

DEPARTMENT OF AGRICULTURE**Agricultural Research Service****7 CFR Part 500****Conduct on National Arboretum Property**

AGENCY: Agricultural Research Service; Research, Education, and Economics; USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Research Service (ARS) is revising regulations governing conduct on the U.S. National Arboretum property. This action is being taken because a review of the regulations identified certain words in the current regulations that are out of date. Other minor changes, corrections and deletions will be made to clarify the regulations.

EFFECTIVE DATE: December 11, 1996.

FOR FURTHER INFORMATION CONTACT:

Area Administrative Officer, Beltsville Area, ARS, Building 003, Room 203, Beltsville, Md. 20705; (301) 504-5392.

SUPPLEMENTARY INFORMATION: A review of this regulation was done in response to the President's Regulatory Review Initiative. As a result, certain words describing the property and personnel contained in the current regulations were identified as obsolete. The amendments change these obsolete descriptions and make other minor revisions and deletions to the current regulations. Pursuant to 5 U.S.C. 553(b) it has been determined that notice and public comment procedures are unnecessary because the changes being made are minor changes to obsolete words and will not substantively alter the regulation. Further, since this rule involves minor revision to existing regulations it is not a "major rule" and is exempt from the provisions of Executive Order 12291. The amendments will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* This rule has been determined to be not significant for the purposes of Executive Order 12866 and therefore has not been reviewed by the Office of Management and Budget. This rule is exempt from the requirements of the National Environmental Policy Act, as amended (42 U.S.C. 4321 *et seq.*) and the requirements of the Paperwork Reduction Act (44 U.S.C. Ch. 35). Among other minor changes, the amendment changes the phrase "National Arboretum" to "U.S. National Arboretum (USNA)"; and the word

"guard" or "watchman" is replaced with the phrase "Security Staff";

List of Subjects in 7 CFR Part 500

Agricultural Research Service, Federal buildings and facilities, National Arboretum.

For the reasons set out in the preamble, 7 CFR Part 500 is amended as set forth below.

PART 500—CONDUCT ON U.S. NATIONAL ARBORETUM PROPERTY

1. The heading for Part 500 is revised as set forth above.

2. The authority citation for Part 500 is revised to read as follows:

Authority: Secs. 2, 4, 62 Stat. 281; sec. 103, 63 Stat. 380; sec. 205(d), 63 Stat. 389; 40 U.S.C. 318a, 318c, 486(d), 753, 34 FR 6406; 34 FR 7389.

3. Section 500.1 is revised to read as follows:

§ 500.1 General.

The rules and regulations in this part apply to the buildings and grounds of the U.S. National Arboretum, Washington, D.C., and to all persons entering in or on such property. The Administrator, General Services Administration, has delegated to the Secretary of Agriculture, with authority to redelegate, the authority to make all the needful rules and regulations for the protection of the buildings and grounds of the U.S. National Arboretum (34 FR 6406). The Secretary of Agriculture has in turn delegated such authority to the Administrator, Agricultural Research Service (34 FR 7389). The rules and regulations in this part are issued pursuant to such delegations.

4. Section 500.2 is revised to read as follows:

§ 500.2 Recording presence.

Admission to the U.S. National Arboretum during periods when it is closed to the public will be limited to authorized individuals who may be required to sign the register and/or display identification documents when requested by the Security Staff, or other authorized individuals.

5. Section 500.4 is revised to read as follows:

§ 500.4 Conformity with signs and emergency directions.

Persons in and on property of the U.S. National Arboretum shall comply with official signs of prohibitory or director nature and with the directions of authorized individuals.

6. Section 500.6 is revised to read as follows:

§ 500.6 Gambling.

Participating in games for money or other personal property, or the operation of gambling devices, the conduct of a lottery or pool, or the selling or purchasing of numbers tickets, in or on U.S. National Arboretum property, is prohibited.

7. Section 500.7 is revised to read as follows:

§ 500.7 Intoxicating beverages and narcotics.

Entering U.S. National Arboretum property or the operation of a motor vehicle thereon, by a person under the influence of intoxicating beverages or narcotic drug, or the consumption of such beverages or the use of such drug in or on U.S. National Arboretum property, is prohibited.

8. Section 500.8 is revised to read as follows:

§ 500.8 Soliciting, vending, debt collection, and distribution of handbills.

The soliciting of contributions, display or distribution of commercial advertising and the collection of private debts, is prohibited. This section does not apply to national or local drives for funds for welfare, health, and other purposes sponsored or approved by the Agricultural Research Service, concessions, or personal notices posted by employees on authorized bulletin boards. Distribution of material such as pamphlets, handbills, and flyers is prohibited without prior approval of the Director, U.S. National Arboretum.

9. Section 500.9 is revised to read as follows:

§ 500.9 Photographs for news, advertising, or commercial purposes.

Photographs for news purposes may be taken at the U.S. National Arboretum without prior permission. Photographs for advertising and commercial purposes may be taken, but only with the prior approval of the Director, U.S. National Arboretum and fees may be charged.

10. Section 500.10 is revised to read as follows:

§ 500.10 Pets.

Pets, except assistance trained animals, brought upon U.S. National Arboretum property must be kept on leash and have proper vaccinations. The abandonment of unwanted animals on USNA grounds is prohibited.

11. Section 500.11 is revised to read as follows:

§ 500.11 Vehicular and pedestrian traffic.

(a) Drivers of all vehicles in or on U.S. National Arboretum property shall drive in a careful and safe manner at all times

and shall comply with the signals and directions of the Security Staff and all posted traffic signs;

(b) The blocking of entrances, driveways, walks, loading platforms, or fire hydrants in or on U.S. National Arboretum property is prohibited;

(c) Except in emergencies, parking in or on U.S. National Arboretum property in other than designated areas is not allowed without a permit. Parking without authority, parking in unauthorized locations or in locations reserved for other persons, or contrary to the direction of posted signs is prohibited. This section may be supplemented from time to time, by the issuance and posting of specific traffic

directives as may be required, and when so issued and posted such directives shall have the same force and effect as if incorporated in this part.

12. Section 500.12 is revised to read as follows:

§ 500.12 Weapons and explosives.

No person while in or on U.S. National Arboretum property shall carry firearms, other dangerous or deadly weapons, or explosives, either openly or concealed, except for official purposes.

13. Section 500.13 is revised to read as follows:

§ 500.13 Nondiscrimination.

There shall be no discrimination by segregation or otherwise against any

person or persons because of race, religion, color, age, sex, disability or national origin, in furnishing, or by refusing to furnish to such person or persons the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided thereby on U.S. National Arboretum property.

Done at Washington, DC, this 29th day of November, 1996.

Edward B. Knipling,

Acting Administrator, Agricultural Research Service.

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