

Berwick Locks Buoy 1 (LLNR 18445).

The Contraband Days Fireworks Display, Lake Charles, Louisiana  
Sponsor: Contraband Days Festivities, Inc.

Date: First Saturday of May  
Duration: 9 p.m. through 12 a.m. (midnight)

Location: A 500 foot radius from the fireworks barge in Lake Charles anchored in approximate position 30°13'54" N, 093°13'42" W.

Neches River Festival, Beaumont, Texas  
Sponsor: Neches River Festival, Inc.

Date: Third weekend of April  
Duration: First day—8 a.m. through 9:30 p.m.; Second day—8 a.m. through 6 p.m.

Location: The Neches River from Colliers Ferry landing to Lawson's Crossing at the end of Pine Street.

The Blessing of the Shrimp Fleet, Galveston, Texas  
Sponsor: Blessing of the Fleet, City of Galveston, Texas

Date: Fourth Saturday of April  
Duration: 9:30 a.m. through 5:30 p.m.

Location: The Galveston Ship Channel from the Pelican Island Bridge to Pier 14 at Galveston, Texas.

Dated: January 24, 1995.

**Robert C. North,**  
*Rear Admiral, U.S. Coast Guard Commander, Eighth Coast Guard District.*

[FR Doc. 95-4411 Filed 2-23-95; 8:45 am]

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### 33 CFR Part 117

[CGD02-95-001]

RIN 2115-AE47

#### Drawbridge Operation Regulation; Illinois Waterway

**AGENCY:** Coast Guard, DOT.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** The Coast Guard is establishing operating conditions for the remote operation of the Elgin, Joliet and Eastern Railway (EJ&E) Bridge over the Illinois Waterway at mile 290.1 at Joliet, Illinois. This action is being taken at the request of the Elgin, Joliet and Eastern Railway Company. The change to remote operation will permit more efficient operation of the railway bridge, while continuing to provide for the reasonable needs of navigation.

**EFFECTIVE DATES:** This interim rule is effective on February 24, 1995. Comments must be received on or before April 25, 1995.

**ADDRESSES:** Comments may be mailed to Commander (ob), Second Coast Guard

District, 1222 Spruce Street, St. Louis, MO 63103-2832, Attention: Bridge Administrator. Comments may also be delivered to Room 2.107 at the above address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. For information concerning comments, the telephone number is (314) 539-3724. The Bridge Branch, Second Coast Guard District, maintains the public docket for this rulemaking. Comments will become part of the public docket and the docket will be available for inspection or copying in room 2.107B at the above address.

**FOR FURTHER INFORMATION CONTACT:** Roger K. Wiebusch, Bridge Administrator, Second Coast Guard District, (314) 539-3724.

#### SUPPLEMENTARY INFORMATION:

##### Drafting Information

The principal persons involved in drafting this document are David H. Sulouff, Project Officer, Bridge Branch and LT S. Moody, Project Attorney, Second Coast Guard District Legal Office.

##### Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. The Coast Guard is soliciting comments on the operation of the new system until April 25, 1995. The Coast Guard will consider all comments received during the comment period.

##### Publication History

On September 1, 1994, the Coast Guard published a proposed rule (59 FR 45252) concerning this amendment. The Commander, Second Coast Guard District, also published the proposal as a Public Notice dated September 20, 1994. Interested parties were given until October 31, 1994 to submit comments. The Coast Guard received comments from the Illinois Department of Conservation and the Illinois River Carriers Association, representing approximately 34 river towing companies.

##### Background and Purpose

The EJ&E Railway has requested permission from the Coast Guard to change the operation of the EJ&E Bridge over the Illinois waterway at mile 290.1 at Joliet, Illinois from having a manned on-site bridge tender to a remote operating system. This regulation change establishes the remote operating system and the required equipment. Under the previous regulation, the drawspan was maintained in the closed

to navigation position and manned by an on site bridge tender, opening on demand for the passage of river traffic. Communication between the bridge tender and vessel operators was conducted via marine radio.

EJ&E has installed remote operating equipment and a control system, including radar, infrared boat detectors, motion detectors and communications equipment. This equipment will facilitate operation of the drawspan from Gary, Indiana. The drawspan can also be operated at the bridge site. Under this regulation, the drawspan will be maintained in the open to navigation position except for the passage of rail traffic or maintenance. The equipment can detect any malfunction in the drawspan operation. In the event of a malfunction the remote operator can ascertain the position of the drawspan at any time. The marine radio system allows communication between the remote operator and marine traffic at the bridge on the VHF marine frequencies authorized by the Federal Communications Commission. The radar system is designed to scan upstream and downstream of the bridge. A radar antenna has been installed on the bridge.

The received radar signal is transmitted by fixed lines to the remote operator. Infrared scanners and motion detectors are located in the channel drawspan to detect vessels under the drawspan. If an obstruction is detected beneath the drawspan during the closing cycle, before the drawspan is seated and locked, the drawspan will automatically stop lowering and shall be raised to the fully open position by the remote operator until the channel is clear. Once lowered and locked in the closed to navigation position, the boat detectors will not raise the drawspan.

During the drawspan closing cycle, the bridge operator shall make a radio broadcast indicating drawspan status. At the appropriate times in the cycle, the bridge operator shall announce that the drawspan will close to navigation, that the drawspan is closed to navigation, or that the drawspan has reopened to navigation.

##### Discussion of Comments and Changes

In response to the Notice of Proposed Rule Making, two comments were received. Both the Illinois Department of Conservation and the Illinois River Carriers Association (IRCA) expressed no objection, though the IRCA expressed two concerns. The first concern of the IRCA was whether the drawspan will be operated exactly as proposed; and second, whether or not the drawspan could accidentally be

lowered on or in front of a tow. The IRCA also recommended implementation of a trial period monitored by the Coast Guard to ensure safe operation and quick return of the on site bridge tender if needed.

The bridge owner has no objection to the trial period and expects Coast Guard evaluation of the operation. EJ&E has reported the remote operator cannot "accidentally" lower the drawspan. A series of commands from a dispatcher control console must be initiated to lower the drawspan. Radar at the bridge allows the remote operator to view the river and radio broadcast requirements provide communication with river traffic. Interruption of the boat detectors will result in halting of the drawspan lowering sequence. If this occurs, the drawspan will return to the full open to navigation position until the obstruction is clear.

Based on the owner's response to comments on the remote operation of this bridge, the Coast Guard is amending the proposed operating requirements. Paragraphs 8 and 9 were added for additional safety measures. Paragraph 8 adds a requirement that the remote operator broadcast on the marine radio when the span is closed to navigation. Paragraph 9 adds a condition that a malfunction of any portion of the remote operating system will require immediate return of a qualified bridge tender to the bridge for on-site operation until repairs are completed.

Good cause exists for making this rule effective on publication. The old regulation required that the bridge be constantly manned to allow for the opening of the draw on demand. This new rule allows the bridge to be left open unless rail traffic or maintenance requires its closure. Vessel traffic will benefit from this rule by having the bridge maintained in the open to navigation position. For these reasons the Coast Guard has determined that there is no need to delay implementation of this rule.

### Regulatory Evaluation

This rule is not a significant regulatory action under 3(f) of Executive Order 12866 and does not require an assessment of potential cost and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that

a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

### Small Entities

After considering comments received, the Coast Guard finds that any impact on small entities, if any, is not substantial. Therefore, the Coast Guard certifies under 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a significant economic impact on a substantial number of small entities.

### Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

### Federalism

The Coast Guard has analyzed this rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

### Environmental Assessment

The Coast Guard has reviewed the environmental impact of this rule and concluded that under section 2.B.2 of the NEPA Implementing Procedures, COMDTINST M16475.1B (as revised by 59 FR 38654, July 29, 1994) this proposal is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found to not have significant effect on the human environment. A Categorical Exclusion Determination is available for inspection or copying where indicated under ADDRESSES.

### List of Subjects in 33 CFR Part 117

Bridges.

### PART 117—DRAWBRIDGE OPERATION REGULATIONS

For the reasons set out in the preamble, the Coast Guard is amending Part 117 of title 33, Code of Federal Regulations, as follows:

1. The authority citation for Part 117 continues to read as follows:

**Authority:** 33 U.S.C. § 499; 49 CFR § 1.46; 33 CFR § 1.05-1(g).

2. In Section 117.395 the existing text is designated as paragraph (a) and paragraph (b) is added to read as follows:

#### § 117.395 Illinois Waterway.

(a) \* \* \*

(b) The drawspan of the Elgin, Joliet and Eastern Railway bridge, mile 290.1 at Joliet, Illinois, is operated by remote operator located at the Elgin, Joliet & Eastern offices in Gary, Indiana as follows:

(1) The drawspan is normally maintained in the fully open to navigation position displaying green center span navigation lights to indicate that the drawspan is fully open.

(2) The bridge is equipped with the following:

(i) A radiotelephone link direct to the remote operator;

(ii) A radar antenna on top of the drawspan capable of scanning the river, one mile upstream and one mile downstream;

(iii) Infrared boat detectors under the drawspan, to allow the remote bridge operator to detect vessels under the drawspan.

(iv) Electronic motion detectors under the drawspan to allow the remote bridge operator to detect vessel movement under the drawspan.

(v) A siren for sound signals, and

(vi) Red and green center span navigation lights.

(3) The remote bridge operator shall maintain a 24 hour VHF marine radio channel 16 watch for mariners to establish contact as they approach the bridge to ensure that the drawspan is open or that it remains open until passage of river traffic is complete.

(4) When rail traffic approaches the bridge, and the drawspan is in the open position, the remote bridge operator initiates a one minute warning period before closing the drawspan. During this warning period, the remote operator shall broadcast at least twice, via marine radio, channel 16, that: "The drawspan of the EJ&E Railroad bridge will be lowered in one minute." A siren on the bridge sounds for 20 seconds, to warn anyone on or under bridge that the drawspan will be lowered.

(5) If a vessel is approaching the bridge upbound or, departing the Lockport Lock and Dam at mile 291.1, downbound, with intentions of passing through the drawspan, they shall respond to the remote bridge operator's marine radio broadcast, or initiate radio contact, indicating their proximity to the bridge and requesting an opening of the drawspan or that the drawspan remain open until the vessel passes. If any approaching vessel is detected or if a radiotelephone response is received, the remote operator shall not close the drawspan until the vessel or vessels have cleared the bridge.

(6) At the end of the one minute warning period, if no river traffic is approaching or under the drawspan, the remote bridge operator may begin lowering the drawspan. Navigation lights located at the center of the drawspan change from green to red when the drawspan is not in the fully open to navigation position. The drawspan takes approximately 90 seconds to lower.

(7) If the presence of a vessel or other obstruction is discovered approaching or under the drawspan, during the lowering sequence, before the drawspan is fully lowered and locked, the drawspan shall be stopped and raised to the fully open position. When the vessel or obstruction has cleared the drawspan, the remote operator shall confirm that the channel is clear and reinitiate the one minute warning cycle before lowering the drawspan.

(8) If no marine traffic is present the drawspan may be lowered and seated. When the drawspan is lowered and locked in the closed to navigation position, the remote bridge operator broadcasts, at least twice, via marine radio channel 16, that: "The drawspan of the EJ&E Railroad bridge is closed to navigation."

(9) Failure of the radar system, radio telephone system, infrared boat detectors or electronic motion sensors shall prevent lowering the drawspan from the remote location.

(10) When rail traffic has cleared the bridge, the remote bridge operator shall raise the drawspan to the fully open to navigation position. When the drawspan is raised and in the fully open to navigation position, the remote bridge operator broadcast, at least twice, via marine radio channel 16, that: "The drawspan of the EJ&E Railroad bridge is open to navigation." The center drawspan navigation lights change from red to green when the drawspan is fully open to navigation.

Dated: January 23, 1995.

**Paul M. Blayney,**

*Rear Admiral, U.S. Coast Guard Commander,  
Second Coast Guard District.*

[FR Doc. 95-4408 Filed 2-23-95; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### 36 CFR Part 242

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 100

RIN 1018-AB43

#### Subsistence Management Regulations for Public Lands in Alaska, Subparts C & D; Board Determinations and Subsistence Taking of Fish and Wildlife Regulations; Correcting Amendments

**AGENCY:** Forest Service, USDA; Fish and Wildlife Service, Interior.

**ACTION:** Correcting amendments.

**SUMMARY:** These corrections amend the Subsistence Management Regulations for Public Lands in Alaska, published in the **Federal Register** on May 29, 1992, and June 3, 1994, implementing the subsistence priority for rural residents of Alaska under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) of 1980. These corrections will allow rural Alaska residents to continue to harvest fish and wildlife resources on Federal public lands.

**EFFECTIVE DATE:** Effective July 1, 1994.

**FOR FURTHER INFORMATION CONTACT:** Richard S. Pospahala, Office of Subsistence Management, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503; telephone (907) 786-3447. For questions specific to National Forest System lands, contact Norman Howse, Assistant Director, Subsistence, USDA—Forest Service, Alaska Region, P.O. Box 21628, Juneau, Alaska 99802; telephone (907) 586-8890.

#### SUPPLEMENTARY INFORMATION:

##### Background

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111-3126) requires that the Secretary of the Interior and the Secretary of Agriculture (Secretaries) implement a joint program to grant a preference for subsistence uses of fish and wildlife resources on public lands, unless the State of Alaska enacts and implements laws of general applicability which are consistent with ANILCA, and which provide for the subsistence definition, preference, and participation specified in Sections 803, 804, and 805 of ANILCA. The State implemented a program that the

Department of the Interior previously found to be consistent with ANILCA. However, in December 1989, the Alaska Supreme Court ruled in *McDowell v. State of Alaska* that the rural preference in the State subsistence statute violated the Alaska Constitution. The court's ruling in *McDowell* required the State to delete the rural preference from the subsistence statute, and therefore, negated State compliance with ANILCA. The Court stayed the effect of the decision until July 1, 1990.

As a result of the *McDowell* decision, the Department of the Interior and the Department of Agriculture (Departments) assumed, on July 1, 1990, responsibility for implementation of Title VIII of ANILCA on public lands. On June 29, 1990, the Temporary Subsistence Management Regulations for Public Lands in Alaska were published in the **Federal Register** (55 FR 27114-27170). Consistent with Subparts A, B, and C of these regulations, a Federal Subsistence Board (Board) was established to administer the Federal Subsistence Management Program. The Board's composition includes a Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture; the Alaska Regional Director, U.S. Fish and Wildlife Service; the Alaska Regional Director, U.S. National Park Service; the Alaska State Director, U.S. Bureau of Land Management; the Alaska Area Director, U.S. Bureau of Indian Affairs; and the Alaska Regional Forester, USDA Forest Service. Through the Board, these agencies have participated in development of regulations for Subparts A, B, and C, and the annual Subpart D regulations. All Board members have reviewed these corrections and agree with their substance. Because Subparts C and D relate to public lands managed by an agency or agencies in both the Departments of Agriculture and the Interior, identical correcting text will be incorporated into 36 CFR Part 242 and 50 CFR Part 100.

Final Subpart C regulations were published on June 29, 1992, in the **Federal Register** (57 FR 22957-22964) and were amended on May 27, 1994 (59 FR 27462). Proposed Subpart D regulations for the 1994-1995 seasons and bag limits, and methods and means were published on September 2, 1993, in the **Federal Register** (58 FR 46678-46706). A 60-day comment period providing for public review of the proposed Subpart D rule was advertised by mail, radio, and newspaper. Subsequent to that 60-day review period, the Board prepared a booklet describing all proposals for change to