

introductory text, S5.2(e)(1), and the introductory paragraph of S5.3 to read as follows:

**§ 571.120 Standard No. 120, Tire selection and rims for motor vehicles other than passenger cars.**

\* \* \* \* \*

S5.1.1 Except as specified in S5.1.3, each vehicle equipped with pneumatic tires for highway service shall be equipped with tires that meet the requirements of § 571.109, New pneumatic tires, or § 571.119, New pneumatic tires for vehicles other than passenger cars, and rims that are listed by the manufacturer of the tires as suitable for use with those tires, in accordance with S4.4 of § 571.109 or S5.1 of § 571.119, as applicable, except that vehicles may be equipped with a non-pneumatic spare tire assembly that meets the requirements of § 571.129, New non-pneumatic tires for passenger cars, and S8 of this standard. Vehicles equipped with such an assembly shall meet the requirements of S5.3.3, S7, and S9 of this standard.

\* \* \* \* \*

S5.2 Rim marking. Each rim or, at the option of the manufacturer in the case of a single-piece wheel, wheel disc shall be marked with the information listed in paragraphs (a) through (e) of this paragraph, in lettering not less than 3 millimeters high, impressed to a depth or, at the option of the manufacturer, embossed to a height of not less than 0.125 millimeters. The information listed in paragraphs (a) through (c) of this paragraph shall appear on the weather side. In the case of rims of multi piece construction, the information listed in paragraphs (a) through (e) of this paragraph shall appear on the rim base and the information listed in paragraphs (b) and (d) of this paragraph shall also appear on each other part of the rim.

\* \* \* \* \*

S5.2(e)(1) Any manufacturer that elects to express the date of manufacture by means of a symbol shall notify NHTSA in writing of the full names and addresses of all manufacturers and brand name owners utilizing that symbol and the name and address of the trademark owner of that symbol, if any. The notification shall describe in narrative form and in detail how the month, day, and year or the month and year are depicted by the symbol. Such description shall include an actual size graphic depiction of the symbol, showing and/or explaining the interrelationship of the component parts of the symbol as they will appear on the rim or single piece wheel disc, including dimensional specifications,

and where the symbol will be located on the rim or single piece wheel disc. The notification shall be received by NHTSA at least 60 calendar days prior to first use of the symbol. The notification shall be mailed to the Office of Vehicle Safety Compliance, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590. All information provided to NHTSA under this paragraph will be placed in the public docket. \* \* \*

S5.3 Label information. Each vehicle shall show the information specified in S5.3.1 and S5.3.2 and, in the case of a vehicle equipped with a non-pneumatic spare tire, the information specified in S5.3.3, in the English language, lettered in block capitals and numerals not less than 2.4 millimeters high and in the format set forth following this section. This information shall appear either—

\* \* \* \* \*

In consideration of the foregoing, 49 CFR Part 574 is amended to read as follows:

**PART 574—TIRE IDENTIFICATION AND RECORDKEEPING**

7. The authority citation for Part 574 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

8. Sections 574.2, 574.3(a), and 574.6 introductory text, are revised to read as follows:

**§ 574.2 Purpose.**

The purpose of this part is to facilitate notification to purchasers of defective or nonconforming tires, pursuant to Sections 30118 and 30119 of Title 49, United States Code, so that they may take appropriate action in the interest of motor vehicle safety.

**§ 574.3 Definitions.**

(a) Statutory definitions. All terms in this part that are defined in Section 30102 of Title 49, United States Code, are used as defined therein.

\* \* \* \* \*

**§ 574.6 Identification mark.**

To obtain the identification mark required by 574.5(a), each manufacturer of new or retreaded pneumatic tires, non-pneumatic tires or non-pneumatic tire assemblies shall apply in writing to the Office of Vehicle Safety Compliance, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, identify itself as a tire manufacturer or retreader and furnish the following information:

\* \* \* \* \*

Issued on June 4, 1996.

Barry Felrice,

*Associate Administrator for Safety Performance Standards.*

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR PART 36**

**RIN 1018-AD-30**

**Public Use Regulations for the Alaska Peninsula/Becharof National Wildlife Refuge Complex**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** The U.S. Fish and Wildlife Service adopts regulations to implement portions of the Alaska Peninsula/Becharof National Wildlife Refuge Complex Public Use Management Plan. The rule will allow the Fish and Wildlife Service to manage public uses by adopting regulations addressing off-road vehicles, camping, and temporary facilities. The regulations will provide for continued public use of the refuge complex while protecting refuge resources and resolving conflicts between refuge users.

**EFFECTIVE DATE:** This rule is effective July 11, 1996.

**ADDRESSES:** U.S. Fish and Wildlife Service, Alaska Peninsula/Becharof National Wildlife Refuge Complex, P.O. Box 277, King Salmon, AK 99613.

**FOR FURTHER INFORMATION CONTACT:** Ronald E. Hood, Refuge Manager, Alaska Peninsula/Becharof National Wildlife Refuge Complex, P.O. Box 277, King Salmon, AK 99613, telephone: (907) 246-3339.

**SUPPLEMENTARY INFORMATION:** The Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3101 et seq.) was signed into law on December 2, 1980. The broad purpose of this law is to provide for the disposition and use of a variety of federally owned lands in Alaska. Section 303 of ANILCA established Alaska Peninsula and Becharof National Wildlife Refuges and Section 304 of ANILCA expanded Alaska Maritime National Wildlife Refuge. The Alaska National Interest Lands Conservation Act states that purposes for which Alaska Maritime, Alaska Peninsula and Becharof Refuges were established and shall be managed include:

(i) [Alaska Maritime Refuge] to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to marine mammals, marine birds and other migratory birds, the marine resources upon which they rely, bears, caribou and other mammals;

(i) [Alaska Peninsula Refuge] to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to, brown bears, the Alaska Peninsula caribou herd, moose, sea otters and other marine mammals, shorebirds and other migratory birds, raptors, including bald eagles and peregrine falcons, and salmonids and other fish;

(i) [Becharof Refuge] to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to, brown bears, salmon, migratory birds, the Alaskan Peninsula caribou herd, and marine birds and mammals;

(ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;

(iii) to provide, in a manner consistent with the purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and

(iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in paragraph (i), water quality and necessary water quantity within the refuge[s].

In 1987, the Fish and Wildlife Service (Service) decided to manage the Ugashik and Chignik units of the Alaska Peninsula Refuge, the Seal Cape area of the Alaska Maritime Refuge and the Becharof Refuge as a "complex." These units share a contiguous boundary and common resources and resource issues. Legislation to formalize the "complex" has been drafted. The Public Use Management Plan and the regulations cover the Ugashik and Chignik Units of Alaska Peninsula Refuge, the Seal Cape area of the Alaska Maritime Refuge, and Becharof Refuge.

#### Refuge Planning

Section 304(g) of ANILCA directs the Secretary of the Interior to prepare a comprehensive conservation plan (comprehensive plan) for each national wildlife refuge in Alaska. The Alaska Maritime comprehensive plan was completed in 1988; the Alaska Peninsula comprehensive plan was completed in 1987; and the Becharof comprehensive plan was completed in 1985. A number of public use management issues were identified and resolved in the comprehensive plans.

Other issues involving public use of the refuges were identified as needing more thorough investigation. These issues were addressed in the Public Use Management Plan (public use plan) approved in May 1994.

Extensive public involvement was conducted for the public use plan from 1989 to 1994 including workbooks, three sets of public meetings in all refuge area communities, Anchorage and Kodiak and several mailings. A number of changes were made in the final public use plan responding to comments received on the draft. Those comments also were used to prepare these regulations.

Draft regulations to implement the public use plan were published on July 17, 1995 (60 FR 36576) with a 60-day public comment period. The public comment period was reopened for another 45 days to allow additional review and comment by interested persons and groups on October 16, 1995, (60 FR 53576).

The July 17, 1995 Federal Register notice said public hearings would be held in Chignik Bay, Chignik Lake, Chignik Lagoon, Egegik, Ivanof Bay, Naknek, Perryville, Pilot Point, Port Heiden, and South Naknek, Alaska. Informal public hearings were held in Egegik (October 23, 1995), Naknek (October 26, 1995), and South Naknek (November 2, 1995), Alaska. When leaders of both municipal and tribal governments in the other villages were contacted to arrange public hearings, they indicated that hearings were not necessary. Therefore, because these villages are all isolated and people from other communities would not likely attend public hearings, the hearings were not held.

#### Summary of Public Comments

Eleven people attended the Egegik hearing and one comment on the regulations was noted. Six people attended the Naknek hearing. Questions were asked about the regulations, but no comments about the regulations were received. Two people attended the South Naknek hearing and one comment on the regulations was noted.

Seven written comments were received from the State of Alaska, one regional corporation, the Coalition to Protect Animals in Parks and Refuges, and four individuals (one in Alaska and three out-of-state). One person met with Service personnel to discuss the regulations.

The State of Alaska had no specific comments on the regulations. One person suggested re-writing the regulations in seventh grade English and translating them into Native languages.

One person opposed the use of off-road vehicles, camping, and any temporary or permanent improvements within the refuge. The Coalition to Protect Animals in Parks and Refuges suggested there should be some areas where off-road vehicles not be allowed, and approved of off-road vehicle weight limits and confining general public off-road vehicle use to trails. The Native Corporation noted that the off-road vehicle weight restrictions would not apply to activities associated with exploration or development of their subsurface estate within the refuge. One person said that subsistence campers should be able to leave their camp foundation to be used year after year.

Most other comments did not address the regulations and were about other aspects of refuge management (for example, opposing sport hunting on refuges or requesting information about special use permits). The comment at the Egegik hearing suggested that off-road vehicle trailers be required to use low pressure tires. One person at the South Naknek hearing suggested that temporary facilities be prohibited throughout the refuge complex. The person meeting with Service staff was concerned that the regulations not affect a road he is proposing to use within the refuge. He was assured that the regulations would have no effect on his proposal.

Based on public comments received the Service proposes only one change from the proposed regulations. A typographical error appeared in subsection 36.39(c)(4)(iii). It stated that new temporary facilities are prohibited within "1/2 mile" of the shoreline of Upper and Lower Ugashik Lakes. It should have read "1/4 mile" of the shoreline of Upper and Lower Ugashik Lakes. The final rule reads 1/4 mile.

While the Service agrees with the suggestion to require the use of low pressure tires on off-road vehicle trailers, as stated in the notice of proposed rule-making the Service does not believe it is necessary to regulate off-road vehicle trailers at this time.

Regarding the suggestion that there be no use of off-road vehicles on some parts of the refuge complex, ANILCA Section 810 requires the Service to allow "other means of surface transportation" traditionally employed for subsistence subject to reasonable regulations. The regulations limit the size and weight of off-road vehicles. All areas of the refuge complex are open to subsistence use of off-road vehicles, but the distance of many areas from communities, vast size, and extremely rugged terrain of much of the area effectively precludes off-road vehicle

use in many areas of the refuge complex.

Section 1316 of ANILCA states, in part, “\* \* \* the Secretary shall permit, subject to reasonable regulations to ensure compatibility, the continuance of existing uses, and the future establishment and use, of temporary campsites, tent platforms, shelters, and other temporary facilities and equipment directly and necessarily related to such activities [the taking of fish and wildlife] \* \* \*.” Section 1316 also states that temporary facilities could be denied if they would be “detrimental to the purposes for which the \* \* \* unit was established \* \* \*.” In the public use plan, the Service determined which areas of the refuge temporary facilities would be detrimental to refuge purposes and these will be closed to new temporary facilities by the regulations. The establishment of new temporary facilities elsewhere in the refuge complex was generally found to be compatible with the purposes of the refuge. Each application for temporary facilities will be evaluated by the refuge complex staff and authorized only if found to be directly and necessarily related to the taking of fish and wildlife and compatible with the purposes of the refuge. Permits authorizing temporary facilities contain special conditions to ensure compatibility and minimizing effects on other refuge users.

#### Conformance With Statutory and Regulatory Authorities

The impact of these final regulations on subsistence uses has been evaluated as required by Section 810 of ANILCA. A subsistence evaluation was included in the public use management plan environmental assessment and the Regional Director found that the plan would not significantly restrict subsistence use on the Alaska Peninsula/Becharof National Wildlife Refuge Complex. Subsistence uses and access are expected to differ little, if any, from existing uses. The regulations are consistent with the purposes and intent of Section 810 and will result in no significant restrictions on subsistence uses.

These final regulations are consistent with the purposes for which the Alaska Maritime, Alaska Peninsula and Becharof National Wildlife Refuges were established. A compatibility determination was approved for the public use management plan.

#### Paperwork Reduction Act

These final regulations have been examined under the Paperwork Reduction Act of 1995 and have been

found to contain no information collection requirements.

#### National Environmental Policy Act Compliance

An environmental assessment accompanied the draft public use management plan. On May 21, 1994, a Decision Notice and Finding of No Significant Impact was signed by the Regional Director. Copies of these documents may be obtained from the Alaska Peninsula/Becharof National Wildlife Refuge Complex, P.O. Box 277, King Salmon, Alaska 99613. Telephone: (907) 246-3339. No further documentation is required by the National Environmental Policy Act (42 U.S.C. 4321-4347).

#### Economic Effects

The Department of Interior has determined this rulemaking was not subject to Office of Management and Budget review under Executive Order 12866. A review under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) has revealed that this final rulemaking would not have a significant effect on a substantial number of small entities in the area, such as businesses, organizations and governmental jurisdictions. This rule impacts the refuge complex only to the extent that off-road vehicles and camping are better administered. Temporary facilities are only allowed for administrative and subsistence purposes at particular sites. These provisions are seen, therefore, as administrative in nature and having little or no impact on small entities. This final rule will have minimal, if any, impact on the economy of the Alaska Peninsula.

#### Unfunded Mandates

The Service has determined and certifies pursuant to the Unfunded Mandates Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of \$100 million or more in any given year on local or State governments or private entities.

Primary Author: Helen Clough, Refuges and Wildlife, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska is the primary author of this final rulemaking document.

#### List of Subjects in 50 CFR Part 36

Alaska, Recreation and recreation areas, Reporting and recordkeeping requirements, Wildlife refuges.

The U.S. Fish and Wildlife Service amends Part 36 of Chapter I of Title 50 as follows:

#### PART 36—[AMENDED]

1. The authority citation for Part 36 continues to read as follows:

Authority: 16 U.S.C. 460(k) *et seq.*, 668dd *et seq.*, 742(a) *et seq.*, 3101 *et seq.*, and 44 U.S.C. 3501 *et seq.*

2. Section 36.39 is amended by adding paragraph (c) (1)–(4) as follows:

#### § 36.39 Public use.

\* \* \* \* \*

(c) *Alaska Peninsula/Becharof National Wildlife Refuge Complex.*

(1) The Alaska Peninsula/Becharof National Wildlife Refuge (Complex) includes the Becharof National Wildlife Refuge, the Chignik and Ugashik Units of the Alaska Peninsula National Wildlife Refuge and the Seal Cape Area of the Alaska Maritime National Wildlife Refuge.

(2) Off-road vehicles are permitted on the refuge complex under § 36.12(a), § 36.39(c)(2)(ii) or § 36.39(c)(2)(iii) and must meet the following conditions:

(i) Vehicles are limited to three or four-wheeled vehicles with a maximum gross weight of 650 pounds as listed by the manufacturer.

(ii) ORV's are permitted on the following trails only: Yantarni Bay Airstrip; Yantarni Bay Airstrip to beach trail; and Yantarni Bay Airstrip to oil well site trail. Maps of the above areas are available from the Refuge Manager.

(iii) Subject to the weight and size restrictions listed in (i) above, subsistence use of off-road vehicles, as authorized by 50 CFR 36.12(a) is allowed throughout the Alaska Peninsula/Becharof National Wildlife Refuge Complex.

(3) Camping is permitted on the Refuge Complex subject to the following restrictions:

(i) These camping limits do not apply to subsistence users except at Big Creek where they apply to all refuge complex users.

(ii) No permanent improvements may be made to campsites without a special use permit. All materials brought on to the refuge complex must be removed upon cessation of camping unless authorized by a special use permit.

(iii) Other than reserved sites authorized by special use permits, camping at one location is limited to seven consecutive nights from August 1 through November 15 within ¼ mile of the following waters: Becharof Lake in the Severson Peninsula area (Island Arm); Becharof Lake Outlet; Ugashik Narrows; Big Creek; Gertrude Lake; and Gertrude Creek between Gertrude Lake and the King Salmon River. Maps of the

above areas are available from the Refuge Manager.

(iv) Tent camps must be moved a minimum of one mile following each seven-night camping stay during the periods specified above.

(4) Temporary facilities may be authorized on the Alaska Peninsula/Becharof National Wildlife Refuge Complex by special use permit only, subject to the following conditions:

(i) Except for administrative or subsistence purposes, new temporary

facilities are prohibited within 1/4 mile of the Becharof Lake shoreline.

(ii) Except for administrative purposes, new temporary facilities are prohibited in the following areas: within 1/4 mile of the shorelines of Gertrude Lake and Long Lake; within 1/4 mile of the airstrip on the south side of the King Salmon River approximately 1/2 mile above the confluence of Gertrude Creek and the King Salmon River; within 1/4 mile of the shoreline of Upper and

Lower Ugashik Lakes; within 1/4 mile of the shoreline of Becharof Lake outlet; and within 1/4 mile of the shoreline of Big Creek. Maps of the above areas are available from the Refuge Manager.

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Dated: April 25, 1996.  
George T. Frampton, Jr.,  
*Assistant Secretary for Fish and Wildlife and Parks.*

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