These changes to the regulations will require the bridge to open on signal on the hour from 6 a.m. to 7 p.m., except that from 7 a.m. to 9 a.m. and 4 p.m. to 7 p.m., Monday through Friday, the bridge need not open, except for inbound commercial fishing vessels on the hour. The bridge shall be opened at any time for vessels with a draft of 15 feet or greater, except during on call hours. An on call requirement for openings Christmas eve through Christmas day is being added as part of this proposal requiring that the draw will open as soon as possible but not longer than two hours after notice has been given by calling the number posted at the bridge.

The requirement in the regulations to open as soon as possible for U.S. Government and State of Massachusetts vessels is being removed since it is now listed under the general operating regulations in 33 CFR 117.31 for all bridges. The requirement to post the operating regulations is being removed since it is listed under 33 CFR 117.55 under the general operating regulations for all bridges.

The times when the bridge opens are being changed to on the hour eliminating the period 11:15 a.m. to 6:15 p.m. when the bridge opened at a quarter past the hour. The bridge opening times will all be on the hour for simplicity since there is no known reason to have different opening times. The requirement to not exceed 15 minutes is being eliminated from the regulations because the drawtenders open and close the bridge promptly or as soon as possible as a rule and should have the discretion to use their experience for safety and preservation of the mechanical components for the operating machinery of the bridge.

Regulatory Evaluation

This proposed rule 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 not been reviewed 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 proposed rule to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT, is unnecessary. This conclusion is based on the fact that bridges must operate in accordance with the needs of navigation while providing for the reasonable needs of land transportation. This proposed rule adopts the operating hours which the Coast Guard believes to be appropriate based on the results of past experience and the bridge traffic counts reviewed by the Coast Guard. The Coast Guard believes this rule achieves the requirement of balancing the navigational rights of recreational boaters and the needs of land based transportation.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers whether this proposal will have a significant economic impact on a substantial number of small entities. ''Small entities'' include small businesses, not-for profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations less than 50,000. Therefore, for the reasons discussed in the Regulatory Evaluation section above, the Coast Guard certifies under section 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this proposed rule will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this rule will economically affect it.

Collection of Information

This proposed rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposed rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposed rule and concluded that, under section 2.B.2.e.(34) of Commandant Instruction M16475.1B, as amended by 50 FR 38655, July 29, 1994, this proposed rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found not to have significant effect on the environment. 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.

Proposed Regulation

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 117 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 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.585 is revised to read as follows:

§ 117.585 Acushnet River

(a) The New Bedford Fairhaven Route-6 Bridge, mile 0.0, shall open on signal on the hour from 6 a.m. to 7 p.m., except:

(1) From 7 a.m. to 9 a.m. and 4 p.m. to 7 p.m., Monday through Friday, the draw shall open on the hour for inbound commercial fishing vessels only.

(2) Except as noted in paragraph (c) of this section, the draw shall open on signal at any time for vessels with a draft exceeding 15 feet.

(b) From 7 p.m. through 6 a.m. the draw shall open on signal.

(c) From 6 p.m. on December 24th through midnight on December 25th, the draw shall open as soon as possible but not longer than two hours after notice has been given by calling the number posted at the bridge.

Dated: April 8, 1998.

R.M. Larrabee,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 98–10272 Filed 4–17–98; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

RIN 1024–AC66

Kaloko-Honokohau National Historical Park, Hawaii Public Nudity

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: The National Park Service (NPS) is proposing to prohibit public nudity within the boundaries of Kaloko-

Honokohau National Historical Park, Hawaii. The existing practice of recreational public nudity is in conflict with the enabling legislation of the park and the traditional values of native Hawaiian culture which the park was created to perpetuate and preserve.

DATES: Written comments will be accepted through June 19, 1998.

ADDRESSES: Comments should be addressed to: Superintendent, Kaloko-Honokohau National Historical Park, 734786 Kanalani St. # 14, Kailua-Kona, Hawaii 96745.

FOR FURTHER INFORMATION CONTACT: Bryan Harry, Superintendent, National Park Service, Pacific Island Support Office, 300 Ala Moana Blvd., Suite 6305, P.O. Box 50165, Honolulu, Hawaii 96850. Telephone 808–541–2693.

SUPPLEMENTARY INFORMATION:

Background

Kaloko-Honokohau National Historical Park was established under Public Law 95–625 (16 U.S.C. 396d) on November 10, 1978 to ''* * * provide a center for the preservation, interpretation and perpetuation of traditional native Hawaiian activities and culture, and to demonstrate historic land use patterns as well as to provide needed resources for the education, enjoyment and appreciation of such traditional native Hawaiian activities and culture by local residents and visitors * * *.'' Public nudity, an activity that can be construed as contemptuous and insulting in traditional native Hawaiian culture, is in conflict with the above stated purpose for which this park was established. Continued use of the park in this manner derogates resources that are used traditionally and creates a condition that is in conflict with related traditional practices by native Hawaiians.

In traditional Hawaiian culture, public nudity had strong social connotations as documented by the following excerpts pertaining to nudity and how it is viewed in the Hawaiian culture, stating specifically that such activity was very strictly regulated within a defined traditional social context.

Mourning: ''* * * displaying genitals were neither common nor approved, Mrs. Pukui explains. Such actions were excusable only because the mourner was considered *pupule (crazy)* from grief.'' (Kamakau 1919–20:2–45; Campbell 1967:101; Pukui, Haertig, and Lee, 1972 Vol. I: 124,133; 1972 Vol. II:183; Valeri 1985:261, 308).

Sorcery: '' As nudity is excused during mourning, nudity in the ceremony of *anewanewa,* was excused due to the fear of sorcery. These two circumstances were probably the only time Hawaiians of both sexes were ever nude in public. Exposure of the genitals was not approved.'' (Pukui, Haertig, and Lee, 1972:124)

Nudity, general: Hawaiian tradition, for those following the kapu ''exposing the buttocks (*ho'opohopoho*) was a gesture of complete contempt * * * and a grave insult to the beholder and for this reason even the ''slit-in-the-back'' hospital gown thus becomes a threat to ordinary courtesy'' (Pukui, Haertig, and Lee, 1972:91)

Today, the reaction of Hawaiian cultural experts to public nudity echos the past pre-missionary view towards nakedness (personal communication with Pat Bacon, who is Mary Kawena Pukui's daughter). Specifically, she was asked as to what circumstances in the Hawaiian Culture would nudity be acceptable. Ms. Bacon stated that traditionally, children were allowed to go naked until they were about 10 years old, and that adult, female or male, nudity was not acceptable, and that men were nude only for rituals.

Existing Conditions

Public nudity is currently taking place in a relatively confined area fronting one of the park's more important cultural features, ''Aimakapa'' fishpond. The beach front at this location is visible from the proposed park observation platform and the boardwalk trail, both primary destination points for park visitors. Many more of the significant culture features of the park are located along the beach trail through the area currently used by the nudists. All park users must pass along this narrow coastal strip and therefore must confront any person(s) involved in public nudity. Native Hawaiians, school groups and other visitors with a strong identity to traditional Hawaiian culture have informed park management that they have chosen to abandon their visit to the park rather than confront this conflicting and distracting activity. The NPS has on file numerous letters and documents from the Hawaii Congressional Delegation and the native Hawaiian constituency relating to their views of an existing conflict between public nudity and the purposes for which the park was established.

The park initially attempted to encourage voluntary compliance against public nudity. When this failed, the park enacted a temporary restriction of public nudity through the Superintendent's Compendium (36 CFR 1.5(a)(2)). This temporary prohibition is currently in place and will remain in place while the park solicits public comment through this rulemaking.

The creation of Kaloko-Honokohau National Historical Park was largely driven by the congressional delegations of the State of Hawaii. This congressional delegation, native Hawaiian community groups and leaders, and other special interest groups were influential in defining the nature and purpose of the park and maintain an active interest in the progress and direction of the park's development.

The enabling legislation defines the intended purpose and management direction for the park, and recreational nudity, or any other recreational activity, must be compatible with NPS management's ability to carry out that legislated purpose. Mitigation efforts to resolve the issue to date have failed.

The issue of public nudity was first addressed in public on December 12, 1990, when a Notice of Intent to prepare an environmental impact statement for a general management plan for Kaloko-Honokohau National Historical Park appeared in the **Federal Register** (55 FR 51165). Following the **Federal Register** notice, scoping for the preparation of the General Management Plan (GMP) was initiated. Letters were sent to officials, organizations and individuals who were known to have an interest in the development of Kaloko-Honokohau National Historical Park, inviting them to attend scheduled public meetings or provide written comments expressing their views and concerns related to the future use and development of Kaloko-Honokohau National Historical Park.

Public meetings were held on the islands of Hawaii (Kona and Waimea) and O'ahu (Honolulu) in January 1991 to receive comments from all interested parties in order to identify the full scope of issues relevant to the preparation of that GMP. During the public comment period, which ran to the end of February 1991, more than 900 responses to Kaloko-Honokohau's GMP initiative were received. These comments were carefully considered in drafting planning options to reflect all viewpoints. Planning issues evolving into the GMP included the following: future public use of Honokohau beach, protection of the fishpond's endangered biota, park development and accessibility, carrying capacities, and others.

With regard to future use of Honokohau beach, 19 individuals either spoke or wrote in opposition to allowing nude sunbathing there. Three of the letters were accompanied by petitions. These petitions contained a total of 442 signatures from individuals who opposed nude sunbathing in national parks. There were a total of 42 individuals who either spoke or wrote in favor of designating Honokohau beach as clothing optional. One of the

letters was accompanied by a petition with 189 signatures of individuals recommending the NPS designate Honokohau beach as clothing optional. This response persuaded the park to move forward with comment rulemaking.

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 these comments, as well as the comments received from the previous public meetings concerning the future use of Honokohau beach, and consider making changes to the rule based upon an analysis of the comments.

Drafting Information

The principal authors of this proposed rulemaking are James Martin, Superintendent, Hawaii Volcanoes National Park; Bryan Harry, Superintendent, National Park Service, Pacific Island Support Office; Laura Carter-Schuster, Resource Manager, Kaloko-Honokohau National Historical Park; and Dennis Burnett, Washington Office of Ranger Activities, National Park Service.

Paperwork Reduction Act

This rulemaking does not contain collections of information requiring approval by the Office of Management and Budget under 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 Regulatory Flexibility Act (5 U.S.C. 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 Unfounded 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.

The Department has determined that this rule meets the applicable standards provided in Section 3(a) and 3(b)(2) of Executive Order 12988.

This rule is not a major rule under the Congressional review provisions of the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 804(2)).

The NPS has determined that this rulemaking will not have a significant effect on the quality of the human environment, health and safety because it is not expected to:

(a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;

(b) Introduce incompatible uses which compromise the nature and characteristics of the area or cause physical damage to it;

(c) Conflict with adjacent ownership or land uses; or

(d) Cause a nuisance to adjacent owners or occupants.

Based on this determination, this rulemaking is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) by Departmental guidelines in 516 DM 6 (49 FR 21438). As such, neither an Environmental Assessment nor an Environmental Impact Statement has been prepared specifically for this regulation. However, an EIS was issued in 1992 along with the General Management Plan for the management and development of Kaloko-Honokohau National Historical Park under the provisions of NEPA.

List of Subjects in 36 CFR Part 7

District of Columbia, National parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, the NPS proposes 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. New Section 7.87 is added to read as follows:

§ 7.87 Kaloko-Honokohau National Historical Park.

Public nudity, including public nude bathing, by any person on Federal land or water within the boundaries of Kaloko-Honokohau National Historical Park is prohibited. Public nudity is a person's failure to cover with a fully opaque covering that person's own genitals, pubic areas, rectal area or female breast below a point immediately above the top of the areola when in a public place. Public place is any area of Federal land or water within the Historical Park, except the enclosed portions of restrooms or other structures designed for privacy or similar purposes. This section shall not apply to a person under 10 years of age.

Dated: January 30, 1998.

Donald J. Barry,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 98–10322 Filed 4–17–98; 8:45 am]

BILLING CODE 4310–70–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 142

[FRL–5999–5]

RIN 2020–AA37

Revision of Existing Variance and Exemption Regulations to Comply With Requirements of the Safe Drinking Water Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Agency is proposing to revise the existing regulations regarding Safe Drinking Water Act variances and exemptions. These revisions are based on the 1996 Safe Drinking Water Act Amendments. A new subpart, Subpart K, created to implement a new section in the Amendments, describes procedures and conditions under which a primacy State/Tribe (please note that throughout this preamble and proposed rule, the term ''State'' has the same definition as currently exists in 40 CFR 141.2, i.e., ''State means the agency of the State or Tribal government which has jurisdiction over public water systems . . .'') or the Administrator may issue small system variances to public water systems serving less than 10,000 persons. This rule-making is intended to provide regulatory relief to all public water systems, particularly small systems.

DATES: Written comments must be received by midnight May 20, 1998.

ADDRESSES: Written comments should be submitted to: W–97–26 Comment Clerk, Water Docket (mailcode MC4101), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C., 20460.

The record is available for inspection at the Water Docket, Washington, D.C., from 9 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. For access to docket materials, please call (202)–260–3027 to schedule an appointment.

FOR FURTHER INFORMATION CONTACT: Andrew J. Hudock, Office of