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DEPARTMENT OF AGRICULTURE

Agricultural Research Service

7 CFR Part 500

National Arboretum

AGENCY: Agricultural Research Service; USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (USDA) is establishing a schedule of fees to be charged for certain uses of the facilities, grounds, and services at the United States National Arboretum (USNA). This rule reformat and adds a new subpart to 7 CFR part 500. The title of part 500 is changed to "National Arboretum." The current text regarding conduct on USNA property is designated as subpart A. New text added as subpart B contains the fee structures for use of USNA facilities and services. The USNA will charge fees for riding its new tram service, use of the grounds and facilities, as well as for commercial photography and cinematography. Fees generated will be used to defray USNA expenses or to promote the mission of the USNA. The public will not be charged an admission fee for visiting the USNA.

DATES: Effective September 3, 1997, except for §§ 500.22 and 500.23 which contain information collection requirements and will not be effective until approval by the Office of Management and Budget. The Agriculture Department will publish a document in the **Federal Register** announcing the effective date of these sections.

ADDRESSES: Address all correspondence to Thomas S. Elias, Director, U.S. National Arboretum, Beltsville Area, Agricultural Research Service, 3501 New York Avenue, NE., Washington, D.C. 20002.

FOR FURTHER INFORMATION CONTACT: Director, National Arboretum, Beltsville Area, ARS, 3501 New York Avenue, NE., Washington, D.C. 20002; (202) 245-4539.

SUPPLEMENTARY INFORMATION: This rule was published as a proposed rule for comment on June 19, 1997 (62 FR 33376). No comments were received. Accordingly, the proposed rule is published as the final rule without changes.

Classification

This rule has been reviewed under Executive Order 12866, and it has been determined that it is not a "significant regulatory action" rule because it will not have an annual effect on the economy of \$100 million or more or adversely and materially affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities. This rule will not create any serious inconsistencies or otherwise interfere with actions taken or planned by another agency. It will not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof, and does not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or principles set forth in Executive Order 12866.

Regulatory Flexibility Act

The Department of Agriculture certifies that this rule will not have a significant impact on a substantial number of small entities as defined in the Regulatory Flexibility Act, Pub. L. No. 96-354, as amended (5 U.S.C. 601, et seq.).

Paperwork Reduction Act

In accordance with the Office of Management and Budget (OMB) regulations (5 CFR part 1320) which implement the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the information collection and recordkeeping requirements that will be imposed in implementation of this rule have been submitted to OMB for approval. Those requirements will not become effective prior to OMB approval.

Background

Section 890(b) of the Federal Agriculture Improvement and Reform

Act of 1996, Pub. L. 104-127 (1996 Act), expands the authorities of the Secretary of Agriculture to charge reasonable fees for the use of USNA facilities and grounds. These new authorities include the ability to charge fees for temporary use by individuals or groups of USNA facilities and grounds in furtherance of the mission of the USNA. Also, authority is provided to charge fees for the use of the USNA for commercial photography and cinematography. All rules and regulations noted in 7 CFR 500, subpart A, Conduct on the U.S. National Arboretum Property, will apply to individuals or groups granted approval to use the facilities and grounds.

Fee Schedule for Tram

The USNA has purchased a 48-passenger tram (which accommodates 2 wheelchairs) to provide mobile tours throughout the USNA grounds. This rule establishes a fee to be charged to all riders except children under 4 sharing a seat with an adult. Fee amounts were determined after a survey of similar services provided by other Arboreta and Botanical Gardens. Fees generated will be used to offset costs or for the purposes of promoting the mission of the USNA.

Fee Schedule for Use of Facilities and Grounds

The USNA will charge a fee for temporary use by individuals or groups of USNA facilities and grounds. The fees have been established based on actual costs (i.e., electricity, heating, water, maintenance, security, scheduling, etc.). Facilities and grounds are available by reservation at the discretion of the USNA and may be available to individuals or groups in furtherance of the mission of the USNA. Agency initiatives may be granted first priority. Reservation requests should be made as far in advance of the need as possible to ensure consideration.

Fee Schedule for Use of Facilities and Grounds for Purposes of Photography or Cinematography

The USNA will charge a fee for the use of the facility or grounds for purposes of commercial photography or cinematography. The fees have been established based on comparable opportunities provided by other Arboreta and Botanical Gardens across the nation. Facilities and Grounds are

available for use for commercial photography or cinematography at the discretion of the USNA Director. Requests for use should be made a minimum of two weeks in advance of required date. The USNA does not intend to charge fees to the press for photography or cinematography related to stories concerning the USNA and its mission or for other noncommercial, First Amendment activity.

Payment Submission Requirements

Payment for use of the tram will be made by cash or money order (in U.S. funds) and is due at the time of ticket purchase. Fee payments for use of facilities or grounds or for photography and cinematography must be made in advance of services being rendered. These payments are to be made in the form of a check or money order. Checks and money orders are to be made payable, in U.S. funds, to the U.S. National Arboretum. The USNA will provide receipts to requestors for their records or billing purposes.

List of Subjects in 7 CFR Part 500

Agricultural research, Cinematography, Federal buildings and facilities, Government property, National Arboretum, Photography, User fees.

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

PART 500—NATIONAL ARBORETUM

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: 20 U.S.C. 196; 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. Sections 500.1 through 500.15 are designated as subpart A and a subpart heading is added, to read as set forth below:

Subpart A—Conduct on U.S. National Arboretum Property

4. A new subpart B is added to read as follows:

Subpart B—Fee Schedule for Certain Uses of National Arboretum Facilities and Grounds

Sec.
500.20 Scope.
500.21 Fee schedule for tram.
500.22 Fee schedule for use of facilities and grounds.
500.23 Fee schedule for photography and cinematography on grounds.
500.24 Payment of fees.

§ 500.20 Scope.

The subpart sets forth schedules of fees for temporary use by individuals or groups of United States National Arboretum (USNA) facilities and grounds for any purpose that is consistent with the mission of the USNA. This part also sets forth schedules of fees for the use of the USNA for commercial photography and cinematography. Fees generated will be used to offset costs of services or for the purposes of promoting the mission of the USNA. All rules and regulations noted in 7 CFR 500, subpart A—

Conduct on the U.S. National Arboretum Property, will apply to individuals or groups granted approval to use the facilities and grounds for the purposes specified in this subpart.

§ 500.21 Fee schedule for tram.

The USNA provides tours of the USNA grounds in a 48-passenger tram (accommodating 2 wheelchairs) for a fee as follows: \$3.00 per adult; \$2.00 per senior citizen or Friend of the National Arboretum; \$1.00 per child ages 4 through 16. Children under 4 sharing a seat with an adult will not be charged.

§ 500.22 Fee schedule for use of facilities and grounds.

The USNA will charge a fee for temporary use by individuals or groups of USNA facilities and grounds. Facilities and grounds are available by reservation at the discretion of the USNA and may be available to individuals or groups whose purpose is consistent with the mission of the USNA. Agency initiatives may be granted first priority. Non profit organizations that substantially support the mission and purpose of the USNA may be exempted from the requirements of this part by the Director. Reservation requests should be made as far in advance of the need as possible to ensure consideration. The fees for use of USNA buildings listed in the following fee schedule are for times when the building is open. "Half Day" usage is defined as 4 hours or less; "Whole Day" is defined as more than 4 hours in a day. For after hours usage of such buildings, an additional \$25/hour will be added for supervision/security.

Area	Includes	Per day charge	
		Half day	Whole day
Auditorium	Basic audience-style set-up for 125 people or classroom set-up for 40–50 people. Includes microphone/lectern, screen, projection stand, (2) flip charts (no paper) and (2) trash cans. Also includes the use of the Kitchen space, Upstairs Conference Room, and Coat Room.	N/A	\$250
Upstairs Conference Room.	Extra tables are \$10 each (Only if Auditorium is not in use) Includes use of telephone for local calls. Also includes the use of the Kitchen space and Coat Room.	\$50	100
Lobby	As is (with furniture in place)	N/A	100
	Furniture removed		150
Classroom	Standard set-up with 40 chairs. Includes microphone/lectern, screen, projection stand, (2) flip charts (no paper) and trash can.	50	125
Classroom-Multiple	3 hour limit; 5 sessions		225
	3 hour limit; 10 sessions		450
Yoshimura Center	For use from 10:00 a.m. to 3:30 p.m. weekends only	50	125
Grounds—1–301 people.	No Public Invited—Patio, Meadow, Triangle, NY Avenue, etc. Cost includes scheduling time, extra mowing, and site preparation.. Guest organization responsible for everything related to their event, including portable toilets.	N/A	500
300–600 people	Same as above	N/A	750
Grounds	Public Invited (i.e., show or sale)—Cost includes scheduling time, extra mowing, and site preparation. Guest organization responsible for everything related to their event, including portable toilets..	N/A	750

Area	Includes	Per day charge	
		Half day	Whole day
Damages	Damages to plants, grounds, facilities or equipment will be assessed on a value based on replacement cost (including labor) plus 10% (administrative fee).		

§ 500.23 Fee schedule for photography and cinematography on grounds.

The USNA will charge a fee for the use of the facility or grounds for purposes of commercial photography or cinematography. Facilities and grounds are available for use for commercial photography or cinematography at the discretion of the USNA Director. Requests for use should be made a minimum of two weeks in advance of the required date. In addition to the fees listed below, supervision costs of \$25.00 per hour will be charged. The USNA Director may waive fees for photography or cinematography conducted for the purpose of disseminating information to the public regarding the USNA and its mission or for the purpose of other noncommercial, First Amendment activity.

Category	Type	Notes	Per day charge	
			Half day	Whole day
Still Photography	Individual	For personal use only. Includes hand-held cameras, recorders, small non-commercial tripods.	No Charge	No Charge
	Commercial	Includes all photography which uses professional photographer and/or involves receiving a fee for the use or production of the photography. Note: This includes 5 people or less with carry on (video) equipment.	\$250 plus Supervisor.	\$500 plus Supervisor
Cinematography	Set Preparation	Set up sets; no filming performed	N/A	\$250 plus Supervision
	Filming	Sliding scale based on number of people in cast and crew and number of pieces of equipment. 45 people and 6 pieces of equipment=\$1,500. 200 people=\$3,900. Note: 5 people with carry on equipment=same as still photography.	\$1,200 to \$3,900
	Strike Set	Take down sets, remove equipment; no filming.	N/A	\$250 plus Supervision
Slide Production	Music Videos	No sound involved; smaller operation	N/A	\$1,000 plus Supervision
	Providing USNA photos/slides for use in promotions/advertisements. Fee is for one-time rights.	\$100 per image to reproduce
Damages	All	Damages to plants, grounds, facilities or equipment will be assessed on a value based on replacement cost (Including labor) plus 10% (administrative fee). Half Day=4 hours or less. Full Day=more than 4 hours.	

§ 500.24 Payment of fees.

Payment for use of tram will be made by cash or money order (in U.S. funds) and is due at the time of ticket purchase. Fee payments for use of facilities or grounds or for photography and cinematography must be made in advance of services being rendered. These payments are to be made in the form of a check or money order. Checks and money orders are to be made payable, in U.S. funds, to the "U.S. National Arboretum." The National Arboretum will provide receipts to requestors for their records or billing purposes.

Done at Washington, DC, this 26th day of August, 1997.

Edward B. Knippling,

Acting Administrator, Agricultural Research Service.

[FR Doc. 97-23217 Filed 9-2-97; 8:45 am]

BILLING CODE 3410-03-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 7, 10, 148 and 178

[T.D. 97-75]

RIN 1515-AB14

Duty-Free Treatment of Articles Imported From U.S. Insular Possessions

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document adopts as a final rule, with some modifications, proposed amendments to the Customs Regulations to clarify and update the legal requirements and procedures that apply for purposes of obtaining duty-free treatment on articles imported from