

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that all small entities are not unnecessarily and disproportionately burdened by Government regulations. The RFA requires agencies to review rules which may have "a significant economic impact on a substantial number of small entities."

Under the criteria of the Regulatory Flexibility Act, the FAA has determined that the proposed rule would not have a significant economic impact on a substantial number of small entities.

Since the Act applies to U.S. entities, only U.S. manufacturers of transport category airplanes would be affected. In the United States, there are two manufacturers that specialize in commercial transport category airplanes. The Boeing Company and the McDonnell Douglas Corporation. In addition, there are a number of general aviation (GA) entities that manufacture other transport category airplanes such as large business jets, including Cessna Aircraft, and Gates Lear Jet.

The FAA size threshold for a determination of a small entity for U.S. airplane manufacturers is 75 employees; any U.S. airplane manufacturer with more than 75 employees is considered not to be a small entity. None of the transport category airplane manufacturers is known to be a small entity. Thus, there would not be a significant economic impact on a substantial number of small entities as the result of the implementation of this proposal.

International Trade Impact Statement

The proposed rule is not expected to have an adverse impact either on the trade opportunities of U.S. manufacturers of transport category airplanes doing business abroad or on foreign aircraft manufacturers doing business in the United States. Since the certification rules are applicable to both foreign and domestic manufacturers,

which sell in the United States, there would be no competitive trade advantage to either.

Federalism Implications

The regulations proposed herein would not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Conclusion: For the reasons given above, the FAA has determined that this proposed regulation is not considered to be major under Executive Order 12291, or significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 28, 1979). In addition, the FAA certifies that this proposed rule, if promulgated, would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, since none would be affected.

List of Subjects in 14 CFR Part 25

Air transportation, Aircraft, Aviation safety, Cowling, Cowl latches, Safety.

The Proposed Amendment

Accordingly, the FAA proposes to amend part 25 of the Federal Aviation Regulations (FAR), 14 CFR part 25, as follows:

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

1. The authority citation for part 25 continues to read as follows:

Authority: 49 U.S.C. 1344, 1354(a), 1355, 1421, 1423, 1424, 1425, 1428, 1429, 1430; 49

U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 49 CFR 1.47(a).

2. By amending § 25.1193 by adding new paragraphs (f) and (g) to read as follows:

§ 25.1193 Cowling and nacelle skin.

* * * * *

(f) Each retention system for a removable or openable cowling must—
(1) Have a means to lock each cowling to prevent inflight opening which results from mechanical failure or failure of a single structural element, either during or after closure.

(2) Be designed and constructed to withstand the effects of the following conditions after failure or improper fastening of any single latching device:

- (i) Vibration,
- (ii) Inertial loads,
- (iii) Over-pressure and normal air loads, and
- (iv) Thermal conditions due to an engine compartment fire.

(3) Have a provision for direct visual inspection of the retention mechanism to verify the cowling is fully closed and locked. The provisions must be discernible under operational lighting conditions by appropriate crewmembers using a flashlight or equivalent lighting source.

(g) For any cowling, the opening of which could preclude continued safe flight and landing, there must be a visual warning means in the cockpit to alert the flightcrew before takeoff that the cowling is not properly closed and locked. The cowling must be designed so that opening in flight is extremely improbable.

Issued in Washington, DC, on September 13, 1989.

Daniel P. Salvano,
Acting Director, Aircraft Certification
Service.

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50 Federal Register

**Tuesday
September 19, 1989**

Part V

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

**Migratory Bird Hunting; Final Frameworks
for Late Season Migratory Bird Hunting
Regulations; Rule**

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 20]

RIN-1018-AA24

Migratory Bird Hunting; Final Frameworks for Late Season Migratory Bird Hunting Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes final late-season frameworks from which States may select season dates, limits and other options for the 1989-90 migratory bird hunting season. These late seasons include most waterfowl seasons, the earliest of which generally commence on or about October 1, 1989. The effects of this final rule are to facilitate the selection of hunting seasons by the States and to further the establishment of the late-season migratory bird hunting regulations for 1989-90. State selections will be published in the *Federal Register* as amendments to §§ 20.104 through 20.107 and § 20.109 of Title 50 CFR part 20.

EFFECTIVE DATE: This rule takes effect on September 19, 1989.

ADDRESSES: Send State season selections to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Room 634-Arlington Square, Washington, DC 20240. Comments received on the proposed late-season frameworks are available for public inspection during normal business hours in Room 634, Arlington Square Building, 4401 North Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Byron K. Williams, Acting Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Room 634-Arlington Square, Washington, DC 20240. Telephone (703) 358-1714.

SUPPLEMENTARY INFORMATION: The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds, to determine when, to what extent, and by what means such birds or any part, nest or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported or transported.

On March 27, 1989, the Service published for public comment in the *Federal Register* (54 FR 12534) a proposal to amend 50 CFR part 20, with comment periods ending July 23, 1989, for early-season proposals; and August 28, 1989, for the late-season proposals. The March 27 document dealt with the establishment of hunting seasons, hours, areas and limits for migratory game birds under §§ 20.101 through 20.107, 20.109 and 20.110 of subpart K. On July 6, 1989, the Service published in the *Federal Register* (54 FR 24290) a second document consisting of a supplemental proposed rulemaking dealing with both the early- and late-season frameworks. On July 13, 1989, the Service published for public comment in the *Federal Register* (54 FR 29640) a third document consisting of a proposed rulemaking dealing specifically with frameworks for early-season migratory bird hunting regulations. On August 11, 1989, the Service published a fourth document (54 FR 32975) containing final frameworks for early migratory bird hunting seasons from which wildlife conservation agency officials from the States, Puerto Rico and the Virgin Islands selected early-season hunting dates, hours, areas and limits for 1989-90. The fifth document in the series, published August 18, 1989, in the *Federal Register* (54 FR 33721), deals specifically with proposed frameworks for the 1989-90 late-season migratory bird hunting regulations. On August 30, 1989, the Service published in the *Federal Register* (54 FR 36008) a sixth document consisting of a final rule amending subpart K of Title 50 CFR part 20 to set hunting seasons, hours, areas and limits for mourning, white-winged and white-tipped doves; band-tailed pigeons; rails; moorhens and gallinules; woodcock; common snipe; sea ducks in certain defined areas of the Atlantic Flyway; experimental September duck seasons in identified States; experimental and special September Canada goose seasons in portions of identified States; sandhill cranes in the Central and Pacific Flyways; doves in Hawaii; migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; and some extended falconry seasons. The seventh in the series is this document which establishes final frameworks for late-season migratory bird hunting regulations for the 1989-90 season.

Review of Comments and the Service's Response

Public hearing and written comments received through September 1, 1989, relating to proposed late season frameworks are discussed and addressed here. The comments are discussed in the same order as the

numbered items to which they apply. Only current numbered items are included. A continuous list of all the numbered items used in Service documents appeared in the March 27, 1989, *Federal Register* (54 FR 12534).

General Comments: The Wildlife Legislative Fund of America expressed gratification at the improved level of cooperation this year between the Service and the Flyway Councils in regard to migratory bird hunting regulations. However, one local organization expressed disappointment at the lack of cooperation.

Response: The Service recognizes the value of cooperation with the Flyway Councils, States, and all interested organizations and individuals. We will strive for improved relations and cooperation.

1. Shooting Hours

Public Hearing: Mr. Frank Anderson, representing the Concerned Coastal Sportsmen's Association, Mr. John Sawyer, representing the Western Massachusetts Duck Hunters Association, Mr. Jerry Woodmansee, representing the Andover Sportsmen's Club, Inc., Mr. Jim Yoos, representing the New Jersey Waterfowl Association, Mr. Bert Jones, representing the Louisiana Wildlife and Fisheries Commission, Mr. Randy Wheeler, representing the Wetlands Habitat Alliance of Texas, Mr. Leon Kirkland, representing the Atlantic Flyway Council, and Mr. Jim Phillips, writer and duck hunter, supported returning to shooting hours which begin at one-half hour before sunrise and extend to sunset. Mr. Doug Inkley, representing the National Wildlife Federation, cautiously supported the return to pre-sunrise shooting and Mr. George Reiger, an editor for *Field & Stream* magazine, supported the return only if additional restrictions in season length and bag limits are implemented. Mr. John M. Anderson, representing the National Audubon Society, requested that pre-sunrise shooting not be reinstated until it can be shown to have no adverse impact on the harvest of hen mallards and black ducks. Mr. Charles Potter, representing the North American Wildlife Foundation, recommended against the return to pre-sunrise shooting while Mr. John Grandy, representing the Humane Society of the United States, recommended that shooting hours be further restricted and not begin until one-half hour after sunrise.

Written Comments: A total of 251 letters were received from 241 individuals and organizations

concerning the proposed shooting hours. Of the 241 commenters (479 signatures), 225 (463 signatures) supported the Service's proposal for pre-sunrise opening. These included the Atlantic, Central and Pacific Flyway Councils; the Lower Region Regulations Committee of the Mississippi Flyway Council; the State wildlife agencies of Arizona, Arkansas, California, Colorado, Louisiana, Massachusetts, Mississippi, Missouri, Montana, New Mexico, New York, Oklahoma, and South Carolina; the California Fish and Game Commission; the Tourism Promotion Division of the North Dakota Economic Development Commission; the Texas Agricultural Extension Service; the Louisiana Wildlife Federation; the New York State Conservation Council; the Wetland Habitat Alliance of Texas; the Alaska, California, and South Carolina Waterfowl Associations; the Sportsmen Conservationists of Texas; 5 local organizations; 1 Congressman representing hunters in his District; and 192 individuals. Those opposing the Service's proposal were the Upper Region Regulations Committee of the Mississippi Flyway Council, the States of Illinois and Wisconsin, the Minnesota Waterfowl Association, the Fund for Animals, Inc., and 11 individuals. One local organization suggested opening shooting hours 15 minutes before sunrise for teal only. The Outdoor News magazine from Minnesota provided a partial summary of a printed questionnaire. They provide some interpretation of the unfinished survey indicating a slight preference for pre-sunrise shooting. Arguments presented in support of a pre-sunrise opening include:

a. Hunters value the pre-sunrise period and the suspension is eroding participation and support. Many duck species remain numerically low in 1989 and hunter participation is declining, partly due to the restrictive shooting hours. Although restrictive shooting hours may help reduce harvest somewhat, reduced hunter support results in less incentive for private management of wetlands and fewer funds available for habitat acquisition.

b. Suspension of pre-sunrise shooting will have uncertain impacts on the harvest and the harvest composition. Many fear that it will shift harvest from "early-flying" species, such as the wood duck, to "later-flying" species, such as mallards and pintails.

c. The Service accomplished more than its goal of a 25 percent reduction in 1988-89. Many commenters believe that the restrictive shooting hours are not necessary to continue to achieve this

goal, and further believe that restrictive shooting hours would save few ducks. Some commenters also mentioned that relatively small daily bag limits and a tendency to hunt later into the day will negate any "savings".

d. Restrictive shooting hours resulted in a loss of opportunity to harvest other species such as wood ducks and geese.

e. Many commenters said they would prefer other restrictions, such as a shorter season or smaller bag limits, to restrictive shooting hours.

f. The suspension will confound other regulatory evaluations.

g. The restriction will likely increase shooting-hour violations.

Those favoring the more restrictive sunrise opening felt that it does help to reduce harvest and aids species identification.

Response: The available evidence regarding the impact of shooting hours on harvest levels is unclear. Information from previous studies, summarized in a 1977 Environmental Assessment on shooting hours, indicates that only 12-15 percent of the duck harvest occurs during the one-half hour before sunrise. Assuming that some of this harvest would still occur after sunrise with restrictive shooting hours, this suggests that the impact on harvest reduction of restricting shooting hours to a sunrise opening likely is small. Further, the studies mentioned above also suggest that the impact of a later opening differs among species. For example, the proportion of harvest occurring during the one-half hour before sunrise was 25 percent for wood ducks (whose status is satisfactory) versus 12 percent for black ducks, 14 percent for redheads, and 7 percent for canvasbacks. This lends some support to the argument presented above that delaying the opening of shooting hours may shift hunting pressure toward species of greatest concern. Regardless of the time of day, species specific regulations place a burden of responsibility on hunters and they must choose whether to shoot or not.

Because of (1) the uncertainty about the impact of shooting hours on harvest, particularly among species, (2) the overwhelming sentiment among commenters favoring pre-sunrise shooting hours, and (3) other components of strategy to restrict harvest to levels comparable to last year. The Service believes it is appropriate to return to the one-half hour before sunrise opening of shooting hours for the 1989 hunting seasons.

2. Framework for Ducks in the Conterminous United States—Outside Dates, Season Length, and Bag Limits

a. Harvest Strategy

Public Hearing Comments: Mr. Frank Anderson, representing the Concerned Coastal Sportsmen's Association, Mr. John Sawyer, representing the Western Massachusetts Duck Hunters Association, Mr. Jerry Woodmansee, representing the Andover Sportsmen's Club, Inc., Mr. Jim Yoos, representing the New Jersey Waterfowl Association, and Mr. Leon Kirkland, representing the Atlantic Flyway Council argued that ducks harvested in the Atlantic Flyway are not derived from the drought stricken mid-continent region and that the flyway should not be subjected to the same harvest restrictions imposed on the Central and Mississippi Flyways. They maintain that populations breeding in eastern Canada and the northeastern States have not declined and are more productive than western populations; and as a result, express concern that the Service is managing duck populations with a "broad brush" approach rather than on a flyway basis. Mr. Randy Wheeler, representing the Wetlands Habitat Alliance of Texas, believed that the proposed regulations are overly restrictive. Mr. Bert Jones, representing the Louisiana Wildlife and Fisheries Commission, applauded the Service for not further reducing hunting opportunity and Mr. Mike Berger, representing Ducks Unlimited, Inc., stated that duck hunters are willing to take a conservative approach to harvest but that regulations should be based on sound biology. Mr. Doug Inkley, representing the National Wildlife Federation, Mr. Gary Myers, representing the Wildlife Society, and Mr. John M. Anderson, representing the National Audubon Society, supported maintaining the conservative duck regulations. Mr. John H. Vizer, III, representing the Berry B. Brooks Foundation, said that many people favor a complete closure of duck hunting, but indicated that such a closure may not generally be accepted and so he urged that the 1988 restrictive regulations be maintained in 1989. Mr. Charles Potter, representing the North American Wildlife Foundation, Mr. George Reiger, an editor for Field & Stream magazine, Mr. John Grandy, representing the Humane Society of the United States, and Mr. Jim Phillips, writer and duck hunter, recommended restricting regulations further in 1989.

Written Comments: A member of Congress from Massachusetts, the Atlantic Flyway Council, the State

wildlife agencies of Massachusetts and New York, the New York State Conservation Council, the New Hampshire Waterfowl Association, 3 local organizations and 4 individuals commented that harvest regulations for the Atlantic Flyway have been unnecessarily restrictive. Many of these asked that the Service consider a return to a 40-day season. They argue that there is no biological justification for imposing shorter seasons and impacting hunter participation when many of the ducks harvested in the Flyway breed in eastern Canada and the northeastern States and have not declined to the same extent as western breeding populations. They cite the improved population index of major dabbling and diving duck species during the mid-winter survey in the Flyway as evidence for more liberal season lengths and state that more than enough data is available to warrant a conservative 40-day season. In general, they express concern that the Service has ignored recommendations of the Atlantic Flyway Council and that the lack of fairness in setting regulations for the Atlantic Flyway will "continue to erode hunter support and cause further declines in duck stamp sales." The Central Flyway Council expressed support for the proposed frameworks but opposed the suspension of special harvest strategies. The Pacific Flyway Council stated that the restrictive regulations and the low fall flight contributed to the abandonment of waterfowl hunting in 1988 and may have damaged some States' ability to maintain waterfowl management programs and private sector support of wetland habitat. The States of California, Colorado, and South Carolina, the New York State Conservation Council, the California Waterfowl Association, 4 local organizations, and 10 individuals remarked that restrictions were excessive. The State of Missouri said restrictions were substantial and necessary, however, the Service should refrain from further modifications in 1989. If additional restrictions are warranted, they suggest the Service consider those regulations components that have the most predictable impact on harvest, such as season length and framework dates. The South Carolina Waterfowl Association was in favor of conservative, but not overly restrictive, regulations. The States of Minnesota and Wisconsin, the North Dakota Tourism Promotion, The Wildlife Management Institute, and 11 individuals supported restrictive regulations. The Minnesota Waterfowl

Association, the Fund for Animals, Inc., and 13 individuals recommended further restrictions. Many commenters were concerned that restrictive regulations were contributing to decreased hunter participation and a decline in duck stamp sales. They cited associated declines in financial support for waterfowl and less incentive for private land management efforts.

Response: In 1988, restrictive regulations and low population levels of ducks resulted in a harvest reduction of about 50 percent from the 1987 harvest level. The Service anticipates a fall flight in 1989 similar to that of 1988 and believes maintaining the harvest at reduced levels is appropriate considering the poor status of ducks. Harvest rates are higher in the Atlantic and Mississippi Flyways than in the Central and Pacific Flyways, and this is reflected in regulations that are more restrictive in the East. Little production data is available from outside the surveyed areas upon which to base management programs. Also, ducks migrating to the Atlantic Flyway originate both from within and outside the surveyed areas. The Service acknowledges the need for expanded population and production surveys to facilitate the management of waterfowl by individual flyways or population management units. The Service, in cooperation with Canadian interests, is striving to initiate breeding ground surveys in the currently unsurveyed portions of eastern Canada and northeastern United States. The Service is concerned about the decreased participation in duck hunting and does attempt to provide that amount of recreational opportunity that can be accommodated without damaging the resource. Our goal is to establish regulations that protect the breeding stock and yet provide sufficient recreational opportunity to retain hunters that support and fund habitat and management efforts. We recognize that for some, hunting opportunities are necessary incentives to maintain waterfowl habitats, while others would maintain habitat even during closed seasons. The Service appreciates the support for conservative frameworks and encourages the continued support for habitat management programs. The 1989 frameworks (framework dates, season length and bag limits) are essentially the same as those in effect during 1988-89.

b. Framework Dates

i. Opening and Closing Dates—Public Hearing Comments: Mr. Doug Inkley, representing the National Wildlife

Federation, recommended maintaining restricted framework dates with a closing date of January 7 for ducks in all flyways.

Written Comments: The Atlantic Flyway Council recommended that the regular season framework for ducks in the Atlantic Flyway open on October 1, 1989 and close on January 8, 1990. They stated that this earlier opening date will provide northern States increased opportunity to harvest birds produced in eastern areas and that continuing last years closing date will maintain restrictions on the harvest of prairie-produced birds in the southern portion of the flyway. The Upper Region Regulations Committee of the Mississippi Flyway Council, and the Pacific Flyway Council recommended framework dates of October 7 through January 7. The Lower Region Regulations Committee of the Mississippi Flyway Council recommended frameworks closing on January 14, 1990. The Central Flyway Council recommended that season framework dates should begin on the Saturday nearest October 1 (9/30/89) and on the Sunday nearest January 20 (1/21/90) as allowed for many years. The Colorado Division of Wildlife supported the Central Flyway Council recommendation for a floating framework and added that mid-latitude States with high elevations and early freeze-up are unduly restricted. The National Wildlife Federation supported the closing date of January 7. The States of Missouri and Wisconsin supported the Service proposal for framework dates. One individual from Virginia and one from Texas requested later framework dates.

Response: The period during which hunting seasons can be held is an important influence on harvest levels. In 1988, the Service further restricted framework dates as part of an overall regulations package designed to reduce harvest. Without this change in framework dates even greater restrictions in other regulations would have been necessary to reach the harvest reduction obtained. Framework dates for 1989, October 7 through January 7, are essentially the same as in 1988-89.

ii. Rest Days—Public Hearing Comments: Mr. Frank Anderson, representing the Concerned Coastal Sportsmen's Association, Mr. John Sawyer, representing the Western Massachusetts Duck Hunters Association, Mr. Jerry Woodmansee, representing the Andover Sportsmen's Club, Inc., and Mr. George Reiger, an editor for Field&Stream magazine

recommended compensatory days be given to States with prohibitions against hunting on Sundays.

Written Comments: Compensatory days were recommended by a member of Congress from Massachusetts and 3 individuals to make-up for days lost to hunting on Sundays due to State restrictions. Some individuals endorsed rest days. One individual recommended hunting on Wednesdays through Saturdays only, 1 individual recommended no hunting on Wednesdays and Sundays, and another recommended no hunting on Mondays or Thursdays.

Response: It is noted that the rest days that result because of no Sunday hunting may not represent a reduced harvest of waterfowl. In fact, rest days are a well recognized harvest management techniques and many gunning clubs, private properties, and State-managed areas regularly institute rest days and half-day shooting to hold birds and prolong and increase harvest opportunities. Under these circumstances, it does not appear that States that ban Sunday hunting are at a disadvantage in terms of waterfowl harvest. The Service has addressed a ban on Sunday hunting previously and continues to believe that the loss of opportunity because of a State restriction is a matter for local resolution. In regard to allowing additional days for closed periods during an open season, such an adjustment is considered a form of season splitting. The Service currently allows a maximum of 3 splits in Atlantic and Central Flyway States in lieu of zoning and only 2 splits in all States that zone. The Service does not offer compensatory days.

c. Season Length

Public Hearing Comments: Mr. Frank Anderson, representing the Concerned Coastal Sportsmen's Association, Mr. John Sawyer, representing the Western Massachusetts Duck Hunters Association, Mr. Jerry Woodmansee, representing the Andover Sportsmen's Club, Inc., Mr. Jim Yoos, representing the New Jersey Waterfowl Association, and Mr. Leon Kirkland, representing the Atlantic Flyway Council, recommended a 40-day season for the Atlantic Flyway. Mr. George Reiger, an editor for Field & Stream magazine, recommended a 20-day season and Mr. Jim Phillips, writer and duck hunter, recommended a 21-day season.

Written Comments: The Atlantic Flyway Council recommended a 40-day season in that Flyway and stated that this season length would represent a compromise between a desire for

increased harvest in the northern end of the flyway and continued conservative harvest in the southern end of the flyway. The Lower Region Regulations Committee of the Mississippi Flyway Council supported continuation of last year's season lengths. The Pacific Flyway Council presented a package that would allow States an option of 7 additional days in lieu of other options, but otherwise supported continuations of the 1988 season lengths. The Colorado Division of Wildlife recommends using season length for making adjustments in harvest when it is backed up by solid data. The South Carolina Waterfowl Association recommends using season length to achieve reductions in harvest if that action is needed. Many other commenters remarked that season length was a preferred regulatory mechanism for controlling harvest. The State wildlife agencies of Massachusetts and New York, the New York State Conservation Council, the California and New Hampshire Waterfowl Associations, 3 local organizations, and 6 individuals recommended longer duck hunting seasons. The States of Missouri and Wisconsin and 2 individuals supported the proposed season lengths; while 4 individuals recommended shorter seasons. In addition, the Arkansas Game and Fish Commission made a proposal for forfeiting afternoon hunting in exchange for a longer season.

Response: Season length is an important mechanism in regulating harvest. Season lengths were reduced proportionately in all flyways in 1988 as part of a regulations package designed to reduce harvest. Since population levels have not improved for many species of ducks since last year, the Service believes that increasing the season length is not warranted. In regard to the Arkansas proposal, the Service notes that half-day shooting is a management technique used to hold birds to prolong and increase harvest opportunities. Morning only hunting will not likely result in reduced harvest. The 1989 season lengths are essentially the same as those in effect during 1988-89.

d. Closed Seasons

Public Hearing Comments: Mr. John H. Vizer, III representing the Berry B. Brooks foundation, indicated that while many people favor complete closure of duck hunting, this may not be generally accepted. Mr. John Grandy, representing the Humane Society of the United States, recommended complete closure on all ducks, especially on harlequin ducks in the Atlantic Flyway and nationwide for pintails. Mr. Jim Phillips, writer and duck hunter, and Mr. Doug Inkley, representing the National

Wildlife Federation, recommended closures on pintail hunting in 1989-90.

Written Comments: The Atlantic Flyway Council recommended a closure on harlequin ducks to provide added protection to the small eastern population that winters in eastern Canada and the northeast United States. In regard to the general duck season, one individual stated a willingness to accept a temporary closure as long as it did not become permanent, while another individual recommended closing the season in alternating geographical regions if populations warranted this action. A closed season for ducks in 1989 was requested by 12 individuals. The National Wildlife Federation recommended a closed season for canvasbacks and pintails, while the Fund for Animals, Inc., recommended a closed season for all ducks but especially for canvasbacks, harlequin ducks, pintails, and black ducks.

Response: The Service acknowledges concern regarding the harlequin duck. The 1989 frameworks include a closed season on harlequin ducks in the Atlantic Flyway. The closure on canvasback ducks has been lifted in the Pacific Flyway only and is discussed under item 12. *Canvasback and Redhead Ducks*. In regard to pintails, the Service considered but rejected the alternative of no open season on pintails. The pintail nests throughout the northern hemisphere from the tundra to areas in North America as far south as the Central Valley of California. Its primary breeding area is the arid grassland of the northcentral States and southern Canada, though significant breeding stocks are found in open habitats within and along the edges of the boreal forest. The pintail population of the prairies has been declining since the early 1970's. The primary cause of the pintail population decline is drought in the prairies. Suitable conditions for pintail reproduction have not occurred on the prairies for more than a decade. The Service regulations in recent years have recognized the low population levels of the pintail. These regulations have been effective in sharply reducing the harvest rate on pintails and the Service believes the 1989-90 frameworks provide adequate protection for this year's flight. However, if the traditional breeding areas of this species remain dry and declines in North American stocks of pintails continue, hunting restrictions, including complete closure, will be considered. In regard to a nationwide closure on duck hunting, the Service considered this option in the Environmental Assessment, *Waterfowl Hunting Regulations for 1989*.

Restrictive regulations were established in 1988 and are being continued in 1989, however, complete closure is acknowledged as a possible future action depending upon habitats and populations. Many correspondents noted that a closed season would eliminate most of the revenue that is currently received from license and stamp sales, as well as eliminate private landowner incentives to maintain habitat. The Service has attempted to balance all the arguments in its proposed action. As further protection, the Service may institute specific closures if the need arises.

e. Bag Limits

i. Conventional Limits—Public

Hearing Comments: Mr. George Reiger, an editor for Field & Stream magazine, recommended a bag limit of 2 ducks. Mr. Jim Phillips, writer and duck hunter, recommended a "3-2-1" limit whereby only 3 ducks could be taken, but no more than 2 of any species and no more than 1 hen mallard or 1 black duck or 1 redhead duck. Mr. Phillips further recommended a nationwide closure on pintails as did Mr. Doug Inkley, representing the National Wildlife Federation, and Mr. John Grandy, representing the Humane Society of the United States.

Written Comments: The Atlantic and Central Flyway Councils, and the Upper Region Regulations Committee of the Mississippi Flyway Council, recommended continuing last year's limits. The Lower Region Regulations Committee of the Mississippi Flyway Council recommended continuing the 3-bird bag, but would include species restrictions that would only allow 1 black duck or 1 hen mallard. The Pacific Flyway Council recommended the same limits as were in effect during 1988-89 for all ducks except canvasbacks, and species restrictions in bag limit to include 1 canvasback, 2 redheads, or 1 canvasback and 1 redhead combination. The Colorado Division of Wildlife endorsed using bag limits to adjust harvest levels. The States of Minnesota, Missouri, and Wisconsin, 1 local organization, and 9 individuals supported the proposed limits. The New York State Conservation Council recommended remaining at a 3 duck per day bag limit. Although they felt this limit is too restrictive, they said it may be wise to remain with this limit for 1989. The States of California and New York, the California Waterfowl Association, 2 local organizations, and 7 individuals recommend increasing the bag limit. Further restrictions were recommended by 4 individuals. Many commenters, especially those that

support a point system, encouraged the Service to restrict on duck species that are at depressed levels, but to increase hunting opportunity on abundant species. One individual recommended a 4-mallard limit for the Pacific Flyway. The Alaska Department of Fish and Game, the California Fish and Game Commission, and one individual requested liberalization for pintails while one hunting club in Texas requested additional restrictions on pintails.

Response: The Service believes that continuing last year's restrictive bag limits is appropriate given the current status of ducks. The Service agrees with the philosophy of shifting harvest to more abundant species, but the opportunity for this action is limited to 1989. The restrictive version of the point system in the Mississippi and Central Flyways is an effort to shift harvest away from species at particularly low levels. The Service believes that it is prudent to provide the current level of protection to all species pending improvements on the breeding grounds and corresponding rebound in population levels.

ii. Point System—Public Hearing

Comments: Mr. Randy Wheeler, representing the Wetlands Habitat Alliance of Texas, encouraged reinstatement of the point system with changes that would provide an incentive for hunters to direct their harvest toward more abundant species. Mr. George Reiger, an editor for Field & Stream magazine, and Mr. John M. Anderson, representing the National Audubon Society, recommended against reinstatement because the prohibition against reordering is difficult to enforce.

Written Comments: One member of Congress from Texas, the Lower and Upper Region Regulations Committees of the Mississippi Flyway Council, the Central and Pacific Flyway Councils, the State wildlife agencies of Colorado, Missouri, New Mexico and Oklahoma, the Texas Agricultural Extension Service, 2 local organizations from Texas, and 59 individuals from Texas, recommended that the point system option be reinstated. They cited the greater ability of that system over the conventional bag limit in reducing harvest on species of greatest concern, such as mallards and pintails, while redirecting harvest toward species such as green-winged teal which exhibit better status. The Wisconsin Bureau of Wildlife Management recommended that, with continuing low populations of ducks, the strongly conservative frameworks initiated in 1988 be maintained. One local organization from

Texas recommended against its reinstatement due to the "reordering" problem. The Fund for Animals, Inc., and 3 individuals recommended against reinstatement of the point system, suggesting that the system is likely to cause abuse of the regulations, and another individual described how the point system is more conservative but did not make a specific recommendation. The Atlantic Flyway Council made no specific recommendation but indicated it is reviewing information on the point system.

Response: The Service is offering the point system this year in the Central and Mississippi Flyways, but the point values are such that no more of any one species or total ducks may be taken than under the conventional bag, thus, it is at least as restrictive as, and potentially more restrictive than, the conventional bag system. The Service believes this restrictive form of the point system, which was recommended by the Central Flyway Council, reflects the poor status of most duck populations and will result in the taking of no more ducks, and probably fewer, than would be taken under the conventional bag. A thorough evaluation of the point system is still underway and should be completed prior to the 1990 regulations cycle.

3. American Black Ducks

Written Comments: The Atlantic Flyway Council, the Upper Region Regulations Committee of the Mississippi Flyway Council, and a representative from the New York State Conservation Council supported continuation of the one black duck daily bag limit.

Response: Efforts to maintain a reduced level of harvest on black ducks continue in effect in the Atlantic and Mississippi Flyways. The Service notes the support for the black duck bag limit.

4. Wood Ducks

i. Increasing Bag Limit—Written

Comments: Ten individuals from Texas recommended that the bag limit on wood ducks in that State be liberalized, with some specifying a change to allow 3 instead of 2 wood ducks in the bag. The rationale presented is that wood ducks in east Texas appear to be very abundant.

Response: The Service believes that recommendations for more liberal bag limits, seasons, and other regulations should be fully considered by the appropriate Flyway Councils since any liberalization such as this would affect more than just the State where it is

proposed. Wood duck bag limit restrictions have been in place since the early 1900's when the species was at critically low levels. Some special harvest opportunities have been allowed in the Mississippi and Atlantic Flyways in recent years, but only after considerable research and banding efforts indicated that additional harvest would not adversely affect local or migrant populations. Even these are being reconsidered in light of apparent declines in survival rates and a lack of adequate banding and population data. Consideration of a more liberal bag limit for wood ducks in east Texas would first need to be justified through studies of the population status and an adequate banding program on a regionwide or flywaywide basis. Thus, the Service will not liberalize the wood duck bag limit in Texas at this time.

ii. *Liberal October Option—Public Hearing Comments:* Mr. Leon Kirkland, representing the Atlantic Flyway Council, recommended continuing the liberal October wood duck bag limit option.

Written Comments: The Atlantic Flyway Council, the North Carolina Wildlife Resources Commission, and 1 individual from North Carolina recommended that the liberal October bag limit option be continued and that the Service provide guidelines for improving the evaluation of these seasons. North Carolina argued that the Service action to suspend these seasons was unexpected, capricious, and inconsiderate of the time and money spent to date to band wood ducks. Also, since the status of wood ducks is a non-crisis situation, they argue that the Service has "clearly jumped the gun" and not acted in a consistent manner to suspend seasons in other States having early wood duck options.

Response: In a letter to the Atlantic Flyway Council dated July 28, 1988, the Service requested that existing information on wood duck harvests be reviewed, data requirements be considered, and management goals be outlined. In the *Federal Register* dated March 27, 1989 (54 FR 12539), the Service gave notice of possible change pending the completion of this review. At this point, data requirements for special harvest opportunities on wood ducks have not been fulfilled and the Service, Council and individual States collectively have failed to deal with the issue broadly enough. Pending the outcome of the review and development of an overall wood duck harvest strategy the liberal October option is suspended. The Service will await the Flyway's review before making future

recommendations for special harvest opportunities on wood ducks.

7. *Extra Teal Option*

Public Hearing Comments: Mr. Frank Anderson, representing the Concerned Coastal Sportsmen's Association, Mr. John Sawyer, representing the Western Massachusetts Duck Hunters Association, Mr. Jerry Woodmansee, representing the Andover Sportsmen's Club Inc., Mr. Jim Yoos, representing the New Jersey Waterfowl Association, and Mr. Leon Kirkland, representing the Atlantic Flyway Council, recommended a bonus option of 2 green-winged teal for 9 days.

Written Comments: The Atlantic, Central and Pacific Flyway Councils reviewed the issue of bonus teal and other bonus ducks in the bag limit and recommend that options for bonus ducks, including teal, be offered when the status of the species involved warrant additional harvests. The New York Division of Fish and Wildlife supported bonus teal options, indicating that the State was unfairly restricted in 1988 when bonus ducks were suspended. The South Carolina Wildlife and Freshwater Fisheries Division recommended that bonus green-winged teal be reinstated in the bag limit, citing the relatively healthy status of this species and the need to take advantage of these species by providing additional hunting opportunity on those species when the status of other species is poor. The Upper Region Regulations Committee of the Mississippi Flyway Council and the Wisconsin Bureau of Wildlife Management recommended against allowing bonus teal, citing the poor status of duck populations in general. Two conservation organizations and 2 local organizations recommended that bonus teal options be reinstated in the Atlantic Flyway. Eight individuals, all but one from Texas, made general recommendations for more liberal limits on teal.

Response: Bonus teal options offered in the past were designed to take advantage of blue-winged teal which were believed to be lightly harvested. The bonus option was available to those States not eligible for or not taking a special September teal season. Green-winged teal were included primarily because of the problem of distinguishing between the two species and because the harvest of greenwings as bonus birds was low compared to the normal, regular season harvest of greenwings. No Service bonus options were designed to direct harvest specifically toward green-winged teal. At the present time, blue-winged teal populations are at a record low level. Further, because of

overall low duck populations, special harvest options do not seem warranted at this time. Therefore, the extra teal bonus is suspended in 1989.

9. *Special Scaup Season*

Written Comments: The State of Wisconsin supported the suspension of the special scaup season. The New York Division of Fish and Wildlife believes the suspension of the special seasons in the Long Island Zone remains unjustified. An organization from New York requested reinstatement of the special scaup season for New York.

Response: The scaup breeding population reached a record low in 1989. Special harvest opportunities are not deemed warranted on a species when the population is at such a low level. The special scaup season will remain suspended.

10. *Extra Scaup Option*

Written Comments: The New York Division of Fish and Wildlife, the New York State Conservation Council, one local organization and one individual from New York requested reinstatement of the bonus bag limit on scaup. The Wisconsin Bureau of Wildlife Management and the Upper Region Regulations Committee of the Mississippi Flyway Council supported the suspension for bonus scaup.

Response: The extra scaup option remains suspended in 1989-90 for the reasons presented in item 9 above.

11. *Mergansers*

Public Hearing Comments: Mr. Frank Anderson, representing the Concerned Coastal Sportsmen's Association, Mr. John Sawyer, representing the Western Massachusetts Duck Hunters Association, Mr. Jerry Woodmansee, representing the Andover Sportsmen's Club, Inc., and Mr. George Reiger, an editor for *Field&Stream* magazine, recommended liberalizing the season on mergansers along the East Coast to reduce problems of predation on fish. Mr. John Grandy, representing the Humane Society, proposed that mergansers be included in the duck limits in all flyways.

Written Comments: The Wisconsin Bureau of Wildlife Management recommended that regulations for mergansers be the same as last year. The Minnesota Department of Natural Resources supported separate bag limits for mergansers in the conventional option for the regular duck season.

Response: There may be localized problems with mergansers impacting fisheries in the northeast United States. Bona fide problem areas should be

delineated and existing options examined to determine appropriate control methods. The Service doubts that a flywaywide increase in the merganser bag limit is a proper or effective way to address localized depredation on fisheries. Concerning comments that all mergansers should be included in the regular duck bag limit, the Service has no information to suggest that the population or harvest of any merganser warrants additional restrictions at this time. The merganser frameworks are unchanged from 1988-89.

12. Canvasback and Redhead Ducks

Public Hearing Comments: Mr. Doug Inkley, representing the National Wildlife Federation, Mr. Charles Potter, representing the North American Wildlife Foundation, Mr. George Reiger, an editor for Field&Stream magazine, Mr. John Grandy, representing the Humane Society, and Mr. Jim Phillips, a writer and duck hunter, recommended that the Service continue the nationwide closure on canvasbacks that was in place last year.

Written Comments: The Wisconsin Bureau of Wildlife Management supported continuation of seasons and limits on readheads and the closed season on canvasback as occurred last year. A regional representative for the New York State Conservation Council proposed a daily bag limit that would include one canvasback because that species was numerous in his region. One individual from California recommended allowing 1 canvasback in the bag.

Response: Following harvest guidelines in the "1983 Environmental Assessment on Canvasback Hunting," canvasbacks are managed as a "western" and "eastern" population, with 3-year average breeding populations of 140,000 and 360,000 canvasbacks, respectively, for thresholds below which no hunting would be considered. Both populations have been below those thresholds, and seasons on the two populations were not open in any State in 1988. The 1989 count increased the average index in the western population to a level that would allow hunting. Therefore, the Service is allowing a season on canvasbacks in the Pacific Flyway, but with daily bag and possession limits more restrictive than those which had been permitted prior to the season closure last year.

13. Duck Zones

a. Zones

Public Hearing Comments: Mr. Frank Anderson, representing the Concerned Coastal Sportsmen's Association, Mr.

John Sawyer, representing the Western Massachusetts Duck Hunters Association, Mr. Jerry Woodmansee, representing the Andover Sportsman's Club, Inc., and Mr. Jim Yoos, representing the New Jersey Waterfowl Association, expressed support for the zone concept.

Written Comments: The Atlantic, Central and Pacific Flyway Councils, the Lower Region Regulations Committee of the Mississippi Flyway Council, the New York Division of Fish and Wildlife, the New York State Conservation Council and 3 local organizations supported the zoning concept. One individual from Texas recommended that Texas be allowed to create a third, new zone for the State. The Idaho Fish and Game Department and 5 individuals requested that the State be zoned into 2 large zones because of markedly different elevational and climatic conditions affecting availability of birds and opportunities for hunters. The Pacific Flyway Council supported the Idaho proposal. The Wisconsin Bureau of Wildlife Management concurred with the Service proposal that the use of zones should be reviewed and further stated their continued use be reconsidered if populations do not show significant improvements.

Response: The Service is currently reviewing the use of zones as a duck harvest management tool. No new zones are permitted prior to completion of this review. The final frameworks include provision for continuation of present zones.

b. Splits

Written Comments: The Pacific Flyway Council recommended retention of the option to split seasons into 2 segments, the Central Flyway Council and the Lower Region Regulations Committee of the Mississippi Flyway Council recommended that States be allowed to split their regular season into 3 segments in lieu of zoning. The Atlantic Flyway Council, the New York Division of Fish and Wildlife, the New York State Conservation Council, and 1 local organization supported the option to split seasons. The Wisconsin Bureau of Wildlife Management concurred with the Service that the use of splits should be reviewed and further stated that their continued use be reconsidered if populations do not show significant improvements. One individual from Wisconsin was against States having the option to split seasons. Three individuals suggested hunting schemes involving mandatory rest days, a form of season splitting, and have been summarized and addressed under heading 2.b.ii. *Rest days*.

Response: The Service recognizes the request for a 3-way split in the Mississippi Flyway and realizes that this is currently an option in the Atlantic and Central Flyways. The Service is reviewing the use of splits as a duck harvest management tool. The final frameworks include provision for continuation of present splits but the Service believes no new splits should be permitted prior to completion of this review.

14. Frameworks for Geese and Brant in the Conterminous United States—Outside Dates, Season Length and Bag Limits

General

Public Hearing Comments: Mr. George Reiger, an editor for Field&Stream magazine, urged caution in using more liberalized goose regulations to offset restrictions on ducks and Mr. John M. Anderson, representing the National Audubon Society, supported continuation of 1988 regulations for geese.

Written Comments: The National Wildlife Federation supported continuation of the goose frameworks.

Atlantic Flyway

Public Hearing Comments: Mr. Frank Anderson, representing the Concerned Coastal Sportsmen's Association, Mr. John Sawyer, representing the Western Massachusetts Duck Hunters Association, and Mr. Jerry Woodmansee, representing the Andover Sportsmen's Club, Inc., recommend that the Service offer a 90-day season in Massachusetts to control growing numbers of nuisance Canada geese.

Written Comments: One individual from New York supported the 90-day Canada goose season with 3 Canada geese daily, one individual from Virginia supported the 2 Canada geese per day limit, and one local organization from Massachusetts suggested increasing the Canada goose season length from 70 to 90 days statewide. One local organization from Massachusetts requested that the Service review the problem of nuisance Canada geese in the State. The Pennsylvania Game Commission recommended a bag increase from 2 to 3 Canada geese in 4 Pennsylvania counties. The Atlantic Flyway Council recommended retaining a 2 goose limit in those Pennsylvania counties, rescinded its recommendation for an increase in the Atlantic brant bag limit, continued to recommend an increase in the greater snow goose bag limit, and supported an expansion of the special Delaware area, establishment of

a special late season in Georgia, and continuation of Connecticut's experimental resident Canada goose season. The Wildlife Management Institute recommended restrictive regulations on Atlantic brant, greater snow geese and Atlantic Canada geese to accelerate population recovery.

An amended recommendation from the Atlantic Flyway Council seeks a reduction in season length from 70 to 60 days in Maryland, Delaware, and the Eastern Shore of Virginia. The Service proposed the Council action be extended to include the Western Shore of Virginia. The State of Virginia and 10 individuals from Virginia expressed opposition to the Service proposal to include the Western Shore of Virginia in the more restrictive regulations developed for the Chesapeake Bay segment of Atlantic Canada geese. The comments indicated that hunting pressure exerted by Virginia hunters was light compared to the Delmarva Peninsula where Canada goose numbers have declined and that the Atlantic Flyway Council recommended the western shore of Virginia be excluded from these restrictions, that winter counts are increasing, that harvests and harvest rates are low and finally that survival is essentially stable on this population segment of Canada geese.

Response: The Service notes the support of 2 individuals pertaining to the goose regulations. The request for a 90-day season in Massachusetts and a review of nuisance geese in that State are best initiated through the State.

The Service concurs with the Atlantic Flyway Council's views in rejecting increased bag limits on Canada geese in 4 western Pennsylvania counties, in rescinding an earlier call for an increased bag limit on Atlantic brant, in an increase of the greater snow goose bag limit from 4 to 5 per day, in initiating a special late Canada goose season on resident geese in Georgia, and limited expansion of the special snow goose area in Delaware. In addition, the Service supports the action of the Flyway Council to reduce the season length on the Chesapeake Bay segment of Atlantic Canada geese in response to problems involving low recruitment since 1985. However, the Service does not support splitting off the Western Shore of Virginia from the Chesapeake Bay population. In Virginia, data from neck collar studies shows that a considerable exchange occurs between birds from the Western Shore of Virginia, the Delmarva Peninsula, and western Maryland. Also, survival rate information shows that geese marked in Virginia and Maryland both show

declining survival rates. The Service view is that the Chesapeake Bay population is well defined by the neck collaring study and the evidence supports a unified management of this flock. The regulations frameworks in this document reflect this view.

Mississippi Flyway

Written Comments: The Upper Region Regulations Committee of the Mississippi Flyway Council and the State of Wisconsin endorsed a change in the boundary of Iowa's Southwest Goose Zone. The Upper Region Regulations Committee also endorsed a request from the Indiana Department of Natural Resources to split its goose season within existing zones into 3 segments. The Arkansas Game and Fish Commission requested that the State be permitted to have a Canada goose season again in 1989-90. The Wisconsin Bureau of Wildlife Management supported recommendations from the Mississippi Flyway Council's Upper Region Regulations Committee for increased harvest of Mississippi Valley Population (MVP) Canada geese in 1989. The Wildlife Management Institute recommended the continuation of restrictive regulations for Mid-Continent white-fronted geese. One individual supported more liberal bag limits for geese. The Lower Region Regulations Committee of the Mississippi Flyway Council recommended a snow goose season of 80 days with a daily bag limit of 7, but supported continuation of frameworks for white-fronted geese.

Response: The final frameworks in this document include provision for a Canada goose season in Arkansas and the more liberal regulations for MVP Canada geese recommended by the Mississippi Flyway Council's Regulations Committees. The boundary change in Iowa's Southwest Goose Zone is approved. Regarding Indiana's request for 3-way splits in its goose seasons within existing zones, the Service previously has permitted 3-way splits for both ducks and geese only in lieu of zoning in the Atlantic and Central Flyways, and believes this policy is still appropriate until the review of zoning and split season harvest strategies is completed. Therefore, splits within zones continue to be limited to 2 segments.

Central Flyway

Written Comments: The Central Flyway Council recommendations on season length and dates, bag limits, and other aspects of goose frameworks for dark and light geese generally supported continuation of frameworks offered in 1988, with minor changes in "floating

framework" dates. Two changes were recommended regarding light geese; one was to increase the season length in the eastern tier of States to 100 days from the 86 days offered in 1988—the large size and continuing upward trend of the Mid-Continent Snow Goose Population was cited as the reason for this change. The second was that the experimental light goose season in the Middle Rio Grande Valley of New Mexico be made operational. That experimental season, initiated in 1986, included an extended season of 107 days and a possession limit of 20 light geese, compared to 95 days and possession limit of 10 in the remainder of the State. The recommendation for operational status would continue the 107 day season but would drop the possession limit to 10. The Wildlife Management Institute recommended that actions be taken to increase the Western Segment of the Mid-Continent White-fronted Goose Population and that restrictive regulations be continued to prevent further declines in the Eastern Segment Mid-Continent White-fronted Goose Population.

Response: The season length for light geese in the eastern tier of Central Flyway States will be increased to 100 days and the experimental light goose season in New Mexico will be operational, as proposed by the Central Flyway Council. Light goose populations in both the eastern and western tier States of the Central Flyway are healthy and growing and should not be adversely affected by these actions. With regard to recommendations of the Wildlife Management Institute for actions to recover Western Mid-Continent White-fronted Geese, the Service will take no specific action this year but has requested the Central and Mississippi Flyway Councils to review the situation with both the Western and Eastern Segments of the Mid-Continent White-fronted Goose Population and develop appropriate recommendations. The Eastern Segment has been increasing in recent years while the Western Segment has declined, according to current surveys. These two populations may not be as separate as once believed and the Service, in cooperation with the Flyway Councils, desires to intensify efforts to better understand the relationship and status of these two segments. No liberalizations are planned for either segment this year.

Pacific Flyway

Public Hearing Comments: Mr. Doug Inkley, representing the National Wildlife Federation, recommended

closing the season on cackling Canada geese and Pacific brant in the Pacific Flyway.

Written Comments: The Pacific Flyway Council supported continuation of limited seasons for brant in California, Oregon, and Washington, restrictive seasons for white-fronted geese, flywaywide closures for cackling Canada geese, and continuation of white goose seasons. They further recommended that the ending date for Canada geese in Colorado, Montana, most of Utah, and Wyoming, be moved from the first to the second Sunday in January, and that the season length be increased from 86 to 88 days in Arizona, California, Colorado, New Mexico, and Utah, to accommodate weekend hunting with split seasons. The Wildlife Management Institute recommended taking such actions as necessary to accelerate recovery of four populations of Alaska nesting geese that winter in the Pacific Flyway. The National Wildlife Federation supported the cackling Canada goose closures in California, Oregon, and Washington. One individual from California requested a 21-day season with a bag limit increase from 1 to 2 white-fronted geese for the Klamath Basin. The Pacific Flyway Council and the California Fish and Game Department recommended lifting restrictions on hunting large Canada geese in the Sacramento and San Joaquin goose closure zones. Another individual from California questioned the need for these restrictive areas.

Response: Consultation with the Division of Endangered Species and Habitat Conservation regarding proposed changes in frameworks that would have allowed the taking of certain kinds of Canada geese in two closed areas of California resulted in continuation of those closures. This was deemed advisable to minimize the incidental take of Aleutian Canada geese, an endangered species.

In regard to comments questioning boundary location, it is noted that the boundaries used to delineate the California Canada goose closed areas were based primarily on Aleutian Canada goose distribution and secondarily on recognizability of those boundaries for enforcement purposes. The Service acknowledges the inequities perceived by individuals having property along the boundary, where those within the closed area cannot hunt Canada geese while those on adjacent properties outside can. However, the geese need protection and a boundary must be established.

While the Service recognizes that many hunters travel considerable

distance to hunt waterfowl in the Northeastern Zone of California and that hunters contribute to the local economy, the welfare of the resource must be the determining factor in judging the appropriateness of regulations. The proposed and final frameworks both reflect a continued restrictive white-fronted goose season for the Northeastern Zone. While this population of whitefronts has shown improvements, it remains well below objective levels and below levels where liberalization throughout the flyway would be warranted.

The Service believes the combination of closures and restrictive frameworks is appropriate for those populations of Alaska nesting geese that have undergone declines.

15. Tundra Swans

Public Hearing Comments: Mr. Doug Inkley, representing the National Wildlife Federation, Mr. Gary Myers, representing The Wildlife Society, and Mr. John M. Anderson, representing the National Audubon Society, supported the continuation of hunting opportunity for tundra swans.

Written Comments: The States of Montana and Nevada offered correction to an earlier document. The Atlantic and Pacific Flyway Councils, and the National Wildlife Federation supported the proposal for tundra swan hunts. The Wildlife Information Center, Inc. (Center), recommended a ban on the hunting of tundra swans. The Center believes there are negative impacts to behavior and ecology of swans as a result of hunting and that alternative methods should be developed to reduce crop damage.

Response: Tundra swans currently exceed objective levels. Management plans for both the eastern and western populations, including harvest strategies, have been developed to give adequate protection to the species. The Service notes the concern by some persons regarding tundra swan hunting but finds no biological reason to prohibit swan hunting. Therefore, the Service is continuing to approve carefully controlled tundra swan hunts in certain identified States.

17. Coots

Written Comments: The California Department of Fish and Game requested that frameworks for this species be separated from the duck frameworks to provide additional hunting opportunity.

Response: The Service notes that, nationally, coots and ducks are, and have been, regulated together, i.e., coot seasons are the same as regular duck

seasons. The Service intends to continue to regulate coots and ducks together.

20. Common Snipe

Written Comments: The California Department of Fish and Game requested that frameworks for this species be separated from the duck frameworks to provide additional hunting opportunity.

Response: The Service concurs with the California request. The frameworks contained herein provide for snipe seasons to be independent of duck seasons as they are in other flyways.

Nontoxic Shot Regulations

In the April 13, 1989, *Federal Register* (54 FR 14814), the Service published a final rule describing zones in which lead shot is prohibited for hunting waterfowl, coots and certain other species in the 1989-90 season. Waterfowl hunters are advised to become familiar with State and local regulations regarding the use of nontoxic shot for waterfowl hunting.

NEPA Consideration

NEPA considerations are covered by the programmatic document, "Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FSES 89-14)"; filed with EPA on June 9, 1988. Notice of Availability was published in the *Federal Register* on June 16, 1988 (53 FR 22582). The Service's Record of Decision was published on August 18, 1988 (53 FR 31341). However, this programmatic document does not prescribe year-specific regulations, those are developed annually. The annual regulations and options were considered in the Environmental Assessment, *Waterfowl Hunting Regulations for 1989*.

Endangered Species Act Consideration

On June 22, 1989, the Division of Endangered Species and Habitat Conservation concluded that the proposed action is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of their critical habitats.

Hunting regulations are designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species and their habitats.

The Service's biological opinion resulting from its consultation under section 7 is considered a public document and is available for inspection in the Office of Endangered Species and

Habitat Conservation and the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Room 634, Arlington Square, 4401 North Fairfax Drive, Arlington, Virginia.

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

In the Federal Register dated March 27, 1989 (54 FR 12534), the Service reported measures it had undertaken to comply with requirements of the Regulatory Flexibility Act and the Executive Order. These included preparing a Determination of Effects and an updated Final Regulatory Impact Analysis, and publication of a summary of the latter. These regulations have been determined to be major under Executive Order 12291 and they have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act. This determination is detailed in the aforementioned documents which are available upon request from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Room 634-Arlington Square, Department of the Interior, Washington, DC 20240. These proposed regulations contain no information collections subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980.

Memorandum of Law

The Service published its Memorandum of Law, required by section 4 of Executive Order 12291, in the Federal Register dated August 11, 1989 (54 FR 32975).

Authorship

The primary author of this proposed rule is Morton M. Smith, Office of Migratory Bird Management, working under the direction of Byron K. Williams, Acting Chief.

Regulations Promulgation

The rulemaking process for migratory bird hunting must, by its nature, operate under severe time constraints. However, the Service is of the view that every attempt should be made to give the public the greatest possible opportunity to comment on the regulations. Thus, when the proposed late hunting season rulemakings were published on August 16, 1989, the Service established what it believed was the longest period possible for public comment. In doing this the Service recognized that at the close of the comment period, time would be of the essence. That is, if there was a delay in the effective date of these regulations after this final rulemaking, the Service is

of the opinion that the States would have insufficient time to select season dates, shooting hours and limits; to communicate these selections to the Service; and to establish and publicize the necessary regulations and procedures that implement their decisions.

Therefore, the Service under authority of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703 et seq.), prescribes final frameworks setting for the species to be hunted, the daily bag and possession limits, the shooting hours, the season lengths, the earliest opening and closing season dates, and hunting areas, from which State conservation agency officials may select hunting season dates and other options. Upon receipt of the season and option selections from State officials, the Service will publish in the Federal Register a final rulemaking amending 50 CFR part 20 (§§ 20.104 through 20.107 and § 20.109) to reflect seasons, limits and shooting hours for the conterminous United States for the 1989-90 season.

The Service therefore finds "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these frameworks will, therefore, take effect immediately upon publication.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Transportation, Wildlife.

The rules that eventually will be promulgated for the 1989-90 hunting season are authorized under the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 701-718h); the Fish and Wildlife Improvement Act of 1978 (92 Stat. 3112; 16 U.S.C. 712); and the Alaska Game Act of 1925 (43 Stat. 739; as amended, 54 Stat. 1103-04).

Proposed Regulations Frameworks for 1989-90 Late Hunting Seasons on Certain Migratory Game Birds

Pursuant to the Migratory Bird Treaty Act, the Secretary of the Interior has approved proposed frameworks for season lengths, shooting hours, bag and possession limits and outside dates within which States may select seasons for hunting waterfowl and coots. Frameworks are summarized below.

General

Split Season: States in all Flyways may split their season for ducks, geese or brant into two segments. States in the Atlantic and Central Flyways may, in lieu of zoning, split their season for ducks or geese into three segments. Exceptions are noted in appropriate sections.

Shooting Hours: From one-half hour before sunrise to sunset daily, for all species and seasons, including falconry seasons.

Deferred Season Selections: States that did not select rail, woodcock, snipe, sandhill cranes, common moorhens and purple gallinules and sea duck seasons in July should do so at the time they make their waterfowl selections. Frameworks for open seasons and season lengths, bag and possession limit options, and other special provisions are listed below by Flyway.

Atlantic Flyway

The Atlantic Flyway includes Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia and West Virginia.

Ducks, Coots and Mergansers

Hunting Seasons and Duck Limits:

Outside Dates: Between October 7, 1989, and January 7, 1990.

Hunting Season: Not more than 30 days.

Canvasbacks: The season on canvasbacks is closed.

Harlequin Ducks: The season on harlequin ducks is closed.

Duck Limits: The daily bag limit is 3 and may include not more than 1 hen mallard, 2 wood ducks, 2 redheads, 1 black duck, 1 mottled duck, 1 pintail, and 1 fulvous tree duck. The possession limit is twice the daily bag limit.

Merganser Limits: Throughout the Flyway the daily bag limit of mergansers is 5, only 1 of which may be a hooded merganser. The possession limit is 10, only 2 of which may be hooded mergansers.

Coot Limits: Throughout the Flyway daily bag and possession limits of coots are 15 and 30, respectively.

Zoning:

New York: New York may, for the Long Island Zone, select season dates and daily bag and possession limits which differ from those in the remainder of the State.

Upstate New York (excluding the Lake Champlain zone) may be divided into three zones (West, North, South) for the purpose of setting separate duck, coot and merganser seasons. A 2-segment split season may be selected in each zone.

The West Zone is that portion of Upstate New York lying west of a line commencing at the north shore of the Salmon River and its junction with Lake Ontario and extending easterly along

the north shore of the Salmon River to its intersection with Interstate Highway 81, then southerly along Interstate Highway 81 to the Pennsylvania border.

The *North and South Zones* are bordered on the west by the boundary described above and are separated from each other as follows: starting at the intersection of Interstate Highway 81 and State Route 49 and extending easterly along State Route 49 to its junction with State Route 365 at Rome, then easterly along State Route 365 to its junction with State Route 28 at Trenton, then easterly along State Route 28 to its junction with State Route 29 at Middleville, then easterly along State Route 29 to its intersection with Interstate Highway 87 at Soratoga Springs, then northerly along Interstate Highway 87 to its junction with State Route 9, then northerly along State Route 9 to its junction with State Route 149, then easterly along State Route 149 to its junction with State Route 4 at Fort Ann, then northerly along State Route 4 to its intersection with the New York/Vermont boundary.

Connecticut may be divided into two zones as follows:

- a. *North Zone*—That portion of the State north of Interstate 95.
- b. *South Zone*—That portion of the State south of Interstate 95.

Maine may be divided into two zones as follows:

- a. *North Zone*—Game Management Zones 1 through 5.
- b. *South Zone*—Game Management Zones 6 through 8.

New Hampshire

Coastal Zone—That portion of the State east of a boundary formed by State Highway 4 beginning at the Maine-New Hampshire line in Rollinsford west to the city of Dover, south to the intersection of State Highway 108, south along State Highway 108 through Madbury, Durham and Newmarket to the junction of State Highway 85 in Newfields, south to State Highway 101 in Exeter, east to State Highway 51 (Exeter-Hampton Expressway), east to Interstate 95 (New Hampshire Turnpike) in Hampton, and south along Interstate 95 to the Massachusetts line.

Inland Zone—That portion of the State north and west of the above boundary.

West Virginia may be divided into two zones as follows:

- a. *Allegheny Mountain Upland Zone*—The eastern boundary extends south along U.S. Route 220 through Keyser, West Virginia, to the intersection of U.S. 50; follows U.S. Route 50 to the intersection with State Route 93; follows State Route 93 south to

the intersection with State Route 42 and continues south on State Route 42 to Petersburg; follows State Route 28 south to Minnehaha Springs; then follows State Route 39 west to U.S. Route 219; and follows U.S. Route 219 south to the intersection of Interstate 64. The southern boundary follows I-64 west to the intersection with U.S. Route 60, and follows Route 60 west to the intersection of U.S. Route 19. The western boundary follows: Route 19 north to the intersection of I-79, and follows I-79 north to the intersection of U.S. Route 48. The northern boundary follows U.S. Route 48 east to the Maryland State line and the State line to the point of beginning.

b. *Remainder of the State*—That portion outside the above boundaries.

Zoning Experiments:

Vermont may continue a Lake Champlain Zone. The Lake Champlain Zone of New York must follow the waterfowl season, daily bag and possession limits, and shooting hours selected by Vermont. *Massachusetts, New Jersey, and Pennsylvania*, may continue zoning experiments now in progress as shown in the sections that follow. *Massachusetts and New Jersey* may be divided into three zones, *Pennsylvania* into four zones and *Vermont* into two zones all on an experimental basis for the purpose of setting separate duck, coot and merganser seasons. A two-segment split season without penalty may be selected. The basic daily bag limit of ducks in each zone and the restrictions applicable to the regular season for the Flyway also apply.

Zone Definitions

Massachusetts

Western Zone—That portion of the State west of a line extending from the Vermont line at Interstate 91, south to Route 9, west on Route 9 to Route 10, south on Route 10 to Route 202, south on Route 202 to the Connecticut line.

Central Zone—That portion of the State east of the Western Zone and west of a line extending from the New Hampshire line at Interstate 95 south to Route 1, south on Route 1 to I-93, south on I-93 to Route 3, south on Route 3 to Route 6, west on Route 6 to Route 28, west on Route 28 to I-195, west to the Rhode Island line. *EXCEPT* the waters, and the lands 150 yards along the high-water mark, of the Assonet River to the Route 24 bridge, and the Taunton River to the Center St.-Elm St. bridge shall be in the Coastal Zone.

Coastal Zone—That portion of the State east and south of the Central Zone.

New Jersey

Coastal Zone—That portion of New Jersey seaward of a continuous line beginning at the New York State boundary line in Raritan Bay; then west along the New York boundary line to its intersection with Route 440 at Perth Amboy; then west on Route 440 to its intersection with the Garden State Parkway; then south on the Garden State Parkway to the shoreline at Cape May and continuing to the Delaware boundary in Delaware Bay.

North Zone—That portion of New Jersey west of the Coastal Zone and north of a boundary formed by Route 70 beginning at the Garden State Parkway west to the New Jersey Turnpike, north on the turnpike to Route 206, north on Route 206 to Route 1, Trenton, west on Route 1 to the Pennsylvania State boundary in the Delaware River.

South Zone—That portion of New Jersey not within the North Zone or the Coastal Zone.

Pennsylvania

Lake Erie Zone—The Lake Erie waters of Pennsylvania and a shoreline margin along Lake Erie from New York on the east to Ohio on the west extending 150 yards inland, but including all of Presque Isle Peninsula.

North Zone—That portion of the State north of I-80 from the New Jersey line west to the junction of State Route 147; then north on State Route 147 to the junction of Route 220, then west and/or south on Route 220 to the junction of I-80, then west on I-80 to its junction with the Allegheny River, and then north along but not including the Allegheny River to the New York border.

Northwest Zone—That portion of the State bounded on the north by the Lake Erie Zone and the New York line, on the east by an including the Allegheny River, on the south by Interstate Highway I-80, and on the west by the Ohio line.

South Zone—The remaining portion of the State.

Vermont

Lake Champlain Zone—Includes the United States portion of Lake Champlain and those portions of New York and Vermont which includes that part of New York lying east and north of boundary running south from the Canadian border along New York Route 9B to New York Route 9 south of Champlain, New York; New York Route 9 to New York Route 22 south of Keeseville; along New York Route 22 to South Bay, along and around the shoreline of South Bay to New York Route 22; along New York Route 22 to

U.S. Highway 4 at Whitehall; and along U.S. Highway 4 to the Vermont border. From the New York border at U.S. Highway 4, along U.S. Highway 4 to Vermont Route 22A at Fair Haven; Route 22A to U.S. Highway 7 at Vergennes; U.S. Highway 7 to the Canadian border.

Interior Vermont Zone—The remaining portion of the State.

Sea Ducks: The daily bag and possession limit for sea ducks in special sea duck areas is in addition to the limits applying to other ducks during the regular duck season. In all areas outside of special sea duck areas, sea ducks are included in the regular duck season daily bag and possession limits.

Canada Geese

Outside Dates, Season Lengths, and Limits: Between October 1, 1989, and January 20, 1990, Maine, New Hampshire, Vermont, Massachusetts, Pennsylvania, and West Virginia may select 70-day seasons for Canada geese with a daily bag and possession limit of 3 and 6 geese, respectively, except in Pennsylvania Counties of Erie, Mercer, Butler, and Crawford, where the daily bag and possession limits are 2 and 4, respectively. In Maryland, Delaware, and Virginia (except Back Bay) the Canada goose season may be 60 days with an opening date of October 31, 1989, and a closing date of January 20, 1990, with 2 geese daily and 4 in possession. In New York (including Long Island), New Jersey, and that portion of Pennsylvania lying east and south of a boundary beginning at Interstate Highway 83 at the Maryland border and extending north to Harrisburg, then east on I-81 to Route 443, east on 443 to Leighton, then east via 208 to Stroudsburg, then east on I-80 to the New Jersey line, the Canada goose season length may be 90 days with the opening framework date of October 1, 1989, and the closing framework date extended to January 31, 1990. In addition, that portion of the Susquehanna River from Harrisburg north to the confluence of the west and north branches at Northumberland, including a 25-yard zone of land adjacent to the waters of the river, is included in the 90-day zone. The daily bag and possession limits within this area will be 1 and 2, respectively through October 15, 1989, and 3 and 6, respectively thereafter. In Rhode Island and Connecticut (North Zone) season length will be 90 days between October 1, 1989, and January 31, 1990, with a daily bag and possession limit of 3 and 6, respectively. In the South Zone of Connecticut (that portion south of Interstate 95), the Canada goose season

length may be 90 days with the closing framework date extended to February 5, 1990. The daily bag limit and possession limit will be 3 and 6, respectively, through January 14, and 5 and 10, respectively from January 15 to February 5, 1990. This season in the South Zone of Connecticut is experimental. The Back Bay of Virginia, North Carolina (that portion south of Interstate Highway 95), and South Carolina may select an 11-day season for Canada geese within a January 20–30, 1990, framework; the daily bag and possession limits are 1 and 2 Canada geese, respectively. In the Coastal Zone of Massachusetts, a special resident Canada goose season may be held during January 21, 1990, to February 5, 1990; the daily bag and possession limits are 5 and 10, respectively. In Georgia, on specific areas (as described in State regulations), a special resident Canada goose season may be held between January 13 and January 20, 1990, with a limit of 1 per hunter per season. Closures on Canada geese: The season for Canada geese is closed in Florida.

Snow Geese

Outside Dates, Season Lengths, and Limits: Between October 1, 1989, and January 31, 1990, States in the Atlantic Flyway may select a 90-day season for snow geese (including blue geese); the daily bag and possession limits are 5 and 10, respectively. Between October 16, 1989, and October 28, 1989, a special snow goose season may be held in Delaware on Bombay Hook National Wildlife Refuge, Little Creek GMA, and immediate area (as described in State regulations) at the discretion of the Refuge Manager. Daily bag and possession limits are 5 and 10, respectively. This season is in addition to the 90-day regular season.

Atlantic Brant

Outside Dates, Season Lengths, and Limits: Between October 1, 1989, and January 20, 1990, States in the Atlantic Flyway may select a 50-day season for Atlantic brant; the daily bag and possession limits are 2 and 4 brant, respectively.

Tundra Swans

In New Jersey, Virginia, and North Carolina an experimental season for tundra swans may be selected with 200, 600 and 6,000 permits, respectively, subject to the following conditions: (a) The season may be 90 days and must run concurrently with the snow goose season; (b) the State agency must issue permits and obtain harvest and hunter participation data; and (c) each

permittee is authorized to take one tundra swan per season.

Mississippi Flyway

The Mississippi Flyway includes Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

Ducks, Coots, and Mergansers

Outside Dates: Between October 7, 1989, and January 7, 1990, in all States.

Hunting Season: Not more than 30 days.

Canvasbacks: The season on canvasbacks is closed.

Limits: The daily bag limit of ducks is 3, and may include no more than 2 mallards (no more than 1 of which may be a female), 1 black duck, 1 pintail, 2 wood ducks, and 1 readhead. The possession limit is twice the daily bag limit.

Merganser Limits: The daily bag limit of mergansers is 5, only 1 of which may be a hooded merganser. The possession limit is twice the daily bag limit.

Coot Limits: The daily bag and possession limits are 15 and 30, respectively.

Point-System Option: As an alternative to conventional bag limits for ducks, a 30-day season with point-system bag and possession limits may be selected within the framework dates prescribed. Point values for species and sexes taken are as follows: the female mallard, pintail, black duck, redhead, and hooded merganser count 100 points each; the male mallard and wood duck count 50 points each; all other species of ducks and mergansers count 35 points each. The daily bag limit is reached when the point value of the last bird taken, added to the sum of the point values of the other birds already taken during that day, reaches or exceeds 100 points. The possession limit is the maximum number of birds that legally could have been taken in 2 days.

Pymatuning Reservoir Area, Ohio: The waterfowl seasons, limits and shooting hours in the Pymatuning Reservoir area of Ohio will be the same as those selected by Pennsylvania. The area includes Pymatuning Reservoir and that part of Ohio bounded on the north by County Road 306 known as Woodward Road, on the west by Pymatuning Lake Road, and on the south by U.S. Highway 322.

Lower St. Francis River Area, Arkansas and Missouri: The waterfowl seasons, limits, and shooting hours in the lower St. Francis River area of Arkansas and Missouri shall be the same as those selected by Arkansas. The lower

St. Francis River area is defined as that part of the St. Francis River that is south of U.S. Highway 62 that is the boundary between Arkansas and Missouri and all sloughs and chutes (but not tributaries) connected to it.

Zoning: *Alabama, Illinois, Indiana, Iowa, Louisiana, Michigan, Missouri, Ohio, Tennessee, and Wisconsin* may select hunting seasons for ducks, coots and mergansers by zones described as follows:

Alabama: South Zone—Mobile and Baldwin Counties. North Zone—The remainder of Alabama. The season in the South Zone may be split into two segments.

Illinois: North Zone—That portion of the State north of a line running east from the Iowa border along Illinois Highway 92 to I-280, east along I-280 to I-80, then east along I-80 to the Indiana border. Central Zone—That portion of the State between the North and South Zone boundaries. South Zone—That portion of the State south of a line running east from the Missouri border along the Modoc Ferry route to Randolph County Highway 12, north along Highway 12 to Illinois Highway 3, north along Illinois Highway 3 to Illinois Highway 159, north along Illinois Highway 159 to Illinois Highway 161, east along Illinois Highway 161 to Illinois Highway 4, north along Illinois Highway 4 to I-70, then east along I-70 to the Indiana border.

Indiana: North Zone: That portion of the State north of a line extending east from the Illinois border along State Highway 18 to U.S. Highway 31, then north along U.S. 31 to U.S. Highway 24, then east along U.S. 24 to Huntington, then southeast along U.S. Highway 224 to the Ohio border. Ohio River Zone: That portion of Indiana south of a line extending east from the Illinois border along Interstate Highway 64 to New Albany, then east along State Highway 62 to State Highway 56, then east along State Highway 56 to Vevay, then on State Highway 156 along the Ohio River to North Landing, then north along State Highway 56 to U.S. Highway 50, then northeast along U.S. 50 to the Ohio border. South Zone: That portion of the State between the North and Ohio River Zone boundaries. The season in each zone may be split into two segments.

Iowa: North Zone—That portion of Iowa north of a line running west from the Illinois border along I-80 to U.S. 59, north along U.S. 59 to State Highway 37, northwest along State Highway 37 to State Highway 175, then west along State Highway 175 to the Nebraska border. South Zone—the remainder of State.

Louisiana: West Zone—That portion of the State west of a boundary beginning at the Arkansas-Louisiana border on Louisiana Highway 3, then south along Louisiana Highway 3 to Bossier City, east along Interstate 20 to Minden, south along Louisiana Highway 7 to Ringgold, east along Louisiana Highway 4 to Jonesboro, south along U.S. Highway 167 to Lafayette, southeast along U.S. Highway 90 to Houma, south along the Houma Navigation Channel to the Gulf of Mexico through Cat Island Pass. East Zone—The remainder of Louisiana. The season in each zone may be split into two segments.

Michigan: North Zone—The Upper Peninsula. South Zone—That portion of the State south of a line beginning at the Wisconsin border in Lake Michigan due west of the mouth of Stony Creek in Oceana County; then due east to, and east and south along the south shore of, Stony Creek to Webster Road, east and south on Webster Road to Stony Lake Road, east on Stony Lake and Garfield Roads to M-20, east on M-20 to U.S.-10B.R. in the city of Midland, east on U.S.-10B.R. to U.S.-10, east on U.S.-10 and M-25 to the Saginaw River, downstream along the thread of the Saginaw River to Saginaw Bay, then on a northeasterly line, passing one-half mile north of the Corps of Engineers confined disposal island offshore of the Carn powerplant, to a point one mile north of the Charity islands, then continuing northeasterly to the Ontario border in Lake Huron. Middle Zone—The remainder of the State. Michigan may split its season in each zone into two segments.

Missouri: North Zone—That portion of Missouri north of a line running east from the Kansas border along U.S. Highway 54 to U.S. Highway 65, south along U.S. 65 to State Highway 32, east along State Highway 32 to State Highway 72, east along State Highway 72 to State Highway 21, south along State Highway 21 to U.S. Highway 60, east along U.S. 60 to State Highway 51, south along State Highway 51 to State Highway 53, south along State Highway 53 to U.S. Highway 62, east along U.S. 62 to I-55, north along I-55 to State Highway 34, then east along State Highway 34 to the Illinois border. South Zone—The remainder of Missouri. Missouri may split its season in each zone into two segments.

Ohio: North Zone—The counties of Darke, Miami, Clark, Champaign, Union, Delaware, Licking, Muskingum, Guernsey, Harrison and Jefferson and all counties north thereof. In addition, the North Zone also includes that portion of the Buckeye Lake area in

Fairfield and Perry Counties bounded on the west by State Highway 37, on the south by State Highway 204, and on the east by State Highway 13. Ohio River Zone—The counties of Hamilton, Clermont, Brown, Adams, Scioto, Lawrence, Gallia and Meigs. South Zone—That portion of the State between the North and Ohio River Zone boundaries. Ohio may split its season in each zone into two segments.

Tennessee: Reelfoot Zone—Lake and Obion Counties, or a designated portion of that area. State Zone—The remainder of Tennessee. Seasons may be split into two segments in each zone.

Wisconsin: North Zone—That portion of the State north of a line extending northerly from the Minnesota border along the center line of the Chippewa River to State Highway 35, east along State Highway 35 to State Highway 25, north along State Highway 25 to U.S. Highway 10, east along U.S. Highway 10 to its junction with the Manitowoc Harbor in the city of Manitowoc, then easterly to the eastern State boundary in Lake Michigan. South Zone—The remainder of Wisconsin. The season in the South Zone may be split into two segments.

Geese

Definition: For the purpose of hunting regulations listed below, the term "geese" also includes brant.

Note: The various zones and areas identified in this section are described in the respective States' regulations.

Outside Dates, Season Lengths and Limits: Between September 30, 1989, and January 21, 1990 (January 31 in Kentucky, Arkansas, Tennessee, Mississippi, and Alabama), States may select seasons for geese not to exceed 70 days for Canada and white-fronted geese and 80 days for snow (including blue) geese. The daily bag limit is 7 geese, to include no more than 3 Canada and 2 white-fronted geese. The possession limit is 14 geese, to include no more than 6 Canada and 4 white-fronted geese. Specific regulations for Canada geese and exceptions to the above general provisions are shown below by State.

Outside Dates and Limits on Snow and White-fronted Geese in Louisiana: Between September 30, 1989, and February 14, 1990, Louisiana may hold 80-day seasons on snow (including blue) geese and 70-day seasons on white-fronted geese by zones established for duck hunting seasons. Daily bag and possession limits are as described above.

Minnesota. In the:

(a) West Central Goose Zone—the season for Canada geese may extend for 30 days. In the Lac Qui Parle Goose Zone the season will close after 30 days or when 4,000 birds have been harvested, whichever occurs first. Throughout the 5-county area, limits are 1 Canada goose daily and 2 in possession.

(b) Southeast Goose Zone—The season for Canada geese may extend for 70 consecutive days. Limits are 2 Canada geese daily and 4 in possession. In selected areas of the Metro Goose Management Block and in Olmsted County, experimental 10-day late seasons may be held during December to harvest Giant Canada geese. During these seasons, limits are 2 Canada geese daily and 4 in possession.

(c) Remainder of the State—The season for Canada geese may extend for 40 days. Limits are 1 Canada goose daily and 2 in possession.

Iowa: The season may extend for 45 consecutive days. Limits are 2 Canada geese daily and 4 in possession. The season for geese in the Southwest Goose Zone may be held at a different time than the season in the remainder of the State.

Missouri: In the:

(a) Swan Lake Zone—The season for Canada geese closes after 40 days or when 10,000 birds have been harvested, whichever occurs first. Limits are 2 Canada geese daily and 4 in possession.

(b) Southeast Zone—A 50-day season on Canada geese may be selected, with limits of 2 Canada geese daily and 4 in possession.

(c) Remainder of the State—The season for Canada geese may extend for 40 days in the respective duck hunting zones. Limits are 1 Canada goose daily and 4 in possession.

Wisconsin: The framework opening date for all geese is September 23. The total harvest of Canada geese in the State will be limited to 93,700 birds. In the:

(a) Horicon Zone—The harvest of Canada geese is limited to 62,000 birds. The season may not exceed 76 days. All Canada geese harvested must be tagged and the total number of tags issued will be limited so that the quota of 62,000 birds is not exceeded. Limits are 2 Canada geese daily and 4 in possession.

(b) Theresa Zone—The harvest of Canada geese is limited to 5,000 birds. The season may not exceed 70 days. Limits are 1 Canada goose per permittee per 7-day period and 4 for the entire season.

(c) Pine Island Zone—The harvest of Canada geese is limited to 1,700 birds. The season may not exceed 70 days. All Canada geese harvested must be tagged.

Limits are 2 Canada geese daily and 4 for the entire season.

(d) Collins Zone—The harvest of Canada geese is limited to 2,700 birds. The season may not exceed 70 days. All Canada geese harvested must be tagged. Limits are 2 Canada geese daily and 4 in the entire season.

(e) Exterior Zone—The harvest of Canada geese is limited to 22,300 birds. The season may not exceed 70 days, except as noted below. Limits are 1 Canada goose daily and 2 in possession through October 31, and 2 daily and 4 in possession thereafter, except as noted below. In the Mississippi River Subzone, the season for Canada geese may extend for 70 days. Limits are 1 Canada goose daily and 2 in possession through October 31, and 2 daily and 4 in possession thereafter. In the Brown County Subzone, a special late season to control local populations of giant Canada geese may be held during December 1–31. The daily bag and possession limits during this season are 3 and 6 birds, respectively. In the Rock Prairie Subzone, a special late season to harvest giant Canada geese may be held between November 5 and December 10. During this late season, limits are 1 Canada goose daily and 2 in possession.

In Wisconsin, the progress of the Canada goose harvest must be monitored in the exterior zone, and that zone's season closed, if necessary, to insure that the harvest does not exceed the quota stated above.

Illinois: The total harvest of Canada geese in the State will be limited to 103,500 birds. In the:

(a) Southern Illinois Quota Zone—The season for Canada geese will close after 56 days or when 51,750 birds have been harvested, whichever occurs first. Limits are 2 Canada geese daily and 10 in possession through December 31, and 3 daily and 10 in possession thereafter.

(b) Rend Lake Quota Zone—The season for Canada geese will close after 56 days or when 15,500 birds have been harvested, whichever occurs first. Limits are 2 Canada geese daily and 10 in possession through December 31, and 3 daily and 10 in possession thereafter.

(c) Tri-County Zone—The season for Canada geese may not exceed 50 days. Limits are 2 Canada geese daily and 10 in possession.

(d) Remainder of State—Seasons for Canada geese up to 60 days may be selected by zones established for duck hunting seasons. Limits are 2 Canada geese daily and 10 in possession.

Michigan: The total harvest of Canada geese in the State will be limited to 89,400 birds. In the:

(a) North Zone:

(1) West of Forest Highway 13—The framework opening date for all geese is September 23 and the season for Canada geese may extend for 53 days, except in the Superior Counties Goose Management Area (GMA), where the season will close after 53 days or when 11,000 birds have been harvested, whichever occurs first. Limits are 3 Canada geese daily and 6 in possession.

(2) Remainder of North Zone—The framework opening for all geese is September 26 and the season for Canada geese may extend for 50 days. Limits are 2 Canada geese daily and 4 in possession.

(b) Middle Zone—The season for Canada geese may extend for 50 days. Limits are 2 Canada geese daily and 4 in possession through November 22, and 3 daily and 6 in possession thereafter.

(c) South Zone:

(1) Allegan County GMA—The season for Canada geese will close after 55 days or when 5,500 birds have been harvested, whichever occurs first. Limits are 1 Canada goose daily and 2 in possession.

(2) Muskegon Wastewater GMA—The season for Canada geese will close after 50 days or when 700 birds have been harvested, whichever occurs first. Limits are 2 Canada geese daily and 4 in possession.

(3) Saginaw County GMA—The season for Canada geese will close after 50 days or when 4,500 birds have been harvested, whichever occurs first. Limits are 2 Canada geese daily and 4 in possession.

(4) Fish Point GMA—The season for Canada geese will close after 50 days or when 2,500 birds have been harvested, whichever occurs first. Limits are 2 Canada geese daily and 4 in possession.

(5) Remainder of South Zone:

(i) West of U.S. Highway 27/127—The season for Canada geese may extend for 50 days. Limits are 2 Canada geese daily and 4 in possession.

(ii) East of U.S. Highway 27/127—The season for Canada geese may extend for 40 days. Limits are 2 Canada geese daily and 4 in possession.

(d) Southern Michigan GAM—A late Canada goose season of up to 30 days may be held between January 6 and February 4, 1990. Limits are 2 Canada geese daily and 4 in possession.

Ohio: Canada goose limits are 2 daily and 4 in possession.

Indiana: The total harvest of Canada geese in the State will be limited to 39,700 birds. In:

(a) Posey County—The season for Canada geese will close after 70 days or when 11,500 birds have been harvested, whichever occurs first. Limits are 3

Canada geese daily and 6 in possession. The season may extend to January 31, 1990.

(b) Remainder of the State—The season for Canada geese may extend for 70 days. Limits are 2 Canada geese daily and 4 in possession.

Kentucky: In the:

(a) Western Zone—The season for Canada geese may extend for 70 days, and the harvest will be limited to 31,000 birds. Of the 31,000-bird quota, 20,000 birds will be allocated to the Ballard Reporting Area and 6,000 birds will be allocated to the Henderson/Union Reporting Area. If the quota in either reporting area is reached prior to completion of the 70-day season, the season in that reporting area will be closed. If this occurs, the season in those counties and portions of counties outside of, but associated with, the respective subzone (listed in State regulations) may continue for an additional 7 days, not to exceed a total of 70 days. The season in Fulton County may extend to February 15, 1990. Limits are 3 Canada geese daily and 6 in possession.

(b) Remainder of the State—The season may extend for 70 days. Limits are 2 Canada geese daily and 4 in possession.

Tennessee: In the:

(a) Northwest Tennessee Zone—The season for Canada geese may extend for 70 days, and the harvest will be limited to 12,400 birds. Of the 12,400 bird quota, 8,600 birds will be allocated to the Reelfoot Quota Zone. If the quota in the Reelfoot Quota Zone is reached prior to completion of the 70-day season, the season in the quota zone will be closed. If this occurs, the season in the remainder of the Northwest Tennessee Zone may continue for an additional 7 days, not to exceed a total of 70 days. The season may extend to February 15, 1990. Limits are 3 Canada geese daily and 6 in possession.

(b) Southwest Tennessee Zone—The season for Canada geese may extend for 30 days, and the harvest will be limited to 700 birds. Limits are 2 Canada geese daily and 4 in possession.

(c) Remainder of the State—The season for Canada geese may extend for 70 days. Limits are 2 Canada geese daily and 4 in possession.

Arkansas: The season for Canada geese may extend for 70 days. Limits are 3 Canada geese daily and 6 in possession.

Louisiana: The season for Canada geese is closed.

Mississippi: The season for Canada geese may extend for 70 days. Limits are 3 Canada geese daily and 6 in possession.

Alabama: Canada geese limits are 2 daily and 4 in possession.

Missouri, Illinois, Indiana, Kentucky and Tennessee Quota Zone Closures: When it has been determined that the quota of Canada geese allotted to the Southern Illinois Quota Zone, the Rend Lake Quota Zone in Illinois, the Swan Lake Zone in Missouri, Posey County in Indiana, the Ballard and Henderson-Union Subzones in Kentucky and the Reelfoot Subzone in Tennessee will have been filled, the season for taking Canada geese in the respective area will be closed by the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing, or by the State through State regulations with such notice and time (not less than 48 hours) as they deem necessary.

Shipping Restriction: In Illinois and Missouri and in the Kentucky counties of Ballard, Hickman, Fulton and Carlisle, geese may not be transported, shipped or delivered for transportation or shipment by common carrier, the Postal Service, or by any person except as the personal baggage of licensed waterfowl hunters, provided that no hunter shall possess or transport more than the legally-prescribed possession limit of geese. Geese possessed or transported by persons other than the taker must be labeled with the name and address of the taker and the date taken.

Central Flyway

The Central Flyway includes Colorado (east of the Continental Divide), Kansas, Montana (Blaine, Carbon, Fergus, Judith Basin, Stillwater, Sweetgrass, Wheatland and all counties east thereof), Nebraska, New Mexico (east of the Continental Divide except that the entire Jicarilla Apache Indian Reservation is in the Pacific Flyway), North Dakota, Oklahoma, South Dakota, Texas and Wyoming (east of the Continental Divide).

Ducks (including mergansers) and Coots

Outside Dates: October 7, 1989, through January 7, 1990.

Canvasbacks: The season on canvasbacks is closed.

Hunting Season: Seasons in the Low Plains Unit may include no more than 39 days. Seasons in the High Plains Mallard Management Unit may include no more than 51 days, provided that the last 12 days may start no earlier than December 9, 1989. The High Plains Unit, roughly defined as that portion of the Central Flyway which lies west of the 100th meridian, shall be described in State regulations.

States may split their seasons into 2 or, in lieu of zoning, 3 segments.

Daily Bag and Possession Limits: The daily bag limit is 3 ducks, including no more than 2 mallards, no more than 1 of which may be a female, 1 mottled duck, 1 pintail, 1 redhead, 1 hooded merganser, and 2 wood ducks. The possession limit is twice the daily bag limit. Daily bag and possession limits for coots are 15 and 30, respectively.

States in the Central Flyway may, as an alternative to the conventional bag limit for ducks, select a point system of bag and possession limits. Point categories will be as follows:

100 points—female mallard, pintail, redhead, hooded merganser, mottled duck
50 points—male mallard, wood duck
35 points—All other ducks and mergansers

Under the point system, the daily bag limit is reached when the point value of the last bird taken, added to the sum of point values of all other ducks already taken during that day, reaches or exceeds 100 points. The possession limit is the maximum number of ducks that legally could have been taken in 2 days.

Zoning: Duck and coot hunting seasons may be selected independently in existing zones as described in the following States:

Montana (Central Flyway portion):

Experimental Zone 1. The counties of Bighorn, Blaine, Carbon, Daniels, Fergus, Garfield, Golden Valley, Judith Basin, McCone, Musselshell, Petroleum, Phillips, Richland, Roosevelt, Sheridan, Stillwater, Sweetgrass, Valley, Wheatland and Yellowstone.

Experimental Zone 2. The counties of Carter, Custer, Dawson, Fallon, Powder River, Prairie, Rosebud, Treasure and Wibaux.

Nebraska (Low Plains portion):

Zone 1. Keya Paha County east of U.S. Highway 183 and all of Boyd County including the adjacent waters of the Niobrara River.

Zone 2. The area bounded by designated highways and political boundaries starting on U.S. 73 at the State Line near Falls City; north to N-67; north through Nemaha to U.S. 73-75; north to U.S. 34; west to the Alvo Road; north to U.S. 6; northeast to N-63; north and west to U.S. 77; north to N-92; west to U.S. 81; south to N-66; west to N-14; south to I-80; west to U.S. 34; west to N-10; south to the State Line; west to U.S. 283; north to N-23; west to N-47; north to U.S. 30; east to N-14; north to N-52; northwesterly to N-91; west to U.S. 281; north to Wheeler County and including all of Wheeler and Garfield Counties and Loup County east of U.S. 183; east

on N-70 from Wheeler County to N-14; south to N-39; southeast to N-22; east to U.S. 81; southeast to U.S. 30; east to U.S. 73; north to N-51; east to the State Line; and south and west along the State Line to the point of beginning.

Zone 3. The area, excluding Zone 1, north of Zone 2.

Zone 4. The area south of Zone 2.

New Mexico:

Experimental Zone 1. The Central Flyway portion of New Mexico north of Interstate Highway 40 and U.S. Highway 54.

Experimental Zone 2. The remainder of the Central Flyway portion of New Mexico.

Oklahoma:

Zone 1. That portion of northwestern Oklahoma, except the Panhandle, bounded by the following highways: starting at the Texas-Oklahoma border, OK 33 to OK 47, OK 47 to U.S. 183, U.S. 183 to I-40, I-40 to U.S. 177, U.S. 177 to OK 33, OK 33 to I-35, I-35 to U.S. 60, U.S. 60 to U.S. 64, U.S. 64 to OK 132, and OK 132 to the Oklahoma-Kansas state line.

Zone 2. The remainder of the Low Plains.

South Dakota (Low Plains portion):

South Zone. Bon Homme, Yankton and Clay Counties south of S.D. Highway 50; Charles Mix County south and west of a line formed by S.D. Highway 50 from Douglas County to Geddes, Highways CFAS 6198 and FAS 6516 to Lake Andes, and S.D. Highway 50 to Bon Homme County; Gregory County; and Union County south and west of S.D. Highway 50 and Interstate Highway 29.

North Zone. The remainder of the Low Plains.

Geese

Definitions: In the Central Flyway, "geese" includes all species of geese and brant, "dark geese" includes Canada and white-fronted geese and black brant, and "light geese" includes all others.

Outside Dates: September 30, 1989, through January 21, 1990, for dark geese and September 30, 1989, through February 18, 1990 (February 28, 1990, in New Mexico), for light geese.

Possession Limits: Goose possession limits are twice the daily bag limits.

Hunting Seasons: Seasons in States, and independently in described goose management units within States, may be as follows:

Colorado: No more than 95 days with a daily limit of 5 geese that may include no more than 2 dark geese.

Kansas: For dark geese, no more than 72 days with daily limits of 2 Canada geese or 1 Canada goose and 1 white-

fronted goose through November 26 and no more than 1 Canada goose and 1 white-fronted goose during the remainder of the season.

For Light Goose Unit 1 (that area east of U.S. 75 and north of I-70), no more than 100 days with a daily limit of 5.

For Light Goose Unit 2 (the remainder of Kansas), no more than 100 days with a daily limit of 5.

Montana: No more than 95 days with daily limits of 2 dark geese and 3 light geese in Sheridan County and 3 dark geese and 3 light geese in the remainder of the Central Flyway portion of the State.

Nebraska: For Dark Goose Unit 1 (Boyd, Cedar west of U.S. 81, Keya Paha east of U.S. 183, and Knox Counties), no more than 79 days with daily limits of 1 Canada goose and 1 white-fronted goose through November 17 and no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose for the remainder of the season.

For Dark Goose Unit 2 (the remainder of the State east of the following highways starting at the South Dakota line: U.S. 183 to NE 2, NE 2 to U.S. 281, and U.S. 281 to Kansas), no more than 72 days with daily limits of 2 Canada geese or 1 Canada goose and 1 white-fronted goose through November 19 and no more than 1 Canada goose and 1 white-fronted goose for the remainder of the season.

For Dark Goose Unit 3 (that part of the State west of Units 1 and 2), no more than 72 days with daily limits of 2 Canada geese or 1 Canada goose and 1 white-fronted goose through November 19 and no more than 1 Canada goose and 1 white-fronted goose for the remainder of the season.

For light geese, no more than 100 days with a daily limit of 5.

New Mexico: For dark geese, no more than 95 days with a daily limit of 2.

For light geese in the Rio Grande Valley Unit (the Central Flyway portion of New Mexico in Socorro and Valencia Counties), no more than 107 days with a daily limit of 5 and a possession limit of 10.

For light geese in the remainder of the Central Flyway portion of New Mexico, no more than 95 days with a daily limit of 5.

North Dakota: For dark geese, no more than 72 days with daily limits of 1 Canada goose and 1 white-fronted goose or 2 white-fronted geese through October 29 and no more than 2 dark geese during the remainder of the season.

For light geese, no more than 100 days with a daily limit of 5.

Oklahoma: For dark geese, no more than 72 days with a daily limit of 2

Canada geese or 1 Canada goose and 1 white-fronted goose.

For light geese, no more than 100 days with a daily limit of 5.

South Dakota: For dark geese in the Missouri River Unit (the Counties of Bon Homme, Brule, Buffalo, Campbell, Charles Mix, Corson east of SD Highway 65, Dewey, Gregory, Haakon north of Kirley Road and east of Plum Creek, Hughes, Hyde, Lyman north of Interstate 90 and east of U.S. Highway 183, Potter, Stanley, Sully, Tripp east of U.S. Highway 183, Walworth, and Yankton west of U.S. Highway 81), no more than 79 days with daily limits of 1 Canada goose and 1 white-fronted goose through November 17 and no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose for the remainder of the season.

For dark geese in the remainder of the State, no more than 72 days with a daily limit of 1 Canada goose and 1 white-fronted goose.

For light geese, no more than 100 days with a daily limit of 5.

Texas: West of U.S. 81, no more than 95 days with a daily limit of 5 geese which may include no more than 2 dark geese.

For dark geese east of U.S. 81, no more than 72 days with a daily limit of 1 Canada goose and 1 white-fronted goose.

For light geese east of U.S. 81, no more than 100 days with a daily limit of 5.

Wyoming: No more than 95 days with a daily limit of 2.

Tundra Swans

The following States may issue permits authorizing each permittee to take no more than one tundra swan, subject to guidelines in the current, approved Hunt Plan for the Eastern Population of Tundra Swans, and specified conditions as follows:

Montana: (Central Flyway portion): No more than 500 permits with the season dates concurrent with the season for taking geese.

North Dakota: No more than 1,000 permits with the season dates concurrent with the season for taking light geese.

South Dakota: No more than 500 permits with the season dates concurrent with the season for taking light geese.

Pacific Flyway

The Pacific Flyway includes Arizona, California, Colorado (west of the Continental Divide), Idaho, Montana (including and to the west of Hill, Chouteau, Cascade, Meagher and Park Counties), Nevada, New Mexico (the

Jicarilla Apache Indian Reservation and west of the Continental Divide), Oregon, Utah, Washington and Wyoming (west of the Continental Divide including the Great Divide Basin).

Ducks, Coots, and Common Moorhens

Outside Dates: Between October 7, 1989, and January 7, 1990.

Hunting Seasons: Seasons may be split into two segments. Concurrent 59-day seasons on ducks (including mergansers), coots, and common moorhens (gallinules) may be selected except as subsequently noted. In the Oregon counties of Morrow and Umatilla and in Washington all areas lying east of the summit of the Cascade Mountains and east of the Big White Salmon River in Klickitat County, the seasons may be an additional 7 days.

Duck Limits: The basic daily bag limit is 4 ducks, including no more than 3 mallards, no more than 1 of which may be a female, 1 pintail, 1 canvasback, and 2 redheads but no more than 1 canvasback and 1 redhead in combination. The possession limit is twice the daily bag limit.

Coot and Common Moorhen (Gallinule) Limits: The daily bag and possession limit of coots and common moorhens is 25 singly or in the aggregate.

California—Waterfowl Zones: Season dates for the Colorado River Zone of California must coincide with season dates selected by Arizona. Season dates for the Northeastern and Southern Zones of California may differ from those in the remainder of the State.

Idaho—Waterfowl Zones: Duck and goose season dates for Zone 1 and Zone 2 may differ. Zone 1 includes all lands and waters within the Fort Hall Indian Reservation and Bannock County; Bingham County except that portion within the Blackfoot Reservoir drainage; and Power County east of State Highway 37 and State Highway 39. Zone 2 includes the remainder of the State.

Nevada—Clark County Waterfowl Zone: Season dates for Clark County may differ from those in the remainder of Nevada.

Geese (including Brant)

Outside dates, season lengths and limits on geese (including brant): Seasons may be split into two segments. Between September 30, 1989, and January 21, 1990, a 93-day season on geese (except brant in Washington, Oregon, and California) may be selected, except as subsequently noted. The basic daily bag and possession limit is 6, provided that the daily bag limit includes no more than 3 white geese (snow, including blue, and Ross' geese)

and 3 dark geese (all other species of geese). In Washington and Idaho, the daily bag and possession limits are 3 and 6 geese, respectively. Washington, Oregon, and California may select an open season for brant with daily bag and possession limits of 2 and 4 brant, respectively. Brant seasons may not exceed 16-consecutive days in Washington and Oregon and 30-consecutive days in California.

Aleutian Canada goose closure: There will be no open season on Aleutian Canada geese. Emergency closures may be invoked for all Canada geese should Aleutian Canada goose distribution patterns or other circumstances justify such actions.

California, Oregon, Washington—Cackling Canada goose closure: There will be no open season on cackling Canada geese in California, Oregon, and Washington.

California Canada goose and dark goose closures: Three areas in California, described as follows, are restricted in the hunting of certain geese.

(1) In the counties of Del Norte and Humboldt there will be no open season for Canada geese.

(2) In the Sacramento Valley in that area bounded by a line beginning at Willows in Glenn County proceeding south on Interstate Highway 5 to the junction with Hahn Road north of Arbuckle in Colusa County; then easterly on Hahn Road and the Grimes Arbuckle road to Grimes on the Sacramento River; then southerly on the Sacramento River to the Tisdale Bypass where it meets O'Banion Road; then easterly on O'Banion Road to State Highway 99; then northerly on State Highway 99 to its junction with the Gridley-Colusa Highway in Gridley in Butte County; then westerly on the Gridley-Colusa Highway to its junction with the River Road; then northerly on the River Road to the Princeton Ferry; then westerly across the Sacramento River to State Highway 45; then northerly on State Highway 45 to its junction with State Highway 162; then continuing northerly on State Highway 45-162 to Glenn; then westerly on State Highway 162 to the point of beginning in Willows, there will be no open season for Canada geese. In this area, the season on white-fronted geese must end on or before November 30, 1989.

(3) In the San Joaquin Valley in that area bounded by a line beginning at Modesto in Stanislaus County proceeding west on State Highway 132 to the junction of Interstate Highway 5; then southerly on Interstate Highway 5 to the junction of State Highway 152 in Merced County; then easterly on State Highway 152 to the junction of State

Highway 59; then northerly on State Highway 59 to the junction of State Highway 99 at Merced; then northerly and westerly on State Highway 99 to the point of beginning; the hunting season for Canada geese will close no later than November 23, 1989.

California (Northeastern Zone)—geese: In the Northeastern Zone of California the season may be from October 14, 1989, to January 14, 1990, except that white-fronted geese may be taken only during October 14 to November 5, 1989. Limits will be 3 geese per day and 6 in possession, of which not more than 1 white-fronted goose or 2 Canada geese shall be in the daily limit and not more than 2 white-fronted geese and 4 Canada geese shall be in possession.

California (Balance of the State Zone)—geese: In the Balance of the State Zone the season may be from October 28, 1989, through January 14, 1990, except that white-fronted geese may be taken only during October 28, 1989, to December 31, 1989. Limits shall be 3 geese per day and in possession, of which not more than 1 may be a dark goose. The dark goose limits may be expanded to 2 provided that they are Canada geese (except Aleutian and cackling Canada geese for which the season is closed).

Western Oregon: In those portions of Coos and Curry Counties lying west of U.S. Highway 101 and that portion of Western Oregon west and north of a line starting at Oregon-Washington State line on the Columbia River; south on Interstate Highway 5 to its junction with State Highway 22 at Salem; east on State Highway 22 to the Stayton cutoff; south on the Stayton cutoff through Stayton and straight south to the Santiam River; west (downstream) on the Santiam River to Interstate Highway 5; south on Interstate Highway 5 to State Highway 126 at Eugene; west on State Highway 126 to State Highway 36; north on State Highway 36 to Forest Road 5070 at Brickerville; west and south on Forest Road 5070 to State Highway 126; west on State Highway 126 and ending at the Oregon coast, except for designated areas, there shall be no open season on Canada geese. In the remainder of Western Oregon, the season and limits shall be the same as those for the Pacific Flyway, except the seasons in the designated area must end upon attainment of their individual quotas which collectively equal 210 dusky Canada geese. Hunting of Canada geese in those designated areas shall only be by hunters possessing a state-issued permit authorizing them to do so.

Oregon (Lake and Klamath Counties)—geese: In the Oregon counties of Lake and Klamath the season on white-fronted geese will not open before November 1.

Washington and Oregon (Columbia Basin Portions)—geese: In the Washington counties of Adams, Benton, Douglas, Franklin, Grant, Kittitas, Klickitat, Lincoln, Walla Walla and Yakima, and in the Oregon counties of Gilliam, Morrow, Sherman, Umatilla, Union, Wallowa and Wasco, the goose season may be an additional 7 days.

Western Washington: In Clark, Cowlitz, Wahkiakum, and Pacific Counties, except for areas to be designated by the State, there shall be no open season on Canada geese. For designated areas the seasons must end upon attainment of individual quotas which collectively will equal 90 dusky Canada geese. Hunting of Canada geese in those designated areas shall only be by hunters possessing a state-issued permit authorizing them to do so.

Idaho, Oregon and Montana—Pacific Population of Canada geese: In that portion of Idaho lying west of the line formed by U.S. Highway 93 north from the Nevada border to Shoshone, thence northerly on Idaho State Highway 75 (formerly U.S. Highway 93) to Challis, thence northerly on U.S. Highway 93 to the Montana border (except Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Nez Perce, Lewis, Clearwater and Idaho Counties); in the Oregon counties of Baker and Malheur; and in Montana (Pacific Flyway portion west of the Continental Divide), the daily bag and possession limits are 2 and 4 Canada geese, respectively; and the season for Canada geese may not extend beyond January 7, 1990.

Montana and Wyoming—Rocky Mountain Population of Canada Geese: In Montana (Pacific Flyway portion east of the Continental Divide) and Wyoming the season may not extend beyond January 14, 1990. In Lincoln, Sweetwater and Sublette Counties, Wyoming, the combined special sandhill crane-Canada goose seasons and the regular season shall not exceed 93 days.

Idaho, Colorado and Utah: In that portion of Idaho lying east of the line formed by U.S. Highway 93 north from the Nevada border to Shoshone, thence northerly on Idaho State Highway 75 (formerly U.S. Highway 93) to Challis,

thence northerly on U.S. Highway 93 to the Montana border; in Colorado; and in Utah, except Washington County, the daily bag and possession limits are 2 and 4 Canada geese, respectively, and the season for Canada geese may be no more than 88 days and may not extend beyond January 14, 1990.

Nevada: Nevada may designate season dates on geese in Clark County and in Elko County and that portion of White Pine County within Ruby Lake National Wildlife Refuge differing from those in the remainder of the State. In Clark County the season on Canada geese may be no more than 86 days. Except for Clark County the daily bag and possession limits are 2 and 4 Canada geese, respectively. In Clark County the daily bag and possession limits are 2 Canada geese.

Arizona, California, Utah and New Mexico: In California, the Colorado River Zone where the season must be the same as that selected by Arizona and the Southern Zone; in Arizona; in New Mexico; and in Washington County, Utah; the season for Canada geese may be no more than 88 days. The daily bag and possession limit is 2 Canada geese except in that portion of California Department of Fish and Game District 22 within the Southern Zone (i.e. Imperial Valley) where the daily bag and possession limits for Canada geese are 1 and 2, respectively.

Tundra Swans

In Utah, Nevada and Montana, an open season for tundra swans may be selected under the following conditions: (a) Between September 30, 1989, and January 21, 1990, a 93-day season may be selected, and seasons may be split into two segments; (b) appropriate State agency must issue permits and obtain harvest and hunter participation data; (c) in Utah, no more than 2,500 permits may be issued, authorizing each permittee to take 1 tundra swan; (d) in Nevada, no more than 650 permits may be issued, authorizing each permittee to take 1 tundra swan in either Churchill, Lyon, or Pershing Counties; (e) in Montana, no more than 500 permits may be issued authorizing each permittee to take 1 tundra swan in either Teton, Cascade, Hill, Liberty, Toole or Pondera County.

Common Snipe

Outside dates: Between September 1, 1989, and February 28, 1990.

Hunting Seasons and Daily Bag and Possession Limits: Seasons may not exceed 107 days, but may be split into 2 segments. Bag and possession limits are 8 and 16, respectively.

Special Falconry Frameworks

Falconry is a permitted means of taking migratory game birds in any State meeting Federal falconry standards in 50 CFR 21.29(k). These States may select an extended season for taking migratory game birds in accordance with the following:

Extended Seasons: For all hunting methods combined, the combined length for the extended season, regular season, and any special or experimental seasons shall not exceed 107 days for any species or group of species in a geographical area. Each extended season may be divided into a maximum of 3 segments.

Framework Dates: Seasons must fall between September 1, 1989 and March 10, 1990.

Daily Bag and Possession Limits: Falconry daily bag and possession limits for all permitted migratory game birds shall not exceed 3 and 6 birds, respectively, singly or in the aggregate, during extended falconry seasons, any special or experimental seasons, and regular hunting seasons in all States, including those that do not select an extended season.

Regular Seasons: General hunting regulations, including seasons and hours, apply to falconry in each State listed in 50 CFR 21.29(k). Regular season bag and possession limits do not apply to falconry.

Note.—Total season length for all hunting methods combined shall not exceed 107 days for any species or group of species in one geographical area. The extension of this framework to include the period September 1, 1989–March 10, 1990, and the option to split the extended falconry season into a maximum of 3 segments are considered tentative, and will be evaluated in cooperation with States offering such extensions after a period of several years.

Dated: September 7, 1989.

John F. Turner,
Director.

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BILLING CODE 4310-55-M

Test Report

**Tuesday
September 19, 1989**

Part VI

Environmental Protection Agency

40 CFR Part 60

**Standards of Performance for New
Stationary Sources; Revisions to Rubber
Tire Manufacturing Industry; Final Rule
and Petition for Reconsideration**

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 60**

[AD-FRL-3608-2]

Standards of Performance for New Stationary Sources; Revisions to Rubber Tire Manufacturing Industry**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule and petition for reconsideration.

SUMMARY: On February 14, 1989 (54 FR 6850), EPA proposed minor revisions to standards of performance for the rubber tire manufacturing industry. The revisions to the new source performance standards (NSPS) were proposed as a result of a petition for reconsideration of the NSPS filed by the Rubber Manufacturers Association (RMA), et al. This action promulgates final revisions to the NSPS. The effect of this action is to grant the petitioners' requests for revision of: (1) Changes in cutoff formats between proposal and promulgation; (2) requirements for determining capture efficiency using a temporary enclosure; and (3) requirements for monthly tests for green tire sprays containing low quantities of volatile organic compounds (VOC).

EFFECTIVE DATE: September 19, 1989. Under section 307(b)(1) of the Clean Air Act, judicial review of this NSPS is available only by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule. Under section 307(b)(2) of the Clean Air Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

ADDRESSES: *Docket.* A docket, number A-80-9, containing information considered by EPA in the development of the promulgated standards and the Petition for Reconsideration to which this notice is responding, is available for public inspection between 8:30 a.m. and 3:30 p.m., Monday through Friday, at EPA's Air Docket Section (LE-131), Waterside Mall, Room M1500, 1st Floor, 401 M Street, SW., Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: For further information and interpretations of applicability, compliance requirements, and reporting aspects of the revised standards, contact the appropriate Regional, State, or local office contact as listed in 40 CFR 60.4.

For further information on the background for the promulgated revised standards, contact Ms. Shirley Tabler, Standards Development Branch, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5256.

SUPPLEMENTARY INFORMATION:**I. Background**

Standards of performance for the rubber tire manufacturing industry were promulgated in the Federal Register on September 15, 1987 (52 FR 34868). The promulgated standards limit VOC emissions from new, modified, or reconstructed facilities. The VOC emissions from the rubber tire industry are caused primarily by application of materials which contain VOC to different components of a tire during the manufacturing process. The affected facilities are each undertread cementing operation, each sidewall cementing operation, each tread end cementing operation, each bead cementing operation, each green tire spraying operation, each Michelin-A operation, each Michelin-B operation, and each Michelin-C automatic operation.

The control technology for these facilities consists of low solvent usage or an emission reduction system.

On November 12, 1987, the RMA (a national trade association representing several tire manufacturers) filed with EPA a petition for reconsideration of the Standards of Performance for New Stationary Sources in the Rubber Tire Manufacturing Industry. On November 12 and 13, 1987, the RMA and the Firestone Tire and Rubber Company, respectively, filed with the U.S. Court of Appeals for the District of Columbia Circuit petitions for review of the NSPS under section 307(b) of the Clean Air Act. Additionally, on December 10, 1987, Michelin Tire Corporation filed a Motion for Leave to Intervene in the review of the final standards.

In summary, the petitioners requested review of: (1) The format of the VOC use cutoffs established in the promulgated NSPS; (2) potential expansion in the coverage of the regulation; (3) requirements for determining capture efficiency using a temporary enclosure; and (4) requirements for monthly tests for green tire sprays containing low quantities of VOC. The revisions proposed on February 14, 1989, were in regard to items (1), (3), and (4); however, no revisions to the NSPS were made with regard to coverage of the NSPS. A detailed discussion of the issues presented in the petitions for review and EPA's response to the issues is

contained in the preamble for the proposed revisions (54 FR 6850-6852).

II. The Promulgated Revisions

The proposed revisions to the NSPS were published in the Federal Register on February 14, 1989 (54 FR 6850). A public hearing was scheduled on March 21, 1989. However, there were no requests for a hearing. The public comment period lasted from February 14, 1989 to April 21, 1989. One comment letter was received from RMA. The RMA stated that the proposed revisions constitute an appropriate response to issues raised in the petitions. In addition to the proposed revisions, RMA suggested one minor change be made with regard to the use of water-based tread end cements. Specifically, the association requested EPA to delete the requirement for monthly performance tests for tread end cementing operations which use spray formulations containing less than 1.0 percent by weight of VOC. According to RMA, deleting this requirement would encourage the use of low-VOC materials since these materials are not currently in widespread use.

The EPA has considered RMA's requested revision and has decided to make this change. The change would be consistent with the proposed change for green tire spraying operations which use spray formulations containing less than 1.0 percent by weight of VOC. Also, EPA would like to encourage waste minimization through the use of water-based materials. Therefore, the promulgated revisions waive the requirement for monthly performance tests for both tread end cementing operations and green tire spraying operations which use spray formulations containing less than 1.0 percent by weight of VOC. The owner or operator of these operations, however, must submit annually formulation data or the results of Method 24 analysis to verify the VOC content of the spray in lieu of conducting monthly performance tests. No other changes have been made to the revisions proposed on February 14, 1989. The promulgated revisions allow affected facilities (each undertread cementing operation and each sidewall cementing operation) that commenced construction, modification, or reconstruction prior to the promulgation date of the NSPS (September 15, 1987) the option of complying with either the proposed or final cutoff (25 g/tire or total (uncontrolled) monthly VOC usage). Owners or operators of these affected facilities must decide within two months after promulgation of these revisions whether they will elect to use

the alternative cutoff. The promulgated revisions also provide an alternative procedure for demonstration of capture efficiency through the use of a liquid-to-gas material balance in cases where only a single VOC (solvent) is used.

III. Administrative Requirements

A. Docket

The docket is an organized and complete file of all the information considered by EPA in the development of this rulemaking. The docket is a dynamic file because material is added through the rulemaking development. The docketing system is intended to allow members of the public and industries involved to identify and locate documents so that they can effectively participate in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated amendments to the NSPS and EPA responses to significant comments, the contents of the docket, except for interagency review materials, will serve as the record in case of judicial review (see Clean Air Act, section 307(d)(7)(A), 42 U.S.C. 7607(d)(7)(A)).

B. Paperwork Reduction Act

Changes to the information requirements in this rule have been approved by the Office of Management and Budget (OMB) Clearance No. 2060-0156 under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* An Information Collection Request document has been prepared by EPA (ICR No. 1158) and a copy may be obtained by writing Sandy Farmer, Information Policy Branch, EPA, 401 M Street SW., (PM-223), Washington, DC 20460 or by calling (202) 382-2740.

Public reporting burden for this collection of information is estimated to decrease 20 to 35 hours annually for manufacturers employing tread end cementing and green tire spray operations using water-based sprays containing less than 1.0 percent by weight of VOC.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM-223, U. S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, and to the Office of Information and Regulatory Affairs, Paperwork Reduction Project (2060-0156), Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA."

C. Executive Order 12291

This rulemaking was submitted to OMB for review as required by Executive Order 12291. Any written comments from OMB to EPA and any EPA response to those comments are included in Docket No. A-80-9. This docket is available for public inspection at EPA's Air Docket Section that is listed under the ADDRESSES section of this notice.

D. Regulatory Flexibility Act Compliance

The Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)) requires that adverse effects of all Federal regulations upon small businesses be identified. As stated in the preamble to the final NSPS (52 FR 34874, September 15, 1987), it is unlikely that any new plant would be considered a small entity. Therefore, it is unlikely that this rulemaking, which promulgates minor revisions to the NSPS, would adversely affect any small businesses.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that these promulgated revisions to the NSPS will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 60

Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping, Rubber tire manufacturing (SIC 3011).

Dated: September 12, 1989.

William K. Reilly,
Administrator.

For reasons set out in the preamble, 40 CFR Part 60, Subpart BBB, is amended as follows:

PART 60—[AMENDED]

1. The authority citation for Part 60 continues to read as follows:

Authority: Sec. 101, 111, 114, 116, 301 of the Clean Air Act as amended (42 U.S.C. 7401, 7411, 7414, 7416, and 7601).

2. Section 60.540 is amended by revising paragraphs (a) and (b) to read as follows:

§ 60.540 Applicability and designation of affected facilities.

(a) The provisions of this subpart, except as provided in paragraph (b) of this section, apply to each of the following affected facilities in rubber tire manufacturing plants that commence construction, modification, or reconstruction after January 20, 1983: each undertread cementing operation, each sidewall cementing operation, each tread end cementing operation, each bead cementing operation, each green

tire spraying operation, each Michelin-A operation, each Michelin-B operation, and each Michelin-C automatic operation.

(b) The owner or operator of each undertread cementing operation and each sidewall cementing operation in rubber tire manufacturing plants that commenced construction, modification, or reconstruction after January 20, 1983, and before September 15, 1987, shall have the option of complying with the alternate provisions in § 60.542a. This election shall be irreversible. The alternate provisions in § 60.542a do not apply to any undertread cementing operation or sidewall cementing operation that is modified or reconstructed after September 15, 1987. The affected facilities in this paragraph are subject to all applicable provisions of this subpart.

3. Section 60.542a is added to read as follows:

§ 60.542a Alternate standard for volatile organic compounds.

(a) On and after the date on which the initial performance test, required by § 60.8, is completed, but no later than 180 days after September 19, 1989, each owner or operator subject to the provisions in § 60.540(b) shall not cause to be discharged into the atmosphere more than: 25 grams of VOC per tire processed for each month if the operation uses 25 grams or less of VOC per tire processed and does not employ a VOC emission reduction system.

(b) (Reserved)

4. In § 60.543, the second sentences of paragraphs (b)(1) and (b)(2) are revised; paragraphs (b)(4), (f)(2)(iv), and (n) are added; and paragraphs (d) and (f)(2) introductory text are revised to read as follows:

§ 60.543 Performance test and compliance provisions.

(b) * * *

(1) * * * The owner or operator of an affected facility shall thereafter conduct a performance test each month, except as described under paragraphs (b)(4), (g)(1), and (j) of this section. * * *

(2) * * * The performance test shall be conducted in accordance with the procedures described under paragraphs (f)(2) (i) through (iv) of this section.

(4) The owner or operator of each tread end cementing operation and each green tire spraying operation using only water-based sprays (inside and/or outside) containing less than 1.0 percent, by weight, of VOC is not required to

conduct a monthly performance test as described in paragraph (d) of this section. In lieu of conducting a monthly performance test, the owner or operator of each tread end cementing operation and each green tire spraying operation shall submit formulation data or the results of Method 24 analysis annually to verify the VOC content of each tread end cement and each green tire spray material, provided the spraying formulation has not changed during the previous 12 months. If the spray material formulation changes, formulation data or Method 24 analysis of the new spray shall be conducted to determine the VOC content of the spray and reported within 30 days as required under § 60.546(j).

(d) For each tread end cementing operation and each green tire spraying operation where water-based cements or sprays containing 1.0 percent, by weight, of VOC or more are used (inside and/or outside) that do not use a VOC emission reduction system, the owner or operator shall use the following procedure to determine compliance with the g/tire limit specified under § 60.542 (a)(3), (a)(5)(i), (a)(5)(ii), (a)(7)(i), and (a)(7)(ii).

(f) * * *

(2) Calculate the mass of VOC emitted per tire cemented at the affected facility for the month (N) or mass of VOC emitted per bead cemented for the affected facility for the month (N_b):

$$N = G(1 - R)$$

$$N_b = G_b(1 - R)$$

For the initial performance test, the overall reduction efficiency (R) shall be determined as prescribed under paragraphs (f)(2)(i) through (iv) of this section. After the initial performance test, the owner or operator may use the most recently determined overall reduction efficiency (R) for the performance test. No monthly performance tests are required. The performance test shall be repeated during conditions described under paragraph (b)(2) of this section.

(iv) The owner or operator of an affected facility shall have the option of substituting the following procedure as an acceptable alternative to the requirements prescribed under paragraph (f)(2)(i) of this section. This alternative procedure is acceptable only in cases where a single VOC is used and is present in the capture system. The average capture efficiency value derived

from a minimum of three runs shall constitute a test.

(A) For each run, "i," measure the mass of the material containing a single VOC used. This measurement shall be made using a scale that has both a calibration and a readability to within 1 percent of the mass used during the run. This measurement may be made by filling the direct supply reservoir (e.g., trough, tray, or drum that is integral to the operation) and related application equipment (e.g., rollers, pumps, hoses) to a marked level at the start of the run and then refilling to the same mark from a more easily weighed container (e.g., separate supply drum) at the end of the run. The change in mass of the supply drum would equal the mass of material used from the direct supply reservoir. Alternatively, this measurement may be made by weighing the direct supply reservoir at the start and end of the run or by weighing the direct supply reservoir and related application equipment at the start and end of the run. The change in mass would equal the mass of the material used in the run. If only the direct supply reservoir is weighed, the amount of material in or on the related application equipment must be the same at the start and end of the run. All additions of VOC containing material made to the direct supply reservoir during a run must be properly accounted for in determining the mass of material used during that run.

(B) For each run, "i," measure the mass of the material containing a single VOC which is present in the direct supply reservoir and related application equipment at the start of the run, unless the ending weight fraction VOC in the material is greater than or equal to 98.5 percent of the starting weight fraction VOC in the material, in which case, this measurement is not required. This measurement may be made directly by emptying the direct supply reservoir and related application equipment and then filling them to a marked level from an easily weighed container (e.g., separate supply drum). The change in mass of the supply drum would equal the mass of material in the filled direct supply reservoir and related application equipment. Alternatively, this measurement may be made by weighing the direct supply reservoir and related application equipment at the start of the run and subtracting the mass of the empty direct supply reservoir and related application equipment (tare weight).

(C) For each run, "i," the starting weight fraction VOC in the material

shall be determined by Method 24 analysis of a sample taken from the direct supply reservoir at the beginning of the run.

(D) For each run, "i," the ending weight fraction VOC in the material shall be determined by Method 24 analysis of a sample taken from the direct supply reservoir at the end of the run.

(E) For each run, "i," in which the ending weight fraction VOC in the material is greater than or equal to 98.5 percent of the starting weight fraction VOC in the material, calculate the mass of the single VOC used (M_i) by multiplying the mass of the material used in the run by the starting weight fraction VOC of the material used in the run.

(F) For each run, "i," in which the ending weight fraction VOC in the material is less than 98.5 percent of the starting weight fraction VOC in the material, calculate the mass of the single VOC used (M_i) as follows:

(1) Calculate the mass of VOC present in the direct supply reservoir and related application equipment at the start of the run by multiplying the mass of material in the direct supply reservoir and related application equipment at the start of the run by the starting weight fraction VOC in the material for that run.

(2) Calculate the mass of VOC present in the direct supply reservoir and related application equipment at the end of the run by multiplying the mass of material in the direct supply reservoir and related application equipment at the end of the run by the ending weight fraction VOC in the material for that run. The mass of material in the direct supply reservoir and related application equipment at the end of the run shall be calculated by subtracting the mass of material used in the run from the mass of material in the direct supply reservoir and related application equipment at the start of the run.

(3) The mass of the single VOC used (M_i) equals the mass of VOC present in the direct supply reservoir and related application equipment at the start of the run minus the mass of VOC present in the direct supply reservoir and related application equipment at the end of the run.

(G) If Method 25A is used to determine the concentration of the single VOC in the capture system, then calculate the capture efficiency (FC_i) for each run, "i," as follows:

$$FC_i = \frac{C_i \frac{W}{V} Q_i}{(M_i) (10^6)}$$

Where: C_i = Average concentration of the single VOC in the capture system during run "i" (parts per million by volume) corrected for background VOC (see § 60.547(a)(5)).

W = Molecular weight of the single VOC, expressed as mg per mg-mole. $V = 2.405 \times 10^{-5} \text{ m}^3/\text{mg-mole}$. This is the volume occupied by one mg-mole of ideal gas at standard conditions (20°C, 1 atmosphere) on a wet basis.

Q_i = Volumetric flow in m^3 in the capture system during run "i" adjusted to standard conditions (20°C, 1 atmosphere) on a wet basis (see § 60.547(a)(5)).

10^6 = ppm per unity.

M_i = Mass in mg of the single VOC used during run "i".

(H) If Method 25 is used to determine the concentration of the single VOC in the capture system, then calculate the capture efficiency (FC_i) for each run, "i," as follows:

$$FC_i = \frac{C_i}{(NC)(10^6)} \frac{(W)(Q_i)}{(V)} \frac{1}{M_i}$$

Where: C_i = Average concentration of the single VOC in the capture system during run "i" (parts per million, as carbon, by volume) corrected for background VOC (see § 60.547(a)(5)).

W = Molecular weight of the single VOC, expressed as mg per mg-mole. $V = 2.405 \times 10^{-5} \text{ m}^3/\text{mg-mole}$. This is the volume occupied by one mg-mole of ideal gas at standard conditions (20°C, 1 atmosphere) on a wet basis.

Q_i = Volumetric flow in m^3 in the capture system during run "i" adjusted to standard conditions (20°C, 1 atmosphere) on a dry basis (see § 60.547(a)(5)).

10^6 = ppm per unity.

M_i = Mass in mg of the single VOC used during run "i".

NC = Number of carbon atoms in one molecule of the single VOC.

(I) Calculate the average capture efficiency value, F_c , as follows:

$$F_c = \frac{\sum_{i=1}^n FC_i}{n}$$

Where: "n" equals the number of runs made in the test ($n \geq 3$). In cases where an alternative procedure in this paragraph is used, the requirements in paragraphs (f)(2)(ii) and (iii) of this section remain unchanged.

(n) For each undertread cementing operation and each sidewall cementing operation that does not use a VOC emission reduction system, the owner or operator shall use the following procedure to determine compliance with the 25 g/tire limit specified in § 60.542a:

(1) Calculate the total mass of VOC (M_o) used at the affected facility for the month by the following procedure.

(i) For each affected facility for which cement is delivered in batch or via a distribution system which serves only that affected facility:

$$M_o = \sum_{i=1}^n LC_i DC_i W_{oi}$$

Where: "n" equals the number of different cements or sprays used during the month.

(ii) For each affected facility for which cement is delivered via a common distribution system which also serves other affected or existing facilities.

(A) Calculate the total mass (M) of VOC used for all of the facilities served by the common distribution system for the month:

$$M = \sum_{i=1}^n LC_i DC_i W_{oi}$$

Where: "n" equals the number of different cements or sprays used during the month.

(B) Determine the fraction (F_o) of "M" used by the affected facility by comparing the production records and process specifications for the material cemented at the affected facility for the month to the production records and process specifications for the material cemented at all other facilities served by the common distribution system for the month or by another procedure acceptable to the Administrator.

(C) Calculate the total monthly mass of VOC (M_o) used at the affected facility:

$$M_o = MF_o$$

(2) Determine the total number of tires (T_o) processed at the affected facility for

the month by the following procedure.

(i) For undertread cementing, T_o equals the number of tread or combined tread/sidewall components which receive an application of undertread cement.

(ii) For sidewall cementing, T_o equals the number of sidewall components which receive an application of sidewall cement, divided by 2.

(3) Calculate the mass of VOC used per tire processed (G) by the affected facility for the month:

$$G = \frac{M_o}{T_o}$$

(4) Calculate the mass of VOC emitted per tire processed (N) for the affected facility for the month:

$$N = G$$

(5) Where the value of the mass of VOC emitted per tire processed (N) is less than or equal to the 25 g/tire limit specified under § 60.542a, the affected facility is in compliance.

5. Section 60.545 is amended by adding paragraph (f) to read as follows:

§ 60.545 Recordkeeping requirements.

(f) Each owner or operator of a tread end cementing operation and green tire spraying operation using water-based cements or sprays containing less than 1.0 percent by weight of VOC, as specified under § 60.543(B)(4), shall maintain records of formulation data or the results of Method 24 analysis conducted to verify the VOC content of the spray.

6. Section 60.546 is amended by adding paragraphs (c)(7), (i), and (j) to read as follows:

§ 60.546 Reporting requirements.

(c) * * *

(7) For each affected facility that elects to comply with the alternate limit specified under § 60.542a: The mass of VOC used (M_o), the number of tires processed (T_o), and the mass of VOC emitted per tire processed (N).

(i) The owner or operator of each undertread cementing operation and each sidewall cementing operation who qualifies for the alternate provisions as described in § 60.542a, shall furnish the Administrator written notification of the

election no less than 60 days after September 19, 1989.

(j) The owner or operator of each tread end cementing operation and each green tire spraying (inside and/or outside) operation using water-based sprays containing less than 1.0 percent, by weight, of VOC as described in § 60.543(b)(1) shall furnish the Administrator, within 60 days initially and annually thereafter, formulation data or Method 24 results to verify the VOC content of the water-based sprays in use. If the spray formulation changes before the end of the 12-month period, formulation data or Method 24 results to verify the VOC content of the spray shall be reported within 30 days.

7. Section 60.547 is amended by adding paragraph (a)(5) to read as follows:

§ 60.547 Test methods and procedures.

(a) * * *

(5) Method 25 or Method 25A for determination of the VOC concentration in a capture system prior to a control device when only a single VOC is present (see § 60.543 (f)(2)(iv)(C) and

(f)(2)(iv)(H)). The owner or operator shall notify the Administrator 30 days in advance of any test by either Method 25 or Method 25A. Method 1 shall be used to select the sampling site and the sampling point shall be the centroid of the duct or at a point no closer to the walls than 1 meter. Method 2, 2A, 2C, or 2D, as appropriate, shall be used as the test method for the concurrent determination of gas flow rate in the capture system.

(i) For Method 25, the sampling time for each run shall be at least 1 hour. For each run, a concurrent sample shall be taken immediately upwind of the application area to determine the background VOC concentration of air drawn into the capture system. Subtract this reading from the reading obtained in the capture system for that run. The minimum sample volume shall be 0.003 dry standard cubic meter (dscm) except that shorter sampling times or smaller volumes, when necessitated by process variable or other factors, may be approved by the Administrator. Use Method 3 to determine the moisture content of the stack gas.

(ii) For Method 25A, the sampling time for each run shall be at least 1 hour. Instrument calibration shall be performed by the procedure given in Method 25A using the single VOC present in the capture system. A different calibration gas may be used if the results are corrected using an experimentally determined response factor comparing the alternative calibration gas to the single VOC used in the process. After the instrument has been calibrated, determine the background VOC concentration of the air drawn into the capture system immediately upwind of the application area for each run. The instrument does not need to be recalibrated for the background measurement. Subtract this reading from the reading obtained in the capture system for that run. The Method 25A results shall only be used in the alternative procedure for determination of capture efficiency described under § 60.543(f)(2)(iv)(G).

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