

EFFECTIVE DATE: January 25, 1993.

FOR FURTHER INFORMATION CONTACT: Ian MacCartney, Project Manager, Bridge Section, at (305) 536-4103.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are Mr. Ian MacCartney, Project Manager, and Lieutenant J.M. Losego, Project Counsel.

Regulatory History

On August 31, 1992, the Coast Guard published a notice of proposed rulemaking entitled Drawbridge Operation Regulations in the *Federal Register* (57 FR 92-20749). The Coast Guard received one letter commenting on the proposal. A public hearing was not requested and one was not held.

Background and Purpose

This drawbridge presently opens on signal from 8 a.m. to 7 p.m. From 7 p.m. to 8 a.m., the draw need not be opened for the passage of vessels. Lee County has requested that the bridge open only on signal from 8 a.m. to 10 a.m. and from 3 p.m. to 7 p.m., Monday through Saturday and on Sundays, from 7 a.m. to 12 noon and from 3 p.m. to 7 p.m. The purpose of this proposal is to ease the financial burden on Lee county for a full time tender at the drawbridge. In view of the low number of openings of this drawbridge, the reduced periods of operation would still meet the reasonable needs of navigation.

Discussion of Comments and Changes

One letter was received from the National Marine Fisheries Service stating they had no objection to the proposed change in operating regulations.

Regulatory Evaluation

This proposal is not major under Executive Order 12291 and not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a Regulatory Evaluation is unnecessary. We conclude this because the rule is written to accommodate the schedules of local commercial fishing vessels that normally transit the bridge.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), 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). Since the proposed rule considers the needs of local commercial fishing vessels, the economic impact is expected to be minimal. Therefore, 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 proposal 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 proposal in accordance with the principles and criteria contained in Executive Order 12612, and has determined that this rule does 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.g.(5) of Commandant Instruction M16475.1B, promulgation of operating requirements or procedures for drawbridges is categorically excluded from further environmental documentation. A Categorical Exclusion Determination is available in the docket.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 USC 499; 49 CFR 1.46; 33 CFR 1.05-1(g).

2. Section 117.303 is revised to read as follows:

§ 117.303 Matlacha Pass.

The draw of the SR78 bridge, mile 6.0 at Fort Myers, shall open on signal from 8 a.m. to 10 a.m. and from 3 p.m. to 7 p.m. Monday through Saturday. On Sundays the draw shall open on signal from 7 a.m. to 10 a.m. and from 3 p.m. to 7 p.m. At all other times, the draw need not be opened for the passage of vessels.

Dated: December 2, 1992.

W.P. Leahy,

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

[FR Doc. 92-30155 Filed 12-10-92; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Golden Gate National Recreation Area Designated Bicycle Routes

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: This rulemaking designates certain routes within the undeveloped area of Golden Gate as open to bicycle use, and regulates bicycle use in these areas. This designation is necessary because bicycle use has been determined by the Superintendent to be a desirable recreational use of certain areas of the park and because such use is consistent with the protection of the park's natural, scenic and aesthetic values, safety considerations and management objectives and will not disturb wildlife or park resources.

EFFECTIVE DATE: January 11, 1993.

FOR FURTHER INFORMATION CONTACT: Gil Soper, Chief Ranger, Golden Gate National Recreation Area, San Francisco, CA 94123, Telephone: (415) 556-4283.

SUPPLEMENTARY INFORMATION:

Background

The purpose of these special regulations is to designate certain trails within Golden Gate as open for bicycle use, pursuant to 36 CFR 4.30. On April 2, 1987, the National Park Service published revised regulations in the *Federal Register* amending 36 CFR part 4 which, among other things, prohibits bicycle use except on park roads, in parking areas and on routes designated for bicycle use (52 FR 10670). These regulations, at 36 CFR 4.30, require that such designation be made only after "a written determination that such use is consistent with the protection of a park area's natural, scenic and aesthetic values, safety considerations and management objectives and will not disturb wildlife or park resources" (36 CFR 4.30(a)). The regulations further require that, except for routes designated in developed areas and special use zones, routes designated for bicycle use shall be promulgated as special regulations. The National Park Service proposed a rule in the *Federal*

Register on January 29, 1992 (57 FR 3392).

Prior to the development and publication of the proposed rules, extensive consultation was initiated with bicyclists, equestrians, hikers, and environmental groups. As a result, a "Marin Trail Use Designation Environmental Assessment," "Staff Report", and "Supplemental Environmental Assessment and Finding of No Significant Impact" were prepared to consider four alternatives for bicycle use of park trails. The result was the development of a "Trail Use Designation Plan" (Plan). In developing the Plan, the park held four public hearings over a three year period through the Golden Gate Advisory Commission, as well as three user group workshops and numerous consultations with interested groups and individuals, and considered over 700 written and verbal comments. The final Plan recommends that certain trails be designated for hiker use only; certain other trails for equestrian and hiker use; certain other trails for bicycle and hiker use; and certain trails for multiple use. Consideration was given to environmental factors, safety, visitor use patterns, management considerations, and special park values.

Based on these actions, 46.9 miles of park trails are currently designated for bicycle use. All have adequate width and visibility for passing, or can be improved and/or adequately maintained for bicycle use. The following listed trails or sections of trails are designated as open to bicycle use:

- Kirby Cove Road, between Conzelman Road and Kirby Cove Campground.
- Coastal/Slacker Road between McCullogh Road and Slacker Hill.
- Coastal Trail between Conzelman Road at McCullogh Road and the Fort Barry Rifle Range at Bunker Road.
- Coastal Trail between Rodeo Beach parking area and Hill 88.
- Coastal Trail between Tennessee Valley Trail and Coyote Ridge Trail.
- Coyote Ridge Trail between the Coastal Trail and Miwok Trail.
- Coyote Ridge Trail between Fox Trail and the Coastal Trail at the Hack Site.
- Coastal Trail between Coyote Ridge Trail at the Hack Site and Muir Beach.
- Miwok Trail between Rodeo Lagoon and Old Springs Trail.
- Old Springs Trail between Miwok Trail and Miwok Stable.
- Miwok Trail between Miwok Stable and Highway 1.
- Tennessee Valley Trail between Tennessee Beach and Tennessee Valley Road parking area.
- Bobcat Trail between Miwok Trail and Marincello Road.

- Alta Avenue between Wolf Back Ridge Road and Marin City.
- Hawk Camp Trail between Bobcat Trail and Hawk Camp.
- Rodeo Avenue between US Highway 101 and Alta Avenue.
- Marincello Road between Tennessee Valley Parking Area and Bobcat Trail.
- Haypress Road between Tennessee Valley Road and Haypress campground.
- Smith Road between Marinview and Miwok Trail.
- Bay Trail between Golden Gate Bridge and Sausalito.
- Oakwood Valley Road between Tennessee Valley Road and Oakwood Valley Pond. (Does not include Oakwood Valley Trail between Pond and Alta Avenue)
- Diaz Ridge Trail between Mt. Tamalpais State Park boundary and Highway 1 near Muir Beach.
- Deer Park Fire Road between Frank's Valley Road and Coastal Trail near Pan Toll (Major portion is in Mt. Tamalpais State Park.)
- Willow Camp Fire Road between Stinson Beach and Ridgecrest Boulevard. (Major Portion is in Mt. Tamalpais State Park.)
- Bolin Ridge Trail between Bolinas-Fairfax Road and Sir Francis Drake Highway near Olema.
- McCurdy Trail between Highway 1 and Bolinas Ridge Trail.
- Randall Trail between Highway 1 and Bolinas Ridge Trail.
- Shafter Trail between Bolinas Ridge Trail and Shafter Bridge. (Portion is in Samuel P. Taylor State Park.)

The Trail Use Designation Plan requires the monitoring and management of these trails in such manner as to ensure that designation for bicycle use will not adversely impact other park users or the environment. An erosion assessment survey prepared in concert with the Plan will guide the reconstruction, maintenance and use of this trail system over the next several years.

Because the plan is dynamic and subject to change as trails maintenance and construction activities occur, specific trails or routes are not listed in the regulation text. Any additional trails other than those mentioned in this preamble may be designated by the Superintendent in writing after holding public meetings through the Golden Gate Advisory Commission, by marking on maps which will be available in the office of the Superintendent and other places convenient to the public, and through the posting of trails which are open to bicycle use. Further, the authority of the Superintendent to

"impose public use limits, or close all or a portion" of a designated trail according to the criteria in 36 CFR 1.5 is not restricted by this final regulation.

The Superintendent has made a determination in writing that these routes proposed for designation as bicycle routes are consistent with the protection of Golden Gate's natural, scenic and aesthetic values, safety considerations and management objectives and will not disturb wildlife or park resources, as required in § 4.30(b) of title 36, Code of Federal Regulations.

Summary of Public Comments and Responses

During the sixty day public comment period provided with the proposed regulations, a total of 301 written comments were received, including 14 from organizations. In support of the regulation, were 147 letters, including 7 advocating stricter controls on bicycle use of park trails. Advocating greater access for bicycles on park trails, and not in support of the regulation were 154 letters, including 27 photocopied responses. A summary of these comments and responses follows.

General Comments

Summary of Comments in Favor of the Regulation

Approximately 49% (147) of the respondents expressed support of the proposed regulation. Of these, 40 commenters specifically identified themselves as hikers. Ten of these indicated that they were cyclists as well as hikers. Seven of the commenters identified themselves as equestrians. Seven letters (including 2 from organizations—The Marin Horse Council and the Tamalpais Conservation Club) indicated a strong preference for more strict limitations for bicycle use than the regulation provides, but voiced a willingness to accept the compromise. Four respondents complained that no bicycle-free loops were provided under the proposal and 2 letters advocated a total ban on bicycles on all park trails.

Thirty-five of the support letters specifically noted the inappropriateness of bicycles on single-track trails. Twenty complained that bicycles detracted from the quality of their park experience. Fourteen reported having had close calls or accidents with bicycles. Fifteen letters attributed observed erosion problems and creation of social trails to bicycles. Thirteen made a strong plea for strict enforcement of bicycle regulations.

Summary of Comments Opposed to the Regulation

Comments generally opposed to the regulation and supportive of more access for bicycles were received from 154 respondents. The main areas of concern are specifically addressed below:

Comment: Bicycles do not create any unacceptable impact to park resources. Approximately 13 letters asserted that bicyclists should have greater access to park trails than is proposed under the regulation because studies to date have not found that bicycles create more damage to park resources than other users.

Response: The decision to allow bicycles on 64% of Golden Gate's Marin trails acknowledges that their impact in most cases is acceptable or can be mitigated. Trail improvements to correct drainage and erosion problems are proposed to reduce the impact of bicycles in wet conditions and on trails with preexisting drainage and/or erosion problems. Golden Gate has included mitigation for continued bicycle use on problem trails in the Trail Use Designation Environmental documents, consisting of trail closures during wet conditions and an ongoing program of trail improvements to eliminate the underlying problems and improve trails where they are not in a condition appropriate for year round bicycle use. The decision to exclude bicycles from certain trails is based on a number of considerations, including the need for hikers and equestrians to have bicycle free trails.

Comment: The Bay Area Ridge Trail will be closed to bicycles under the proposed regulation. Sixteen letters included comments regarding the closure of segments of the Bay Area Ridge Trail to bicycle use.

Response: This issue was addressed in the Trail Use Designation EA/FONSI, which noted that although a single alignment is preferred for the Bay Area Ridge Trail, Ridge Trail guidelines acknowledge that there will be cases where different routes within a 1-mile corridor are designated for different users. All user groups will be accommodated on a Ridge Trail alignment through Golden Gate. In some cases it will be a shared multiuse trail, and in others it will consist of separate routes for bicyclists and/or equestrians. This approach is acceptable to the Bay Area Ridge Trail Council.

Comment: The environmental assessment didn't consider the impact of trail closures on bicycles.

Response: The closure of park trails to bicycles is the result of a federal

regulation which required an evaluation of bicycle use and a written determination prior to allowing bicycle use of park trails. The Trail Use Designation Environmental Assessment, Staff Report and Supplemental Environmental Assessment/Finding of No Significant Impact did acknowledge that there would be fewer trails available to bicyclists under each alternative and discussed impacts which would occur. Specifically addressed were the loss of single track trail experience, the reduced trail mileage available to bicyclists, the loss of certain views and loop trails and the increased use of park roads and multiple use trails which remain open to bicycles. Trail mileage available to bicyclists is clearly identified in the documents. Allowing continued use of trails during the evaluation process was a good faith effort by the National Park Service to respond to bicyclists' concerns, and clearly did not promise long term use of these trails.

Comment: Golden Gate is a recreation area and should maximize recreational uses. Approximately 54 letters included comments regarding the responsibility of Golden Gate to provide for the recreational demands of its users. Emphasizing the term "recreation" in the park name and legislation, many of these commenters stressed that bicycle use should be provided to the maximum extent.

Response: Golden Gate is an important National Park resource with outstanding significance, and as such is managed as a unit of the National Park System according to 16 U.S.C. 1a-1. Its inclusion in the Central California Coast International Biosphere Reserve, the 12 federally listed endangered species of plants and animals present in the park and the numerous historic structures and landscapes confirm this significance. In 1991 there were more than 17 million visitors to Golden Gate. More than 4 million visitors were in the Marin portions of the park. Providing for the recreational needs of this number of different users requires a balancing of preservation and enjoyment just as in any unit of the National Park System. Many recreational uses are excluded from Golden Gate (for example off-road vehicles and R.V. camping), or restricted to particular locations where they do not have unacceptable impacts (hangliding and boardsailing). The 147 letters in support of the regulation or preferring more restrictive regulations demonstrates that some restrictions to bicycle use of park trails are needed to preserve the recreation experience of other users.

Comment: The impact of the closure of "social" trails was not considered. Four letters objected to the closure of social trails or undesignated routes to bicycle use.

Response: The Trail Use Designation Supplemental Environmental Assessment included a discussion of trails which are not part of the designated trail system. This document noted that the process of evaluating trails for bicycle use has been limited to the existing designated trail system, with few exceptions. Other trails are either abandoned roads or social trails (trails which are casually developed by users as shortcuts or detours). Undesignated trails are not signed, mapped, or maintained for use. Golden Gate has an ongoing program to close undesignated trails through signing, barriers and restoration of vegetation. These trails are closed to all users. Allowing social trails to proliferate and become permanent features of the landscape would result in a permanent loss of park resources.

Comment: No scientific or factual studies were used in the trail designation process. Seventeen letters criticized the process for not including scientific studies on which to base decisions.

Response: Throughout the process of evaluating the trails for bicycle use, the park staff has been in a dialogue with other land managers and organized bicycle groups. Existing literature and pertinent studies were solicited and utilized to assist in decision making. Existing studies of the social and environmental impact of bicycles, and alternative management techniques were consulted in making the designations. A trail data base for Golden Gate was compiled in 1987, and an Erosion Rehabilitation Plan was completed by the National Park Service in 1990 to determine impacts of use and corrective measures required to accommodate year round trail use. The adopted mitigation measures incorporated information from these studies, including a commitment to improved and modified trail maintenance and construction to accommodate bicycles and to education efforts to reduce conflicts between trail users.

Comment: Additional trails should be designated for bicycles. Several letters advocated adding key trails for bicycle use, most citing the following trails: New Coastal/SCA Trail, Wolf Ridge Trail, Green Gulch Trail and Oakwood Valley Trail.

Response: These trails are discussed in greater detail in the Marin Trail Use Designation Environmental Assessment,

Staff Report and Supplemental Environmental Assessment and Finding of No Significant Impact. Of the 73.1 miles of trail considered in this process, only 26.8 will be off-limits to bicycles. A summary of the considerations for each of the above-mentioned trails is included here.

New Coastal/SCA: This link includes 1.8 miles of narrow trail crossing steep hillsides. Trail width varies from 18-36". The steep hillside above and below the trail, the narrowness of the trail, and the presence of poison oak in places make passing difficult. Several switchbacks on the New Coastal Trail are difficult to safely negotiate with a bicycle. The New Coastal Trail was constructed in 1989 following an environmental document which included a condition that it would be for hikers only, in order to minimize width and impact of the construction. The trail crosses through endangered species habitat, containing the host plant for the endangered Mission Blue butterfly. Both are found along the trail. Due to trampling of the host plant for this endangered species along these trails, they have been closed since January, 1991. A condition of their reopening, which resulted from formal consultation with U.S. Fish and Wildlife Service Endangered Species Office, is that horses and bicyclists be excluded, to eliminate the potential for off trail travel and trampling of vegetation. The SCA Trail was constructed in 1986, and was intended for hikers only due to its narrow width. These trails provide a bicycle-free alternative for hikers and avoid potential conflicts of multiple use on narrow trails.

Oakwood Valley Trail: (0.3 mile) This segment is extremely steep, requiring a series of stair step retaining structures which the average cyclist cannot negotiate. Trail tread is narrow and wet in places and subject to erosion which would be aggravated by bicycle use. The narrow box canyon which this trail traverses offers few options for trail improvements to accommodate bicyclists. This segment provides a bicycle-free experience for hikers.

Wolf Ridge Trail: (0.7 mile) This trail is steep and narrow in places, especially where native vegetation has grown over the former road bed on which the trail was constructed. Trail widening is not recommended due to the impact on the adjacent native plant community. This trail is part of the only bicycle free loop for hikers in the Marin Headlands.

Green Gulch Trail: (2 miles) The lower portion of this trail is on private property. The owner of the property does not agree to bicycle access on the present alignment due to safety and

privacy concerns. Park staff is working with the land owner to reroute the trail to avoid conflicts and allow for future bicycle access. As presently designated, this trail provides the only bicycle free alternative for equestrians and hikers between Coyote Ridge and Muir Beach. Alternative access for cyclists in this area is provided on two other trails.

Comment: Cyclists are the largest user group. Sixty of the respondents opined that cyclists represent the most numerous user group in the park and that the planning process was deficient in the lack of a user survey to confirm their contention.

Response: NPS staff have acknowledged the high and increasing numbers of cyclists in the park. The regulation as written represents a balanced response to all users, offering a significant opportunity to cyclists while respecting the documented need for separation from cyclists expressed by hikers and equestrians, especially on narrow trails, regardless of whether bicyclists equal or surpass other trail users in number.

Comment: The variety and quality of cyclists' experience will be diminished as a result of the proposed regulation. Many respondents writing in opposition to the regulation commented specifically on its negative effect on the bicycling experience in the area. Fifteen letters mentioned the importance of the "single-track experience" and its loss as a result of prohibiting bicycle use on the 1.8 mile stretch of the SCA/New Coastal Trail. Supplemental material attached to the formal response to the regulation by the Bicycle Trail Council of Marin included descriptions of this special aspect of mountain biking.

Response: Compared with the present unrestricted bicycle use of the park, the proposed regulation will certainly diminish the options of cyclists accustomed to this freedom. However, with access to over 64% of the park's designated trail system, experiences that will remain available to cyclists are numerous and varied. With the exception of the SCA/New Coastal trail, few distinct "places" in the park will be rendered inaccessible to bicyclists. As the most significant stretch of single-track trail in the park, the SCA/New Coastal segment clearly represents a major functional and aesthetic loss to cyclists. Although an alternate route providing through access in the Headlands will still be available, its use requires riding one mile of paved road. Loss of this route as well as several others of lesser importance also eliminates several popular loop rides, a fact also noted by fifteen respondents.

The Bicycle Trails Council of Marin recently defined single track trails as those not shared with management vehicles. Single track trails also include "foot paths" which can be as narrow as 18". Non-cyclists feel strongly that the narrow trails cannot safely accommodate bicycles. However, the desire of cyclists to use trails not shared with management vehicles is a legitimate one which is accommodated in the current regulation. There are more than 2 miles of trail designated for bicycle use which are not management roads. These include the Old Springs Trail (1.1 miles), a segment of the Miwok Trail north of Tennessee Valley (0.8 mile) and a portion of the Coastal Trail which bypasses a slide (0.3 mile). These trails are either wide enough presently to accommodate multiple use, or will be improved to accommodate such use. Other wider trails not needed for management use will be "downgraded" to provide a more aesthetic trail experience, while providing a width adequate for multiple use. Small scale trail maintenance machinery will allow for the maintenance of these trails at a narrower width.

Eleven respondents complained that the regulation would limit their access to ridge tops in the park. This comment refers primarily to the SCA trail but would also apply to a 0.6 mile stretch of the Wolf Ridge Trail, and a portion of the Miwok Trail. The majority of park trails that traverse ridgetops would be open to bicycles under the proposed regulation.

Comment: The proposed regulation will increase congestion on park trails. Twenty-three respondents complained that restricting bicyclists to certain trails would increase congestion on these routes.

Response: We agree that this will be a result of the proposed regulation. However, compared to the bicycle traffic on trails that occurs as a result of the increasing popularity of mountain bike riding, this is not expected to be significant. According to statistics compiled by the Bicycle Institute of America, mountain bike riders have increased nationwide from 200,000 in 1983 to 20 million in 1991. A 25% increase in mountain bike riders was estimated between 1991 and 1992 alone. Although there is no evidence to suggest that resulting bicycle traffic loads on park trails will have unacceptable impacts, other management actions may be necessary in the future to mitigate against multi-user conflicts.

Comment: Bicycles/bicyclists do not create conflicts or safety problems on park trails. Many respondents

expressing opposition to the regulation firmly denied that bicycles pose any user conflicts or safety problems on park trails. Apparently drawing from their own experiences and behavior as considerate and responsible riders, these individuals point out that there are no documented safety problems, that hikers and equestrians consistently react to them in a cordial manner.

Response: Notwithstanding the responsible user, bicycles are often perceived by other users as a disruptive influence on park trails. Although most of the few reported bicycle accidents in the park involve only single individuals, letters and reports from hikers and equestrians tell of many close calls and confrontational and unsettling experiences. The amount of bicycle-free trails provided under the regulation seems a modest and reasonable response to these concerns.

Comment: Allowing all trails to remain open to bicycles will reduce safety problems that result from use of roads open to motor vehicles. The Bicycle Trails Council of Marin and several other individuals raised this issue, maintaining that closure of trails to bicycles would require bicycles to use roads shared with motor vehicles and create a potential safety problem.

Response: Most accidents involving bicycles result in injury to the cyclist only, and do not generally affect other users. Since 1985 there have been 46 reported bicycle accidents on Marin Headlands public roads, and 52 on trails. Although most of the road accidents occurred on Conzelman Road, a route which provides access to Marin Headlands trails for bicycles, very few of these accidents were identified on the segment of road that leads to the nearest multiuse trail. This segment was recently widened to provide a safer shoulder to accommodate bicycles in the uphill direction. Many bicyclists on this segment of road have traveled over busy city streets, the Golden Gate Bridge, or other public roads to reach this point. An additional 1 mile of paved road travel is required before entering the trail system, as a result of the closure of the New Coastal Trail to bicycles. This narrow trail has been closed to all users since January 1991 with no detectable increase in bicycle accidents as a result.

Comment: Bicycling is a historic use of park trails that has been occurring for 20 years. Several commenters, including the Bicycle Trails Council of Marin, maintained that cycling has been a use of Golden Gate trails for 20 years, and as a "historic" use of the park should not be restricted.

Response: Golden Gate was established in 1972. There is no data to accurately account for the increasing numbers of bicycles on the park's trails and a response relies primarily on observations of park staff and other trail users. Bicycling on park trails in any noticeable numbers is a fairly recent occurrence. Although mountain bikes were invented in Marin County and used on State and National Park trails in this area for many years, mountain bikes were first mass produced in 1982-83. Prior to 1985, bicycles were rarely seen on park trails, with the exception of those that are paved. Since 1985, the number of bicycles observed on park trails has increased dramatically, with the increased availability and popularity of mountain bikes. This final regulation is a reasonable management action for bicycle and other trail uses.

Comment: The National Park Service can't enforce the regulation. Several commenters maintained that it will not be possible for the NPS to enforce the regulation.

Response: The regulation is fully enforceable. Just as with other rules, regulations and laws that are enforced by the National Park Service, a procedure will be developed to identify personnel and equipment as well as strategies on when, where and how the enforcement will be carried out. We are confident that the large majority of the users will abide by these regulations as they do with others.

Comment: Use other techniques to manage mountain bike use of the trails (education, uphill only, alternative days, better trail maintenance, temporary closures, permit system.)

Response: Golden Gate has adopted or plans to test some of these techniques. Interpretive/educational signs, maps and brochures are being developed to encourage user cooperation, safety and trail etiquette. Problem trails will be temporarily closed during wet conditions. Two new trail maintenance crews have been established to rehabilitate and better maintain trails. Allowing bicycles in the uphill-only direction is being considered for one trail. Other management techniques were considered in the Marin Trail Use Designation Environmental Assessment, but received little public support or would add substantially to the administrative responsibilities of staff without reducing the enforcement workload. This final regulation does not prohibit the use of these or other management tools.

Comment: Lights should be required only when needed. Two commenters objected to the requirement for a positive light source on bicycles, and to

the requirement that it be visible from a certain distance.

Response: The requirement for lighting is only "during periods of low visibility, or while traveling through a tunnel, or between sunset and sunrise . . .". A bicycle falls under the vehicle code for light requirements which applies on NPS lands. This requirement is included in 36 CFR 4.30(d)(2) for which the Superintendent has no discretion.

Comment: Use unsafe operation rather than speed limits. Three commenters maintained that at times 15 mph is too fast for a given situation, and 5 mph can be too slow to safely ride.

Response: These are maximum limits. The regulation gives clear direction to the user regarding the maximum allowed speeds but does not relieve him/her from the responsibility for operating at lower speeds if conditions require. It also does not restrict the officer from issuing citations for unsafe operation.

Comment: The possession restriction is unfair because it keeps bicyclists from riding to picnic spots or overlooks. Five commenters objected to the restriction on possession of bicycles on trails closed to bicycle use.

Response: This restriction applies to "routes" and is intended to prevent bicyclists from using trails closed to bikes by carrying or walking their bikes on these trails. It does not restrict bicyclists from picnicking along trails open to them or from enjoying overlooks on trails open to bicycles.

Section Analysis

This final rule adds a new paragraph (c) to the existing regulations at 36 CFR 7.97, "Designated bicycle routes", specific to the use of bicycles. This new paragraph permits the use of bicycles in accordance with existing regulations at 36 CFR 4.30 and specifies specific regulations for bicycle use on designated routes in non-developed areas of Golden Gate National Recreation Area.

Paragraph (c)(1) designates, pursuant to 36 CFR 4.30(b), certain routes as open to bicycle use. These routes may include former military and ranch roads, and existing fire management roads as mentioned in the proposed rule. Such designated routes shall be identified by the posting of signs and by the identification on maps made available to the public.

Paragraph (c)(2) identifies maximum speed limits for bicycles on designated routes. These trails are not for the exclusive use of bicyclists, and are open to hikers and, in some areas, to horses.

Speed limits will assist in preventing conflicts with these users.

Paragraph (c)(3) prohibits the possession of a bicycle in all non-developed areas not designated as open to bicycle use. This prohibition is to discourage the pushing or carrying of bicycles into non-designated areas, thus facilitating the fair enforcement of these proposed regulations. This paragraph also requires the use of an activated white headlight between sunset and sunrise instead of only a white reflector, which is currently prescribed by section 4.30(d). Forward reflectors alone would not be safe on trails in non-developed areas where there is a lack of activated lights that make reflectors useful.

Drafting Information

The workgroup that developed this rule making is composed of Gil Soper, Chief Ranger Activities; Doug Nadeau, Chief, Resource Management and Planning; and Nancy Hornor, Environmental Specialist of Golden Gate National Recreation Area.

Paperwork Reduction Act

This rulemaking does not contain information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Compliance With Other Laws

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effort on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

In compliance with the National Environmental Policy Act (NEPA) an Environmental Assessment was prepared to review the impacts of this action. A Finding of No Significant Impact was signed on May 14, 1991.

In accordance with section 7 of the Endangered Species Act of 1973 formal consultation with the U.S. Fish and Wildlife Service was initiated for trails where use was impacting endangered species habitat. Bicycle use is not proposed for these trails.

The NPS has reviewed this rule as directed by Executive Order 12630, "Government Actions and Interference with Constitutionally Protected Property Rights", to determine if this rule has "policies that have taking implications." The NPS has determined that this rule does not have takings implications because the regulations apply only to park lands, and open certain lands to bicycle users.

List of Subjects in 36 CFR Part 7

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, 460bb-3, 462(k); Sec. 7.96 also issued under D.C. Code 8-137 (1981) and D.C. Code 40-721 (1981).

2. Section 7.97 is amended by adding paragraph (c) to read as follows:

§ 7.97 Golden Gate National Recreation Area.

* * * * *

(c) *Designated bicycle routes.* The use of a bicycle is permitted according to § 4.30 of this chapter and, in non-developed areas, as follows:

(1) Bicycle use is permitted on routes which have been designated by the Superintendent as bicycle routes by the posting of signs, and as designated on maps which are available in the office of the superintendent and other places convenient to the public.

(2) Bicycle speed limits are as follows:

(i) 15 miles per hour: Upon all designated routes in Golden Gate National Recreation Area.

(ii) 5 miles per hour: On blind curves and when passing other trail users.

(3) The following are prohibited:

(i) The possession of a bicycle on routes not designated as open to bicycle use.

(ii) Operating a bicycle on designated bicycle routes between sunset and sunrise without exhibiting on the bicycle or on the operator an activated white light that is visible from a distance of at least 500 feet to the front and with a red light or reflector visible from at least 200 feet to the rear.

Dated: November 13, 1992.

Jennifer A. Salisbury,
Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 92-29916 Filed 12-10-92; 8:45 am]

BILLING CODE 4310-70-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 406

[BPD-767-F]

Medicare Program; Technical Corrections to Hospital Insurance Eligibility and Entitlement Regulations

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule.

SUMMARY: This rule redesignates several sections of 42 CFR part 406, Hospital Insurance Eligibility and Entitlement. These redesignations were inadvertently omitted from amendments published on August 12, 1991, at 56 FR 38078.

EFFECTIVE DATE: These amendments are effective as of December 11, 1992.

FOR FURTHER INFORMATION CONTACT: Luisa V. Iglesias, (202) 690-6383.

SUPPLEMENTARY INFORMATION: On August 12, 1991, we published amendments to part 406 of the HCFA regulations. We amended the table of contents to redesignate several sections but failed to make the corresponding changes in the text. This rule corrects those omissions and makes the section numbers in the text consistent with the table of contents published on August 12, 1991. It also revises the table of contents to reflect changes that were included in the August 12 publication but do not appear in the October 1991 edition of the Code of Federal Regulations (CFR).

I. Information Collection Requirements

This rule contains no information collection requirements that are subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. 381 *et seq.*)

II. Waiver of Proposed Rulemaking

This final rule makes purely technical corrections that preclude confusion but have no effect on the substance of the amended sections. Accordingly, we find that there is good cause to waive notice and opportunity for public comment as unnecessary. For the same reason, we waive the usual 30-day delay in the effective date.

III. Regulatory Impact Statement

A. Executive Order 12291

Executive Order 12291 requires us to prepare and publish a regulatory impact analysis for any rule that is likely to have an annual impact of \$100 million or more, cause a major increase in costs

or prices, or meet other thresholds specified in section 1(b) of the order.

We have determined that a regulatory impact analysis is not required for this rule because it will have no economic impact.

B. Regulatory Flexibility Analysis

Consistent with the Regulatory Flexibility Act (RFA) and section 1102(b) of the Social Security Act, we prepare a regulatory flexibility analysis for each rule, unless the Secretary certifies that the particular rule will not have a significant economic impact on a substantial number of small entities, or a significant impact on the operation of a substantial number of small rural hospitals.

We have not prepared a regulatory flexibility analysis because we have determined, and the Secretary certifies, that these rules will not have a significant economic impact on a substantial number of small entities or a significant impact on the operation of a substantial number of small rural hospitals.

List of Subjects in 42 CFR Part 406

Health facilities, Kidney diseases, Medicare.

42 CFR part 406 is amended as set forth below:

PART 406—[AMENDED]

A. The authority citation for part 406 continues to read as follows:

Authority: Secs. 202(t), 202(u), 226, 226A, 1102, 1818, and 1871 of the Social Security Act (42 U.S.C. 402(t), 402(u), 426, 426-1, 1302, 1395i-2, and 1395hh) and 3103 of Pub. L. 89-97 (42 U.S.C. 426a) unless otherwise noted.

B. The text of part 406 is amended as set forth below:

§ 406.24 [Redesignated as § 406.34]

1. Section 406.24 is redesignated as § 406.34.

§ 406.30 [Redesignated as § 406.50]

2. Section 406.30 is redesignated as § 406.50 in subpart D.

§ 406.31 [Redesignated as § 406.52]

3. Section 406.31 is redesignated as § 406.52 in subpart D.

§ 406.32 [Transferred and amended]

4. Section 406.32 is transferred to subpart C and paragraph (c) is amended to revise "§§ 406.23 and 406.24" to read "§§ 406.33 and 406.34".

§ 406.34 [Amended]

5. In redesignated § 406.34, in paragraph (a)(1), "§ 406.23(a) or (b)" is revised to read "§ 406.33 (a) or (b)", and

in paragraph (b)(1), "§ 406.23(a)" is revised to read "§ 406.33(a)".

§ 406.38 [Transferred]

6. Section 406.38 is transferred to subpart C.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance.)

Dated: September 24, 1992.

William Toby, Jr.,

Acting Deputy Administrator, Health Care Financing Administration.

Approved: October 9, 1992.

Louis W. Sullivan,

Secretary.

[FR Doc. 92-29561 Filed 12-10-92; 8:45 am]

BILLING CODE 4120-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 92-156; RM-8021]

Radio Broadcasting Services; Knob Noster, MO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 289C2 for Channel 289C3 at Knob Noster, Missouri, and modifies the construction permit for Station KKKX (FM) to specify operation on Channel 289C2 in response to a petition filed by Bick Broadcasting Company. See 57 FR 34092, August 3, 1992. The coordinates for Channel 289C3 are 38-46-28 and 93-37-34. With this action, this proceeding is terminated.

EFFECTIVE DATE: December 28, 1992.

FOR FURTHER INFORMATION CONTACT:

Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 92-156, adopted October 5, 1992, and released November 10, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, 1990 M Street, NW., suite 640, Washington, DC 20036, (202) 452-1422.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Missouri, is amended by removing Channel 289C3 and adding Channel 289C2 at Knob Noster.

Federal Communications Commission.

Michael C. Ruger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-30065 Filed 12-10-92; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF VETERANS AFFAIRS

48 CFR Parts 803 and 852

RIN 2900-AF68

VA Acquisition Regulation: Improper Business Practices and Personal Conflicts of Interest

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) is converting the proposed rule published in the *Federal Register* on August 20, 1992, at 57 FR 37759 to a final rule without further changes. The proposed rule established a requirement for the posting of the VA Inspector General (IG) Waste, Fraud, and Abuse Hotline poster in contractor facilities. Additionally, the coverage pertaining to the Procurement Integrity Act was deleted to eliminate coverage that is redundant or in conflict with coverage contained in the Federal Acquisition Regulation.

EFFECTIVE DATE: December 11, 1992.

FOR FURTHER INFORMATION CONTACT:

Sherry Patton, Acquisition Policy Division (95A), Office of Acquisition and Materiel Management, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233-5001.

SUPPLEMENTARY INFORMATION:

I. Background

These revisions will require contractors to display the VA Inspector General (IG) Hotline Poster and encourage contractors to establish internal reporting mechanisms or programs that will encourage their employees to report instances of fraud or mismanagement. The requirement will apply to contractors who do not have a system already established for reporting improper business practices.