

three masthead lights regardless of the length of the tow. This would clearly indicate that a hawser is in use. The two masthead lights would be reserved for a towing vessel pushing ahead or towing alongside. Currently, three masthead lights are shown only if the length of the tow exceeds 200 meters—if less than 200 meters, two masthead lights are carried, the same as when pushing ahead or towing alongside.

Barges pushed ahead or towed alongside are also of concern because of the large expanse of hull with no lights. The Coast Guard routinely receives requests for clarification of Rule 24(f), usually in conjunction with a specific scenario/lighting scheme that has been observed or a proposed lighting scheme.

Comments should clearly describe any problems associated with barge lighting and, if possible, provide potential solutions. The Coast Guard is particularly interested in recommendations that would not require amendment of the Navigation Rules. The Coast Guard also desires to ensure conformity with the International Rules. In adopting the International Regulations for Prevention of Collisions at Sea, 1972 (72 COLREGS), the United States not only agreed that its vessels would abide by those regulations when in international waters, but also that any special rules adopted by the United States for use on waterways connected with the high seas and navigable by seagoing vessels would "conform as closely as possible to these rules" (72 COLREGS, Rule 1).

Comments received in response to this notice will be considered by the Coast Guard and NAVSAC. A Rules of the Road Committee will convene at the next Council meeting, tentatively scheduled to be held in New Orleans, LA on November 10–12, 1995, to continue discussions on this issue. This meeting will be announced by a notice in the **Federal Register**.

Dated: May 2, 1995.

G.A. Penington,

Rear Admiral, U.S. Coast Guard Chief, Office of Navigation Safety and Waterway Services.
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Coast Guard

33 CFR Part 117

[CGD11-95-003]

RIN 2115-AE47

Drawbridge Operation Regulations; Oakland Inner Harbor Tidal Canal, CA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: At the request of the Alameda County, California Public Works Agency, the Coast Guard is considering amending the regulation or the draws of the Alameda County vehicular bridges crossing the Oakland Inner Harbor Tidal Canal at the following locations: Park Street, mile 7.3; Fruitvale Avenue, mile 7.7; High Street, mile 8.1; as well as the U.S. Army Corps of Engineers railroad bridge, mile 7.7 at Fruitvale Avenue. Under the existing regulations, the draws are attended 24 hours per day, and open on signal except during designated morning and afternoon commute periods. The proposed amendment requires attended service 16 hours per day, preserves the existing commute hours closures, and provides for openings on four-hour notice during nighttime hours when an operator is not in constant attendance. This amendment will allow the bridge owner to reduce operating expenses and should still provide for the reasonable needs of navigation. In addition, the identifying waterway mileage designating the location of, and the call sign for, each bridge would be revised to conform with the currently utilized standard of measurement.

DATES: Comments must be received on or before June 23, 1995.

ADDRESSES: Comments may be mailed to Commander (oan-br), Eleventh Coast Guard District, Room 214, Building 10, Coast Guard Island, Alameda, CA 94501-5100, or may be delivered to Room 214 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

Commander (oan-br), Eleventh Coast Guard District maintains the public docket for this rulemaking. Comments will become part of the docket and will be available for inspection or copying at Room 214, Building 10, Coast Guard Island, Alameda, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jerry P. Olmes, Bridge Section, Eleventh Coast Guard District, telephone (510) 437-3514.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD11-95-003) and the specific section of this proposal to which each comment applies, and give the reason

for each comment. The Coast Guard requests that comments and attachments be submitted in an unbound format suitable for copying and electronic filing. If this is not practical, a second copy of any bound materials is requested. Persons desiring acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Project Manager at the address under **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Drafting Information

The principal persons involved in drafting this document are Jerry P. Olmes, Eleventh Coast Guard District Bridge Section, Project Manager, and Lieutenant Robin J. Barber, Eleventh Coast Guard District Legal Office, Project Counsel.

Background and Purpose

The four drawbridges used for automobile and railroad traffic across the Oakland Inner Harbor Tidal Canal are operated and maintained by the County of Alameda, California. The U.S. Army Corps of Engineers (USACOE) railroad bridge at Fruitvale Avenue is owned by the USACOE, but is operated by the County in coordination with the Fruitvale Avenue automobile bridge. The minimum vertical clearance of the lowest of the bridges in the closed position is 13 feet (3.96 meters) above Mean High Water (MHW).

At present, under the rules in 33 CFR 117.181 the bridges have attended service 24 hours per day and open upon signal, except for morning and afternoon commute hours closures. Historically, the Park Street Bridge is the most frequently opened bridge, opening about 1,500 times annually to allow 2,000 vessels to pass. Approximately 60% of the openings are for recreational vessels, which travel predominantly during daylight hours, and one third of the openings are for commercial vessels, which historically transit at all hours.

An analysis of the County's logs of bridge openings at the series of bridges for the year ending March 31, 1993 indicates that 96% of transiting

recreational vessels and 73% of commercial vessels signaled for openings between 6 a.m. and 10 p.m., weekdays, and between 7 a.m. and 11 p.m., weekends and holidays.

Discussion of the Proposed Amendment

The proposed operating regulation would affect bridge openings only during nighttime hours. Between 6 a.m. and 10 p.m., Monday through Friday, and between 7 a.m. and 11 p.m., Saturdays, Sundays, and Federal holidays, the present system of operation, including weekday morning and afternoon commute hours closures, would not change. During all other periods, the proposed regulations would require the draws to open on signal if at least four hours advance notice is given to either the drawtender at the Park Street Bridge or to the Alameda County Public Works Agency at Hayward.

The vast majority of vessel transits would be unaffected by this amendment. The recreational and commercial vessel traffic transit requirements are substantially reduced during the proposed designated nighttime hours. Therefore, the Coast Guard considers a requirement of advance notice to request draw openings during these hours of reduced vessel traffic to be reasonable. The proposed amendment would permit the bridges operator to reduce operating expenses while still ensuring that all draw opening requests are accommodated, and still provided for the reasonable needs of navigation.

Commercial vessels transiting the series of bridges usually constitute tug and barge combinations, which have restricted maneuverability. In order to meet the reasonable needs of navigation of these vessels, the proposed regulation would require that sufficient draw operators be provided for openings requested during the nighttime period to ensure that commercial vessels which have provided four-hour advance notice may make a continuous transit though the series of bridges without having to slow their transit or wait between bridges for openings.

The existing regulation contains a provision that the draws will open for vessels in distress and emergency vessel traffic "as soon as possible." Since the existing regulation was promulgated the Coast Guard has established in 33 CFR 117.31 a general regulation applicable to all drawbridges, which requires that a bridge operator "take all reasonable measures to have the draw opened, regardless of the operating schedule of the draw, for the passage of" emergency vessels and vessels in distress. The

existing reference to emergency openings in 33 CFR 117.181 would therefore be eliminated as redundant. The Coast Guard believes that the proposed change will continue to provide for emergency needs.

The present regulations reflect the USACOE traditional method of measurement of waterway mileage in statute miles. The Coast Guard and the operators of other bridges in the area designate bridge location using nautical miles, and the proposed rule reflects this latter standard of measurement. The location designations and call signs in 33 CFR 117.181 and in appendix A to part 117 would also be changed to reflect a measurement baseline of the first point of land defining the Oakland Inner Harbor Tidal Canal, as is currently used by the Coast Guard and the other bridge operators and to reflect changes to call signs monitored.

Regulatory Evaluation

This proposal is not a significant regulatory action under Section 3(f) of Executive Order 12866 and does not require an assessment of potential costs 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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the Department of Transportation regulatory policies and procedures is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small business and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and (2) governmental jurisdictions with populations of less than 50,000. Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This proposal 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 proposal under the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard considered the environmental impact of this proposal and concluded that, under section 2.B.2. of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard proposes to amend part 117 of title 33 Code of Federal Regulations as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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); section 117.255 is also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. Section 117.181 is revised to read as follows:

§ 117.181 Oakland Inner Harbor Tidal Canal.

The draws of the Alameda County highway bridges at Park Street, mile 5.2; Fruitvale Avenue, mile 5.6; and High Street, mile 6.0; and the U.S. Army Corps of Engineers railroad bridge, mile 5.6 at Fruitvale Avenue, shall open on signal as follows:

(a) From 6 a.m. through 10 p.m. Monday through Friday, excluding Federal holidays, except that from 7:30 a.m. to 8:30 a.m. and 3:45 p.m. to 5:45 p.m. Monday through Friday, the draws need not be opened for the passage of vessels. However, the draws shall open during the above closed periods for vessels which must, for reasons of safety, move on a tide or slack water, if at least two hours notice is given.

(b) From 7 a.m. through 11 p.m. Saturdays, Sundays, and Federal holidays.

(c) At all other times if at least four hours advance notice is given. Advance notice may be given to the drawtender at the Park Street Bridge or to the Alameda County Public Works Agency at Hayward. For any commercial vessel

which has provided four hours advance notice of its intended transit, the bridge owners shall provide sufficient drawtenders so that the commercial

vessel will not have to slow its transit or wait between bridges for openings.

3. Appendix A to part 117 is amended to revise the Oakland Inner Harbor Tidal

Canal entries under the State of California to read as follows:

APPENDIX A TO PART 117.—DRAWBRIDGE EQUIPPED WITH RADIOTELEPHONES

Waterway	Mile	Location	Bridge name and owner	Call sign	Calling channel	Working channel
*	*	*	*	*	*	*
California						
*	*	*	*	*	*	*
Oakland Inner Harbor Tidal Canal	5.2	Oakland ... Park Street, Alameda County	WHV 996	16	9	
	5.6	Oakland ... Fruitvale Avenue, Alameda County	WQB 330	16	9	
	6.0	Oakland ... High Street, Alameda County	WHX 488	16	9	
*	*	*	*	*	*	*

Dated: April 27, 1995.

R.A. Appelbaum,
*Rear Admiral, U.S. Coast Guard Commander,
Eleventh Coast Guard District.*
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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-AC82

Subsistence Management Regulations for Public Lands in Alaska, Subparts C and D—1995–1996 Subsistence Taking of Fish and Wildlife Regulations for the Kenai Peninsula

AGENCY: Forest Service, Agriculture; and Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: This rule proposes customary and traditional use determinations for several species and regulations for seasons and harvest limits related to taking of moose for subsistence uses on Federal lands on the Kenai Peninsula during the 1995–1996 regulatory year.

DATES: Written public comments will be accepted through July 10. Public meetings on this proposed rule making will be held during the comment period in the following locations in Alaska: Anchorage, Soldotna, Seldovia, Hope, Cooper Landing, Homer, and other communities as necessary.

ADDRESSES: Written comments and proposals for changes to these proposed

regulations may be sent to the Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503. Specific locations and addresses for the public meetings will be published locally.

FOR FURTHER INFORMATION CONTACT:

Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Richard S. Pospahala, Office of Subsistence Management, 1011 E. Tudor Road, Anchorage, Alaska 99503; telephone (907) 786-3447. For questions specific to National Forest System lands, contact Ken Thompson, Regional Subsistence Program Manager, USDA, Forest Service, Alaska Region, P.O. Box 21628, Juneau, Alaska 99802–1628, telephone (907) 586–7921.

SUPPLEMENTARY INFORMATION:

Customary and Traditional Use Determinations

The Board implemented a systematic program for review of customary and traditional use eligibility determinations as provided for in 36 CFR 242 and 50 CFR 100. As a priority consideration, the Board focused its determinations on community or area uses of large mammals (ungulates and bears), examining uses of species of large mammals by communities or areas rather than focusing on individual herds. The Board recognized that subsistence resource use patterns of neighboring communities are often interrelated and should be analyzed concurrently.

Existing regulations at 36 CFR 242.16(b) and 50 CFR 100.16(b) identify eight factors that a community or area shall generally exhibit which exemplify customary and traditional subsistence uses. The eight factors are as follows:

1. A long-term consistent pattern of use, excluding interruptions beyond the control of the community or area;

2. A pattern of use recurring in specific seasons for many years;

3. A pattern of use consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, conditioned by local characteristics;

4. The consistent harvest and use of fish or wildlife as related to past methods and means of taking; near, or reasonably accessible from the community or area;

5. A means of handling, preparing, preserving, and storing fish or wildlife which has been traditionally used by past generations, including consideration of alteration of past practices due to recent technological advances, where appropriate;

6. A pattern of use which includes the handing down of knowledge of fishing and hunting skills, values and lore from generation to generation;

7. A pattern of use in which the harvest is shared or distributed within a definable community of persons; and

8. A pattern of use which relates to reliance upon a wide diversity of fish and wildlife resources of the area and which provides substantial cultural, economic, social and nutritional elements to the community or area.

Each Federal Subsistence Regional Advisory Council (Regional Council) has a substantial role in reviewing and developing information on which to base a recommendation to the Board concerning customary and traditional use determinations. The Southcentral Regional Council had available for consideration an extensive compilation of existing information on historic and contemporary large mammal resource use patterns by rural Kenai Peninsula communities. A draft report, dated