

SUPPLEMENTARY INFORMATION:**Background**

The National Park System of the United States comprises 369 areas covering over 80 million acres in 49 States, the District of Columbia, American Samoa, Guam, Puerto Rico, Sampan and the Virgin Islands. These areas of national significance justify special recognition and protection in accordance with various acts of Congress.

In 1995, as a result of: (1) the NPS's own assessment of a need to change how it accomplished its essential work with increasing constraints; (2) the National Performance Review (NPR), which directed Federal agencies to cut red tape, put customers first, empower employees to get results and reduce layers in organizations; and (3) The Federal Workforce Restructuring Act of 1994 (P.L. 103-226), a government-wide Workforce reduction, the NPS implemented a Servicewide restructuring of the organization. The reorganization effort drastically reduces central office staffs. The 10 NPS Regional Directors have been replaced by 7 Field Directors, who provide direction, oversight, budget formulation and assistance in media relations for the parks and support offices in their geographical field areas. With the change and revision of the regional concept, all national park units are now grouped into clusters to act collaboratively in sharing limited resources. A network of 16 system support offices provide services and support to the parks by cluster.

The President of the United States, through the Secretary of the Interior and the Director of the NPS, allowed the Regional Directors of the ten Regional Offices certain delegated authorities in the management of the park units. 36 CFR Parts 1-199 contains many of these authorities. Because the term Regional Director is codified in the CFR, the definition of Regional Director must be replaced to reflect the new authorities given to Field Directors as a result of the reorganization. Many of these authorities have the enforcement powers of law. On November 3, 1995, the NPS published a final rule in the Federal Register (60 FR 55789) changing the nomenclature in 36 CFR Parts 1-199 from Regional Director to Field Director.

The NPS adopts this final rule pursuant to the "agency organization" exception of the Administrative Procedure Act (5 U.S.C. 553(b)(A)) from general notice and comment rulemaking. The NPS believes that this exception from rulemaking procedures

is warranted because it is merely a change in agency organizational structure. The NPS finds that notice and comment are unnecessary and contrary to the public interest for this final rule.

The NPS has also determined, in accordance with the Administrative Procedure Act (5 U.S.C. 553(d)(3)), that the publishing of this final rule 30 days prior to the rule becoming effective would be counterproductive and unnecessary for the reasons discussed above. A 30-day delay would be contrary to the public interest and the interest of the agency. Therefore, under the "good cause" exception of the Administrative Procedure Act (5 U.S.C. 553(d)(3)), it has been determined that this rulemaking is excepted from the 30-day delay in the effective date and shall therefore become effective on the date published in the Federal Register.

Drafting Information. The primary author of this final rule is Dennis Burnett, Washington Office of Ranger Activities, National Park Service.

Paperwork Reduction Act

This rulemaking does not contain information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act of 1995.

Compliance With Other Laws

This rule was not subject to Office of Management and Budget review under Executive Order 12866. The Department of the Interior has 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 negligible.

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 characteristics of the area or cause physical damage to it;
- (c) Conflict with adjacent ownership 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.

List of Subjects in 36 CFR Part 6

National parks, Natural resources, Penalties, Reporting and recordkeeping requirements, Waste treatment.

In consideration of the foregoing, and under the authority at 18 U.S.C. 1 and 3, 36 CFR Chapter I is amended as follows:

PART 6—SOLID WASTE DISPOSAL SITES IN UNITS OF THE NATIONAL PARK SYSTEM

1. The authority citation for 36 CFR part 6 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 4601-22(c).

2. 36 CFR Part 6 is amended by removing the term "Regional Director" and inserting the term "Field Director" in its place each time it appears.

Dated: May 29, 1996.

George T. Frampton,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 96-14122 Filed 6-4-96; 8:45 am]

BILLING CODE 4310-70-P

36 CFR Part 7**RIN 1024-AC42****Appalachian National Scenic Trail, Powerless Flight**

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: The National Park Service (NPS) is adopting this final rule to allow powerless flight along the Appalachian National Scenic Trail at times and locations designated by the Park Manager, pursuant to the terms and conditions of a permit. The terms and conditions of a Special Use Permit (SUP) will in all cases prohibit stunt flying, commercialization, advertising, publicity, contests, meets, demonstrations and motor vehicular access on non-public roads. In addition, the Park Manager may require, as a standard condition of the SUP, that all hang gliders using the designated site be qualified pilots licensed by the United States Hang Gliding Association. The frequency of launch sites, level of use, availability of alternate sites and cumulative impacts on the remote recreational experience and character of the Appalachian Trail will be significant factors in determining whether new launch and/or landing sites will be designated.

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

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.

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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