

**§ 515.545 Transactions related to information and informational materials.**

(a) Except as provided in § 515.542(c), all financial and other transactions directly incident to the importation or exportation of information or informational materials are authorized.

\* \* \* \* \*

**§ 515.570 [Removed]**

6. Section 515.570 is removed.

Dated: July 14, 1995.

**R. Richard Newcomb,**

*Director, Office of Foreign Assets Control.*

Approved: July 18, 1995.

**John P. Simpson,**

*Deputy Assistant Secretary (Regulatory, Tariff & Trade Enforcement).*

[FR Doc. 95-18952 Filed 7-28-95; 12:34 pm]

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**DEPARTMENT OF THE INTERIOR****National Park Service****36 CFR Part 7**

RIN 1024-AC23

**Voyageurs National Park; Aircraft Operations—Designation of Areas**

**AGENCY:** National Park Service, Interior.

**ACTION:** Interim rule.

**SUMMARY:** The National Park Service (NPS) is adopting this interim rule for Voyageurs National Park to allow an activity that has been identified in the 1980 Master Plan and the 1992 Wilderness Plan. The interim rule will designate certain areas open to aircraft use within the park for a limited duration of time while the agency develops a special regulation to address the activity through public notice and comment rulemaking. This addition is necessary because NPS general regulations require special regulatory designations for areas in parks open to the operation or use by aircraft. The intended effects are to ensure safety, protect resources and provide appropriate enjoyment to park users.

**DATES:** This rule is effective on August 2, 1995 and will expire upon the publication of a final rule developed through the normal public notice and comment rulemaking process. Written comments will be accepted through October 2, 1995.

**ADDRESSES:** Comments should be addressed 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 states 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. The park has received several requests for permission to land float planes on park lakes this summer.

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 1% 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. Section 2.17 of 36 CFR prohibits the operation or use of aircraft on lands and waters within park areas except at locations designated through the special rulemaking process.

This interim rule will allow the park to grant appropriate requests for aircraft operation this summer. It will also increase public safety by identifying where and under what conditions aircraft are allowed to operate and improving 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 increased enjoyment among users by delineating areas appropriate to specialized uses. By identifying areas open to aircraft use, the park will be able to limit aircraft use to less sensitive areas and improve protection of resources. The park will also be able to improve information to pilots on 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 adopting this interim 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 in the park. Because of the time requirements associated with the normal rulemaking process, and the fact that the NPS has been unable to proceed in a timely manner with a proposed rule this summer, the agency has determined that an interim rule would allow for aircraft use in a more expeditious manner. The interim rule will allow aircraft use to occur while the agency proceeds with the required rulemaking to adopt a permanent special regulation for Voyageurs National Park.

The NPS is adopting this interim rule pursuant to the "good cause" exception of the Administrative Procedure Act (5 U.S.C. 553(b)(B)) from general notice and comment rulemaking. As discussed above, the NPS believes that this exception is warranted in order to authorize float plane use this summer, insofar as such use is identified in the park's enabling legislation, management plan, wilderness plan, environmental assessment and environmental impact statement. Moreover, the development of these documents solicited and provided ample opportunity for public comment, and the public comment revealed support for appropriate aircraft use.

Because public comment is a principal reason for the general regulation requirement of special regulations to allow the designation of locations for this activity, the NPS finds that notice and comment are unnecessary and contrary to the public interest for this interim rule. Furthermore, the NPS is developing and will be publishing soon in the **Federal Register** a proposed rule requesting public comment on a special regulation to allow the use of aircraft in Voyageurs National Park. This interim rule is

limited in duration and will terminate with the publication of a final rule in the **Federal Register**.

The NPS has also determined, in accordance with the Administrative Procedure Act (5 U.S.C. 553(d)(3)), that the publishing of this interim 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. Therefore, under the "good cause" exception of the Administrative Procedure Act (5 U.S.C. 553(d)(3)), it has been determined that this interim 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 authors of this interim rule are Bruce D. McKeeman, Chief Ranger, Voyageurs National Park and Dennis Burnett, Washington Office of Ranger Activities.

#### **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**

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. Section 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 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.

Based on this determination, and in accord 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.

#### **List of Subjects in 36 CFR Part 7**

National parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, 36 CFR Chap. I is amended 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 DC Code 40-721 (1981).

2. In § 7.33, a new paragraph (c) is added 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: July 21, 1995.

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

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#### **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Parts 52 and 81**

[NC-72-1-6953a; FRL-5258-4]

#### **Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of North Carolina**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** On August 9, 1991, the North Carolina Department of Environmental Management (NCDEM), submitted a maintenance plan and a request to redesignate the Charlotte area from nonattainment to attainment for carbon monoxide (CO). The Charlotte CO nonattainment area consists only of Mecklenburg County. Subsequently, NCDEM submitted supplemental material to the Charlotte submittal on October 7, 1994. Included with this package was a request to redesignate the Raleigh/Durham area from nonattainment to attainment for CO. The Raleigh/Durham CO nonattainment area consists of Durham and Wake Counties. Under the Clean Air Act as amended in 1990 (CAA), designations can be revised if sufficient data is available to warrant such revisions. In this action, EPA is approving the North Carolina request because it meets the maintenance plan and redesignation requirements set forth in the CAA. **DATES:** This action will be effective September 18, 1995, unless critical or adverse comments are received by September 1, 1995. If the effective date is delayed, timely notice will be published in the **Federal Register**. **ADDRESSES:** Written comments should be sent to Ben Franco, at the EPA Regional office listed below. Copies of the redesignation request and the State of North Carolina's submittal are available for public review during normal business hours at the addresses listed below.