

#### IV. Summary and Disposition of Comments

##### *Public Comments*

The Director solicited public comments and provided an opportunity for a public hearing on the proposed amendment. No public comments were received, and because no one requested an opportunity to speak at a public hearing, no hearing was held.

##### *Federal Agency Comments*

Pursuant to 30 CFR 732.17(h)(11)(i), the Director solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Virginia program. The U.S. Department of Agriculture, Natural Resources Conservation Service responded and recommended that the amendments be accepted. The U.S. Fish and Wildlife Service responded and stated that the proposed regulatory changes are not likely to adversely affect threatened or endangered species or critical habitats. The U.S. Department of Labor, Mine Safety and Health Administration (MSHA) responded and stated that the amendments should be accepted.

##### *Environmental Protection Agency (EPA)*

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to obtain the written concurrence of the EPA with respect to those provisions of the proposed program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). The Director has determined that this amendment contains no provisions in these categories and that EPA's concurrence is not required.

Pursuant to 732.17(h)(11)(i), OSM solicited comments on the proposed amendment from EPA on May 31, 1996. EPA responded that the amendment was acceptable.

##### *State Historical Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)*

Pursuant to 30 CFR 732.17(h)(4), OSM solicited comments on the proposed amendment from the SHPO and ACHP. They did not respond.

#### V. Director's Decision

Based on the above finding(s), the Director approves the proposed amendment as submitted by Virginia on May 28, 1996.

The Federal regulations at 30 CFR Part 946, codifying decisions concerning the Virginia program, are being amended to implement this decision.

This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

#### VI. Procedural Determinations

##### *Executive Order 12866*

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

##### *Executive Order 12988*

The Department of the Interior has concluded the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a special State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15 and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

##### *National Environmental Policy Act*

No environmental impact statement is required for this rule since section 702(d) of SMCRA [30 U.S.C. 1292(d)] provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

##### *Paperwork Reduction Act*

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

##### *Regulatory Flexibility Act*

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal

which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumption for the counterpart Federal regulations.

##### *Unfunded Mandates*

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

Intergovernmental relations, Surface mining, Underground mining.

Dated: August 14, 1996.

Tim L. Dieringer,  
*Acting Regional Director, Appalachian  
Regional Coordinating Center.*

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

#### **PART 946—VIRGINIA**

1. The authority citation for Part 946 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 946.15 is amended by adding paragraph (11) to read as follows:

##### **§ 946.15 Approval of regulatory program amendments.**

\* \* \* \* \*

(11) The amendment to the Virginia program concerning implementation of the reining standards of the Federal Energy Policy Act of 1992 as submitted to OSM on May 28, 1996, is approved effective September 4, 1996.

[FR Doc. 96-22448 Filed 9-3-96; 8:45 am]

BILLING CODE 4310-05-M

#### **National Park Service**

##### **36 CFR Parts 1 and 15**

**RIN 1024-AC50**

##### **Use of Environman and Human Figure and Design Symbol**

**AGENCY:** National Park Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** The National Park Service (NPS) is adopting this final rule to

remove the regulations on the "Environman" symbol and program which was developed in the late 1960's during the early days of the NPS Division of Environmental Education. The Environman symbol was developed as the NPS symbol for environmental education. Portions of the environmental education program never materialized as envisioned, however, and the Environman symbol was seldom used and has not been used since the early 1970's. Therefore, these regulations are no longer necessary and will be removed from the CFR. A conforming amendment is also made to the regulation regarding symbolic signs.

**EFFECTIVE DATE:** The rule will become effective on September 4, 1996.

**FOR FURTHER INFORMATION CONTACT:** Dennis Burnett, Washington Office of Ranger Activities, P.O. Box 37127, Washington, D.C. 20013-7127. Telephone 202-208-4874.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On December 31, 1971, the NPS published in the Federal Register (36 FR 25406) a final rule adding a new Part 15 to the CFR. The purpose of the rule was to give notice that the name "Environman" and an Environman symbol named "Human Figure and Design", were owned and protected by the U.S. Government. The symbol was to identify the role of the NPS in promoting high-quality environmental education and to represent and symbolize such activities. The "Human Figure and Design" was the official sign to identify a National Environmental Study Area (NESA). The name "Environman" was used in connection with NESA's and that name and the "Human figure and Design" were used in connection with National Environmental Education Developments and National Environmental Education Landmarks.

The regulation provided the necessary protection of the symbol from unauthorized use, while listing guidelines for individuals wishing a license to reproduce, manufacture, sell or use either "Environman" or the "Human Figure and Design". Portions of the environmental education program never materialized as envisioned, however, and the Environman symbol has not been used since the early 1970's.

Therefore, 36 CFR Part 15 is no longer needed and will be deleted from the CFR.

##### **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 the existing regulations are no longer used. 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)), it has been 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 primary author of this rule is Dennis Burnett, Washington Office of Ranger Activities, National Park Service.

##### **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 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 the Regulatory Flexibility Act (5 USC 601 *et seq.*). The economic effects of this rulemaking are nonexistent.

The 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.

The NPS has determined that this rule 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 non-compatible uses which compromise the nature and characteristics of the area, or cause physical damage to it;

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

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

Based on this determination, this final rule is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) by Departmental regulations in 516 DM 6 (49 FR 21438). As such, neither an Environmental Assessment (EA) nor an Environmental Impact Statement (EIS) has been prepared.

##### **List of Subjects**

##### **36 CFR Part 1**

National parks, Penalties, Reporting and recordkeeping requirements, Signs and symbols.

##### **36 CFR Part 15**

National parks, Signs and symbols.

In consideration of the foregoing, and under the authority of 16 U.S.C. 1 and 5 U.S.C. 301, the NPS is amending 36 CFR Chapter I as follows:

#### **PART 1—GENERAL PROVISIONS**

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

Authority: 16 U.S.C. 1, 3, 9a, 460 1-6a(e), 462(k); D.C. Code 8-137, 40-721 (1981)

##### **§ 1.10 [Amended]**

2. Section 1.10 is amended in paragraph (b) by revising the second page of symbolic signs to read as follows:

**BILLING CODE 4310-70-M**



**AREA WHERE PETS  
UNDER PHYSICAL  
CONTROL PERMITTED**

## **ACCOMMODATIONS OR SERVICE**



**PUBLIC OVERNIGHT  
ACCOMMODATIONS  
(HOTEL, LODGE,  
MOTEL, ETC.)**



**PUBLIC TELEPHONE**



**RESTAURANT,  
CAFETERIA,  
SNACK SHOP,  
LUNCHROOM**



**U.S. POST OFFICE**



**GROCERIES, FOOD  
OR CAMP STORE**



**AUTOMOBILE OR  
BOAT REPAIRS**



**MEN'S RESTROOM**



**FACILITY FOR  
THE PHYSICALLY  
HANDICAPPED**



**RESTROOMS FOR  
BOTH MEN  
AND WOMEN**



**AIRPORT OR  
LANDING STRIP**



**WOMEN'S RESTROOM**



**LOCKED STORAGE**



**FIRST AID STATION**



**BUS OR TOUR  
VEHICLE STOP**

### **PART 15—[REMOVED]**

3. 36 CFR Part is removed.

Dated: August 13, 1996.  
George T. Frampton, Jr.,  
*Assistant Secretary for Fish and Wildlife and  
Parks.*  
[FR Doc. 96-22430 Filed 9-3-96; 8:45 am]  
BILLING CODE 4310-70-C