

supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed under the caption **ADDRESSES**. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit, with those comments, a self-addressed, stamped, postcard containing the following statement: "Comments to Airspace Docket No. 95-ASW-30." The postcard will be date and time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel, Federal Aviation Administration, Southwest Region, 2601 Meacham Boulevard, Fort Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the System Management Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Fort Worth, TX 76193-0530. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A that describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the Class E airspace, controlled airspace extending upward from 700 feet AGL, at Moore County Airport, Dumas, TX. A new GPS SIAP to RWY 19 has made this proposal to amend the controlled airspace necessary. The intended effect of this proposal is to provide adequate Class E airspace for aircraft executing the GPS SIAP to Rwy 19 at Dumas, TX.

The coordinates for this airspace docket are based on North American Datum 83. Designated Class E airspace areas extending upward from 700 feet or more above ground level are published in Paragraph 6005 of FAA Order 7400.9C, dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations that need frequent and routine amendments to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9C, *Airspace Designations and Reporting Points*, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ASW TX E5 Dumas, TX [Revised]
Dumas, Moore County Airport, TX
(Lat. 35°51'28"N., long. 102°00'48"W.)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of Moore County Airport and within 1.9 miles each side of the 023° bearing from the airport extending from the 6.8-mile radius to 8.9 miles northeast of the airport.

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Issued in Fort Worth, TX on January 23, 1996.

Albert L. Viselli,

*Acting Manager, Air Traffic Division,
Southwest Region.*

[FR Doc. 96-1957 Filed 1-30-96; 8:45 am]

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DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

RIN 1024-AC36

Appalachian National Scenic Trail

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: The National Park Service (NPS) is proposing this rule to allow hang gliding use along the Appalachian National Scenic Trail by licensed persons at the Fox Gap, Pennsylvania, launch site pursuant to the terms and conditions of a Special Use Permit.

The Project Manager will be provided the discretion to require that all hang gliders using the designated site identified in the Special Regulation be qualified pilots licensed by the United States Hang Gliding Association. The terms and conditions of a Special Use Permit (SUP) will prohibit stunt flying, commercialization, advertising, publicity, contests, meets, demonstrations and motor vehicular access.

DATES: Written comments will be accepted through March 1, 1996.

ADDRESSES: Comments should be addressed to: Project Manager, Appalachian Trail Project Office, National Park Service, c/o Harpers Ferry Center, Harpers Ferry, WV 25425.

FOR FURTHER INFORMATION CONTACT: Virginia F. Williams, Appalachian Trail Project Office, National Park Service, c/o Harpers Ferry Center, Harpers Ferry, WV 25425, (304) 535-6278 phone, (304) 535-6270 fax.

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 National Park Service 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 endorsed seeking the special regulation.

An interim rule was published in the Federal Register on July 14, 1995 (60 FR 36224) to allow the continuation of the existing hang gliding activity on the Appalachian Trail while the agency developed a special regulation to address the activity through public notice and comment rulemaking.

The hang gliding launch site known as Kirkridge is located near Fox Gap, Pennsylvania. The WGHGC believes this site is the best launch site in the region. It has been well maintained for approximately 7 years. A private landowner immediately adjacent to the site endorses the continued use by the hang gliders. The hang gliding club has displaced a non-compatible user group that historically misused the site and caused serious management problems.

The WGHGC has proven by past conduct to be a good steward of these public lands. The WGHGC has assumed shared responsibility for maintenance of this popular section of the AT along with the local trail club. The WGHGC has a published maintenance schedule for its individual club members to provide trash pick-up in the general area. The WGHGC works with the local trail club to protect the resource qualities of the area and to ensure the

area is safe for public use by other outdoor enthusiasts. The private landowners adjacent to the site have endorsed the continued use of the area by the WGHGC. Based upon a review of the past years use by WGHGC and the experience of others (including the landowners and local hiking club) in the area, the NPS has determined that there are no known adverse impacts caused by the WGHGC activities.

Based on available data and experience at this site, there are no known adverse impacts caused by hang gliding use to the Appalachian Trail. In fact, the results of past use by hang gliders at the location have shown that the net result is generally positive with small benefits to the Trail and its resources.

This proposed rule is virtually identical to the interim rule that was published on July 14, 1995 (60 FR 36224). The comment period for the interim rule was 60 days (through September 12, 1995). Because of this, the agency has determined that a 30 comment period for this proposed regulation is adequate.

Public Participation

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments regarding this proposed regulation to the address noted at the beginning of this rulemaking. The NPS will review comments and consider making changes to the rule based upon an analysis of the comments.

Drafting Information: The primary authors of this proposed rulemaking are Acting Project Manager Donald T. King and Landscape Architect Virginia F. Williams at the Appalachian Trail Project Office.

Paperwork Reduction Act

This proposed rule does not contain collections of information requiring approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

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.*). The economic effects of this rulemaking are local in nature and negligible in scope.

The NPS has determined that this proposed 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 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, this proposed 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.

List of Subjects in 36 CFR Part 7

National parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, it is proposed to amend 36 CFR Chapter I 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 revising 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 a site known as Fox Gap, Pennsylvania, located near longitude 75°11'0" W and latitude 40°56'17" N, pursuant to the terms and conditions of a permit.

Dated: November 7, 1995.

George T. Frampton, Jr.,
Assistant Secretary for Fish and Wildlife and Parks.

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