

established a moving safety zone each time naval vessels of this class have transited the waters of Port Everglades both to and from a port call. Given the recurring nature of these port calls, and the safety dangers associated with naval aircraft carriers, the Coast Guard is establishing a permanent moving safety zone around these vessels during their arrival and departure from Port Everglades, Fort Lauderdale, Florida.

The safety zone will be established in an area 700 yards forward, 500 yards astern and 350 yards on either side of naval aircraft carriers entering or departing Port Everglades. The safety zone will be established for a period of approximately one and one half hours during the arrival and departure of these vessels. The Coast Guard will assign a patrol and issue a Broadcast Notice to Mariners to advise mariners of the established safety zone in advance of the naval aircraft carrier's arrival and departure. This safety zone will be effective only during the time indicated in the Broadcast Notice to Mariners.

Regulatory Evaluation

This proposal 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 been exempted from review 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 proposal 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 limited duration of the moving safety zone, the extensive advisories that will be made to the affected maritime community and the minimal restrictions the regulations will place on vessel traffic. These regulations will be in effect for a total of approximately three hours per port call for these vessels.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under Section 3 of the Small Business Act (15 U.S.C. 632).

The Coast Guard certifies under 5 U.S.C. 605 (b) that this rule would not have a significant economic impact on a substantial number of small entities because of the short duration of the disruption to regular navigation.

Collection of Information

These regulations contain no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501–3512).

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 and it has been determined that the rulemaking does not have sufficient Federalism implication to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this proposal and has concluded under paragraph 2.B.2.e(34)(g) of Commandant Instruction M16475.1B (as revised by 59 FR 38654, July 29, 1994), that this proposal is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist is available in the docket for inspection or copying.

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Safety measures, Waterways.

Final Regulations

In consideration of the foregoing, The Coast Guard amends Subpart C of Part 165 of Title 33, Code of Federal Regulations, as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

2. A new section § 165.711 is added to read as follows:

§ 165.711 Safety Zone: Port Everglades, Fort Lauderdale, FL.

(a) *Regulated Area.* A moving safety zone is established in the following area:

(1) The waters around naval aircraft carriers entering Port Everglades in an area 700 yards forward, 500 yards astern and 350 yards on either side of each vessel, beginning at the Port Everglades Sea Buoy in approximate position 26°05.5'N, 80°04.8'W and continuing

until the vessel is safely moored in approximate position 26°04.9'N, 80°06.9'W. All coordinates referenced use datum: NAD 83.

(2) The waters around naval aircraft carriers departing Port Everglades in an area 700 yards forward, 500 yards astern and 350 yards on either side of each vessel beginning at the Pier in approximate position 26°04.9'N, 80°06.9'W, and continuing until the stern passes the Port Everglades Sea Buoy, in approximate position 26°05.5'N, 80°04.8'W. All coordinates referenced use datum: NAD 83.

(b) Regulations.

(1) No person or vessel may enter, transit, or remain in the safety zone unless authorized by the Captain of the Port, Miami, Florida, or a Coast Guard commissioned, warrant, or petty officer designated by him.

(2) Vessels encountering emergencies which require transit through the moving safety zone should contact the Coast Guard patrol craft on VHF Channel 16. In the event of an emergency, the Coast Guard patrol craft may authorize a vessel to transit through the safety zone with a Coast Guard designated escort.

(3) All persons and vessels shall comply with the instructions of on-scene patrol personnel. On-scene patrol personnel include commissioned, warrant, or petty officers of the U.S. Coast Guard. Coast Guard Auxiliary and local or state officials may be present to inform vessel operators of this regulation and other applicable laws.

Dated: May 9, 1997.

D.F. Miller,

Captain, U.S. Coast Guard, Captain of the Port, Miami, FL.

[FR Doc. 97–15539 Filed 6–12–97; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

RIN 1024–AC61

National Capital Region Parks, Special Regulations

AGENCY: National Park Service, Interior.

ACTION: Final Rule and policy statement.

SUMMARY: The National Park Service (NPS) is revising existing regulations to effect two needed but unrelated changes to NPS regulations found at 36 CFR 7.96. One change deletes reference to the John F. Kennedy Center for the Performing Arts. The need for this

revision arose from Public Law 103-279 which removed the Kennedy Center from NPS jurisdiction. The other change revises existing regulations, currently found at 36 CFR 7.96(k)(2)(v) and (vi), governing the distribution of literature within two park areas administered in the National Capital Region. The need for these revisions arose from two court decisions addressing literature distribution in these areas.

DATES: This rule becomes effective on June 13, 1997.

FOR FURTHER INFORMATION CONTACT:

Sandra Alley, Public Affairs Officer, National Capital Region, National Park Service, 1100 Ohio Drive, S.W., Washington, D.C. 20242. Telephone 202-205-1918. Richard G. Robbins, Assistant Solicitor, National Capital Region Parks, Office of the Solicitor, Department of the Interior, Washington, D.C. 20240. Telephone 202-208-4338.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to Public Law 103-279, the NPS no longer has operating responsibilities within the John F. Kennedy Center for the Performing Arts. Accordingly, the NPS finds it necessary to revise existing regulations, currently found at 36 CFR 7.96, to delete references to the Kennedy Center.

In a matter unrelated to the Kennedy Center, on May 22, 1992, the United States Court of Appeals for the District of Columbia Circuit affirmed an injunction which barred the NPS's enforcement of a portion of 36 CFR 7.96(k)(2)(vi). In this civil action, the court held that the NPS prohibition against the free distribution of literature on the Constitution Avenue and Henry Bacon Drive sidewalks adjacent to the Vietnam Veterans Memorial was an unconstitutional abridgement under the First Amendment. *Henderson v. Lujan*, 964 F.2d 1179 (D.C. Cir. 1992). It is necessary, therefore, to revise the regulation consistent with the court's opinion. While the free distribution of literature without the aid of stands and structures is now allowed on these sidewalks, the NPS reaffirms the continued need to prohibit demonstration, special event and sales activities in this area.

On December 15, 1989, the U.S. District Court for the District of Columbia issued an order dismissing a criminal action against a defendant charged with a violation of 36 CFR 7.96(k)(2)(v). This criminal action, regarding the NPS prohibition against the free distribution of literature on East Executive Avenue, was dismissed as an unconstitutional abridgment under the

First Amendment. *United States v. Fennelly*, 726 F.Supp. 871 (D.D.C. 1989). It is necessary, therefore, to also revise this regulation consistent with the memorandum opinion dismissing the criminal action. While the free distribution of literature without the aid of stands or structures is allowed in this park area, the NPS reaffirms the continued need to prohibit demonstration, special event and sales activities in this area.

Administrative Procedure Act

In accordance with the Administrative Procedure Act (5 U.S.C. 553(b)(B)), the NPS is promulgating this rule under the "good cause" exception of the Act from general notice and comment rulemaking. As discussed above, the NPS believes this exception is warranted because of Public Law 103-279 and the two recent court decisions. This final rule will not impose any additional restrictions on the public and comments on this rule are deemed unnecessary. Based upon this discussion, the NPS finds pursuant to 5 U.S.C. 553(b)(B) that it would be contrary to the public interest to publish this rule through general notice and comment rulemaking.

The NPS also believes that publishing this final rule 30 days prior to the rule becoming effective would be counterproductive and unnecessary for the reasons discussed above. A 30-day delay in this instance would be unnecessary and contrary to the public interest. Therefore, under the "good cause" exception of the Administrative Procedure Act (5 U.S.C. 553(d)(3)), the NPS has determined that this final rulemaking is excepted from the 30-day delay in the effective date and will therefore become effective on the date published in the **Federal Register**.

Drafting Information

The following persons participated in the writing of this regulation: Richard G. Robbins and Randolph J. Myers, National Capital Parks, Office of the Solicitor, Department of the Interior, Washington, D.C.

Paperwork Reduction Act

This final rule 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 is not a significant rule requiring review by the Office of Management and Budget under Executive Order 12866. The Department of the Interior has determined that this

rule will not have a significant economic effect on a small number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The economic effects of this rulemaking are negligible in scope.

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

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; or

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

(c) Conflict with adjacent ownerships 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.

List of Subjects in 36 CFR Part 7

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

In consideration of the foregoing, 36 CFR Chapter I is amended 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 7.96 is amended by removing paragraph (g)(3)(ii)(B) and redesignating paragraphs (g)(3)(ii)(C), (g)(3)(ii)(D) and (g)(3)(ii)(E) as (g)(3)(ii)(B), (g)(3)(ii)(C) and (g)(3)(ii)(D), respectively.

3. Section 7.96 is amended by removing the current diagram of the Kennedy Center found at the end of paragraph (g).

4. Section 7.96 is amended by revising paragraphs (k)(2)(iv), (k)(2)(v) and (k)(2)(vi) to read as follows:

§ 7.96 National Capital Area.

* * * * *

- (k) * * *
- (2) * * *

(iv) The interior of all park buildings, including, but not limited to, those portions of Ford's Theatre administered by the National Park Service.

(v) The White House Park area bounded on the north by H Street, NW; on the south by Constitution Avenue, NW; on the west by 17th Street, NW; and on the east by 15th Street, NW; except for Lafayette Park, the White House sidewalk (the south Pennsylvania Avenue, NW sidewalk between East and West Executive Avenues) and the Ellipse; *Provided, however*, that the free distribution of literature conducted without the aid of stands or structures, is permitted on East Executive Avenue.

(vi) Vietnam Veterans Memorial area extending to and bounded by the south curb of Constitution Avenue on the north, the east curb of Henry Bacon Drive on the west, the north side of the north Reflecting Pool walkway on the south and a line drawn perpendicular to Constitution Avenue two hundred (200) feet from the east tip of the memorial wall on the east (this is also a line extended from the east side of the western concrete border of the steps to the west of the center steps to the Federal Reserve Building extending to the Reflecting Pool walkway); *Provided, however*, that the free distribution of literature conducted without the aid of stands or structures, is permitted on the Constitution Avenue and Henry Bacon Drive sidewalks adjacent to the Vietnam Veterans Memorial.

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Dated: June 3, 1997.

William Leary,

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 97-15551 Filed 6-12-97; 8:45 am]

BILLING CODE 4310-70-P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1258

RIN 3095-AA71

NARA Reproduction Fee Schedule

AGENCY: National Archives and Records Administration (NARA).

ACTION: Final rule.

SUMMARY: NARA is revising its schedule of fees for reproduction of records created by other Federal agencies and transferred to the custody of the Archivist of the United States; donated

historical materials; Presidential records and Presidential historical materials transferred to the custody of the Archivist; and records filed with the Office of the **Federal Register**. The fees are being changed to reflect current costs of providing the reproductions. This rule affects members of the public and Federal agencies who order reproductions from NARA.

EFFECTIVE DATE: July 14, 1997.

FOR FURTHER INFORMATION CONTACT: Nancy Allard on (301)713-7360.

SUPPLEMENTARY INFORMATION: NARA published a proposed rule on March 31, 1997 (62 FR 15137) and a correction to that document on April 3, 1997 (62 FR 15867). No comments were received during the 60-day comment period. In the proposed rule, NARA announced its intention to make the new fees effective on July 1, 1997, and cited that date in the proposed § 1258.16. An effective date of July 1, 1997, would not provide 30 days advance notice to the public, given the agency's inability to publish the final rule before June 1, 1997. Therefore, NARA is modifying the effective date in § 1258.16 to provide the 30 days advance notice. No other changes have been made in this final rule.

This rule is not a significant regulatory action for purposes of Executive Order 12866 of September 30, 1993, and has not been reviewed by the Office of Management and Budget. As required by the Regulatory Flexibility Act, it is hereby certified that this rule will not have a significant impact on small entities. This rule is not a major rule for purposes of Congressional review of regulations under 5 U.S.C. Chapter 8.

List of Subjects in 36 CFR Part 1258

Archives and records.

For the reasons set forth in the preamble, chapter XII of title 36, Code of Federal Regulations, is amended as follows:

PART 1258—FEES

1. The authority citation for part 1258 continues to read as follows:

Authority: 44 U.S.C. 2116(c).

2. Section 1258.2 is amended by revising paragraphs (c)(1) and (c)(3) through (c)(5), adding paragraph (c)(6)(v), and removing paragraph (c)(10) to read as follows:

§ 1258.2 Applicability.

* * * * *

- (c) * * *

(1) National Archives Trust Fund Board publications, including microfilm

publications. Prices are available from the Product Sales Section (NWPS), 700 Pennsylvania Ave., NW., Room G-9, Washington, DC 20408.

* * * * *

(3) Motion picture, sound recording, and video holdings of the National Archives and Presidential libraries. Information on the availability of and prices for reproduction of these materials are available from the Motion Picture, Sound, and Video Branch (NWDNM), 8601 Adelphi Rd., Room 3340, College Park, MD 20740-6001, or from the Presidential library which has such materials (see § 1253.3 of this chapter for addresses).

(4) Electronic records. Information on the availability of and prices for duplication are available from the Center for Electronic Records (NWRE), 8601 Adelphi Rd., Room 5320, College Park, MD 20740-6001, or from the Presidential library which has such materials (see § 1253.3 of this chapter for addresses).

(5) Still photography, including aerial film, and oversize maps and drawings. Information on the availability and prices of reproductions of records held in the Still Pictures Branch (NWDNS) and the Cartographic and Architectural Branch (NWDNC), both located at the National Archives at College Park facility, 8601 Adelphi Rd., College Park, MD 20740-6001, and in the Presidential libraries and regional records services facility (see §§ 1253.3 and 1253.7 of this chapter for addresses) should be obtained from the unit which has the original records.

(6) * * *

(v) Land entry records (order form NATF 84)—\$10.

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3. The introductory text of § 1258.4(f) is revised to read:

§ 1258.4 Exclusions.

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(f) For records center records only:

* * * * *

4. Section 1258.10 is amended by revising paragraph (a) to read:

§ 1258.10 Mail orders.

(a) There is a minimum fee of \$10 per order for reproductions which are sent by mail to the customer.

* * * * *

§ 1258.11. [Removed]

5. Section 1258.11 is removed.

6. Section 1258.12 is amended by revising paragraphs (a) through (f), removing paragraph (g), and redesignating paragraphs (h) and (i) as paragraphs (g) and (h), respectively, to read: