

## Environment

We have analyzed this temporary rule under Commandant Instruction M16475.1D and Department of Homeland Security Management Directive 5100.1, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are not factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(h), of the Instruction, from further environmental documentation. Under figure 2–1, paragraph (34)(h), of the Instruction, and “Environmental Analysis Check List” and a “Categorical Exclusion Determination” are not required for this rule.

### List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water), Reporting and record keeping requirements, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

### PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 100.T13–032 to read as follows:

#### § 100.T13–032 Special Local Regulations, Strait Thunder Hydroplane Races, Port Angeles, WA.

(a) *Regulated areas.* (1) The regulated area encompasses all waters located inside of a line connecting the following points located near Port Angeles, Washington: Point 1: 48° 07′ 24″ N, 123° 25′ 32″ W; Point 2: 48° 07′ 26″ N, 123° 24′ 35″ W; Point 3: 48° 07′ 12″ N, 123° 25′ 31″ W; Point 4: 48° 07′ 15″ N, 123° 24′ 34″ W. [Datum: NAD 1983].

(2) The spectator area encompasses all waters located within a box bounded by the following points located near Port Angeles, Washington: Point 1: 48° 07′ 32″ N, 123° 25′ 33″ W; Point 2: 48° 07′ 29″ N, 123° 24′ 36″ W; Point 3: 48° 07′ 24″ N, 123° 25′ 32″ W; Point 4: 48° 07′ 26″ N, 123° 24′ 35″ W. [Datum: NAD 1983].

(b) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by Commander, Coast Guard Group Port Angeles. The Patrol

Commander is empowered to control the movement of vessels on the racecourse and in the adjoining waters described in paragraph (a) above during the periods this regulation is in effect. The Coast Guard will maintain a patrol consisting of Coast Guard vessels, assisted by Coast Guard Auxiliary vessels. The Patrol Commander may be assisted by other federal, state and local law enforcement agencies as well as Strait Thunder event craft.

(c) *Special Local Regulations.* From 9 a.m. until 5 p.m. on September 29, 30, and October 1, 2006, non-participant vessels are prohibited from entering the regulated area unless authorized by the Coast Guard Patrol Commander. Spectator craft may remain in the designated spectator area but must follow the directions of the Coast Guard Patrol Commander. Spectator craft entering, exiting or moving within the spectator area must operate at speeds which will create a minimum wake, and not exceed seven knots. The maximum speed may be reduced at the discretion of the Patrol Commander.

(d) A succession of sharp, short signals by whistle or horn from vessels patrolling the areas under the discretion of the Patrol Commander shall serve as a signal to stop. Vessels signaled shall stop and shall comply with the orders of the patrol vessel. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

Dated: September 11, 2006.

**Richard R. Houck,**

*Rear Admiral, U.S. Coast Guard, Commander, Thirteenth 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–AU92

### Subsistence Management Regulations for Public Lands in Alaska; Kenai Peninsula Subsistence Resource Region

**AGENCIES:** Forest Service, Agriculture; Fish and Wildlife Service, Interior.

**ACTION:** Direct final rule; withdrawal.

**SUMMARY:** We, the Federal Subsistence Board, are withdrawing the direct final rule that would have amended the regulations governing subsistence use of fish and wildlife in Alaska by creating an additional subsistence resource region for the Kenai Peninsula. We predicate this withdrawal on the fact that we have received significant adverse comments, specifically relating to the lack of public input on this issue.

**DATES:** This withdrawal is effective September 27, 2006.

**ADDRESSES:** You may submit comments electronically to [Subsistence@fws.gov](mailto:Subsistence@fws.gov) or via the Federal E-Rulemaking Portal at <http://www.regulations.gov>. See **SUPPLEMENTARY INFORMATION** for file format and other information about electronic filing. You may also submit written comments to the Office of Subsistence Management, 3601 C Street, Suite 1030, Anchorage, AK 99503.

**FOR FURTHER INFORMATION CONTACT:** For general subsistence management program questions, contact Pete Probasco at (907) 786–3888. For Forest Service questions, contact Steve Kessler, Regional Subsistence Program Leader, USDA—FS Alaska Region, at (907) 786–3592.

**SUPPLEMENTARY INFORMATION:**  
**Background**  
In Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126), Congress found that “the situation in Alaska is unique in that, in most cases, no practical alternative means are available to replace the food supplies and other items gathered from fish and wildlife which supply rural residents dependent on subsistence uses \* \* \*” and that “continuation of the opportunity for subsistence uses of resources on public and other lands in Alaska is threatened \* \* \*.” As a result, Title VIII requires, among other things, 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 in Alaska, unless the State of Alaska enacts and implements laws of general applicability that are consistent with ANILCA and that provide for the subsistence definition, preference, and participation specified in Sections 803, 804, and 805 of ANILCA.

### SUPPLEMENTARY INFORMATION:

#### Background

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

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 its 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).

### Federal Subsistence Regional Advisory Councils

Pursuant to the Subsistence Management Regulations for Federal Public Lands in Alaska, April 6, 1992, and the Subsistence Management Regulations for Federal Public Lands in Alaska, 36 CFR 242.11 (2002) and 50 CFR 100.11 (2002), and for the purposes identified therein, we divided Alaska into 10 subsistence resource regions, each of which is represented by a Federal Subsistence Regional Advisory Council (Regional Council). The Regional Councils provide a forum for residents of the regions, who have personal knowledge of local conditions and resource requirements, to have a meaningful role in the subsistence management of fish and wildlife on Alaska public lands. The Regional Council members represent varied geographical, cultural, and user diversity within each region.

### Withdrawal of Direct Final Rule

The Kenai Peninsula has unique fish and wildlife management challenges due to intense use of the Peninsula's fish and wildlife by local and nonlocal residents and by nonresidents, and due to the recent Board actions to begin to provide a meaningful subsistence priority for fisheries in Federally managed fresh waters on the Kenai Peninsula. Kenai Peninsula lands primarily under Federal management include the Chugach National Forest and the Kenai National Wildlife Refuge.

We published a direct final rule on August 14, 2006 (71 FR 46400), that would have created a separate subsistence resource region for the Kenai Peninsula because we viewed this action as an uncontroversial administrative action by the Federal Subsistence Board. That direct final rule would have become effective September 29, 2006, unless we received significant adverse comments.

During a Southcentral Federal Subsistence Regional Advisory Council meeting held in Anchorage, Alaska on August 24, 2006, we heard significant adverse testimony regarding the creation of a new Kenai Peninsula Subsistence Resource Region. Additionally, the Southcentral Regional Council unanimously recommended against the formation of such a region without providing more opportunity for public input. Letters from the public also strongly opposed the formation of such a region without providing more opportunity for public input. Therefore, we are withdrawing the direct final rule and will hold hearings in the affected area to obtain additional public input before deciding whether to proceed with the formation of a new subsistence resource region. In addition, on the same date that we published the direct final rule, we published a proposed rule (71 FR 46427) to create an additional subsistence resource region for the Kenai Peninsula.

For the reasons stated above, the Federal Subsistence Board withdraws the direct final rule of August 14, 2006 (71 FR 46400).

Dated: September 19, 2006.

**Peter J. Probasco,**

*Acting Chair, Federal Subsistence Board.*

Dated: September 19, 2006.

**Steve Kessler,**

*Subsistence Program Leader, USDA-Forest Service.*

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## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

### 36 CFR Parts 1253 and 1280

[Docket NARA-06-0007]

RIN 3095-AB52

### Changes in NARA Research Room Hours

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Final rule.

**SUMMARY:** NARA is further modifying the research room hours at its facilities in the Washington, DC, area to retain, on a monthly basis, Saturday and some evening hours. We are taking this action in response to the many comments received on the interim final rule on this subject published in July. As noted in the previous rulemaking, NARA is reducing the research room hours as one of several measures the agency must take in Fiscal Year 2007 to ensure that our expenditures are in line with our

expected resources. This regulation will affect individuals who use our archival research rooms in the National Archives Building and National Archives at College Park facility.

**DATES:** *Effective Date:* This final rule is effective October 2, 2006.

**FOR FURTHER INFORMATION CONTACT:**

Nancy Allard at 301-837-1477 or Jennifer Davis Heaps at 301-837-1801 or via fax number 301-837-0319.

**SUPPLEMENTARY INFORMATION:** NARA published an interim final rule with request for comments on July 25, 2006 (71 FR 42058). The interim rule specified changes to NARA research room hours at the National Archives Building in Washington, DC, and the National Archives at College Park, MD and a revision of the public hours for visiting the National Archives Experience and the Rotunda exhibits in the National Archives Building. We received more than 530 timely comments. In addition, approximately 70 individuals attended a public meeting on the rule on August 3, 2006, at which 24 individuals spoke. Virtually all of the responsive comments concerned the research room hours in our DC area facilities.

In this final rule, we are further amending the interim final rule to specify that the research room hours at the National Archives Building and the National Archives at College Park will include, one week a month, evening hours from 5 p.m. to 8:45 p.m. on Thursday and Friday and Saturday hours from 8:45 a.m. to 4:45 p.m. This rule and the other provisions of the interim final rule published at 71 FR 42058 will go into effect on October 2, 2006.

### Summary of Public Comments Received

The total number of comments received included submissions made through <http://www.regulations.gov>, individual letters that were mailed or faxed (or both) to NARA, letters forwarded from Congressional offices, and two petitions. Comments received on or before 11:59 p.m. on September 8, 2006, and those postmarked on or before September 8, were considered timely. Because of the time constraints in revising the rule before October 2, 2006, we were not able to consider late comments.

Many comments expressed appreciation for the important role NARA plays in providing public access to records and offered suggestions for ways in which NARA might be able to retain some or all extended hours. We address the most frequently stated suggestions in the next sections of this