

submitted 2 or more substantially inaccurate delineations to the District, or 1 substantially inaccurate delineation to the District and 2 or more delineations to other Districts, and the Chief of the Regulatory office believes that these inaccuracies warrant revocation, than the Chief of the Regulatory office should prepare, with the advice of counsel, a report for the District Engineer substantiating these inaccuracies along with a recommendation to revoke the delineator's certification.

(2) *Notification.* If the District Engineer agrees that revocation may be warranted. The District Engineer shall send a letter to the delineator explaining:

(i) That the District Engineer is considering whether to revoke the delineator's certification.

(ii) That the delineator's certification is suspended pending the District Engineer's decision.

(iii) The causes for the potential revocation, including the substantial inaccuracies identified, and

(iv) That the delineator has 30 days from receipt of the District Engineer's letter to send a response letter providing mitigating or extenuating circumstances, or stating a defense against the causes for revocation.

(3) *Delineator response.* In the response letter, the delineator should include a complete explanation of any mitigating or extenuating circumstances demonstrating that revocation is unwarranted. The delineator should also provide any defenses to the stated causes for revocation, including any assertion that he or she may choose to make that no substantial inaccuracies occurred.

(4) *Review and decision.* The District Engineer must consider any certified wetland delineator response letter submitted. If a letter raises any genuine issues of fact, the District Engineer, exercising appropriate discretion, may decide to meet with the delineator to discuss these issues. After considering all information gathered by the District and submitted by the delineator, the District Engineer should make the decision, based on a preponderance of the evidence, as to whether or not to revoke the delineator's certification.

(5) *Notification of decision to delineator.* Absent extenuating circumstances, the District Engineer shall decide whether to revoke a certification within 30 days of receiving the delineator's response letter or any meeting with the delineator, whichever is later. A letter stating the District Engineer's decision shall be sent to the

delineator by certified mail, return receipt requested.

(6) *Notification to other corps districts.* If the District Engineer's decision is to revoke a certification, the District shall notify all other Corps Districts that the delineator is no longer certified, and the individual's name will be removed from the list of certified wetland delineators given to the public.

(c) *Revocation period.* Revocation periods are measured from the beginning of the suspension. The District Engineer should assign a revocation period commensurate with the seriousness of the causes for revocation, but no longer than 2 years. The District Engineer may reduce the length of the revocation period after it is assigned, if new information or other appropriate reasons develop. Delineators can apply for recertification only after the revocation period has ended.

(d) *Scope of revocation.* (1) A revocation only applies to the certification of the person who signed the delineations identified as inaccurate. Thus, a revocation cannot be imputed to other certified delineator in the same consulting firm as a decertified delineator.

(2) The revocation shall apply nationwide.

(e) *Appeal.* A revocation may be appealed in writing to the Division Engineer setting forth matters in extenuation, mitigation, or disagreement with the revocation. After reviewing both the appeal letter and the administrative record, the Division Engineer will reverse the District Engineer's decision to revoke the delineator's certification only if the determination is found to be arbitrary or capricious. The Division Engineer must notify both the delineator and the District Engineer of the decision. Only after the conclusion of this appeal process may a delineator seek redress in Federal court.

§ 333.8 Maintenance of lists.

The Corps will maintain two (2) lists for the WDCP. The first will be a list of individuals within a Division who have been certified by one of its Districts through the final WDCP. The second will be the list of training sources providing the prerequisite training. All training intended to meet the mandatory prerequisite will be conducted by a certified wetland delineator as an instructor. Both lists will be available to the public.

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DEPARTMENT OF INTERIOR

National Park Service

36 CFR Part 7

RIN 1024-AC26

Oregon Caves National Monument; Special Regulations

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: The National Park Service (NPS) proposes to revise the current regulation concerning admission to Oregon Caves National Monument found at 36 CFR 7.49 that prohibits access to children under the age of six years from entering Oregon Caves in Oregon Caves National Monument. This proposed revision to the existing regulation would allow children to enter the Caves, regardless of age. The existing age restriction is not necessary to provide safe and quality interpretive tours in the Caves. The effect of this proposed revision is to establish a more equitable criterion for allowing children access to the caves. If necessary, the park will manage access to the Caves through the Superintendent's Compendium.

DATES: Written comments will be accepted through May 15, 1995.

ADDRESSES: Comments should be addressed to: Superintendent, Oregon Caves National Monument, 19000 Caves Highway, Cave Junction, OR 97523.

FOR FURTHER INFORMATION CONTACT: Craig W. Ackerman, Superintendent, Oregon Caves National Monument, 19000 Caves Highway, Cave Junction, OR 97523.

SUPPLEMENTARY INFORMATION:

Background

This proposed revision addresses a specific management problem involving access to the only public tour route in Oregon Caves. The present restriction, 36 CFR 7.49, states that "Children under the age of 6 are not permitted to enter the caves." A search of historical records has failed to find any extensive discussion of or justification for this particular age limit. No other Park Service cave, open for public tours, has a similar regulatory limit for general tours.

Employees who give the cave tours or sell tickets for the tours generally make the determination as to whether a child wanting to enter the caves is under six years of age. Since most parents do not carry documentation of the age of a child, verification of age is usually not possible. Some parents become upset

when their children are denied access to the Caves. The age limit restriction has been the most common visitor complaint to both park and concession employees over the last few decades. Denying access to children who can safely travel through the Caves contradicts one of the management objectives of Oregon Caves National Monument's General Management Plan, which is to "provide quality interpretive service that increases the visitors' knowledge, appreciation and enjoyment of the resources at Oregon Caves."

There appears to be little justification for using six years of age in determining who enters the Caves. The width of tread, number and rise of steps, the length of the tour, and the height of railings better determine whether visitors can safely negotiate the cave tour. Renovation of the entire trail system, which is being designed with children in mind, is currently in the planning stage. This proposed revision would greatly reduce visitor conflicts by instituting safety restrictions that are fair and equitable. If necessary, the park will manage access to the Caves through the Superintendent's Compendium.

Options Considered

Other management options considered included leaving the current regulation as it is or instituting a fixed height and/or endurance limit that might soon be out of tune with continuing modification of the present trail system. The current proposed rule revision is in accordance with stated overall management objectives.

Effects of Revision

This rule revision increases the opportunity for visitors with young children to enter Oregon Caves. There will be fewer visitor complaints, fewer visitor/NPS confrontations, and fewer disrupted public tours.

Public Participation

The policy of the National Park Service is, 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.

Drafting Information

The primary authors of this revision are Craig W. Ackerman, Superintendent of Oregon Caves National Monument and Dennis Burnett, Washington Office of Ranger Activities, National Park Service.

Paperwork Reduction Act

This revision 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

The Department of Interior has determined that this document is not a major rule under Executive Order 12866 and certifies 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 National Park Service has determined that this proposed revision 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 upon this determination, this proposed revision 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 13

National Parks; Reporting and recordkeeping requirements.

In consideration of the foregoing, it is proposed to amend 36 CFR Chapter 1 as follows:

PART 7—SPECIAL REGULATING, 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 7.49 is revised to read as follows:

§ 7.49 Oregon Caves National Monument.

(a) *Admission to caves.* No person, or persons, shall be permitted to enter

Oregon Caves unless accompanied by an approved National Park Service or concessioner employee who has successfully completed the training prescribed by the National Park Service.

Dated: February 27, 1995.

Approved:

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

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 50 and 53

[AD-FRL-5172-4]

National Ambient Air Quality Standards for Sulfur Oxides (Sulfur Dioxide)—Reproposal

AGENCY: U.S. Environmental Protection Agency (U.S. EPA).

ACTION: Extension of public comment period.

SUMMARY: The EPA is announcing the extension of the public comment period on the proposed rule for the national ambient air quality standards (NAAQS) for sulfur oxides (sulfur dioxide) and associated changes to the requirements for Ambient Air Monitoring Reference and Equivalent Methods that were published on November 15, 1994 (59 FR 58958).

DATES: Written comments must be received on or before April 14, 1995.

ADDRESSES: Submit written comments on the proposed action on the NAAQS (40 CFR part 50) (duplicate copies preferred) to Air and Radiation Docket Information Center (6102), Room M-1500, U.S. Environmental Protection Agency, Attn: Docket No. A-84-25, 401 M Street, SW., Washington, DC 20460. Comments on the proposed revisions to the Ambient Air Monitoring Reference and Equivalent Methods (40 CFR part 53) should be separated from those pertaining to the standards and sent to the same address, Attn: Docket No. A-94-42. These dockets, containing supporting information used in developing the proposed rule, are located in the Air and Radiation Docket Information Center of the U.S. Environmental Protection Agency, South Conference Center, Room M-1500, 401 M Street, SW., Washington, DC 20460. The dockets may be inspected between 8:30 a.m. and 3:30 p.m. on weekdays, and a reasonable fee may be charged for copying.