. The experimental population status means the reintroduced population will be treated as a threatened species, rather than an endangered species, for the purposes of sections 4(d) and 9 of the Act, which regulate taking, and other actions. This enables the Service to adopt a special rule which is less restrictive than the mandatory prohibitions covering endangered species, if there is a management need for more flexibility and the resulting protections are necessary and advisable for the conservation of the red wolf. The Service recognizes that circumstances could arise whereby a person engaged in an otherwise lawful activity such as hunting or trapping, might accidently take a red wolf despite the exercise of reasonable due care. Where such a taking was unavoidable, unintentional, and did not result from negligent conduct lacking reasonable due care, the Service believes that no legitimate conservation purpose would be served by bringing an enforcement action under the ESA. Therefore, upon investigation of a taking, the Service would not prosecute anyone under such circumstances. In addition, red wolves can be taken in defense of human life (though such circumstances are considered extremely unlikely to occur), provided the taking is immediately reported to the Refuge Manager. Service and State employees and agents would be additionally authorized to take animals which are responsible for depredations to livestock or property by means which might involve injury or death only if it has not been possible to eliminate such threat by live capturing and releasing the red wolf unharmed on the refuge. These flexible rules are considered a key to public acceptance of the reintroduced population. The State of North Carolina has regulatory authority to protect and conserve the species, and we are satisfied that the State's regulatory system for recreational activities is sufficient to provide for conservation of the red wolf. No additional Federal regulations are needed.

The nonessential status is appropriate for the following reasons: Although extirpated from the wild, the red wolf, nevertheless, is secured in seven widely separate captive breeding programs and zoos in the United States. The existing captive population totals 80 animals, with over half this number in the U.S. Fish and Wildlife Service's captive breeding program in the State of Washington, and the other animals scattered in six facilities in Louisiana, Texas, Missouri, Florida, and New York. Given the health checks and careful monitoring that these animals receive, it is highly unlikely that disease or other natural phenomena would threaten the survival of the species. Furthermore, the species breeds readily in captivity; only five members of the existing captive population were wild caught, with all the others born since 1977 to captive pairs. Therefore, the taking of 8 to 12 animals from this captive assemblage would pose no threat to the survival of the species even if all of these animals, once placed in the wild, were to succumb to natural or man-caused factors.

The management advantage from the nonessential status comes from the fact that it would change the application of section 7 of the Act (interagency consultation) to the reintroduced population. Off of the refuge (*i.e.*, on the Dare County Bombing Range or on private lands), the nonessential experimental population would be treated as if it were a species proposed for listing, rather than a listed species. This means that only two provisions of section 7 would apply on these non-Service lands: Section 7(a)(1), which authorizes all Federal agencies to establish conservation programs; and section 7(a)(4), which requires Federal agencies to confer informally with the Service on actions that are likely to jeopardize the continued existence of the species. The results of a conference are only advisory in nature; agencies are not required to refrain from commitment of resources to projects as a result of a conference. There are in reality no conflicts envisioned with any current or anticipated management actions of the Air Force or other Federal agencies in the area. The presence of the bombing range is in fact a benefit, since it forms a secure buffer zone between the refuge and private lands; the target areas that are actually fired into, as previously discussed, would be easily avoided by the wolves. Thus there would be no threats to the success of the reintroduction project or the overall continued existence of the red wolf from these less restrictive section 7 requirements.

On the Alligator River National Wildlife Refuge, on the other hand, the experimental population would continue to receive the full range of protections of section 7. This would prohibit the Service or any other Federal agency from authorizing, funding, or carrying out an action on the refuge which is likely to jeopardize the continued existence of the red wolf. Service regulations at 50 CFR 17.83(b) specify that section 7 provisions shall apply collectively to all experimental and nonexperimental populations of a listed species, rather than solely to the experimental population itself. The Service has reviewed all ongoing and proposed uses of the refuge, including traditional trapping and hunting with or without dogs, and found that none of these would jeopardize the continued existence of the red wolf, nor would they adversely affect the success of the reintroduction effort.

Location of Reintroduced Population

Since the red wolf is recognized as extinct in the wild, this reintroduction site fulfills the requirement of section 10(j) that an experimental population be

geographically isolated and/or easily discernible from existing populations. As previously described, the release sites are in the Alligator River National Wildlife Refuge in Dare County, North Carolina, in the extreme northeast corner of the State, just inland from the Outer Banks. The experimental population designation is also being extended to Tyrrell County (which includes a small portion of the Refuge lying west of the Alligator River) as well as the adjacent Washington and Hyde Counties.

Management

This reintroduction project will be undertaken by the Service. Present plans call for the acclimation of wolves for 6 months in captive pens on the refuge, followed by release of six animals in the spring of 1987, and if that is successful, by the release of two additional pairs the next spring. Animals released will be adult, previously mated pairs. Releases will be staggered at 2-week intervals. Reintroduced animals will be closely monitored via telemetry during the first 3 to 5 weeks following release. After this initial monitoring phase, periodic checks will be made to determine if established home ranges are being maintained. It is anticipated that, because of the size and habitat characteristics of the reintroduction area, animals will remain within the boundaries of the refuge and adjacent military lands. The public will be instructed to immediately report any observation of a red wolf off Federal lands to the refuge manager. The Service will then take appropriate actions to recapture and return the animal to the refuge.

Take of animals by the public will be discouraged by an extensive information and education program and by the assurance that all introduced animals will be radio-collared and, thus easy to locate if they leave the refuge. The public will be encouraged to cooperate with the Service in attempts to maintain the animals on the release site. In addition, there will be no penalty for taking a red wolf where the take, incidental to an otherwise lawful activity was unavoidable, unintentional, and did not result from negligent conduct lacking reasonable due care, provided the taking is immediately reported to the refuge manager. Service and State employees and agents would be additionally authorized to take animals which need special care or which are responsible for depredation to livestock or property only if it has not been possible to eliminate such threat by live capturing and releasing the specimen unharmed on the refuge. Take procedures in such instances would involve live capture and removal to a remote area, or if the animal is clearly unfit to remain in the wild, return to the captive breeding facility. Killing of animals would be a last resort; lethal takes are authorized only if live capture attempts failed or there was some clear danger to human life. These flexible rules are considered a key to public acceptance of the reintroduced population.

Utilizing information gained from this initial 5-year period, an overall assessment of the success of the reintroduction will be made at the end of the fifth year. This assessment will include public meetings in the Dare County area to ascertain public attitudes that have developed toward the red wolf. In consultation with the North Carolina Wildlife Resources Commission, a determination will then be made regarding the future management of wolves that leave the refuge/bomb range area. This assessment will provide the Service the information needed to initiate the next management phase for the Alligator River population and to consider additional red wolf introductions in accordance with the recovery goals identified for this species.

This reintroduction is not expected to conflict with existing or proposed human activities or hinder the utilization of the Alligator River National Wildlife Refuge by the public. Additionally, the presence of these animals is not expected to impact the ongoing activities designated for this national wildlife refuge. Utilization of the refuge for the establishment of a red wolf population is consistent with the legal responsibility of the Service to enhance the wildlife resources of the United States.

As described above, no extant populations are available to provide animals for this reintroduction. Therefore, the Service believes that this reintroduction will result in the establishment of the only viable wild population. With a successful reintroduction, the Service can begin to consider additional sites and proceed with the expectation that recovery of this species is attainable. In addition, there are no existing or anticipated Federal and/or State actions identified for this release site which are expected to affect this experimental population. For all of these reasons, the Service finds that the release of an experimental population of red wolves will further the conservation of this species. *See* ESA, section 10(j)(2)(A); 50 CFR 17.81(b).

On July 24, 1986, the Service published, in the **Federal Register** (51 FR 26564), a proposal to introduce mated pairs of red wolves into the Alligator River Refuge and to determine this population to be a nonessential, experimental population according to section 10(j) of the Endangered Species Act of 1973 (ESA), as amended. That proposal provided information on the species' biology, status, and recovery potential, as well as possible implications of reintroducing the red wolf to the refuge.

Summary of Comments and Recommendations

In the July 24, 1986, proposed rule (51 FR 26564) all interested parties were requested to submit comments that might contribute to the development of a final decision on the proposed rule. Appropriate State and Federal agencies, scientific and environmental organizations, and other interested parties were contacted and requested to comment. A 45-day comment period was provided. A total of 12 letters were received. Specific issues addressed by the commenters and the Service response to each are presented below.

1. General Comments of Support

The Edison Electric Institute commented that they support the reintroduction effort and expressed the opinion that the red wolf project should be a model for reintroduction of other endangered species.

The Tennessee Valley Authority expressed their support for the reintroduction, stressing the importance of the 1982 Amendment to the Endangered Species Act which allows for the experimental designation of animals selected for reintroduction.

The Secretary of the North Carolina Department of Natural Resources and Community Development expressed his agency's support for the project and underscored his view that the effort will provide not only a positive impact on the preservation of the red wolf, but also a greater goal, which is education. His letter went on to underscore the vital role that captive environments such as zoos can play in the preservation of species. The importance of captive programs in many endangered species endeavors was also voiced by the American Association of Zoological Parks and Aquariums and by the Point Defiance Zoo and Aquarium in Tacoma, Washington.

Response: The Service strongly concurs with the key role of zoos and other captive breeding programs in endangered species management, and

the importance of the experimental population provisions added to the Act in 1982 in fostering endangered species conservation.

2. Comments Concerning Taking of Red Wolves

The Defenders of Wildlife, the National Audubon Society, The Humane Society of the United States and the National Wildlife Federation each expressed strong support for the proposal, but objected to the proposed incidental take provision as being both unnecessary and subject to misinterpretation. These organizations shared the view that this language could be construed to mean that the Service would invite or condone the indiscriminate killing of red wolves.

Response: After reconsideration of this issue, the Service agrees that the language in the proposed special rule is difficult to interpret, although the coverage of the incidental take exception in proposed § 17.84(c)(4)(i) was clearly intended by the Service to be limited to unintentional taking that results from otherwise lawful recreational activities. The Service did not intend to allow indiscriminate killing of red wolves through the language of its proposed rule. Nevertheless, to avoid any possible confusion, the special rule has been revised to delete this language. Instead, the enforcement policy of the Service with regard to the accidental taking of a red wolf has been clarified in the preamble to this final rule (see "Background" section). In essence, there will be no penalty where the take of a red wolf, incidental to an otherwise lawful activity, was unavoidable, unintentional, and did not result from negligent conduct lacking reasonable due care, provided the taking is immediately reported to the refuge manager.

The Wildlife Information Center requested that only live traps be used should it be necessary for the Service to remove wolves from the project area.

Response: The Service will make every effort to keep red wolves on the refuge, but if an animal leaves the refuge/bombing range area, the Service intends to recapture it and return it to captivity, utilizing the capture collar that each animal will wear upon release. Upon receiving a coded radio signal, this collar is activated, the wolf is sedated, and then the animal is located by radio transmitter signal. Should the capture collar fail, individual animals would be tracked by transmitter and darted utilizing a standard gas powered capture gun. The use of live traps in this particular habitat type, coupled with a high black bear population, would be cost prohibitive and inefficient. A basic premise adopted by the Service for this project is that when a red wolf must be recaptured, it should be done as quickly and humanely as possible.

The North Carolina Farm Bureau stated that livestock owners should be allowed to take red wolves that are engaged in livestock depredation, rather than having to wait for a Fish and Wildlife Agent or State Wildlife Conservation Officer to prove that depredations were actually occurring.

Response: Since an ample prey base exists on the refuge/bomb range area, the Service sees very little likelihood of conflicts with the small amount of livestock which exists in Dare County. In the unlikely event one or more red wolves should stray far enough from the refuge to encounter livestock, the Service would ask that local farmers immediately contact the refuge manager. However, if one or more red wolves are actually preying on livestock, Service or State employees would be empowered to take the offending animals. Furthermore, nothing in the proposed rule was intended to interfere with a livestock owner actually protecting his property from other predators such as wild dogs, which are a much more probable threat than red wolves.

3. Comments Concerning Hunting and Trapping on the Refuge

The Executive Director of the North Carolina Wildlife Resources Commission expressed the support of his agency for the project so long as traditional hunting and trapping on the refuge is permitted.

The Humane Society of the United States expressed opposition to hunting and trapping on the refuge after red wolves are released. Similarly, the Wildlife Information Center stated that since the Service could not guarantee that red wolves will not be shot or accidentally trapped, all hunting and trapping should be prohibited.

The Defenders of Wildlife cautioned that the Service may have been premature to judge that no traditional uses of the refuge would jeopardize the wolves or interfere with the success of the project.

Response: The Service's underlying philosophy regarding the compatibility of the red wolf reintroduction and traditional recreational uses of the refuge is based on both immediate and long-term conservation needs. First of all, the whole intent of the experimental population provision of the Act is to eliminate the requirement for absolute protection of reintroduced animals, in order to foster the chances of reintroduction. The insistence of a guarantee that no animals will ever succumb to man-caused factors could preclude the use of this innovative provision of the Act. Without management flexibility, the current reintroduction effort would be much less likely to succeed. The Service's second premise deals with the long-term prospects this species has for recovery in the wild. The recovery plan calls for establishment of three self-sustaining populations before the species can be considered for possible downlisting. If traditional uses of the refuge have to be significantly modified or altered to accommodate red wolves, it is going to be very difficult, if not impossible, to approach other public land management agencies to permit wolf reintroductions on their lands. The best information indicates that known uses such as hunting and trapping are compatible with red wolf introduction. As information is gathered during the monitoring of released wolves, we will continue to evaluate the compatibility of these uses with the needs of the red wolf and make appropriate determinations.

4. Comments Regarding Removal of Wolves From the Captive Population

The Wildlife Information Center expressed concern over the number of red wolves (8–12) proposed for removal from the total captive population of 63 animals; they suggested that no more than six captive red wolves be selected for the project.

The National Wildlife Federation expressed a related concern that the Service may be overoptimistic in concluding that all animals can be quickly replaced through captive breeding, since it has taken 10 years to build up the current captive population; they urged the Service to minimize losses of released wolves rather than to rely on supplementing the reintroduced population with additional captive red wolves.

Response: The Service is confident that any wolves lost in the reintroduction attempt at Alligator River Refuge can be replaced in the next breeding season. The Service currently plans to limit releases to no more than 12 animals. This number is based on a proportion of the predicted eventual population the area will sustain (25 to 35 animals of all age classes), which in turn reflects the magnitude of the available prey base, the acreage available to the project, and the approximate home range of the animals, as determined in Texas and Louisiana during the late 1970s by radio telemetry investigations. The reproductive vigor of the red wolf has been amply demonstrated at the

Services' captive breeding project in Washington State and at other captive facilities; in fact, since publication of the proposed rule, the captive breeding program has produced 17 additional offspring, bringing the present captive population to 80 red wolves in the program nationwide. Furthermore, the overall captive population size could be even greater, except that it has been necessary to suppress reproduction in order to keep numbers within the capability of current facilities. Thus the Service has carefully evaluated the numerical status of this species and has determined that the taking of 8 to 12 animals from this captive assemblage would pose no threat to the survival of the species, even if all of these animals succumb to natural or man-caused factors.

5. Comments on Ecological Suitability of the Refuge to Support Red Wolves

The President of the North Carolina Farm Bureau Federation stated his view that ". . . the introduction of another predator into the refuge would be a mistake, and that the impact that this would have on other wildlife populations in the area (such as black bears) has not been fully considered." The American Farm Bureau similarly noted that there has been no determination of the effects of the red wolf reintroduction ". . . on all wildlife and plants within the 'food chain.' "

Response: Although little factual data is available regarding the interactions of red wolves and black bears, there is abundant evidence that black bears and gray wolves coexist in harmony in Minnesota and throughout Canada and Alaska. More generally, based on previous trial releases of red wolves in South Carolina in 1976 and 1978 and on the limited historical knowledge of the species in Louisiana and Texas, the Service does not expect the red wolf to disrupt any of the dynamic natural process on the refuge. During the 6-month acclimation period, surveys of pre-release biomass will be conducted in various habitat types on a per acre basis. After the wolves are released, these surveys will be duplicated and trends, if any, determined.

The American Farm Bureau expressed concerns that the Service had no data, but had only made a guess, about whether there is an adequate prey base to support a population of red wolves on the refuge. It also questioned whether the refuge is within the historic range of the red wolf and whether the habitat is suitable for the species, requesting the Service to specify how much of the total acreage is actually usable.

Response: The Service has conducted extensive small mammal surveys on portions of the refuge, especially in habitats that appeared to sustain a low density of probable prey species, such as the large acreage of pond pine pocosin north of U.S. 64. This habitat type was found to sustain at least moderate populations of white-footed and golden mice, southeastern shrews, marsh rabbits, and gray squirrels. This area is also inhabited by a fair population of bobcats. Other portions of the refuge tend to have more edge effect and thus carry higher populations of marsh rabbits and a variety of other small mammals which would serve as a substantial prey base for the red wolf.

Regarding historic range of the species, current investigations have determined that the red wolf occurred within recent historic time as far north along the Atlantic seaboard as Delaware and southeastern Pennsylvania. In terms of habitat suitability, the limited available historical information indicates the red wolf preferred areas with thick understory. In earlier times these were overflow river swamps with extensive canebrakes and associated vegetation. Habitats found within the Alligator River Refuge typify this habitat type to a large degree. About 70 percent of the refuge is made up of impenetrable pocosins of various types, and 20 percent or so is fresh water swamp habitat along the Alligator River. The remaining habitat of the refuge is made up of a pine ridge, roads, streams, and small clearings. The Service expects the red wolf to utilize all of these habitats but primarily to utilize the thick pocosins, which total more than 100,000 acres in the refuge/bombing range complex.

6. Comments on Documentation and Public Notification of the Proposal

The American Farm Bureau objected to the fact that the Service has not prepared a "legally sufficient biological assessment" for the project.

Response: The Service believes that the Farm Bureau has misunderstood the nature of such a document. Under 50 CFR 402.12(b)(1) [see 51 FR 19926, 19960 (June 3, 1986)] a biological assessment must be prepared for any Federal action that is a major *construction* activity prior to entering into consultation under section 7(a)(2). Such a document has no relationship to the process of designating an experimental population or reintroducing red wolves under section 10(j) of the Act, because the establishment of *this* experimental population does not involve construction activities that fall within the definition of "major construction activity," nor does this rule constitute a "major Federal action" for purposes of the National Environmental Policy Act. See 50 CFR 401.02 [51 FR 19926, 19958 (June 3, 1986)]. If the Farm Bureau's intent was to refer to general biological studies of the suitability of the area, the Service reviewed all available information on refuge habitats and red wolf habits, conducted studies of the prey base on the refuge, and consulted wolf experts prior to preparation of the proposal, to insure that there is a scientific consensus that the refuge is indeed suitable for a red wolf reintroduction. These are documented in the Service's technical proposal.

The American Farm Bureau went on to express the opinion that the Service had not adequately considered State and local laws and the impact on local agricultural interests. It also stated that the draft environmental assessment should have received wider distribution to possible affected agencies and agricultural interests within the State.

Response: The project has been carefully reviewed at various levels within the State government of North Carolina. The Wildlife Resources Commission has been aware of the proposal from its inception, and the project has been presented twice in detail to the wildlife commissioners at scheduled meetings with agendas publicized in advance. The Service consulted in detail with the North Carolina Commissioner of Agriculture and with other staff of the State Department of Agriculture. Staff of the Animal and Plant Health Inspection Service of the Federal Department of Agriculture (which is responsible for animal damage control activities) were likewise consulted. At the local level, the Dare County Commissioners have reviewed the project and publicly voted to support the proposal. No State or local entity has advised the Service of any laws that this proposal would violate. Regarding the environmental assessment, the announcement of its availability was included in the proposed rule, copies of which were provided to numerous interested parties throughout the State. Two requests for copies of the environmental assessment were received, and copies were provided. As noted elsewhere in this rule, the Service has determined that this action is not a major Federal action necessitating the preparation of an Environmental Impact Statement.

7. Other Red Wolf Protection Issues

The National Wildlife Federation also urged the Service to closely monitor the

wolves and their offspring for diseases, such as distemper and canine parvo virus, that can be transmitted to the wolves from domestic dogs on the refuge; expressed concerns about releases of deer dogs near red wolf acclimation-release sites during the hunting season; and suggested that speed limit warning signs and "rumble strips" be installed on portions of State Highways 64 and 264 within the refuge to alert motorists of the possible presence of red wolves in the area.

Response: The Service agrees with the intent of each of these comments. Close monitoring of wolves and their offspring for diseases, injuries, behavioral abnormalities, and other problems will be a routine part of the reintroduction. Access to the acclimation/release site areas will be limited within a one-half mile radius of each site. Regarding measures to limit speeds on highways, the Service agrees conceptually with these suggestions, and will discuss the issues with the North Carolina Department of Transportation.

The National Wildlife Federation also expressed concern over the use of language in the proposal that perpetuates the fallacy that wolves are a threat to human life, and recommended that the Service delete all references in the final regulation to "life threatening" conflicts.

Response: The Service certainly agrees that red wolves released into the refuge for the reintroduction attempt will in reality never prove a threat to any humans in the area. In fact, as the results of the 1978 experiment in South Carolina showed, it is very likely that humans will rarely, if ever, even *see* red wolves in the vast and impenetrable habitat of the refuge. However, as noted previously, under some circumstances it might be difficult or impossible to distinguish a red wolf from a more realistic threat, a feral dog. The Service will expect that a person in such circumstances will use all reasonable means to avoid a response not proportionate to the perceived threat, but in a potentially life-threatening situation the Service does not expect a person to hesitate in self-defense or defending others while attempting to make an identification of the animal. A related consideration for the Service in developing the special rule has been the need to foster public acceptance of the red wolf population. The knowledge people have about the degree of threat posed by a red wolf still varies widely. At the end of the 5-year experimental phase of the project, the Service will be most interested in assessing changes in public attitude regarding wolves. During the interim, the Service is of the opinion that the language as expressed in the proposed rule should be retained.

National Environmental Policy Act

An environmental assessment under NEPA has been prepared and is available to the public at the Service's Asheville Field Office (see **ADDRESSES** section), Atlanta Regional Office (see **FOR FURTHER INFORMATION CONTACT** section), or the Office of Endangered Species, 1000 N. Glebe Road, Arlington, Virginia 22201 (202/235–2760). It has been determined that this action is not a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (implemented at 40 CFR Parts 1500 through 1508).

Executive Order 12291, Paperwork Reduction Act, and Regulatory Flexibility Act

The U.S. Fish and Wildlife Service has determined that this is not a major rule as defined by Executive Order 12291; that the rule would not have a significant economic effect on a substantial number of small entities as described in the Regulatory Flexibility Act (Pub. L. 96–354). The introduction site occurs within 15 miles of Atlantic Ocean resorts in a region along the Outer Banks that can be considered a high use area for vacations and wildlife enthusiasts. However, the mainland portion of Dare County is not in the vicinity of a high concentration of year-round inhabitants. The refuge has been set aside by the Federal government for wildlife use. The introduction of a nonessential experimental population into this refuge and the use by these animals of adjacent Federal lands is compatible with current utilization of the refuge and adjacent Federal lands and is expected to have no adverse impact on public use days. It is reasonable to expect some increase in visitor use of the refuge after the release of the red wolves. No private entities will be affected by this action. The rule as presented does not contain any information collection or record keeping requirements as defined in the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

Authors

The principal authors of this rule are Warren T. Parker, Endangered Species Field Office, Asheville, North Carolina (704/259–0321), Marshall P. Jones, Atlanta Regional Office, Atlanta, Georgia (404/331–3583), and Peter G. Poulos, Office of Endangered Species, Washington, DC (202/235–2760).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Regulation Promulgation

PART 17—[AMENDED]

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the U.S. Code of Federal Regulations, is hereby amended as set forth below:

1. The authority citation for Part 17 continues to read as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; and Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. Section 17.11(h) is amended by revising the entry for this "red wolf" species to read as shown below:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
MAMMALS							
*	*	*	*	*	*		
Red wolf	*Canis rufus*	U.S.A. (SE U.S.A., west to central TX).	Entire except Dare, Tyrrell, Hyde, and Washington Counties, NC.	E	1	NA	NA
Do	do	do	U.S.A. NC-Dare, Tyrrell, Hyde, Washington Cos.	XN		NA	17.84(c)
*	*	*	*	*	*		

3. Section 17.84 is amended by adding new paragraph (c) as follows:

§ 17.84 Special rules—vertebrates.

* * * * *

(c) Red wolf (*Canis rufus*). (1) The red wolf population identified in paragraph (c)(9) of this section is a nonessential experimental population.

(2) No person may take this species, except as provided in paragraphs (c)(3) through (5) and (10) of this section.

(3) Any person with a valid permit issued by the Service under § 17.32 may take red wolves for educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act and in accordance with applicable State fish and wildlife conservation laws and regulations;

(4) Any person may take red wolves in defense of that person's own life or the lives of others, *Provided* that such taking shall be immediately reported to the refuge manager, as noted in paragraph (c)(6) of this section.

(5) Any employee or agent of the Service or State conservation agency who is designated for such purposes, when acting in the course of official duties, may take a red wolf if such action is necessary to:

(i) Aid a sick, injured, or orphaned specimen;

(ii) Dispose of a dead specimen, or salvage a dead specimen which may be useful for scientific study;

(iii) Take an animal which constitutes a demonstrable but nonimmediate threat to human safety, or which is responsible for depredations to lawfully present domestic animals or other personal property, if it has not been possible to otherwise eliminate such depredation or loss of personal property, *Provided* that such taking must be done in a humane manner, and may involve killing or injuring the animal only if it has not been possible to eliminate such threat by live capturing and releasing the specimen unharmed on the refuge.

(6) Any taking pursuant to paragraphs (c)(3) through (5) must be immediately reported to the Refuge Manager, Alligator River National Wildlife Refuge, Manteo, North Carolina, telephone 919/473-1131, who will determine disposition of any live or dead specimens.

(7) No person shall possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever, any such species taken in violation of these regulations or in violation of applicable State fish and wildlife laws or regulations or the Endangered Species Act.

(8) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (c) (2) through (7) of this section.

(9) The site for reintroduction of red wolves is within the historic range of the species in the State of North Carolina, on the Alligator River National Wildlife Refuge, Dare County; the adjacent Tyrrell, Hyde, and Washington Counties are also included in the experimental population designation. The red wolf is otherwise extirpated from the wild, so there are no other extant populations with which this experimental population could come into contact.

(10) The reintroduced population will be continually monitored closely during the life of the project, including the use of radio telemetry as appropriate. All animals will be vaccinated against diseases prevalent in canids prior to release. Any animal which is sick, injured, or otherwise in need of special care, or which moves off Federal lands, will be immediately recaptured by the Service and given appropriate care. Such an animal will be released back to the wild on the refuge as soon as possible, unless physical or behavioral problems make it necessary to return the animal to a captive breeding facility.

(11) The status of the population will be reevaluated within 5 years of the effective date of this regulation to determine future management status and needs. This review will take into account the reproductive success of the mated pairs, movement patterns of individual animals, food habits, and the overall health of the population.

Dated: October 24, 1986.

Susan Recce,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 86-26048 Filed 11-18-86; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611, 672, and 675

[Docket No. 51180-5180]

Foreign Fishing; Groundfish of the Bering Sea and Aleutian Islands Area, and the Gulf of Alaska; Inseason Adjustments

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of inseason adjustments.

SUMMARY: NOAA announces the apportionment of amounts of the Alaska groundfish reserves to supplement domestic annual harvest (DAH) and total allowable level of foreign fishing (TALFF) of certain groundfish species under provisions of the fishery management plans (FMPs) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and the Groundfish Fishery of the Gulf of Alaska. The intent of this action is to assure optimum use of all Alaskan groundfish species.

DATES: Effective November 14, 1986. Comments will be accepted December 1, 1986.

ADDRESSES: Comments should be mailed to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service (Regional Director), P.O. Box 1668, Juneau, Alaska 99802, or be delivered to Room 453, Federal Building, 709 West Ninth Street, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Janet Smoker (Resource Management Specialist, Alaska Region, NMFS), 907-586-7229.

SUPPLEMENTARY INFORMATION:

Background

Bering Sea and Aleutian Islands Area (BSA)

The total allowable catches (TACs) for various groundfish species are established under the FMP which was developed by the North Pacific Fishery Management Council under the Magnuson Fishery Conservation and Management Act and is implemented by regulations appearing at 50 CFR 611.93 and Part 675. The TACs are apportioned