

List of Subjects in 30 CFR Part 943

Intergovernmental relations, Surface mining, Underground mining.

Dated: October 17, 1995.

Charles E. Sandberg,

Acting Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 95-26402 Filed 10-24-95; 8:45 am]

BILLING CODE 4310-05-M

National Park Service**36 CFR Part 7**

RIN 1024-AC34

Grand Teton National Park and John D. Rockefeller, Jr. Memorial Parkway; Snowmobile and Snowplane Routes and Regulations

AGENCY: National Park Service, Interior.

ACTION: Proposed rule

SUMMARY: The National Park Service (NPS) proposes to change the special regulations relating to the use, and designated routes for snowmobiles and snowplanes within Grand Teton National Park and John D. Rockefeller, Jr. Memorial Parkway. The proposed rule change will more clearly define the use of snowmobiles, snowplanes, and designated routes. This rule change would allow for the closure of the Potholes—Baseline Flats area to snowmobiles at the discretion of the Superintendent and establish the special regulation allowing snowmobile use on the Continental Divide Snowmobile Trail (CDST). The proposed rule change will also establish a requirement for operators of snowmobiles within Grand Teton National Park to have a valid State driver's license or learner's permit.

DATES: Written comments will be accepted through December 26, 1995.

ADDRESSES: Comments should be addressed to: Jack Neckels, Superintendent, Grand Teton National Park, P.O. Box 170, Moose, Wyoming 83012.

FOR FURTHER INFORMATION CONTACT: Colin W. Campbell, Chief Ranger, Grand Teton National Park, Moose, Wyoming 83012, Telephone: 307-739-3472.

SUPPLEMENTARY INFORMATION:**Background**

The Winter Use Plan of 1990 authorized the Continental Divide Snowmobile Trail (CDST) within the road prism from the east entrance of Grand Teton National Park through John D. Rockefeller, Jr. Parkway to the south entrance of Yellowstone National Park.

In 1993, a joint task force of the two national parks developed and approved a Visitor Use Management Work Plan for implementing the Winter Use Plan. One major action item, the CDST, required promulgation of a special regulation prior to full implementation.

The proposed trail through Grand Teton National Park and the Parkway would link the existing completed CDST in the State of Wyoming with the snowmobile trail network in Yellowstone National Park. Currently, the only incomplete portion of the CDST between State lands and Yellowstone occurs within Grand Teton National Park. Snowmobile users must transport their machines from the east boundary of Grand Teton National Park to the south gate of Yellowstone National Park through the John D. Rockefeller Memorial Parkway. By designating the proposed trail, CDST users will have a continuous trail system for travel through State land as well as a trail linking Grand Teton with Yellowstone.

Furthermore the proposed CDST rule will likely affect snowmobile use within the area known as the Potholes—Baseline Flats area. This area is proposed wilderness and currently designated as an area open for snowmobiling. With the successful completion and opening of the CDST within Grand Teton National Park, the proposed rule will give the Superintendent the discretion to close the Potholes—Baseline Flats area to snowmobiling.

The proposed rule provides for a licensing requirement, in accordance with State law, for operators to provide for safer operation of snowmobiles within the Park.

This rule change will more clearly define the use of snowmobiles within Grand Teton National Park, and make snowmobiling on the CDST consistent with the practices of both State and Federal agencies, Forest Service and Fish and Wildlife Service, whose lands are contiguous with Grand Teton National Park.

Section-by-Section Analysis**36 CFR 7.22 Grand Teton National Park**

In November of 1990, a Winter Use Plan was completed for Yellowstone and Grand Teton National Parks, and the John D. Rockefeller, Jr. Memorial Parkway. The proposed changes to the regulations implement components of the Plan that affect Grand Teton National Park.

(g) Snowmobiles. (1) The wording was changed in this section to differentiate

snowmobiles from snowplanes, because the Winter Use Plan eliminates snowplane use on designated routes open to snowmobiles, and limits snowplane use to the frozen surface of Jackson Lake. Reference to paragraph (g)(6) was deleted because no exception applies to that paragraph.

(2)(i) The Spread Creek Road was deleted from the list of designated routes open to snowmobiling. The Spread Creek Road is less than 2 miles long, is adjacent to an area closed to all use in winter to protect wintering wildlife, and does not connect to areas open to snowmobiling on adjacent Forest Service lands. Other language in this section was changed to open only the unplowed portion of the Teton Park Road, and to give the Superintendent the discretion to close the Potholes-Baseline Flats areas to snowmobiles. The Lizard Creek Campground Road was deleted as a designated route, because it has been largely unused, and it lacks adequate trailhead parking space. Sufficient alternative access to Jackson Lake is provided at Signal Mountain and Colter Bay.

(2)(ii) This paragraph was added to allow the use of snowmobiles within Grand Teton National Park along the State proposed CDST. This trail follows existing roads in Grand Teton National Park and is consistent with NPS policy that states that snowmobiles are allowed only on designated routes. Traffic lanes along this route will continue to be plowed for cars and trucks, and snowmobiles will be permitted on a groomed trail adjacent to the traffic lanes. Connections from the trail to other snow roads (i.e., the unplowed portion of the Teton Park Road) are also permitted in the Winter Use Plan. The trail and connections to the trail will use the width of the existing roadway (ditches, cut slopes, fill slopes and other areas disturbed by road construction) immediately adjacent to the plowed vehicular traffic lanes.

(2)(iii) This language was added to permit snowmobiles to cross the highway only at designated points, in order to make connections to rest stops, fuel, meals, lodging and other related visitor services; to permit snowmobiles to use portions of highway bridges where it is difficult or environmentally improper to use alternate routes; to permit snowmobile travel within parking and staging areas; and to connect to and/or travel within developed areas in a regulated manner.

(2)(iv) This language was added to permit private property owners to access their properties. Use of oversnow vehicles will be restricted to travel over unplowed roads, during winter months.

Access to private property had not been addressed in previous regulations. Some roads that accessed private property were open to the general public as well, and were designated on maps, but not included in the existing regulation.

(2)(v) This language was added and retains the designated open area known as the Potholes area. This is included to give the Superintendent the discretion to open or close the Potholes area.

(2)(vi) This language was moved from (g)(4) of the current regulation.

(3) 36 CFR 2.19 prohibits other winter activities such as skiing, snowshoeing, ice skating, sledding, etc., on Park roads and parking areas open to motor vehicle traffic. That prohibition does not extend specifically to routes open to snowmobiling. In the interests of public safety, those activities should be prohibited on the CDST, but do not need to be prohibited on all routes open to snowmobile use. Therefore, those activities are restricted only on the designated route described in paragraph (g)(2)(ii), which is the CDST.

(4) This language was added to address parking areas and procedures for snowplanes.

(5) More stringent noise level standards were established for newly registered snowplanes. Permits issued for snowplanes registered for the first time after the Winter Use Plan was approved (November 1990) will require that snowplanes meet snowmobile noise standards, currently 78 decibels on the "A" weighted scale. Snowplanes registered prior to the plan's approval must meet the noise standards established by previous regulations. Noise standards for snowmobiles are defined in 36 CFR 2.18(d)(1).

(6) The Winter Use Plan calls for lowering the speed limits during winter months along the highway adjacent to the CDST. The regulation of both the speed limits of wheeled vehicles and snowmobiles will be critical for the safe operation of the trail. This paragraph establishes speed limits that are the same for snowmobiles as for wheeled vehicles. Snowmobile speed limits greater than those for wheeled vehicles during other seasons will not be permitted. No special speed limits will be set for snowplanes or snowmobiles on Jackson Lake. Changing surface features of the lake in the winter tend to establish self-regulating limits on speed for safe travel.

(7) This regulation was added to increase the margin of safety for snowmobile users. The CDST will have a groomed width of 10–12 feet, with some short stretches only eight feet wide where roadside constraints dictate a reduced width. Travel will be in both

directions. For safe travel, it is imperative that snowmobiles remain on the right side of the roadway.

(8) This paragraph was added to give the Superintendent the authority to closely regulate and manage snowmobile use so as to ensure full protection of natural resources and to provide for the utmost in visitor safety. For example, it may be necessary to close the CDST during hours of darkness to provide the opportunity for safe snow removal on adjacent traffic lanes and groom the trail. For the safety of snowmobilers, it may be necessary to close the trail during periods of low visibility created by blowing snow. For protection of the resources, the trail must remain closed until sufficient snow cover is in place to permit non-destructive use.

(9) This paragraph was added to give the superintendent greater ability to assure competent operation of snowmobiles within the Parkway. With the ever increasing complexity and performance levels of modern snow machines, and with considerations for the safety of all Park visitors, operators of snowmobiles will be required to have a valid State driver's license or learner's permit as prescribed by the conditions of the issuing State.

36 CFR 7.21 John D. Rockefeller Jr. Memorial Parkway

In November of 1990, a Winter Use Plan was completed for the John D. Rockefeller, Jr. Memorial Parkway. The proposed changes to regulations for the Parkway are to accommodate components of the Winter Use Plan that affect the Parkway.

(a)(1) The definition of a snowplane was deleted. Under the Winter Use Plan, snowplanes that were previously permitted, are now excluded on designated routes in the Parkway. Snowmobiles are defined in § 1.4. The wording "except as otherwise distinguished in paragraph (a)(5)" was deleted, as there was not a paragraph (a)(5) in the existing regulation, and the wording does not apply to the new paragraph (a)(5) now added.

(a)(1) Designated routes to be open to snowmobile use: (i) The road that connects Flagg Ranch to Ashton, Idaho, has several names in common usage, including the Flagg-Ashton Road, the Grassy Lake Road, and the Reclamation Road. The name change in the regulations will coincide with names currently in use on USGS maps, NPS signs, and with what is most common usage. (ii) This language was added to permit snowmobiles to cross the highway only at designated points, in order to make connections to rest stops,

fuel, meals, lodging and related visitor services; to permit snowmobiles to use portions of highway bridges where it is difficult or environmentally damaging to use alternate routes; to permit snowmobile travel within developed areas in a regulated manner.

(iii) This language was added to permit snowmobile use along the CDST, a major component of the Winter Use Plan. That trail will follow the route of US Highway 89–287 between the south boundary of the Parkway and Flagg Ranch. The trail will use the width of the existing roadway (ditches, cut slopes, fill slopes, and other areas disturbed by road construction) and will be immediately adjacent to the northbound plowed vehicle lane.

(2) 36 CFR 2.19 prohibits other winter activities such as skiing, snowshoeing, ice skating, sledding, etc., on Park roads and parking areas open to motor vehicle traffic. That prohibition does not extend specifically to routes open to snowmobiles. In the interests of public safety, those activities should be prohibited on the CDST, but they do not need to be prohibited on all routes open to snowmobile use. Those activities are only restricted in paragraph (a)(1)(iii), which is the designated route for the CDST.

(3) The Winter Use Plan calls for the lowering of speed limits during the winter months along the highway adjacent to the CDST. The regulation of the speed limits for both wheeled vehicles and snowmobiles will be critical to the safe use of the trail. Likewise, lowered speed limits will be needed in areas shared by snowmobiles and wheeled vehicles such as parking lots and staging areas. In general, speed limits for snowmobiles will not be greater than is presently posted for wheeled vehicles during other seasons. The original wording of this paragraph, that prohibited the operation of a snowmobile that makes excessive noise, was deleted, because that provision is redundant to § 2.18(d)(1).

(4) This regulation was added to increase the margin of safety for snowmobile users. The CDST will have a groomed width of 10–12 feet, with some short stretches only eight feet wide where roadside constraints dictate a reduced width. Travel will be in both directions. For safe travel, it is imperative that snowmobiles remain on the right side of the route.

(5) This paragraph was added to give the Superintendent the authority to manage snowmobile use so as to ensure full protection of natural resources and to provide the utmost in visitor safety. For example, it may be necessary to close the CDST during hours of

darkness to provide the opportunity for safe snow removal on adjacent traffic lanes and to groom the trail. For the safety of snowmobilers, it may be necessary to close the trail during periods of low visibility created by blowing snow. For protection of the resources, the trail must remain closed until sufficient snow cover is in place to permit non-destructive use.

(6) This paragraph was added to give the Superintendent greater ability to assure competent operation of snowmobiles within the Parkway. With the ever increasing complexity and performance levels of modern machines, and with considerations for the safety of all Park visitors, operators of snowmobiles will be required to have a valid State driver's license or learner's permit as prescribed by the conditions of the issuing State.

Public Participation

The policy of the National Park Service is, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments regarding this proposed rule to the address listed above. The Grand Teton National Park staff will also be placing public notices in local newspapers.

Drafting Information

The primary authors of this proposed rule are Colin W. Campbell, Chief Ranger and Donald G. Coelho, former North District Ranger of Grand Teton National Park.

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

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 National Park Service 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 causing physical damage to it;

(b) Introduce non-compliance 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 upon this determination, the proposed rule 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 nor an Environmental Impact Statement 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 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 7.22(g) is revised to read as follows:

§ 7.22 Grand Teton National Park.

* * * * *

(g) *Snowmobiles.* (1) Snowmobiles, as defined in § 1.4, are distinguished from "snowplanes", that are self-propelled vehicles intended for over-the-snow travel, having a curb weight of not more than 1000 pounds (450 kilograms), mounted on skis in contact with the snow, and driven by a pusher-propeller.

(2) Designated routes to be open to snowmobile use:

(i) The unplowed portion of the Pacific Creek Road; the unplowed portion of the Ditch Creek Road; the Lost Creek Ranch Road (for administrative purposes only), those portions of the unplowed roads connecting with the Shadow (Antelope) Mountain Forest Service Road at Cunningham Cabin, Lost Creek Road and the Forest Service access road at Schwering Studio; the unplowed portions of the Moose-Wilson Road; the unplowed portions of the Teton Park Road north of Taggart trailhead parking to Signal Mountain Lodge, the Jenny Lake Loop Road, the String Lake Picnic Area Road, the Signal Mountain Summit Road, the Signal Mountain Launch Ramp Road and the Spaulding Bay Road.

(ii) Within the right-of-way, immediately adjacent to the westbound or northbound traffic lane, but not upon the plowed portion of Highway 26-89-287, between the east Park boundary and the north Park boundary, except that at the junction of 89-287, commonly known as Jackson Lake Junction, the route will cross to the west side of the southbound lane of highway; continue along the west side for north or southbound traffic; connecting with an old roadway surface at Willow Flats, deviate from established right-of-way and be routed under Christian Creek bridge; back to the right-of-way, immediately adjacent to the westbound or northbound traffic lane; and within the right-of-way, immediately adjacent to the southbound traffic lane, but not upon the plowed portion of the Teton Park Road, between the junction with Highway 89-287, and the unplowed portion of the Teton Park Road of Signal Mountain.

(iii) Marked or posted highway crossings; on highway bridges where no separate snowmobile bridge is in place; within designated vehicle parking and snowmobile staging areas; and within or connecting to developed areas where routes will be designated by appropriate snow poles or signs.

(iv) Those unplowed roads that provide access to private property within the exterior boundaries of the Park area, pursuant to the terms and conditions of a permit issued only to owners of such private property.

(v) Designated area open to snowmobile use: The Potholes—Baseline Flats area east of the Teton Park Road north of Cottonwood Creek, north of the Bar BC access road, east of Timbered Island as marked to the Teton Park Road and bounded on the north by the RKO Road. Opening and closing of the Potholes area is at the discretion of the Superintendent, based in part on snow depth, snow conditions, weather, and other routes open within the Park. At the discretion of the Superintendent the Potholes area may be closed during any given year.

(vi) Designated water surface open to oversnow use: The frozen surface of Jackson Lake is open to both snowmobile and snowplane use.

(3) Notwithstanding the definition of a vehicle as set forth in § 1.4 of this chapter, the provisions of § 2.19 apply to paragraph (g)(2)(ii) of this section.

(4) Parking for snowplanes will be designated by permit and confined to certain areas. Parking snowplanes in non-designated areas or without a permit is prohibited.

(5) The operation of a snowplane that makes excessive noise is prohibited.

Excessive noise is defined as noise that exceeds 78 decibels. Measurements are made on the "A" weighted scale by a sound level meter, measured at a distance of not less than 50 feet when the snowplane is being operated at full throttle. Except, that snowplanes registered and operated in the Park for the 1970-1971 season need not meet any noise level standards, and snowplanes registered and operated in the Park prior to the 1991-1992 season may produce up to 86 decibels.

(6) The maximum speed limit for snowmobiles will be the same as is posted for vehicles on the adjacent roadway, or as is posted for areas shared by vehicles and snowmobiles, or as is posted for wheeled vehicles during other seasons. Operating a snowmobile at a speed in excess of the posted speed limit is prohibited.

(7) On designated routes open to snowmobile use, snowmobiles shall travel on the right side of the route, except to overtake and pass. Failure to drive on the right side of the route is prohibited.

(8) The Superintendent shall determine the opening and closing hours and dates for use of designated snowmobile or snowplane routes and areas, taking into consideration the location of wintering wildlife, available snow cover, road and trail maintenance requirements, and other factors that may relate to public safety and resource protection.

(9) A valid State driver's license or learner's permit is required to operate a snowmobile within Grand Teton National Park. Operating a snowmobile without a valid State driver's license or learner's permit is prohibited.

3. Section 7.21 is revised to read as follows:

§ 7.21 John D. Rockefeller, Jr. Memorial Parkway.

(a) *Snowmobiles.* (1) Designated routes to be open to snowmobile use:

(i) The Grassy Lake Road between the west boundary of the Parkway and the junction with Highway 89-287.

(ii) Marked and posted highway crossings; on highway bridges where no separate snowmobile bridge is in place; within designated vehicle parking and snowmobile staging areas; and within or connecting to developed areas, where routes will be designated by appropriate snow poles or signs.

(iii) Within the right-of-way, immediately adjacent to the northbound traffic lane, but not upon the plowed portion of Highway 89-287, between the south boundary of the Parkway and Flagg Ranch.

(2) Notwithstanding the definition of a vehicle as set forth in § 1.4 of this chapter, the provisions of § 2.19 apply to paragraph (a)(1)(iii) of this section.

(3) The maximum speed limit for snowmobiles will be the same as is posted for vehicles on the adjacent roadway, or as is posted for areas shared by vehicles and snowmobiles, or as is posted for wheeled vehicles during other seasons. Operating a snowmobile at a speed in excess of the posted speed limit is prohibited.

(4) On designated routes open to snowmobile use, snowmobiles shall travel on the right side of the route, except to overtake and pass. Failure to drive on the right side of the route is prohibited.

(5) The Superintendent shall determine the opening and closing hours and dates for use of designated snowmobile routes, taking into consideration the location of wintering wildlife, available snow cover, road and trail maintenance requirements, and other factors that may relate to public safety and resource protection.

(6) A valid State driver's license or learner's permit is required to operate a snowmobile within the John D. Rockefeller, Jr., Memorial Parkway. Operating a snowmobile without a valid State driver's license or learner's permit is prohibited.

(b) [Reserved].

Dated: September 19, 1995.

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

[FR Doc. 95-26454 Filed 10-24-95; 8:45 am]

BILLING CODE 4310-70-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 14-12-7054b; FRL-5286-7]

Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision, Monterey Bay Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revision to the California State Implementation Plan (SIP) which concerns the control of volatile organic compound (VOC) emissions from leather processing operations.

The intended effect of proposing approval of this rule is to regulate

emissions of VOCs in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In the Final Rules Section of this Federal Register, the EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for this approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing by November 24, 1995.

ADDRESSES: Written comments on this action should be addressed to: Daniel A. Meer, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Copies of the rule revisions and EPA's evaluation report of each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95814.
Monterey Bay Unified Air Pollution Control District, 24580 Silver Cloud Court, Monterey, CA 93940.

FOR FURTHER INFORMATION CONTACT: Daniel A. Meer, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105-3901, Telephone: (415) 744-1185.

SUPPLEMENTARY INFORMATION: This document concerns Monterey Bay Unified Air Pollution Control District's (MBUAPCD) Rule 430, Leather Processing Operations submitted to EPA on July 13, 1994 by the California Air Resources Board. For further information, please see the information provided in the Direct Final action which is located in the Rules Section of this Federal Register.

Authority: 42 U.S.C. 7401-7671q.