

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.

[FR Doc. 96–1749 Filed 1–30–96; 8:45 am]

BILLING CODE 4310–70–M

36 CFR Part 7**RIN 1024-AC23****Voyageurs National Park; Aircraft Operations, Designation of Areas****AGENCY:** National Park Service, Interior.**ACTION:** Proposed rule.

SUMMARY: The National Park Service (NPS) is proposing this rule to amend the special regulations for Voyageurs National Park by replacing the interim rule (60 FR 39257) that was published on August 2, 1995, designating certain areas open to aircraft use within the park. This rulemaking is necessary to comply with NPS general regulations that require special regulatory designations for areas in parks open to the operation or use by aircraft. The intended effects of this rule are to increase safety, protect resources and provide appropriate enjoyment to park users.

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

ADDRESSES: Comments should be directed to: Superintendent, Voyageurs National Park, 3131 Highway 53, International Falls, MN 56649-8904.

FOR FURTHER INFORMATION CONTACT: Chief Ranger, Voyageurs National Park, 3131 Highway 53, International Falls, MN 56649-8904. Telephone (218) 283-9821.

SUPPLEMENTARY INFORMATION:**Background**

The enabling legislation for Voyageurs National Park states "The Secretary may, when planning for development of the park, include appropriate provisions for * * * use by seaplanes * * * ." 16 U.S.C. Section 160h. The 1980 Master Plan for the park states that float planes and ski planes will be allowed upon all lakes deemed safe by the Minnesota Department of Transportation. It also stated that this allowance would be subject to the findings of the wilderness study. The 1992 wilderness study recommended that planes be allowed on the four major lakes (Rainy, Kabetogama, Namakan and Sand Point), as well as the following interior lakes: Locator, War Club, Quill, Loiten, Shoepack, Little Trout and Mukooda. Each year the park receives an increasing number of inquiries for permission to land float planes in the park.

Public aircraft use on park waters occurred prior to the designation of the park in 1971. This use is primarily related to fishing, camping, transportation to resorts and summer dwellings and is typical for the area.

Float plane use is mainly associated with the four major lakes with use of the interior lakes constituting less than one percent of the park's use. Aircraft are currently prohibited from using about 22 small interior lakes that have been determined to be too small to use safely by the Minnesota Department of Transportation. Three other lakes that have been used periodically and are accessible by hiking trails will not be opened to float plane use by this regulation. The closing of these three interior lakes will allow the park to manage the interior lakes on an equitable basis since other motorized uses are prohibited.

This rule will increase public safety by identifying where and under what conditions aircraft are allowed to operate and improve information to the public on where they may expect to see aircraft within the park. This will lessen potential conflicts among user groups and encourage those that do not want to associate with aircraft operations to select areas within the park that are closed to aircraft use. There will be an increased enjoyment among users by delineating areas appropriate to specialized uses. By identifying areas open to aircraft use, the park is able to limit use to less sensitive areas and improve protection of resources. The park will also be able to improve information to pilots as what areas are open and what areas are closed to aircraft operations as well as information on sensitive areas that would be affected by aircraft use. This regulation will allow the park to identify those areas where appropriate use may occur, improve public information and protect area resources.

The NPS is proposing this rule to allow an activity that has been identified as compatible with the establishment of the park and an activity that was specifically identified in the park's enabling legislation as an acceptable activity. 36 CFR 2.17 prohibits the operation or use of aircraft on lands and waters within park areas except at locations designated through the special rulemaking process. This requirement, as complied with here, ensures that aircraft use and activities are only undertaken in park areas subsequent to full public participation and the review that is accorded rulemaking documents.

Public Participation

It is the policy of the Department of 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 rule

to the address noted at the beginning of this rulemaking. The NPS will review comments and consider making changes to the final rule based upon an analysis of the comments.

During the 1992 wilderness study process, all of the options for aircraft use were presented and discussed. Each of the six alternatives specifically identified which lakes would be open to aircraft use. The public was informed of these options during three public hearings. Extensive public involvement has taken place as a requirement of the "Master Plan", "Trail Plan" and "Wilderness Recommendation", all of which had complete public review and environmental review and analysis under applicable law.

Drafting Information: The primary authors of this rulemaking are Bruce D. McKeeman, Chief Ranger, Voyageurs National Park and Dennis Burnett, Washington Office of Ranger Activities.

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

Pursuant to the Act of January 3, 1968, 84 Stat. 1972, 16 U.S.C. Section 160f(b), the NPS prepared a Wilderness Recommendation and, pursuant to the National Environmental Policy Act, 42 U.S.C. 4332 *et seq.*, prepared an Environmental Impact Statement (EIS) assessing the effects of the Wilderness Recommendation. On page 30 of the EIS, the section titled "Provisions Common To All Alternatives" states: "Under all alternatives motorized vehicles and aircraft would be allowed on Rainy, Kabetogama, Namakan and Sand Point lakes, subject to established regulations. Special regulations for aircraft access in the park will be required, * * *". On page 35, the section titled "Alternatives" also states that the alternatives address the appropriateness of motorized use in the park, specifically the location of snowmobile routes and portages, as well as the lakes open to aircraft and motorboat use. Each of the six alternatives specifically lists the lakes that will be open to motorized and aircraft use. The NPS consulted with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act, 16 U.S.C. 1536 and they issued a "No Jeopardy Opinion" as part of their biological opinion. Public input was provided during a series of public hearings. Extensive public comment, both oral and written, was received regarding the matter of snowmobile use

and wilderness designation. There were very few comments received concerning aircraft use.

This rule was not subject to Office of Management and Budget (OMB) 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 effect of this rulemaking are local in nature and negligible in scope.

In accordance with the procedural requirements of the National Environmental Policy Act (NEPA), and by Departmental guidelines in 516 DM 6 (49 FR 21438), an Environmental Assessment (EA) which included consultation with the U. S. Fish and Wildlife Service and a Finding of No Significant Impact (FONSI) have been prepared. These documents can be obtained by contacting the address noted at the beginning of this rulemaking.

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 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 460(q), 462(k); Section 7.96 also issued under D.C. Code 8-137 (1981) and DC Code 40-721 (1981).

2. Section 7.33, is amended by revising paragraph (c) to read as follows:

§ 7.33 Voyageurs National Park.

* * * * *

(c) *Aircraft.* (1) Aircraft may be operated on the entire water surface and frozen lake surface of the following lakes, except as restricted in paragraph (c)(4) of this section and § 2.17 of this chapter: Rainy, Kabetogama, Namakan, Sand Point, Locator, War Club, Quill, Loiten, Shoepack, Little Trout and Mukooda.

(2) Approaches, landings and take-offs shall not be made within 500 feet of any developed facility, boat dock, float, pier, ramp or beach.

(3) Aircraft may taxi to and from a dock or ramp designated for their use for the purpose of mooring and must be operated with due care and regard for persons and property and in accordance

with any posted signs or waterway markers.

(4) Areas within the designated lakes may be closed to aircraft use by the Superintendent taking into consideration public safety, wildlife management, weather and park management objectives.

Dated: October 20, 1995.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[FRL-5406-4]

Protection of Stratospheric Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed extension of stay.

SUMMARY: In the Rules Section of today's Federal Register, EPA is announcing a three-month administrative stay and reconsideration of a certain reporting requirement in the petition process for the import of used class I controlled substances promulgated under sections 604 and 606 of the Clean Air Act Amendments of 1990. 40 CFR 82.13(g)(2)(viii) requires the importer to certify that the purchaser of the controlled substance is liable for the tax.

This document proposes, pursuant to Clean Air Act section 301(a)(1), to stay temporarily the effectiveness of this provision, and applicable compliance dates, beyond the three-month administrative stay, but only to the extent necessary to complete reconsideration (including any appropriate regulatory action) of the rule in question.

DATES: Written comments on this proposal must be received by March 1, 1996. Requests for a hearing should be submitted to Tom Land by February 12, 1996. Interested persons may contact the Stratospheric Ozone Hotline at the phone number given below to see if a hearing will be held and the date and location of any hearing. Any hearing will be strictly limited to the subject matter of this proposal, the scope of which is discussed below.

ADDRESSES: Written comments on this proposed action should be addressed to Public Docket No. A-92-13, Waterside Mall (Ground Floor) Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 in room M-1500.

All supporting materials are contained in Docket A-92-13. Dockets may be inspected from 8 a.m. until 5:30 p.m., Monday through Friday. A reasonable fee may be charged for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Tom Land, Stratospheric Protection Division, Office of Air and Radiation, U.S. Environmental Protection Agency (6205-J), 401 M Street, SW., Washington, DC 20460, (202)-233-9185. The Stratospheric Ozone Information Hotline at 1-800-296-1996 can also be contacted for further information.

SUPPLEMENTARY INFORMATION: In the rules Section of today's Federal Register, EPA announces that pursuant to Clean Air Act section 307(d)(7)(B), 42 U.S.C. 7607(d)(7)(B), it is convening a proceeding for reconsideration of 40 CFR 82.13(g)(2)(viii), which requires an importer petitioning to import used class I controlled substances to certify that the purchaser of the controlled substance is liable for the tax. Readers should refer to that rule for a complete discussion of the background and rules affected. In that rule EPA also announces a three-month stay of that provision during reconsideration. However, if EPA cannot complete reconsideration (including appropriate regulatory action) within the three-month period expressly provided by Clean Air Act Amendments of 1990 § 307(d)(7)(B), then it may be appropriate to extend the stay of this provision until EPA completes reconsideration. By this action, EPA proposes a temporary extension of the stay beyond the three-month administrative stay to the extent necessary to complete reconsideration of the rule in question. If EPA takes final action to impose this proposed stay, the stay will extend until the effective date of EPA's final action following reconsideration of this rule.

By this notice EPA hereby proposes, pursuant to Clean Air Act sections 301(a)(1), 42 U.S.C. 7601(a)(1), a temporary stay of the effectiveness of 40 CFR 82.13(g)(2)(viii) promulgated as a final federal rule (60 FR 24970, May 10, 1995). Please refer to the notice of stay and reconsideration in the Rules section of today's Federal Register for EPA's statement of its reasons for staying and reconsidering this provision. Pursuant to the rulemaking procedures set forth in section 307(d) of the Clean Air Act, EPA hereby requests comment on such a proposed stay.

EPA is proposing this temporary stay of the rule and associated compliance date in order to complete reconsideration of this rule, and,