

as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Because it expects the impact of this rule to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

#### Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

#### Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612, and it has been determined that this rule will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### Environment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2.B.2.e.(32)(e) of Commandant Instruction M16475.1B (as amended, 59 FR 38654, July 29, 1994), this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

#### List of Subjects in 33 CFR Part 117

Bridges.

#### Regulations

In consideration of the foregoing, the Coast Guard is amending Part 117 of Title 33, Code of Federal Regulations to read 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. In § 117.997, paragraph (e) is revised to read as follows:

**§ 117.997 Atlantic Intracoastal Waterway, South Branch of the Elizabeth River to the Albermarle and Chesapeake Canal.**

\* \* \* \* \*

(e) The draw of the Dominion Boulevard Bridge, mile 8.8, in Chesapeake shall open on signal, except:

(1) From 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m., Monday through Friday, except Federal holidays, the drawbridge

need not open for the passage of recreational vessels.

(2) Vessels in an emergency involving danger to life or property shall be passed at any time.

\* \* \* \* \*

Dated: December 26, 1995.

W.J. Ecker,

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

[FR Doc. 96-723 Filed 1-22-96; 8:45 am]

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#### **DEPARTMENT OF AGRICULTURE**

#### **Forest Service**

#### **36 CFR Part 291**

**RIN 0596-AB43**

#### **Occupancy and Use of Developed Sites and Areas of Concentrated**

#### **Public Use; Expanded Locations Where Admission Fees May Be Charged**

**AGENCY:** Forest Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This final rule expands the locations at which the Forest Service may charge admission fees under the provisions of section 4(a) of the Land and Water Conservation Fund Act of 1965, as amended. The Forest Service previously had statutory authority to charge admission fees only at congressionally designated National Recreation Areas administered by the Secretary of Agriculture. This final rule implements the 1993 amendments to the Land and Water Conservation Fund Act of 1965 that provide additional authority to charge admission fees at congressionally designated National Monuments, National Volcanic Monuments, National Scenic Areas, and no more than 21 areas of concentrated public use designated by the Forest Service. The intended effect of this final rule is to conform the existing rule to the statutory amendments.

**EFFECTIVE DATE:** This rule is effective January 23, 1996.

**FOR FURTHER INFORMATION CONTACT:** Joe Meade, (202) 205-1129, Recreation, Heritage, and Wilderness Resources Staff, Forest Service, USDA, P.O. Box 96090, Washington, D.C. 20090-6090.

**SUPPLEMENTARY INFORMATION:** Before it was amended in 1993, the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a) authorized the Secretary of Agriculture to charge admission fees at National Recreation Areas. That authority is implemented

through regulations at 36 CFR Part 291, Occupancy and Use of Developed Sites and Areas of Concentrated Public Use.

In his report, "A Vision of Change for America," President Clinton made clear his intention to increase revenues from use of recreational facilities on public lands. As part of his fiscal year 1994 budget package, the President transmitted proposed legislation to Congress that would permit the Secretary of Agriculture to charge admission fees at National Monuments, National Volcanic Monuments, National Scenic Areas, and no more than 21 areas of concentrated public use, in addition to National Recreation Areas. Congress endorsed this proposal in the passage of the Omnibus Budget Reconciliation Act of 1993 (Pub. L. 103-66), which includes such provisions. The act at 16 U.S.C. 4601-6a(a) defines an area of concentrated public use as an area that is managed primarily for outdoor recreation purposes, contains at least one major recreation attraction where facilities and services necessary to accommodate heavy public use are provided, and provides public access to the area in such a manner that admission fees can be efficiently collected at one or more centralized locations.

After this rule takes effect, the Chief of the Forest Service will make a determination of no more than 21 areas of concentrated public use where fees may be charged. The Chief's determination will be used on recommendations from the field units by Regional Foresters of areas that meet criteria in the preceding definition from the act and requirements in this rule. The agency policy and procedures related to this rule and to the field units' review and recommendation of areas are being issued in an amendment to Forest Service Manual chapter FSM 2330, Publicly Managed Recreation Opportunities. This amendment is available upon request from the person listed under **FOR FURTHER INFORMATION CONTACT**.

**Compliance with Administrative Procedure Act**

Pursuant to 5 U.S.C. 553(b)(3)(B) of the Administrative Procedure Act, the Forest Service has determined that publication of this rule for notice and comment prior to adoption is unnecessary. This final rule makes minor technical changes in the existing regulations at 36 CFR Part 291 so that they conform with the Land and Water Conservation Fund Act, as amended by the Omnibus Budget Reconciliation Act of 1993. This rulemaking does not supplement or make major changes in

policies applicable to the administration of admission fees charged at sites in the National Forest System pursuant to the Land and Water Conservation Fund Act of 1965.

#### Regulatory Impact

This final rule has been considered in light of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). It has been determined that this action will not have a significant economic impact on a substantial number of small entities as defined in that act. It will not impose recordkeeping requirements on them; it will not affect their competitive position in relation to large entities; and it will not affect their cash flow, liquidity, or ability to remain in the market.

#### Unfunded Mandates Reform

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995, which the President signed into law on March 22, 1995, the Department has assessed the effects of this rule on State, local, and tribal governments and the private sector. This rule does not compel the expenditure of \$100 million or more by any State, local, or tribal governments or anyone in the private sector. Therefore, a statement under section 202 of the act is not required.

#### Executive Order 12630

This final rule has been reviewed for its impact on private property rights under Executive Order 12630 of March 15, 1988, as implemented by the United States Attorney General's Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings. Executive Order 12630 does not apply because this final rule makes technical and administrative changes applicable to the administration of admission fees charged at sites in the National Forest System.

#### Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. After adoption of this final rule, (1) all state and local laws and regulations that conflict with this rule or that impede its full implementation will be preempted; (2) no retroactive effect will be given to this final rule; and (3) it will not require administrative proceedings before parties may file suit in court challenging its provisions.

#### Controlling Paperwork Burdens on the Public

This rule does not contain new recordkeeping or reporting requirements or other information collection requirements and does not impose additional paperwork burdens on the public. Therefore, the review provisions

of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507) and its implementing regulations at 5 CFR Part 1320 do not apply.

#### Environmental Impact

Section 31.1b of Forest Service Handbook 1909.15 (57 FR 43180; Sept. 18, 1992) categorically excludes from documentation in an environmental assessment (EA) or an environmental impact statement (EIS) "rules, regulations, or policies to establish Service-wide administrative procedures, program processes or instructions." Based on the technical and administrative nature and scope of this rulemaking, it has been determined that this rule falls within this category of actions and that no extraordinary circumstances exist which would require preparation of an EA or an EIS.

#### List of Subjects in 36 CFR Part 291

National Forests, Recreation and Recreation Areas.

Therefore, for the reasons set forth in the preamble, Part 291 of Chapter II of Title 36 of the Code of Federal Regulations is hereby amended as follows:

#### **PART 291—OCCUPANCY AND USE OF DEVELOPED SITES AND AREAS OF CONCENTRATED PUBLIC USE**

1. Revise the authority citation for Part 291 to read as follows:

Authority: 16 U.S.C. 4601-6a.

2. Add § 291.1 to read as follows:

##### **§ 291.1 Definitions.**

For the purposes of this part the following term shall mean:

*Area of concentrated public use:* An area that is managed primarily for outdoor recreation purposes, contains at least one major recreation attraction where facilities and services necessary to accommodate heavy public use are provided, and provides public access to the area in such a manner that admission fees can be efficiently collected at one or more centralized locations.

3. Amend § 291.9 by redesignating it as § 291.2 revising paragraph (a) to read as follows:

##### **§ 291.2 Admission fees and recreation use fees.**

(a) Fees shall be charged for admission to Congressionally designated National Recreation Areas, National Monuments, National Volcanic Monuments, and National Scenic Areas administered by the Secretary of Agriculture and no more than 21 areas of concentrated public use designated

by the Chief of the Forest Service as provided by section 4(a) of the Land and Water Conservation Fund Act of 1965, as amended.

\* \* \* \* \*

#### **§ 291.10 [Redesignated as § 291.3]**

4. Redesignate § 291.10 as § 291.3.

Dated: December 19, 1995.

Mark Gaede,

*Acting Deputy Under Secretary, Natural Resources and Environment.*

[FR Doc. 96-767 Filed 1-22-96; 8:45 am]

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## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 52**

[CA 157-1-7223a; FRL-5317-2]

#### **Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Sacramento Metropolitan Air Quality Management District**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action on revisions to the California State Implementation Plan. The revisions concern rules from the Sacramento Metropolitan Air Quality Management District (SMAQMD). The rules control VOC emissions from the transfer of gasoline into stationary storage tanks and vehicle fuel tanks. This approval action will incorporate these rules into the Federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In addition, the final action on these rules serves as a final determination that the deficiencies in these rules have been corrected and that on the effective date of this action, any sanction or Federal Implementation Plan (FIP) clock is stopped. Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

**DATES:** This action is effective on March 25, 1996 unless adverse or critical comments are received by February 22, 1996. If the effective date is delayed, a timely notice will be published in the Federal Register.