

with a physician or other health care provider. (See § 441.21 of this chapter for provisions on independent provider agreements for nurse-midwives.)

* * * * *

(b) *Nurse-midwife* means a registered professional nurse who meets the following requirements:

* * * * *

(4) * * *

(i) Is currently certified as a nurse-midwife by the American College of Nurse-Midwives (ACNM) or by the ACNM Certification Council, Inc. (ACC).

(ii) Has satisfactorily completed a formal education program (of at least one academic year) that, upon completion qualifies the nurse to take the certification examination offered by the American College of Nurse-Midwives (ACNM) or by the ACNM Certification Council, Inc. (ACC).

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program)

Dated: October 25, 1995.

Bruce C. Vladeck,
Administrator, Health Care Financing Administration.

[FR Doc. 95-29194 Filed 11-29-95; 8:45 am]

BILLING CODE 4120-03-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Subchapter F (6000)

[WO-420-1800-00-24 1A]

RIN 1004-AC48

Wildlife Management, Protection and Preservation of Natural Values; Removal and Reservation

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: This administrative final rule removes the Subchapter F subject heading and 43 CFR part 6220 in its entirety. The rule reserves Subchapter F (6000) for future regulatory guidance. This action is necessary because the Subchapter F subject heading and the material contained in 43 CFR part 6220 are obsolete and do not provide regulatory guidance. In turn, removal of the subject heading and part 6220 will render Subchapter F (6000) entirely without content, so that reservation of this Subchapter for future regulatory guidance is both appropriate and necessary.

EFFECTIVE DATE: January 2, 1996.

FOR FURTHER INFORMATION CONTACT: Matthew Reed, 202-452-5069.

SUPPLEMENTARY INFORMATION: 43 CFR part 6220 contains only a single paragraph, (Sec. 6220.0-1 Purpose), which is general and introductory in nature. The specific regulatory guidelines contemplated by this single introductory paragraph do not exist. Accordingly, part 6220 is obsolete and without purpose. The Bureau of Land Management (BLM) does not intend to use Subchapter F for regulatory guidance concerning wildlife management. Accordingly, this rule removes the title heading "Wildlife Management" from Subchapter F. The BLM has determined for good cause that notice and public procedure on this rule are unnecessary and contrary to the public interest, as the material that this rule removes does not contain any regulatory substance or guidance. The principal author of this final rule is Matthew Reed, Regulatory Management Team, BLM.

This rule is an administrative action and not a major rule for the purposes of E.O. 12291. Accordingly, neither an environmental impact analysis nor a regulatory flexibility analysis is required. This rule does not contain information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

43 CFR SUBCHAPTER F—WILDLIFE MANAGEMENT (6000)

Subchapter F (6000) [Removed and reserved]

Under the authority of 43 U.S.C. 1740, subchapter F (6000) is removed and reserved.

Dated: November 8, 1995.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 95-28966 Filed 11-29-95; 8:45 am]

BILLING CODE 4310-84-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket No. 89-553, PP Docket No. 93-253, GN Docket No. 93-252]

SMR Systems in the 900 MHz Frequency Band

AGENCY: Federal Communications Commission.

ACTION: Correction to final rule.

SUMMARY: This document contains corrections to the final regulations which were published Thursday, September 21, 1995 (60 Fed. Reg. 48913). The regulations involved the

service and auction rules for the 900 MHz Specialized Mobile Radio (SMR) service.

EFFECTIVE DATE: January 2, 1996.

FOR FURTHER INFORMATION CONTACT: Diane Law (202) 418-0660, Wireless Telecommunications Bureau.

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of this correction were adopted in the *Second Order on Reconsideration and Seventh Report and Order*, PR Docket No. 89-553, PP Docket No. 93-253, GN Docket No. 93-252, FCC 95-395, released on September 14, 1995.

Need for Correction

As published, the final regulations contain a minor error which may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication on September 21, 1995 of the final regulations (FCC 95-395) is corrected as follows:

§ 90.665 [Corrected]

On page 48918, in the third column, § 90.665(c) of the Commission's rules is corrected in the second sentence by removing "license grant or, alternatively," and inserting "license grant; or alternatively," in its place.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95-29087 Filed 11-29-95; 8:45 am]

BILLING CODE 6712-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

49 CFR Part 800

Organization and Functions of the Board and Delegations of Authority

AGENCY: National Transportation Safety Board.

ACTION: Final rules.

SUMMARY: The Board is updating various organizational rules to reflect current operations.

EFFECTIVE DATE: January 2, 1996.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 382-6540.

SUPPLEMENTARY INFORMATION: The current rules, at 49 CFR Part 800, have not been updated since June 27, 1984. The changes adopted here reflect the current functioning of the various offices at the Board. Because these rule

changes affect only internal "rules of agency organization procedure or practice," notice and comment procedures are not required and are not provided here. 5 U.S.C. 553(b)(B).

List of Subjects in 49 CFR Part 800

Authority delegations (Government agencies), Organization and functions (Government agencies).

Organization and Functions of the Board and Delegations of Authority

1. The Authority citation for Part 800 continues to read as follows:

Authority: Independent Safety Board Act of 1974, as amended (49 U.S.C. 1101 *et seq.*); Federal Aviation Act of 1958, as amended (49 U.S.C. 40101 *et seq.*).

2. Section 800.2 is revised to read as follows:

§ 800.2 Organization.

The Board consists of five Members appointed by the President with the advice and consent of the Senate. One of the Members is designated by the President as Chairman with the advice and consent of the Senate, and one was Vice Chairman. The Members exercise various functions, powers and duties set forth in Titles VI and VII of the Federal Aviation Act of 1958 (49 U.S.C. 44101–46501), and the Independent Safety Board Act of 1974 (88 Stat. 2166 *et seq.* (49 U.S.C. 1101 *et seq.*)). The Board is an independent agency of the United States. A detailed description of the Board and its components is published in the Board's internal orders, which are available for inspection and copying in the public reference room in the Washington office of the Board. Various special delegations of authority from the Board and the Chairman to the staff are set forth in Subpart B of this part. The Board's staff is comprised of the following principal components:

(a) The Office of the Managing Director, which assists the Chairman in the discharge of his functions as executive and administrative head of the Board; coordinates and directs the activities of the staff; is responsible for the day-to-day operation of the Board; and recommends and develops plans to achieve the Board's program objectives. The Office of the Managing Director also provides executive secretariat services to the Board.

(b) The Office of Public Affairs, which supplies the public, the transportation industry and the news media, with current, accurate information concerning the work, programs, and objectives of the Board.

(c) The Office of Government Affairs, which supplies the Congress and Federal, State and local government

agencies with information regarding the Safety Board's activities, programs and objectives.

(d) The Office of the General Counsel, which provides legal advice and assistance to the Board and its staff components; prepares Board rules, opinions and/or orders, and advice to all offices and bureaus on matters of legal significance; and represents the Board in court actions to which the Board is a party or in which the Board is interested.

(e) The Office of Administrative Law Judges, which conducts all formal proceedings arising under the Federal Aviation Act of 1958, as amended, including proceedings involving civil penalties and suspension or revocation of certificates, and appeals from actions of the Administrator in refusing to issue airman certificates.

(f) The Office of Aviation Safety, which conducts investigations of all aviation accidents within the Board's jurisdiction; prepares reports for submission to the Board and release to the public setting forth the facts and circumstances of such accidents, including a recommendation as to the probable cause(s); determines the probable cause(s) of accidents when delegated authority to do so by the Board; initiates safety recommendations to prevent future aviation accidents; participates in the investigation of accidents that occur in foreign countries and involve U.S.-registered and/or U.S.-manufactured aircraft; and conducts special investigations into selected aviation accidents involving safety issues of concern to the Board.

(g) The Office of Surface Transportation Safety, which conducts investigations of highway, railroad, pipeline, and marine accidents within the Board's jurisdiction; prepares reports for submission to the Board and release to the public setting forth the facts and circumstances of such accidents, including a recommendation as to the probable cause(s); determines the probable cause(s) of accidents when delegated authority to do so by the Board; initiates safety recommendations to prevent future surface transportation accidents; participates in the investigation of accidents that occur in foreign countries and involve U.S.-registered vessels; and conducts special investigations into selected surface accidents involving safety issues of concern to the Board.

(h) The Office of Safety Recommendations, which oversees the Board's safety recommendations program, including the Board's "MOST WANTED" recommendations.

(i) The Office of Research and Engineering, which provides technical advice and services; conducts research and carries out analytical studies and tests on all aspects of the Board's accident investigation, accident prevention and safety promotion activities; conducts safety studies of specific safety issues; performs statistical analyses of transportation accident and incident data; maintains archival records of the Board's accident investigation and safety promotion activities and supports public access to these records; and supports the Board's data processing, computing and information management requirements.

(j) The Office of Administration, which provides administrative support for the Board in the following areas: budget, accounting and audit; personnel, training and payroll; information management and automatic data processing; property, space, communications, facilities and transportation management; and printing, publications, mail, procurement, contracting, and accident inquiry services.

3. Section 800.3 is revised to read as follows:

§ 800.3 Functions.

(a) The primary function of the Board is to promote safety in transportation. The Board is responsible for the investigation, determination of facts, conditions, and circumstances and the cause or probable cause or causes of: all accidents involving civil aircraft, and certain public aircraft; highway accidents, including railroad grade-crossing accidents, the investigation of which is selected in cooperation with the States; railroad accidents in which there is a fatality, substantial property damage, or which involve a passenger train; pipeline accidents in which there is a fatality, significant injury to the environment, or substantial property damage; and major marine casualties and marine accidents involving a public and a non-public vessel or involving Coast Guard functions. The Board makes transportation safety recommendations to Federal, State, and local agencies and private organizations to reduce the likelihood of recurrences of transportation accidents. It initiates and conducts safety studies and special investigations on matters pertaining to safety in transportation, assesses techniques and methods of accident investigation, evaluates the effectiveness of transportation safety consciousness and efficacy in preventing accidents of other Government agencies, and evaluates the adequacy of safeguards

and procedures concerning the transportation of hazardous materials.

(b) Upon application of affected parties, the Board reviews in quasijudicial proceedings, conducted pursuant to the provisions of the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, denials by the Administrator of the Federal Aviation Administrator of applications for airman certificates and orders of the Administrator modifying, amending, suspending, or revoking certificates or imposing civil penalties. The Board also reviews on appeal the decisions of the Commandant, U.S. Coast Guard, on appeals from orders of administrative law judges suspending, revoking, or denying seamen licenses, certificates, or documents.

(c) The Board, as provided in Part 801 of this chapter, issues reports and orders pursuant to its duties to determine the cause or probable cause or causes of transportation accidents and to report the facts, conditions and circumstances relating to such accidents; issues opinions and/or orders after reviewing on appeal the imposition of a civil penalty or the suspension, amendment, modification, revocation, or denial of any certificate or license issued by the Secretary of the Department of Transportation (who acts through the Administrator of the Federal Aviation Administration or the Commandant of the United States Coast Guard); and issues and makes available to the public safety recommendations, safety studies, and reports of special investigations.

4. Section 800.4 is amended by revising paragraph (a) to read as follows:

§ 800.4 Operation.

* * * * *

(a) The Board's staff, consisting of specialized offices dealing with particular areas of transportation safety and performing administrative and technical work for the Board. The staff advises the Board and performs duties for the Board that are inherent in the staff's position in the organizational structure or that the Board has delegated to it. The staff is described more fully in § 800.2.

* * * * *

5. Section 800.5 is revised to read as follows:

§ 800.5 Office locations.

The principal offices of the National Transportation Safety Board are located at 490 L'Enfant Plaza East, SW., Washington, DC 20594. The Board maintains field offices in selected cities throughout the United States.

6. Section 800.21 is revised to read as follows:

§ 800.21 Purpose.

The purpose of this Subpart B is to publish special delegations of authority to staff members.

7. Section 800.22 is revised to read as follows:

§ 800.22 Delegation to the Managing Director.

(a) The Board delegates to the Managing Director the authority to:

(1) Make the final determination, on appeal, as to whether to withhold a Board record from inspection or copying, pursuant to Part 801 of this chapter.

(2) Approve for publication in the Federal Register notices concerning issuance of accident reports and safety recommendations and responses to safety recommendations, as required by sections 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (49 U.S.C. 1131(d) and 1135(c)).

(b) The Chairman delegates to the Managing Director the authority to exercise and carry out, subject to the direction and supervision of the Chairman, the following functions vested in the Chairman:

(1) The appointment and supervision of personnel employed by the Board;

(2) The distribution of business among such personnel and among organizational components of the Board; and

(3) The use and expenditure of funds.

8. Section 800.23 is revised to read as follows:

§ 800.23 Delegation to the administrative law judges, Office of Administrative Law Judges.

The Board delegates to the administrative law judges the authority generally detailed in its procedural regulations at Part 821 of this chapter.

9. Section 800.24 is revised to read as follows:

§ 800.24 Delegation to the General Counsel.

The Board delegates to the General Counsel the authority to:

(a) Approve, disapprove, request more information, or otherwise handle requests for testimony of Board employees with respect to their participation in the investigation of accidents, and, upon receipt of notice that an employee has been subpoenaed, to make arrangements with the court either to have the employee excused from testifying or to give the employee permission to testify in accordance with the provisions of Part 835 of this Chapter.

(b) Approve or disapprove in safety enforcement proceedings, for good cause shown, requests for extensions of

time or for other changes in procedural requirements subsequent to the initial decision, grant or deny requests to file additional and/or *amicus* briefs pursuant to §§ 821.9 and 821.48 of this Chapter, and raise on appeal any issue the resolution of which he deems important to the proper disposition of proceedings under § 821.49 of this Chapter.

(c) Approve or disapprove, for good cause shown, requests to extend the time for filing comments on proposed new or amended regulations.

(d) Issue regulations for the purpose of making editorial changes or corrections in the Board's rules and regulations.

(e) Issue orders staying or declining to stay, pending judicial review, orders of the Board suspending or revoking certificates, and consent to the entry of judicial stays with respect to such orders.

(f) Compromise civil penalties in the case of violations arising under The Independent Safety Board Act of 1974, as amended, or any rule, regulation, or order issued thereunder.

(g) Issue orders dismissing appeals from initial decisions of Board administrative law judges pursuant to the request of the appellant or, where the request is consensual, at the request of any party.

(h) Correct Board orders by eliminating typographical, grammatical, and similar errors, and make editorial changes therein not involving matters of substance.

(i) Take such action as appropriate or necessary adequately to compromise, settle, or otherwise represent the Board's interest in judicial or administrative actions to which the Board is a party or in which the Board is interested.

10. Section 800.25 is revised to read as follows:

§ 800.25 Delegation to the Directors of Office of Aviation Safety and Office of Surface Transportation.

The Board delegates to the Directors, Office of Aviation and Office of Surface Transportation, the authority to:

(a) Order an investigation into the facts, conditions, and circumstances of accidents that the Board has authority to investigate.

(b) Disclose factual information pertinent to all accidents or incidents as provided for in Part 801 of this chapter.

(c) Determine the probable cause(s) of accidents in which the determination is issued in the "Brief of Accident" format, except that the Office Director will submit the findings of the accident investigation to the Board for

determination of the probable cause(s) when (1) any Board Member so requests, (2) it appears to the Office Director that, because of significant public interest, a policy issue, or a safety issue of other matter, the determination of the probable cause(s) should be made by the Board, or (3) the accident investigation will be used to support findings in a special investigation or study. Provided, that a petition for reconsideration or modification of a determination of the probable cause(s) made under § 845.41 of this Chapter shall be acted on by the Board.

(d) Consistent with Board resources, investigate accidents as provided under § 304(a) of the Independent Safety Board Act of 1974, as amended (49 U.S.C. 1131(a)) and the Appendix to this Part.

11. Section 800.26 is revised to read as follows:

§ 800.26 Delegation to the Director, Office of Administration.

The Board delegates to the Director, Office of Administration, the authority to:

(a) Determine, initially, the withholding of a Board record from inspection or copying, pursuant to Part 801 of this Chapter.

(b) Settle claims for money damages of \$2,500 or less against the United States arising under Section 2672 of 28 United States Code (the Federal Tort Claims Act) because of acts or omissions of Board employees.

12. Section 800.27 is revised to read as follows:

§ 800.27 Delegation to investigative officers and employees of the Board.

The Board delegates to any officer or employee of the Board designated by the Chairman of the Safety Board the authority to sign and issue subpoenas, and administer oaths and affirmations, and to take depositions or cause them to be taken in connection with the investigation of transportation accidents or incidents.

§ 800.28 [Removed]

13. Section 800.28 is removed.

Issued in Washington, DC, this 27th day of November 1995.

Jim Hall,

Chairman.

[FR Doc. 95-29227 Filed 11-29-95; 8:45 am]

BILLING CODE 7533-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

RIN 1018-AD31

Addition of Ottawa National Wildlife Refuge to the List of Open Areas for Big Game Hunting in Ohio

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) adds Ottawa National Wildlife Refuge to the list of areas open for big game hunting in Ohio along with pertinent refuge-specific regulations for such activities. The Service has determined that such use will be compatible with the purposes for which the refuge was established. The Service has further determined that this action is in accordance with the provisions of all applicable laws, is consistent with principles of sound wildlife management, and is otherwise in the public interest by providing additional recreational opportunities of a renewable natural resource.

EFFECTIVE DATE: This rule is effective November 30, 1995.

FOR FURTHER INFORMATION CONTACT: Stephen R. Vehrs, Telephone (703) 358-2029, X-5242.

SUPPLEMENTARY INFORMATION: National wildlife refuges are generally closed to hunting and sport fishing until opened by rulemaking. The Secretary of the Interior (Secretary) may open refuge areas to hunting and/or fishing upon a determination that such uses are compatible with the purpose(s) for which the refuge was established. The action must also be in accordance with provisions of all laws applicable to the areas, consistent with the principles of sound wildlife management, and otherwise be in the public interest. This rulemaking opens Ottawa National Wildlife Refuge to big game (white-tailed deer) hunting.

In the July 13, 1995, issue of the Federal Register, 60 FR 36196, the Service published a proposed rulemaking and invited public comment. All substantive comments were reviewed and considered following a 60-day public comment period.

Four organizations and two individuals provided comments opposing the rule based on the rationale that recreational deer hunting was not justified nor compatible with the primary purpose for which the refuge

was established. These comments also indicated an opinion that the Service failed to show adequate evidence that the proposed reduction of deer numbers through hunting is based on solid scientific evidence, and that alternative herd reduction methods were considered.

Comments further indicated that an explanation was not presented explaining that hunting could destabilize this refuge deer herd and cause a compensatory rebound of offspring within the hunted population, and that the majority of the public is opposed to hunting on national wildlife refuges.

The Refuge Manager conducted a compatibility determination, on behalf of the Service, of the feasibility of deer hunting being applied as a management tool to control the refuge white-tailed deer population as well as to provide a quality wildlife-dependent recreational opportunity for deer hunters. The Manager's documented findings within the compatibility determination as well as within the environmental assessment were as follows: 1. The proposed white-tailed deer hunt was indeed compatible with the major purposes for which the refuge was established; 2. the proposed hunt was within the policy guidelines of the Service to be applied as both a herd management tool, and as a method to provide recreational opportunities for deer hunters; and 3. abundant scientific evidence exists which concludes that the recreational hunting of deer as a harvest technique is indeed a biologically sound practice, which could be expected to produce and sustain a healthy refuge white-tailed deer herd.

Substantive comments were also received referencing the environmental assessment completed for this hunt proposal, and that the preferred alternative, which parallels the proposal outlined in this Federal Register notice, provides for wildlife-dependent recreation while effectively protecting and controlling deer populations within the refuge. Other comments supported hunting as a management tool to control deer depredations on private land surrounding the refuge.

The Service agrees, of the alternative herd management methods proposed in the Refuge Environmental Assessment and adopted and presented in the Federal Register, recreational deer hunting is a biologically sound management technique that provides the best herd management and depredation control.

Consideration was given to delaying this final rule for a 30-day period, however, it was determined by the Service that any further delay in the