

Award date	No. of awards included	Percent of awards with discounted rev. rate	Percent of awards at max. rev. rate	Percent of awards with discounted volum. rate	Percent of awards at max. volum. rate	Mean percent of max. rev. rate (discounted awards)	Mean percent of max. volum. rate (discounted awards)
August 1995	1597	59	5	34	1	24.2	28.5
September 1995	1776	60	16	23	1	28.6	33.6
October 1995	1804	58	19	22	1	25.1	37.0
November 1995	1462	58	17	21	3	34.5	46.0
December 1995	1048	48	25	24	3	43.8	39.3
January 1996	981	43	30	24	3	41.3	27.0
February 1996	922	46	29	21	3	40.9	20.5
March 1996	1555	56	24	17	3	37.0	21.3
April 1996	1357	66	19	14	2	31.2	17.8
May 1996	609	52	18	29	2	29.8	23.5
June 1996	97	70	7	23	.	15.9	19.6
	30,461	60	13	24	2	27.7	26.3

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DEPARTMENT OF THE INTERIOR**National Park Service****36 CFR Part 7**

RIN 1024-AC30

Badlands National Park, Commercial Vehicles

AGENCY: National Park Service, Interior.
ACTION: Proposed rule.

SUMMARY: The National Park Service (NPS) is proposing this rule to exempt local commercial vehicle traffic on the 5.8 miles of park roads between the park's Northeast and Interior Entrances from the general prohibition on the use of NPS roads by commercial vehicles. The Superintendent will retain sufficient discretion: to require permits for local commercial vehicles traveling within or through the park; establish terms and conditions of such permits; and annually establish and adjust fees for such use based on current administrative costs. The proposed rule will prohibit the transportation of hazardous materials on all park roads, except in limited circumstances. The proposed rule will also prohibit certain oversize/overweight vehicles on all park roads, except in limited circumstances.

DATES: Written comments will be accepted through October 7, 1996.

ADDRESSES: Comments should be addressed to: Superintendent, Badlands National Park, P.O. Box 6, Interior, SD 57750.

FOR FURTHER INFORMATION CONTACT: Irvin L. Mortenson, Superintendent, Badlands National Park, PO Box 6, Interior, SD 57750. Telephone 605-433-5361.

SUPPLEMENTARY INFORMATION:**Background**

South Dakota Route 240, from Exit 131 on Interstate 90, passes through the northeast corner of Badlands National Park, traversing the Badlands "Wall" at Cedar Pass and intersects with South Dakota Route 377 which, in turn, connects with South Dakota Route 44 at the town of Interior. In 1929, Congress passed legislation authorizing the establishment of Badlands National Monument, subject to the condition "that the State of South Dakota first construct 30 miles of highways through the 'proposed park' area in a manner satisfactory to the Secretary of Interior." After the State of South Dakota completed the highway construction, Badlands National Monument was proclaimed on January 25, 1939. In 1941, the State relinquished ownership to roads within the Monument's boundary.

A general park regulation, 36 CFR 5.6, prohibits commercial traffic in National Parks. Under the proposed regulation, local commercial traffic would be allowed to use the park road connecting the Northeast entrance and the Interior entrance. The transportation of certain hazardous materials and oversize/overweight vehicles on park roads will be prohibited, except as permitted by the Superintendent. The NPS may allow transportation of certain hazardous materials on park roads as necessary to provide access to otherwise inaccessible lands within or contiguous to the park, or in emergency situations as determined by the Superintendent.

The paving of South Dakota Highway 44 in 1986 considerably changed the park's recreational and commercial vehicle patterns and number. In December of 1989, in response to these increases, Badlands National Park mailed over 500 "scoping brochures" to various organizations, agencies and

individuals seeking public participation in the development of alternatives for the management of commercial traffic in the park. A public scoping meeting was held on January 24, 1990, in Interior, South Dakota, attended by approximately 115 people. Following the public meeting, written comments also were solicited. Public input was received during review of the environmental assessment prepared for the regulation of commercial traffic. This review occurred in April of 1990. Public comments received during that time and NPS review of the issues are reflected in the proposed rule.

Existing Conditions

Local commercial vehicles and some long haul trucks continue to travel through the Badlands National Park's northeast corner on 5.8 miles of park road between the Northeast and the Interior Entrances. South Dakota Route 240 connects with the Badlands Loop Road at the Northeast Entrance and South Dakota Route 377 connects to the park road at the Interior Entrance. South Dakota Routes 240 and 377 are exterior to park boundaries and are maintained by the State of South Dakota only up to the park boundaries. Inside the park, road maintenance is the responsibility of the NPS. South Dakota Routes 240 and 377 are two-lane, paved rural highways designed for a 55 mph speed limit for all vehicle types. The park roads are two-lane, paved roads designed for 45 mph and 25 mph speed limits. Their purpose, as defined by the *Park Road Standards for the National Park System*,

... "(R)emains in sharp contrast to that of the Federal and State highway systems. Park roads are not intended to provide fast and convenient transportation; they are intended to enhance visitor experience while providing safe and efficient accommodation of park visitors and to serve essential management access needs. They are not,

therefore intended nor designed as continuations of the State and Federal-aid network."

Conclusion

Based on available data on road use and relevant environmental analysis, the impact of local commercial traffic on park roads within Badlands National Park is not sufficient to compel the NPS to prohibit all local commercial traffic on park roads between the Northeast and Interior Entrances. The NPS recognizes the potential hazard posed by the transportation of certain hazardous materials and oversize/overweight vehicles through the park and will regulate or prohibit such use. Those local commercial vehicles carrying hazardous materials that require placarding, or marine pollutants that require marking according to U.S. Department of Transportation regulations, must first obtain a permit when such transportation is necessary for access to lands within or adjacent to the park, where access is not otherwise available, or in emergency situations as determined by the Superintendent. Exceptions include local bulk deliveries of gasoline, diesel, LP gas and certain oversize/overweight agricultural vehicles as provided for by South Dakota State Law. The NPS proposed regulation will not regulate state highways or traffic outside of Badlands National Park.

The proposed rule will allow only those vehicles which originate from, or are destined to, U.S. Postal Service ZIP codes within a 45-mile radius of Cedar Pass in Badlands National Park. These Postal Service ZIP codes, which are in close proximity to the park, were chosen because nearly all the commercial traffic accessing the park originates from these areas. The use of geographic County designations for commercial access to the park would not be appropriate because, with the Counties being so large, thousands of additional commercial vehicles could claim entry to the park. The allowable ZIP code service area includes the following towns:

Allen—57714
Belvedere—57521
Cottonwood—57775
Creighton—57729
Interior—57750
Kadoka—57543
Kyle—57752
Long Valley—57547
Owanka—57767
Philip—57567
Scenic—57780
Wall—57790
Wanblee—57577
Wasta—57791

The NPS prepared an Environmental Assessment (EA) addressing commercial traffic on park roads. The assessment was released for public review in 1990. On March 19, 1990, the Regional Director for the Rocky Mountain Region, National Park Service, signed a Finding of No Significant Impact (FONSI) for the proposal, which would allow local commercial traffic on park roads between the park's Northeast and Interior Entrances, but continue the prohibition of the transportation of certain hazardous materials requiring placarding and certain oversize/overweight cargos through Badlands National Park. Copies of this EA are available from the Chief Ranger's Office.

Public Participation

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments regarding this proposed rule to the address noted at the beginning of this rulemaking. The NPS will review comments and consider making changes to the rule based upon an analysis of the comments.

Drafting Information

The principal authors of this proposed rulemaking are Irvin L. Mortenson, Superintendent, former District Ranger Stan Robins, Badlands National Park and Dennis Burnett, Washington Office of Ranger Activities.

Paperwork Reduction Act

The collection of information contained in the permit section of this rule is for the purpose of determining which commercial vehicles meet the requirements allowing them to travel through the park. This collection of information is necessary to issue the permit and has previously been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1024-0124 in accordance with the Paperwork Reduction Act of 1995.

Compliance With Other Laws

This rule was not subject to Office of Management and Budget review under Executive Order 12866. The Department of the Interior determined that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 USC 601 *et seq.*). The economic effects of this rulemaking are local in nature and negligible in scope.

The Service has determined and certifies pursuant to the Unfunded

Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this proposed rule will not impose a cost of \$100 million or more in any given year on local, State, or tribal governments or private entities.

An EA was issued in 1990 under the provisions of the National Environmental Policy Act and a Finding of No Significant Impact signed on June 19, 1990.

List of Subjects in 36 CFR Part 7

National parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, it is proposed to amend 36 CFR Chapter I as follows:

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

1. The authority citation for part 7 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 460(q), 462(k); Sec. 7.96 also issued under D.C. Code 8-137 (1981) and D.C. Code 40-721 (1981).

2. Section 7.23 is added to read as follows:

§ 7.23 Badlands National Park.

(a) *Commercial vehicles.* (1) Notwithstanding the prohibition of commercial vehicles set forth in Section 5.6 of this Chapter, local commercial vehicles may operate on the park road between the Northeast entrance and the Interior entrance in accordance with the provisions of this Section.

(2) The term "Local Commercial Vehicles", as used in this section, will include the definition of "commercial vehicle" in section 5.6(a), but specifically includes only those vehicles which originate from, or are destined to, the following U.S. Postal Service ZIP code areas:

Allen—57714
Belvedere—57521
Cottonwood—57775
Creighton—57729
Interior—57750
Kadoka—57543
Kyle—57752
Long Valley—57547
Owanka—57767
Philip—57567
Scenic—57780
Wall—57790
Wanblee—57577
Wasta—57791

(3) The Superintendent may require a permit and establish terms and conditions in accordance with Section 1.6 of this Chapter for the operation of local commercial vehicles on the park road between the park's Northeast and Interior entrances. The Superintendent may charge a fee for any permits issued

to commercial vehicles in accordance with a fee schedule established annually.

(4) The commercial transport on the park road between the Northeast and Interior entrances of any substance or combination of substances, including any hazardous substance, hazardous material, or hazardous waste that requires placarding, or any marine pollutant that requires marking, as defined in 49 CFR Subtitle B, is prohibited; except for local bulk deliveries of gasoline, fuel oil and LP gas; provided, however, that the Superintendent may issue permits for the transportation of such substance or combination of substances, including hazardous waste, in emergencies, and may issue permits when such transportation is necessary for access to lands within or adjacent to the park area to which access is otherwise not available as provided in 36 CFR 5.6.

(5) The operator of a motor vehicle transporting any hazardous substance, hazardous material, hazardous waste, or marine pollutant in accordance with a permit issued under this section, is not relieved in any manner from complying with all applicable regulations in 49 CFR Subtitle B, or with any other State or Federal laws and regulations applicable to the transportation of any hazardous substance, hazardous material, hazardous waste, or marine pollutant.

(6) The transportation or use of oversize or overweight commercial vehicles on the park road between the Northeast and Interior entrances is prohibited; provided, however that the Superintendent may issue permits for transportation or use of such vehicles and may condition such permits on the use of special routes within the park in order to minimize impacts to park facilities and resources and also may issue permits when the transportation or use of such vehicles is necessary for access to lands within or adjacent to the park area to which access is otherwise not available as provided in 36 CFR 5.6.

(7) Operating without, or violating a term or condition of, a permit issued in accordance with this section is prohibited. In addition, violating a term or condition of a permit may result in the suspension or revocation of the permit.

(b) [Reserved]

Dated: July 15, 1996.

George T. Frampton, Jr.

Assistant Secretary for Fish and Wildlife and Parks.

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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-AD90

Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D—1997–1998 Subsistence Taking of Fish and Wildlife Regulations

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

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the customary and traditional use determinations and establish regulations for hunting and trapping seasons, harvest limits, methods, and means related to taking of wildlife for subsistence uses during the 1997–1998 regulatory year. This rule making is necessary because Subpart D regulations require annual public review, and the customary and traditional use determinations are also open to the same annual regulatory revision process. When final, this rule making will replace hunting and trapping regulations and modify customary and traditional use determinations in “Subsistence Management Regulations for Public Lands in Alaska, Subparts C and D—1996–1997 Subsistence Taking of Fish and Wildlife Regulations,” which expire on June 30, 1997.

DATES: Written public comments and proposals to change this proposed rule must be received no later than October 25, 1996. Federal Subsistence Regional Advisory Councils (Regional Councils) will hold public meetings to receive proposals to change regulations contained in this proposed rule from September 9–October 25, 1996, at various locations in Alaska. See **SUPPLEMENTARY INFORMATION** for additional information on meetings and written comment procedures.

ADDRESSES: Comments and proposals should be sent to Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Thomas H. Boyd, Office of Subsistence Management, 1011 E. Tudor Road, Anchorage, Alaska 99503.

FOR FURTHER INFORMATION CONTACT: Thomas H. Boyd, Office of Subsistence Management; telephone (907) 786-3864. 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:

Meeting Locations and Written Comment Procedures

The meetings on this proposed rule will be held at the following locations in Alaska:

Southeast Regional Council—Kake
Southcentral Regional Council—
Glenallen
Kodiak/Aleutians Regional Council—
Unalaska
Bristol Bay Regional Council—Togiak
Yokon-Kuskokwim Delta Regional
Council—Akiachak
Western Interior Regional Council—
Galena
Seward Peninsula Regional Council—
Teller
Northwest Arctic Regional Council—
Kotzebue
Eastern Interior Regional Council—
Stevens Village
North Slope Regional Council—Barrow

Notice of specific dates, times, and meeting locations will be published in local and statewide newspapers prior to the meetings. Locations and dates may need to be changed based on weather or local circumstances. Length of the Regional Council meetings will be determined by the amount of work on each Regional Council's agenda. Written proposals to change Subpart D hunting and trapping regulations and customary and traditional use determinations in Subpart C will be compiled and distributed for additional public review during early November 1996. A second 30-day public comment period will follow distribution of the compiled proposal packet. Written public comments on distributed proposals will be accepted during the second public comment period. Comments on published proposals to change hunting and trapping and customary and traditional use determination regulations may be presented to the Regional Councils at their winter meetings; locations, dates, and times to be announced. The Federal Subsistence Board (Board) will deliberate and take final action on proposals received that request changes to this proposed rule at a public meeting to be held in Anchorage during April 1997.

Proposed Changes from 1996–1997 Seasons and Bag Limit Regulations

Subpart D regulations are subject to an annual cycle and require development of an entire new rule each