

#### IV. Procedural Determinations

##### *Executive Order 12866*

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

##### *Executive Order 12778*

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

##### *National Environmental Policy Act*

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

##### *Paperwork Reduction Act*

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

##### *Regulatory Flexibility Act*

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that

existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

##### List of Subjects in 30 CFR Part 925

Intergovernmental relations, Surface mining, Underground mining.

Dated: January 18, 1996.  
Charles E. Sandberg,  
*Acting Regional Director, Mid-Continent  
Regional Coordinating Center.*  
[FR Doc. 96-1318 Filed 1-25-96; 8:45 am]  
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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD01-95-139]

RIN 2115-AE84

#### **Safety Zone; Chelsea River, Boston Inner Harbor, Boston, MA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is soliciting public comment as to whether to and, if so, how to amend the safety zone regulation for the waters of the Chelsea River, Boston Inner Harbor. Any proposed amendments should update the safety zone to reflect recent structural changes in the Chelsea Street Bridge and surrounding areas, and should address the rationale regarding vessel size limitations and vessel tug assist requirements.

**DATES:** Comments must be received on or before March 26, 1996.

**ADDRESSES:** Comments should be mailed to Captain of the Port Boston, Coast Guard Marine Safety Office, 455 Commercial Street, Boston, MA 02109-1045. Comments may also be hand-delivered to the above address between 7:30 a.m. and 4 p.m., Monday through Friday, except federal holidays. The telephone number is (617) 223-3000. Comments will become part of this docket and will be available for inspection or copying at the above address during the hours noted.

**FOR FURTHER INFORMATION CONTACT:** LT Joseph L. Duffy, Coast Guard Marine Safety Office Boston, MA (617) 223-3000.

#### SUPPLEMENTARY INFORMATION:

##### Request for Comments

The Coast Guard encourages interested persons to participate in the early stages of this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this specific ANPRM (CGD01-95-139) and the specific issue to which each comment applies, and give reasons for each comment. The Coast Guard requests that all comments and attachments be submitted in an 8½" by 11" unbound format suitable for copying and electronic filing. If that is not practical, a second copy of any bound material is requested. Persons desiring acknowledgement of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

All comments received before the expiration of the comment period will be considered before any proposed rule is drafted. Late submittals will be considered to the extent practicable without delaying the publication of any proposed rule.

At this time the Coast Guard has not scheduled any public hearings. Persons may request a public hearing by writing to the Project Manager at the address listed under **ADDRESSES**. Requests should indicate why a public hearing is considered necessary. If the Coast Guard determines that the opportunity for oral presentations will aid any rulemaking, it 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 LCDR Mark Grossetti, Marine Safety Office Boston, and CDR John Astley, Project Counsel, First Coast Guard District Legal Office.

##### Background

The Chelsea Street Bridge is a bascule-type bridge owned by the City of Boston and originally constructed in 1939. It spans the Chelsea River providing a means for vehicles to travel between Chelsea, MA and East Boston, MA. Several petroleum-product transfer facilities are located on the Chelsea River, upstream and downstream of the Chelsea Street Bridge. Transit of tank vessels through the bridge is necessary to access the facilities upstream of the bridge. The narrow bridge-span opening creates a very difficult passage through the bridge for larger vessels. Adding to the difficulty are the close proximity of neighboring shore structures and, at times, vessels moored at facilities adjacent to the bridge.

In 1986, the bridge and its fendering system were in a dilapidated condition, which further complicated vessel transits. Additionally, the Northeast Petroleum Terminal (locally referred to as the Jenny Dock) and the Mobil Oil Terminal were located downstream of the bridge on the north and south bank of the river, respectively. If one or more vessels were moored at either of those facilities, the already short and narrow approach to the bridge was further restricted, thus reducing the maneuverability space of vessels during the approach and transit through the bridge. Meetings between the Coast Guard, marine operators, and pilots indicated that restrictions on length and width of particular vessel traffic were necessary to achieve an acceptable level of safety for navigating this difficult area. As a result, on June 27, 1986, (51 FR 23415) the Coast Guard promulgated the safety zone regulations at 33 CFR 165.120. These regulations extend over the waters of the Chelsea River for 100 yards upstream and downstream of the bridge, restrict water traffic transiting the Chelsea Street Bridge, and implement vessel operational constraints. The Coast Guard justified these restrictions and constraints by citing more than 75 marine bridge allisions and other incidents involving vessels transiting the Chelsea Street Bridge during the period from 1978 through 1985.

Since the implementation of those regulations, physical changes have occurred within the confines of the existing safety zone. The Jenny Dock, which is specifically mentioned in the regulations, has since collapsed into the Chelsea River and is no longer an active dock. The bulkhead has since been repaired, but vessels no longer moor at the facility. Also, the dilapidated fendering system on the Chelsea Street Bridge has been completely rebuilt with new wooden-reinforced pilings.

In addition to these physical changes, the Coast Guard has documented sixteen allisions with the bridge or its fendering system since the implementation of the current regulations. Six allisions involved tank vessels, two involved tug/barge combinations over 10,000 gross tons, and eight involved tug/barge combinations under 10,000 gross tons. No allisions have involved integrated tug/barge combinations (ITBs). All but two of the allisions resulted in only minor damage. The exceptions involved the Barge OCEAN STATES in February 1993 (structural damage to the bridge) and the Barge DXE 1640 OS in July 1994 (damaged many pilings).

#### Discussion

Due to the above mentioned changes and casualties, recent informal discussions between the Captain of the Port and the local maritime community have raised concern that changes to the safety zone regulations may be needed. While the current regulations have provided an acceptable level of safety, it may be possible to improve safety while reducing the burden of compliance. The Coast Guard seeks comments on the following specific items, and would welcome input and possible solutions regarding any other Chelsea River-related problems or concerns not addressed in this document.

#### *Vessel Size Restrictions*

Currently, only vessels meeting certain draft and physical dimensions (overall length and overall width) are allowed to enter the safety zone. No vessel greater than 661 feet in length, or greater than 90.5 feet in beam, may transit the safety zone. No vessel greater than 630.5 feet in length, or 85.5 feet or greater in beam, may transit the safety zone between sunset and sunrise. No tankship greater than 550.5 feet in length may transit the safety zone with a draft less than 18 feet forward and 24 feet aft. Current regulations authorize the restrictions to be relaxed with specific approval from the local Captain of the Port.

Is the present practice of using a vessel's physical dimensions as limiting factors satisfactory? If so, are the present size limitations satisfactory? Are there better dimensions and/or dimension ratios, or different operating restrictions, that would increase safety or provide an equivalent level of safety?

#### *Mobil Oil/Jenny Dock*

Currently, when the Chelsea River channel is obstructed by vessel(s) moored at either of the subject terminals certain restrictions apply. When there is a vessel moored at each terminal, no vessel greater than 300.5 feet in length or greater than 60.5 feet in beam may transit the safety zone. When a vessel with a beam greater than 60.5 feet is moored at either terminal, no vessel greater than 630.5 feet in length, or greater than 85.5 feet in beam may transit the safety zone. When a vessel with a beam greater than 85.5 feet is moored at either terminal, no vessel greater than 550.5 feet in length, or greater than 85.5 feet in beam may transit the safety zone.

Since the Jenny Dock is no longer in use, the Coast Guard seeks public comment regarding the possibility of removing the existing vessel size

restrictions that apply when the Chelsea River channel is obstructed by vessel(s) at the Jenny Dock. However, as the Mobil Oil facility remains operational just downstream of the Chelsea Street Bridge, the transiting vessel's length and beam remains a safety concern when certain sized vessels are moored at Mobil Oil. Is the present practice of using a transiting vessel's physical dimensions as limiting factors satisfactory? If so, are the present size limitations satisfactory? Are there better dimensions and/or dimension ratios, or different operating restrictions, that would increase safety or provide an equivalent level of safety?

#### *Tug Assistance Requirements*

Existing tug assistance requirements vary depending on the physical size and the type of the transiting vessel. All tankships greater than 630.5 feet in length or greater than 85.5 feet in beam shall be assisted by at least four tugs of adequate horsepower. All tankships from 450 feet in length up to and including 630.5 feet in length and less than 85.5 feet in beam shall be assisted by at least three tugs of adequate horsepower.

U.S. certificated ITBs shall meet the tug assistance requirements of a tankship of similar length and beam, except that one less assist tug would be required.

All conventional tug/barge combinations over 10,000 gross tons shall be assisted by at least one tug of adequate horsepower.

Are the aforementioned existing tug assistance requirements adequate, too stringent, or not stringent enough for the applicable type of vessel? Are there other applicable type of vessels that the tug assistance requirements should apply to?

Additionally, the Coast Guard is considering deleting one of the required assistance tugs for any transiting vessel equipped with a bow thruster of adequate horsepower. Although bow thrusters are not addressed in the current regulation, this would appear to be an issue for consideration. Bow thrusters are an effective maneuvering aid in certain areas of restricted maneuverability such as this safety zone. Can the presence of an operational bow thruster be considered an adequate equivalent to substitute for one assistance tug? The Coast Guard is specifically seeking input regarding this issue.

#### *Tug/Barge Combinations Under 10,000 Gross Tons*

As stated in the previous paragraphs addressing tug assistance requirements,

conventional tug/barge combinations under 10,000 gross tons do not currently require assistance tugs. A majority of the documented Chelsea Street Bridge allisions since implementation of the existing regulations involved tug/barge combinations under 10,000 gross tons. The Coast Guard is soliciting comment regarding the possibility of applying current or future size restrictions that apply to ITBs to tug/barge combinations under 10,000 gross tons. Should the same draft and size limitations and tug assist requirements that apply to tankships of similar length and beam apply to tug/barge combinations of any tonnage? Should additional, fewer, or the same number of assist tugs be required for tug/barge combinations?

Dated: January 23, 1996.

D.M. Maguire,

*Captain, U.S. Coast Guard, Captain of the Port, Boston, MA.*

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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

#### Alaska Federal Subsistence Regional Advisory Council Meetings; Subsistence Management Regulations for Public Lands in Alaska

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

**ACTION:** Notice of Meetings.

**DATES AND LOCATIONS:** The Federal Subsistence Board announces the forthcoming public meetings of the Federal Subsistence Regional Advisory Councils. Future Federal shutdowns may require rescheduling these meetings. The Regional Council meetings may last two-three days and will be held in the following Alaska locations, and begin on the specified dates:

- Region 1 (Southeast)—Wrangell—Feb. 8, 1996
- Region 2 (Southcentral)—Cordova—Mar. 4, 1996
- Region 3 (Kodiak/Aleutians)—Kodiak—Feb. 26, 1996
- Region 4 (Bristol Bay)—Naknek—Mar. 18, 1996
- Region 5 (Yukon-Kuskokwim Delta)—Nunapitchuk—Feb. 21, 1996

Region 6 (Western Interior)—Holy Cross—Feb. 22, 1996

Region 7 (Seward Peninsula)—Anchorage—Feb. 15, 1996

Region 8 (Northwest Arctic)—Kotzebue—Feb. 23, 1996

Region 9 (Eastern Interior)—Fort Yukon—Mar. 5, 1996

Region 10 (North Slope)—Barrow—Feb. 8, 1996

**SUMMARY:** This notice informs the public of the Regional Council meetings identified above. The public is invited to attend and observe meeting proceedings. In addition, the public is invited to provide oral testimony before the Councils on proposals to change Subsistence Management Regulations for Public Lands in Alaska for the 1996-97 regulatory year as set forth in a proposed rule on August 15, 1995 (60 FR 42085-42130). A booklet of proposed regulation changes was distributed to the public by mail on December 5, 1995.

**MATTERS TO BE CONSIDERED:** The following agenda items will be discussed at each Regional Council meeting:

- (1) Introduction of Regional Council members and guests
- (2) Old business
- (3) New business
  - a. Charter review
  - b. Member recruitment
  - c. Review, and development of recommendations on proposals to change Subsistence Management Regulations for Public Lands in Alaska

**FOR FURTHER INFORMATION CONTACT:** Chair, Federal Subsistence Board, c/o Thomas H. Boyd, Office of Subsistence Management, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503; telephone (907) 786-3864. For questions related to subsistence management issues on National Forest Service lands, inquiries may also be directed to 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:** The Regional Councils have been established in accordance with Section 805 of the Alaska National Interest Lands Conservation Act, Pub. L. 96-487, and Subsistence Management Regulations for Public Lands in Alaska, 36 CFR part 242 and 50 CFR part 100, subparts A, B, and C (57 FR 22940-22964). The Regional Councils advise the Federal Government on all matters related to the subsistence taking of fish and wildlife on public lands in Alaska and operate

in accordance with provisions of the Federal Advisory Committee Act.

The identified Regional Council meetings will be open to the public. The public is invited to attend these meetings, observe the proceedings, and provide comments to the Regional Councils.

Dated: January 12, 1996.

Richard S. Pospahala,

*Acting Chair, Federal Subsistence Board.*

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## LIBRARY OF CONGRESS

### Copyright Office

#### 37 CFR Part 202

[Docket No. RM 95-7]

#### Registration of Claims to Copyright, Group Registration of Photographs

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Extension of comment period.

**SUMMARY:** The Copyright Office is extending the comment period in its consideration of regulations permitting group registration of unpublished or published photographs.

**DATES:** The extended deadline for comments is February 9, 1996, and for reply comments is March 1, 1996.

**ADDRESSES:** If sent by mail, fifteen copies of written comments should be addressed to Marilyn J. Kretsinger, Acting General Counsel, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707-8380. Telefax: (202) 707-8366. If by hand, fifteen copies should be brought to: Office of the General Counsel, Copyright Office, James Madison Memorial Building, Room LM-407, First and Independence Avenue, S.E., Washington, D.C. 20540.

**FOR FURTHER INFORMATION CONTACT:** Marilyn J. Kretsinger, Acting General Counsel, Telephone: (202) 707-8380 or Telefax: (202) 707-8366.

**SUPPLEMENTARY INFORMATION:** On December 4, 1995, the Copyright Office published proposed regulations that permit group registration of unpublished or published photographs without the deposit of copies of the works. 60 FR 62057 (Dec. 4, 1995). The proposed regulations would enable photographers and photography businesses to seek the benefits of registration by making it less burdensome for them to register a claim to copyright in a large number of