

**FOR FURTHER INFORMATION CONTACT:** Virginia F. Williams, NPS, Appalachian National Scenic Trail, Harpers Ferry Center, Harpers Ferry, WV 25425. Telephone (304) 535-6278

**SUPPLEMENTARY INFORMATION:**

**Background**

The Appalachian National Scenic Trail (AT) is a north-south hiking trail that stretches nearly 2,200 miles from Mt. Katahdin, Maine, to Springer Mountain, Georgia, along the crest of the Appalachian Mountains. The AT is administered by the Secretary of the Interior through the NPS, as part of the National Trails System.

At its inception, the AT traversed mostly private lands. Use of the private lands was enjoyed not only by hikers, but also by other types of outdoor enthusiasts. In the late 1970's, hang gliders in the area of Fox Gap, Pennsylvania, with the permission of the landowner, began launching from the ridgetop known as Kirkridge, along the crest of the Appalachian Mountains. The hang gliders formally organized and established the Water Gap Hang Gliding Club (WGHGC) for the purpose of promoting the safety of hang gliding and addressing liability issues.

Originally, the WGHGC used the area with the express permission of the landowner and, after the area was acquired by the NPS, the WGHGC requested permission from the NPS and was issued a SUP to continue using the AT area as a launch site. During the review process conducted by the NPS in 1995 for the renewal of the SUP for the WGHGC, the NPS discovered that a 1983 revision to the general regulations found at 36 CFR 2.17 had created the requirement of a special regulation before the NPS could renew the WGHGC permit. Private managing partners were consulted and they endorse seeking the special regulation.

Other sites along the AT have historically been used as launch sites for hang gliders prior to NPS acquisition. To date, the WGHGC is the only organized club that has requested a permit to maintain a launch site.

A proposed regulation was published in the Federal Register on January 31, 1996 (60 FR 3358) to allow hang gliding at the Fox Gap site pursuant to the terms and conditions of a permit. Public comment was invited. The comment period closed March 1, 1996.

**Summary of Comments Received**

During the public comment period, the NPS received 620 letters, of which 618 were identical form letters. After the close of the comment period,

approximately 300 additional form letters were received. All of the respondents to the proposed rule endorsed hang gliding use of the Fox Gap site. However, the 918 form letters urged the NPS to seek a broader, non site-specific special regulation. After considering all of the public comments received, the NPS has decided to endorse a broader rule, and to proceed with a final rule with a modification of the proposed rule from a site specific regulation to a non site-specific special regulation that may allow powerless flight on AT acquired lands at times and locations designated by the Park Manager, pursuant to the terms and conditions of a permit.

**Drafting Information.** The primary authors of this final rule are Park Manager Pamela Underhill, Landscape Architect Virginia F. Williams at the Appalachian National Scenic Trail Office and Dennis Burnett, Washington Office of Ranger Activities, National Park Service.

**Paperwork Reduction Act**

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection requirements contained in this final rule have been approved by the Office of Management and Budget and assigned clearance number 1024-0026. This information is being collected for the Superintendent to issue a permit. The information will be used to grant administrative benefits. The obligation to respond is required to obtain a benefit.

**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 U.S.C. 601 *et seq.*). Any economic effects of this rulemaking will be local in nature and negligible in scope.

The NPS has determined that this final 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 incompatible uses which compromise the nature and character of the area or causing 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, the regulation 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 (EA) nor an Environmental Impact Statement (EIS) has been prepared. However, as requests for permits for specific launch or landing sites are received, an EA in accordance with the procedural requirements of NEPA, and by Departmental guidelines, may be required.

**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, 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 7.100 is amended by adding paragraph (c) to read as follows:

**§ 7.100 Appalachian National Scenic Trail.**

\* \* \* \* \*

(C) Powerless flight. The use of devices designed to carry persons through the air in powerless flight is allowed at times and locations designated by the Park Manager, pursuant to the terms and conditions of a permit.

Dated: May 29, 1996.  
George T. Frampton, Jr.,  
Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 96-14103 Filed 6-4-96; 8:45 am]

BILLING CODE 4310-70-P

**36 CFR Part 17**

**RIN 1024-AC27**

**Conveyance of Freehold and Leasehold Interests**

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

**ACTION:** Final rule.

**SUMMARY:** The National Park Service (NPS) is revising portions of the regulations for conveyance of freehold and leasehold interests on lands administered by the NPS. The final rule will allow bids for freehold and

leasehold interests on lands to be accompanied by earnest money equivalent to 2 percent of the appraised value or \$2,500, whichever is greater, with the balance of the bid due within 45 days of the award. The NPS has experienced problems selling parcels of real estate under the current regulations, which require that bids be accompanied by certified checks, post office money orders, bank drafts or cashier's checks for the full amount of the bids. The changes to the regulations address this issue and will correct the problem identified with the previous regulations. With these changes, the NPS will be able to convey freehold and leasehold interests on federally owned lands.

This final rule also provides for a time frame for submitting the balance of the bid and describes what occurs if the successful bidder is unable to obtain the necessary financing in the case of a freehold interest. The NPS is revising and amending the current regulations on action at close of bidding, by allowing 45 days from the time of bid award to submit the balance due. Failure to submit the full bid price within 45 days will result in forfeiture of \$1,000 of the deposited bid amount and the property will be awarded to the next highest bid.

**EFFECTIVE DATE:** This rule becomes final on July 5, 1996.

**FOR FURTHER INFORMATION CONTACT:** Jeff Winstel, Historian, Cuyahoga Valley National Recreation Area, 15160 Vaughn Road, Brecksville, OH 44114. Telephone (216) 546-5975.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The current NPS regulations regarding conveyance of freehold and leasehold interests on land are codified in 36 CFR part 17 and authorize sale of Federal real property acquired from non-Federal sources.

On June 3, 1993, Cuyahoga Valley National Recreation Area, a unit of the National Park System, held a bid opening for the purpose of selling 1.13 acres of improved Federally owned land. Improvements included a historic three-bedroom residence, a detached single car garage and two small sheds. Historic preservation deed restrictions were placed on the structures and scenic deed restrictions were placed on the property.

The property was marketed extensively. It was listed in the Federal Register, advertised in a local paper for five consecutive weeks, marketed with a local realtor, listed in the Multiple Listing Service, advertised on local television channels and open houses

were held on four days. There was considerable interest in the property with 180 prospective buyers attending the open houses and private showings. Interviews with park officials by news media reporters regarding the property appeared on local TV stations and in local newspapers.

When the property was open for bid on June 3, 1993, not a single bid was received. This lack of response was a concern and inquiries were made of 50 people who had attended the open houses and expressed a sincere interest in buying the property. The major reason given for not bidding was the requirement that the full amount of the bid be enclosed with the bid. No lending institution would approve this type of arrangement.

The NPS is therefore revising this regulation. The NPS is amending the sixth sentence of 36 CFR 17.5 as follows: "Bid must be accompanied by certified checks, post office money orders, bank drafts or cashier's checks made payable to the United States of America for 2 percent of the fair market value or \$2,500, whichever is greater, in the case of a freehold interest or for the amount of the first year's rent in the case of a leasehold interest."

The NPS is also amending 36 CFR 17.6 by adding the following two sentences to the end of the section: "In the case of a freehold interest the high bidder must submit the balance of the bid within 45 days of the bid award in the form of certified check, post office money order, bank draft or cashier's check made payable to the United States of America. Failure to submit the full balance within 45 days will result in forfeiture of \$1,000 of the bid deposit, unless the bidder has been released from the bid or an extension has been granted by the authorized officer, and the property will be awarded to the next highest bidder upon fulfillment of the requirements of this section."

These changes will improve the existing regulations by permitting prospective bidders to participate without an outlay of a large sum of cash. This amendment will also facilitate the "sellback" of historic structures to the private sector and place real property on the local tax rolls. The historic and scenic values of the properties will be protected through deed restrictions.

On February 12, 1996, the NPS published the proposed regulation that will amend these regulations for conveyance of freehold and leasehold interests on lands administered by the NPS (61 FR 5356). The comment period closed on April 12, 1996. No comments were received during the public comment period. This rule becomes

final 30 days after publication in the Federal Register.

Drafting Information. The primary author of this regulation is John P. Debo, Jr., Superintendent, Cuyahoga Valley National Recreation Area.

#### **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 final 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 U.S.C. 601 *et seq.*). In fact, this rulemaking will lessen the economic burden on prospective bidders by not requiring the full amount of the bid at the time of the bid.

The 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;

(b) Introduce non-compatible uses which might 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 rulemaking 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 in 36 CFR Part 17**

National parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, 36 CFR Chapter I is amended as follows:

#### **PART 17—CONVEYANCE OF FREEHOLD AND LEASEHOLD INTERESTS ON LANDS OF THE NATIONAL PARK SYSTEM**

1. The authority citation for Part 17 continues to read as follows:

Authority: Sec 5(a) of the Act of July 15, 1968, 82 Stat. 354, 16 U.S.C. 4601-22(a).

2. Section 17.5 is amended by revising the sixth sentence to read as follows:

**§ 17.5 Bids.**

\* \* \* Bids must be accompanied by certified checks, post office money orders, bank drafts, or cashier's checks made payable to the United States of America for 2 percent of the amount of the fair market value or \$2,500, whichever is greater, in the case of a freehold interest or for the amount of the first year's rent in the case of a leasehold interest. \* \* \*

3. Section 17.6 is amended by adding two sentences to the end of the section, to read as follows:

**§ 17.6 Action at close of bidding.**

\* \* \* In the case of a freehold interest, the high bidder must submit the balance of the bid within 45 days of the bid award in the form of a certified check, post office money order, bank draft, or cashier's check, made payable to the United States of America. Failure to submit the full balance within 45 days will result in the forfeiture of \$1,000 of bid deposit, unless the bidder has been released from the bid or an extension has been granted by the authorized officer, and the property will be awarded to the next highest bidder upon fulfillment of the requirements of this section.

Date: May 19, 1996.

George T. Frampton, Jr.,

*Assistant Secretary for Fish and Wildlife and Parks.*

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 264, 265, 270, and 271**

[FRL-5509-4]

RIN 2060-AB94

**Hazardous Waste Treatment, Storage, and Disposal Facilities and Hazardous Waste Generators; Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers**

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

**ACTION:** Amendment of final rule to postpone requirements.

**SUMMARY:** This document amends the EPA standards to postpone the effective date of the requirements in the December 6, 1994 final rule entitled, "Hazardous Waste Treatment, Storage, and Disposal Facilities and Hazardous Waste Generators; Organic Air Emission

Standards for Tanks, Surface Impoundments, and Containers" until October 6, 1996.

**DATES:** These amendments are effective June 5, 1996.

**ADDRESSES:** Docket. The supporting information used for the final rule is available for public inspection and copying in the RCRA docket. The RCRA docket numbers pertaining to the final rule are F-91-CESP-FFFFF, F-92-CESA-FFFFF, F-94-CESF-FFFFF, F-94-CE2A-FFFFF, F-95-CE3A-FFFFF, and F-96-CE4A-FFFFF. The RCRA docket is located at Crystal Gateway, 1235 Jefferson Davis Highway, First Floor, Arlington, Virginia. Review of docket materials is conducted at the Virginia address; an appointment is required to review docket materials. Appointments can be scheduled by calling the Docket Office at (703) 603-9230. The mailing address for the RCRA Docket Office is RCRA Information Center (5305W), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** For information about this postponement contact the RCRA Hotline at (800) 424-9346 toll-free, or (703) 920-9810.

**SUPPLEMENTARY INFORMATION:**

**1. Postponement of Effective Date for Rule Requirements**

The effective date of the requirements in the final rule, originally published December 6, 1994 (59 FR 62896) and postponed November 13, 1995 (60 FR 56952), are further postponed until October 6, 1996. The requirements of these final standards were originally scheduled to become effective as of June 5, 1995. The EPA specified in the final rule a schedule that established the compliance dates by which different requirements of the final rule must be met. These compliance dates and requirements are explained further in the final rule (59 FR 62896, December 6, 1994) under **SUPPLEMENTARY INFORMATION**. Today's amendment changes only the effective date of the requirements contained in the final standards. The effective date will be October 6, 1996 for all provisions of the standards, including the applicability of 40 CFR part 265 subparts AA, BB, and CC to 90-day accumulation units at hazardous waste generators, the applicability of 40 CFR part 265 subparts AA, BB, and CC to RCRA permitted units, and the applicability of the final standards to tanks in which waste stabilization activities are performed. All other compliance dates for the final rule remain as published in the final rule (59 FR 62896.)

The EPA initially extended the effective date of the requirements in the final rule for six months to allow time to clarify certain provisions of the final rule and develop other compliance options (see 60 FR 26828, May 19, 1995). On August 14, 1995 the EPA published a Federal Register notice, "Proposed rule; data availability" (60 FR 41870) and opened RCRA docket F-95-CE3A-FFFFF to accept comments on revisions that the EPA is considering for the final standards. The provisions of the final rule that these revisions would affect are the waste determination procedures, the standards for containers, and the applicability of the final standards to units that operate air emission controls in accordance with certain Clean Air Act standards. In addition, these revisions would reduce the monitoring, record keeping, and reporting requirements for affected tanks, surface impoundments, and containers.

The EPA accepted public comments on the appropriateness of these revisions through October 13, 1995, and is now in the process of finalizing amendments to the final rule to incorporate the described revisions, based on the information the EPA noticed and the comments EPA received. As anticipated, the amendments will provide certain compliance options for waste determination procedures and for container standards that are not currently available in the published final rule. On November 13, 1995 (60 FR 56952) the EPA again postponed the effective date of the rule requirements until June 6, 1996 to allow time for the EPA to publish amendments to the December 6, 1994 final standards. The EPA expects to publish these amendments in the near future. Given that the EPA is in the process of amending the rule in ways that would increase compliance flexibility and possibly reduce certain regulatory requirements, the EPA considers it appropriate to delay the June 6, 1996 effective date of the rule requirements for four months. (See 5 U.S.C. 705, "when an agency finds that justice so requires, it may postpone the effective date of action taken by it, pending judicial review.") In particular, the EPA is not sure that it will have adequate time to promulgate the amendments before June 6, 1996 to allow facilities to avoid compliance expenditures based on the December 6, 1994 final rule, expenditures which may prove unnecessary in light of the projected amendments. This postponement will thus allow time for the EPA to publish