

for youth ATVs—user acceptance and user abilities; Physical sizing of ATVs

2. Consumer Awareness

- Suggested topics: Point-of-purchase information; on-product warning labels and hang tags

ATV Innovations Topic Areas

1. State Legislation: Effecting Change

- Suggested topics: How to effect change; what works, what doesn't? Successes and failures with other outdoor products

2. ATV Training: Reaching the Next Generation

- Suggested topics: Increasing availability; using new technology; what works, what doesn't?

3. Public Awareness, Information, and Education: Speaking With One Voice

- Suggested topics: What works, what doesn't? Cultural and social media challenges to promoting safe riding

4. Vehicle Technology Innovations

- Suggested topics: Any new innovation—from the proof-of-concept stage or current in-use on ATVs—to advances in the area of lateral stability and rollover protection.

It is difficult to anticipate the number of panelists who will be available for each topic area. Therefore, we have not yet determined the order of the panel sessions. We may combine, expand, or eliminate panel sessions depending on the level of interest. The final schedule will be announced on our Web site by September 28, 2012.

IV. Details Regarding the Summit

A. When and where will the summit be held?

The Summit will be held from 9:00 a.m. to 4:00 p.m. on October 11–12, 2012, at the CPSC Headquarters building at 4330 East West Highway, 4th Floor Hearing Room, Bethesda, MD 20814.

B. How do you register for the summit?

If you would like to be a panelist for a specific session of the Summit, you should register by September 14, 2012. (See the **ADDRESSES** portion of this document for the Web site link and instructions on where to register.) We also ask that you submit a brief (less than 200 word) abstract of your topic, area of expertise, and desired breakout panel. In the event that more panelists request a particular session than time will allow, staff will select panelists based on considerations such as:

Whether the information to be presented has been received in previous open comment periods; what is the individual's familiarity or expertise with the topic to be discussed; is there practical utility in the information to be presented; what is the topic's relevance to the identified theme and topic area; what is the individual's viewpoint or ability to represent certain interests (e.g., such as large manufacturers, small manufacturers, academic researchers, consumer organizations). While an effort will be made to accommodate all persons who wish to be panelists, we expect to limit each panel session to no more than five panelists. Therefore, the final number of panelists may be limited. We recommend that individuals and organizations with common interests consolidate or coordinate their panel requests. To assist in making final panelist selections, staff may request potential panelists to submit planned presentations in addition to the initial abstract. We will notify selected panelists by September 21, 2012.

If you wish to attend and participate in the Summit, but you do not wish to be a panelist, you should also register by October 5, 2012, and identify your affiliation. Every effort will be made to accommodate each person's request; however, we may need to limit registration to meet the occupant capacity of our meeting rooms. If you are unable to attend the Summit, it will be available through a webcast, but you will not be able to interact with the panels and presenters, nor will every panel session be available. You do not need to register for the webcast. The panels that are not webcast will be taped and made available for viewing on the CPSC Web site.

If you wish to submit written comments for any reason, you may do so before or after the Summit by any of the methods stated in the **ADDRESSES** portion of this notice. These comments should be received by November 14, 2012. Comments should focus on new information that was not submitted previously that is related to the topic areas listed above.

C. What will be the format of the summit?

The Summit will open with a plenary session that includes a brief overview of the Commission's past activities on ATVs. Following that, there will be a series of panels covering the topics listed above. Each panel session will consist of stakeholders and members of the public and will be moderated by CPSC staff. We expect potential panelists to speak for approximately 10

minutes each about their topic area. At the conclusion of the panel's presentations, there will be a question, answer, and discussion session among the panelists and the audience, centering on the topics discussed by the panelists. Each panel session will be approximately 1 hour and 45 minutes.

For the topics not related to rulemaking activities, a CPSC moderator will work with the group to help identify common goals, possible solutions, and actions each stakeholder can take, independent of any action, effort, or funding from the CPSC. We are not soliciting or accepting any advice from the group as a whole; instead, we are seeking to encourage the stakeholders to find common ground to move forward.

For the topic areas related to our rulemaking effort, a CPSC staff member will moderate the panel session to focus the discussion on our open rulemaking topics. We are seeking new information that may be used to inform our rulemaking.

All attendees will be given the opportunity to ask questions and make comments during the panel session. At the close of the afternoon session, all groups will join for a plenary session, during which the groups will report on the results of their discussions.

D. What happens if few people register for the summit?

If fewer than 15 panelists or less than 30 participants register for the Summit, we may cancel the Summit. If we decide to cancel the Summit for this or any other reason, we will post a cancellation notice on the registration Web page for the Summit and send an email to all registered participants who provide their email address when they register.

Dated: August 22, 2012.

Todd A. Stevenson,
Secretary, Consumer Product Safety Commission.

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DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

[NPS-NERI-09778; 4785-LZY]

RIN 1024-AD95

Special Regulations; Areas of the National Park System, New River Gorge National River, Bicycle Routes

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: The National Park Service proposes to designate new and existing multi-use trails and administrative roads within the New River Gorge National River as bicycle routes. The rule is necessary because the National Park Service general regulation requires publication of a special regulation to designate routes for bicycle use when such use will be outside of developed areas and special use zones.

DATES: Comments must be received by October 26, 2012.

ADDRESSES: You may submit your comments, identified by Regulation Identifier Number (RIN) 1024-AD95, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail or hand deliver to:* Don Striker, Superintendent, Attn: Bicycle Regulation, New River Gorge National River, P.O. Box 246, Glen Jean, WV 25846-0246.

FOR FURTHER INFORMATION CONTACT: Jamie Fields, Outdoor Recreation Planner, New River Gorge National River, P.O. Box 246 (104 Main St), Glen Jean, WV 25846, (304) 465-6527, Jamie.Fields@nps.gov.

SUPPLEMENTARY INFORMATION:**Administrative Background**

The New River Gorge National River (NERI or park), a unit of the National Park System located in West Virginia, encompasses approximately 72,000 acres within a 53-mile corridor along the New River, extending from Hawks Nest State Park to Hinton. Congress directed the establishment of NERI as a unit of the National Park System, largely in response to a 20-year grassroots effort organized by local community leaders. In 1978, President Jimmy Carter signed legislation establishing the park, “for the purpose of conserving and interpreting outstanding natural, scenic, and historic values and objects in and around the New River Gorge and preserving as a free-flowing stream an important segment of the New River in West Virginia for the benefit and enjoyment of present and future generations.” Public Law 95-625, sec. 1101, 1978. Subsequent legislation concerning the park states in its findings that NERI “has provided the basis for increased recreation and tourism activities in southern West Virginia due to its nationally recognized status and has greatly contributed to the regional economy.” Public Law 100-534, sec. 2(a)(1)-(2), 1988.

The park’s 1982 General Management Plan (1982 GMP) anticipated accommodating an expanding array of recreational pursuits, including off-road bicycling. It states that “[l]evels of use of new or unusual forms of recreation (such as hang gliding, rock climbing, dirt bicycling) will be managed to avoid problems of visitor safety, conflicts between uses, or resource impacts.” Page 18.

The 1982 GMP also anticipated trail construction as funding became available. A subsequent park-wide Trail Development Plan (1993) recommended that the park develop a trail system emphasizing multiple uses, including hiking and bicycling. Both of these plans can be viewed by going to the NERI park planning Web site, <http://www.nps.gov/neri/parkmgmt/planning.htm>, then following this path: click the link for “Environmental Assessment: Design and Build Two Stacked Loop Hiking and Biking Trail Systems * * *,” click the link to the Document List on the left; click the link to either the “1982 NERI General Management Plan” or the “1993 NERI Trail Development Plan;” then download the documents on their respective pages.

The park began developing a new, updated general management plan in 2005 to respond to changes in park boundaries, land acquisitions, and park and public needs and priorities that had occurred since the 1982 GMP was approved. As a component of this process, and based upon an analysis of the park’s enabling legislation and subsequent amendments, administrative history, resources, values and opportunities, NERI staff developed a Foundation Plan that determined that a major purpose of the park is to “provide opportunities for public understanding, appreciation and enjoyment of the park’s natural, cultural, scenic and recreational resources and values.” Page 5. As stated in the Foundation Plan, two major reasons that NERI is significant enough to have been designated as a unit of the National Park System are its “diverse and extraordinary scenic resources and views accessible to visitors from the river, rocky overlooks, trails and rural roads throughout the park, and its exceptional opportunities for exploration, adventure, discovery, solitude and community.” Page 6. Other purpose and significance statements that highlight the park’s natural and cultural resources can be found in the Foundation Plan, which can be viewed by going to the NERI park planning Web site, <http://www.nps.gov/neri/parkmgmt/planning.htm>, then following this path: click the link for “General

Management Plan;” click the link to the Document List on the left; click the link to the “Draft General Management Plan and EIS/Draft Foundation Plan;” then download the document entitled “Draft Foundation Plan” at the bottom of the page (corrections to the Foundation Plan are located in the “Abbreviated Final General Management Plan * * *,” also in the Document List).

The park’s updated 2010/2011 GMP and Environmental Impact Statement (2010/2011 GMP/EIS) process revealed substantial and consistent public support for designating routes in the park as bicycle trails during public scoping (February 2004 through October 2007) and public comment (January 13, 2010 through April 16, 2010).

The 2010/2011 GMP/EIS proposed that, after promulgation of the required special regulations and proper compliance with the National Environmental Policy Act (NEPA), bicycle use would be an appropriate use on new and existing trails. This would include bicycle use in frontcountry zones, in backcountry zones on single track trails, and on a limited basis on a variety of trail types in historic resource, river corridor, and park development zones. The Record of Decision (ROD) for the 2010/2011 GMP/EIS was signed, and the Notice of Availability was published in the **Federal Register** (77 FR 12877, March 2, 2012). The 2010/2011 GMP/EIS can be viewed by going to the NERI park planning Web site, <http://www.nps.gov/neri/parkmgmt/planning.htm>, then following this path: click the link for “General Management Plan;” click the link to the Document List on the left; click the link to the “Draft General Management Plan and EIS/Draft Foundation Plan;” then download the documents at the bottom of the page (corrections to the 2010/2011 GMP/EIS are located in the “Abbreviated Final General Management Plan * * *,” also in the Document List).

As a result of the public support for bicycle use expressed early in the 2010/2011 GMP/EIS process, the park developed an Environmental Assessment (Trails EA) to evaluate the impact of the construction of new trails and designation of new and existing park trails as routes for bicycle use. Public scoping for the Trails EA, which occurred from November 10, 2009 until January 15, 2010 (with a public focus group on November 10, 2009 and a public open house on December 8, 2009), confirmed there was overwhelming support for bicycle use on trails. Only one of approximately 400 scoping comments from residents of 32

states was opposed to bicycle use at NERI.

Trail Terminology

The following trail terminology is used in the 2010/2011 GMP/EIS, the Trails EA, and the proposed rule:

- *Park administrative roads* generally have one-lane (two-track) dirt and gravel surfaces and are open only to National Park Service (NPS) authorized vehicle use. Public access is limited to hiking, in some cases bicycle use, and in a few cases equestrian use.

- *Frontcountry trails*, located in and near developed areas, have a maximum width of 30 to 36 inches and accommodate moderate use by a range of users (including hikers and bicyclists).

- *Backcountry trails* in remote areas do not exceed 18 to 24 inches in width and are designed for low use by experienced hikers and, in limited cases, bicyclists.

- *Stacked loop trail systems* are designed to have interconnected loops of trails, often having a variety of degrees of difficulty, that provide trail users options for varied distances, routes and destinations.

- *Connector trails* connect destinations or other trails to one another. Also, connector trails are segments of trails that could link together the 'Through the Park Trail,' as proposed in the 2010/2011 GMP/EIS. Currently, only some segments of the future 'Through the Park Trail' have been established.

- The term *branch* is synonymous with "creek." For example, Panther Branch is a creek that is a tributary of the New River.

- The difficulty of negotiating various trail sections in the two stacked loop trail systems is described in the Trails EA by designations of *Easiest*, *More Difficult*, and *Most Difficult*. The Trails EA anticipates that these descriptions will be applied to all other bike trails in the park.

- Represented by a green circle, the easiest trails may be identified as "Easy" on interpretive kiosks and other publicly available media and are appropriate for bicyclists of a novice skill level. Easiest trails have firm surfaces with few obstacles, average trail grades of five percent or less, maximum grades of ten percent or less and are generally about 30 to 36 inches wide at the active trail tread.

- Represented by a blue square, the more difficult trails may be designated as "Moderate" on interpretive kiosks and other publicly available media and are trails appropriate for bicyclists of an intermediate skill level. More difficult

trails may include obstacles such as steps, stairs, and steep, exposed sections. Average trail grades on more difficult trails are ten percent or less, maximum grades are 15 percent or less, and active tread width is about 20 to 24 inches.

- Represented by a black diamond, the most difficult trails may be designated as "Difficult" (or sometimes "Strenuous") on interpretive kiosks and other publicly available media and are appropriate for bicyclists of an expert skill level. Most difficult trails include obstacles such as steps, stairs, and significantly steep or exposed sections, have average grades of 15 percent or less, but can include maximum grades of 15 percent or more. Active tread width of most difficult trails is generally 12 to 18 inches.

Alternatives in Trails EA

The Trails EA presented three alternatives. Alternative A is the No Action Alternative and provided for the continuation of current management practices. Proposals common to both action alternatives (B and C) provided for the designation of some existing park trails and administrative roads as routes open to bicycle use, and for the construction and designation of three new trails for hiking and bicycle use by converting existing roads no longer used for vehicle access into the Mud Turn, Panther Branch Connector and Brooklyn Miner's Connector Trails.

Alternative B, the Preferred Alternative that became the NPS Selected Alternative, also provided for the development and construction of approximately 11 miles of new single track trail, called the Craig Branch Stacked Loop Trail System, and the development and construction of 33 miles of new single track trail, called the Garden Ground Stacked Loop Trail System for hiking and bicycle use.

Alternative C provided for the development and construction of 4.5 miles of single track trail on existing informal routes, such as old logging roads, called the Craig Branch Stacked Loop Trail System, and the development and construction of 45 miles of new single track trail, much of which would also be constructed on existing informal routes, called the Garden Ground Stacked Loop Trail System for bicycle use.

Of the 50 comments received on the Trails EA during the public comment period from January 26, 2011 through March 4, 2011, only two did not support the preferred alternative. One of these comments opposed the new trail development and did not mention bike use, and the other comment opposed

bike use in natural areas, but did not specifically address NERI. The other 48 comments, most of which came from the local community of regular park visitors, supported bicycle use in the park.

Following public comment, the NPS selected the preferred alternative B, including the proposals common to both action alternatives. The NPS Northeast Regional Director signed a Finding of No Significant Impact (FONSI) on April 1, 2011. The Trails EA and FONSI can be viewed by going to the NERI park planning Web site, <http://www.nps.gov/neri/parkmgmt/planning.htm>, then following this path: click the link for "Environmental Assessment: Design and Build Two Stacked Loop Hiking and Biking Trail Systems * * *;" click the link to the Document List on the left; click the link to either the "Environmental Assessment—Design and Build * * *" or the "Finding of No Significant Impact (FONSI);" then download the documents on their respective pages.

Renaming of Trails

Since the FONSI was signed, several trail names in the Nuttallburg area of the park have changed. The Nuttall Mine Trail (also an administrative road) was renamed the Headhouse Trail on public maps. The Nuttallburg Town Connector Trail was renamed the Nuttallburg Town Loop Connector Trail. The Nuttallburg Tipple Trail (also an administrative road) was broken up on public maps into the Tipple Trail and the Seldom Seen Trail. The actual trail/administrative road on the ground remains the same as the Nuttallburg Tipple Trail addressed in the EA and FONSI. The Keeneys Creek Trail has been renamed on some public maps and documents as the Keeneys Creek Rail Trail, but older materials still call it the Keeneys Creek Trail.

Since its construction in summer of 2011, the Craig Branch Stacked Loop Trail System has been renamed the Arrowhead Trail. The proposed rule and future park maps will reflect this change, while prior documents (primarily the Trails EA and FONSI) refer to the Craig Branch Stacked Loop Trail System. Additionally, the Trails EA and FONSI refer to the stacked loop trails in the Craig Branch (now Arrowhead) and Garden Ground areas as "trail systems." In the proposed rule, they are called the "Arrowhead Trail" and the "Garden Ground Stacked Loop Trail," and are each treated as individual trails with interconnected segments.

Proposed Rule

Following the Trails EA and FONSI, the proposed rule would authorize bicycle use on two new stacked loop trail systems (the Arrowhead Trail and the Garden Ground Stacked Loop Trail System), three new trails converted from existing roads that are no longer used for vehicle access (the Mud Turn, Panther Branch Connector and Brooklyn Miner's Connector Trails), and 19 existing trails and administrative roads throughout the park. All of the new trails are approved for construction through the FONSI, but only the Arrowhead Trail has been constructed.

Arrowhead and Garden Ground Stacked Loop Trails

The Arrowhead Trail includes 13 miles of easy and more difficult single track trail above the rim of the New River Gorge on rolling, forested terrain. The trail has been built according to the frontcountry trail standards outlined in the park's 2010/2011 GMP/EIS. The Garden Ground Stacked Loop Trail would include approximately 33 miles of more difficult and most difficult single track trail traversing the edge of the plateau and along the bottom of the gorge parallel to the New River, with several challenging rim-to-river connections on the steep, forested slopes. The Garden Ground Stacked Loop Trail segments will be built in accordance with the backcountry trail standards outlined in the park's 2010/2011 GMP/EIS. Both trail systems will

connect to other existing park trails and incorporate sustainable design and construction elements that take multi-use (hike and bike) social and physical issues into account while also mitigating the impacts of hiking and bicycle use. As new trails are constructed, old logging roads and recreational vehicle routes on adjacent lands will be rehabilitated and invasive plant species will be treated or removed.

Three New Trails Converted From Roads

The proposed rule would designate three new trails that would be constructed by converting existing, unused roads into single track, multi-use (hike and bike) trails. The Mud Turn Trail would be located on an abandoned road that connects the rim at Grandview to the river along Glade Creek Road by running along Mill Creek for approximately 2.75 miles. The Panther Branch Connector Trail, approximately three miles long between Glade Creek and Panther Branch, would be located on an abandoned state road and on a short section of old rail bed that was abandoned in the 1940s. The Brooklyn Miner's Connector Trail, less than one mile long, would be located on segments of an abandoned coal road connecting the lower tippie to the upper mine bench of the Brooklyn Mine area. These proposed road-to-trail conversions would be built to the backcountry trail standards proposed in the park's 2010/2011 GMP/EIS and incorporate the same sustainable design

and construction principles used in the Arrowhead Trail.

Designation of Existing Trails and Administrative Roads for Bicycle Use

The proposed rule would designate 19 existing park trails and administrative roads, approximately 52 miles in total, to allow bicycle use. These are predominantly remnants of roads and railroad beds existing before the park was established or before the park had acquired land within its boundaries. Created primarily for logging and mining, some tracks were later developed or used for recreational purposes by local people on foot, and by off-road vehicle, motorcycle or bicycle. Once the park was established and the NPS acquired the land, these routes were adaptively reused as trails and administrative roads. Additional trails have since been constructed by NPS, most notably the Fayetteville Trail complex, which includes the backcountry Fayetteville Trail, the Park Loop, and the Timber Ridge Trail.

Trails To Be Designated for Bicycle Use

The proposed rule would authorize bicycle use on the routes listed and described in the tables below. Trails are labeled as Frontcountry, Backcountry, or Administrative Road in accordance with the management zones listed in the 2010/2011 GMP/EIS and the terms defined in the Trails EA. Trails that are only partially located on administrative roads are noted where appropriate.

Trail name	Mi.	Existing or new	Trail standard
Proposed Routes for Bicycle Use—Stacked Loop Trails			
Arrowhead Trail	13.0	New, Constructed	Frontcountry.
Garden Ground Stacked Loop Trail	33.0	New, Constructed	Backcountry.
Proposed Routes for Bicycle Use—Trails Converted From Roads			
Mud Turn Trail	2.8	New	Backcountry.
Panther Branch Connector Trail	3.0	New	Backcountry.
Brooklyn Miner's Connector Trail	0.8	New	Backcountry.
Proposed Routes for Bicycle Use—Existing Trails and Administrative Roads			
Hawks Nest Connector Trail	3.5	Existing	Frontcountry.
Fayetteville Trail	4.0	Existing	Backcountry.
Park Loop Trail	1.1	Existing	Backcountry.
Timber Ridge Trail	1.0	Existing	Backcountry.
Kaymoor Trail	8.6	Existing	Part Frontcountry/Part Administrative Road.
Craig Branch Trail	2.4	Existing	Administrative Road.
Long Point Trail (except the last 0.2 mi closest to the Long Point vista)	1.4	Existing	Frontcountry.
Keeneys Creek Rail Trail	3.0	Existing	Administrative Road.
Headhouse Trail	0.5	Existing	Administrative Road.
Tippie Trail	0.5	Existing	Administrative Road.
Seldom Seen Trail	0.3	Existing	Administrative Road.
Nuttallburg Town Loop Connector Trail	0.3	Existing	Frontcountry.
Brooklyn Mine Trail	2.7	Existing	Administrative Road.
Southside Trail	7.0	Existing	Part Frontcountry/Part Administrative Road.
Rend Trail	3.4	Existing	Administrative Road.

Trail name	Mi.	Existing or new	Trail standard
Stone Cliff Trail	2.7	Existing	Administrative Road.
Terry Top Trail	1.7	Existing	Administrative Road.
Little Laurel Trail	2.6	Existing	Administrative Road.
Glade Creek Trail	5.6	Existing	Part Frontcountry/Part Administrative Road.

Maps of these designated routes are available in the office of the Superintendent and may also be viewed in the Trails EA, which can be found by going to the NERI park planning Web site, <http://www.nps.gov/neri/parkmgmt/planning.htm>, then following this path: click the link for “Environmental Assessment: Design and Build Two Stacked Loop Hiking and Biking Trail Systems * * *,” click the link to the Document List on the left; click the link to the “Environmental Assessment—Design and Build * * *,” then download the document at the bottom of the page. A park map showing existing trails and administrative roads can also be found by downloading the NERI Trails Guide from the following Web site: <http://www.nps.gov/neri/planyourvisit/trails-guide.htm>.

Compliance With Other Laws, Executive Orders, and Department Policy Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs will review all significant rules. The Office of Information and Regulatory Affairs has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation’s regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act (RFA)

This rule will not have a significant economic effect on a substantial number of small entities under the RFA (5 U.S.C. 601 *et seq.*). This conclusion is based on the results of a cost/benefit

and regulatory flexibility threshold analysis available for review on the NERI park planning Web site, <http://www.nps.gov/neri/parkmgmt/planning.htm>. The rule would not regulate small business. The rule would likely increase visitation at the park, which could generate benefits for small businesses in the local community through increased spending for goods and services.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), the SBREFA. This rule:

(a) Does not have an annual effect on the economy of \$100 million or more. The July 2011 NPS economic analysis estimated that the addition of more than 100 miles of new trails will significantly improve NERI’s attractiveness to bicyclists and thus drive additional economic activity.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. The rule will not impose restrictions on local businesses in the form of fees, training, recordkeeping, or other measures that would increase costs.

(c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act (UMRA)

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than \$100 million per year. The rule does not have a significant or unique effect on State, local or tribal governments or the private sector. The rule addresses public use of national park lands, and imposes no requirements on other agencies or governments. A statement containing the information required by the UMRA (2 U.S.C. 1531 *et seq.*) is not required.

Takings (Executive Order 12630)

Under the criteria in section 2 of Executive Order 12630, this rule does not have significant takings implications. This rule only designates bicycle routes and manages bicycle use

on those routes within the boundaries of the New River National River. A takings implication assessment is not required.

Federalism (Executive Order 13132)

Under the criteria in section 1 of Executive Order 13132, this rule does not have sufficient federalism implications to warrant the preparation of a Federalism summary impact statement. This rule only effects use of NPS administered lands. A Federalism summary impact statement is not required.

Civil Justice Reform (Executive Order 12988)

This rule complies with the requirements of Executive Order 12988. Specifically, this rule:

(a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

Consultation With Indian tribes (Executive Order 13175 and Department Policy)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian tribes through a commitment to consultation with Indian tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this rule under the Department’s consultation policy and under the criteria in Executive Order 13175 and have determined that it has no substantial direct effects on federally recognized Indian tribes and that consultation under the Department’s tribal consultation policy is not required.

Throughout numerous past and current park planning processes, no expression of affiliation has been asserted with NERI by any tribal governments or organizations. Tribes that could potentially be affiliated were contacted individually during the development of the 2010/2011 GMP/EIS and no response was received. Copies of the Trails EA were sent to 14 Native American tribes who were identified as possibly having some interest in the

park. The Chief of the Remnant Yuchi Nation was the only tribal representative to respond; he indicated that he was grateful to be acknowledged, that the NPS should continue the excellent work, and that he had no formal questions at this time.

Paperwork Reduction Act (PRA)

This rule does not contain information collection requirements, and a submission under the PRA is not required.

National Environmental Policy Act (NEPA)

We have prepared environmental assessments to determine whether this rule would have a significant impact on the quality of the human environment under the NEPA. This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the NEPA is not required because the NPS reached a FONSI for the Selected Alternative. The Trails EA, the FONSI and other relevant documents and records of the public process may be viewed by going to the NERI park planning Web site, <http://www.nps.gov/neri/parkmgmt/planning.htm>.

Effects on the Energy Supply (Executive Order 13211)

This rule is not a significant energy action under the definition in Executive Order 13211. A statement of Energy Effects is not required.

Clarity of This Regulation

We are required by Executive Orders 12866 (section 1 (b)(12)), 12988 (section 3(b)(1)(B)), and 13563 (section 1(a)), and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

- (a) Be logically organized;
- (b) Use the active voice to address readers directly;
- (c) Use common, everyday words and clear language rather than jargon;
- (d) Be divided into short sections and sentences; and
- (e) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in the **ADDRESSES** section. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that you find unclear, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Drafting Information

The primary authors of this proposed rule were Jamie Fields, New River Gorge National River; Joshua Nadas, NPS Conservation and Outdoor Recreation Programs; and Justin Hollimon, Regulations and Special Park Uses, National Park Service, Washington, DC.

List of Subjects in 36 CFR Part 7

National parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, the NPS proposes to amend 36 CFR part 7 as follows:

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

1. The authority for part 7 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 462(k); Sec. 7.96 also issued under DC Code 10–137 (2001) and DC Code 50–2201 (2001).

2. In § 7.89 revise paragraph (b) to read as follows:

§ 7.89 New River Gorge National River.

* * * * *

(b) *Bicycling* (1) *Where may I ride a bicycle within New River Gorge National River?* Bicycle use is permitted on park roads, in parking areas, and on routes designated within the park in accordance with § 4.30 of this chapter. The following table lists administrative roads and trails designated for bicycle use:

ADMINISTRATIVE ROADS AND TRAILS DESIGNATED FOR BICYCLE USE—NORTH TO SOUTH

Hawks Nest Connector Trail	Keeneys Creek Rail Trail	Rend Trail.
Fayetteville Trail	Headhouse Trail	Stone Cliff Trail.
Park Loop Trail	Tipple Trail	Terry Top Trail.
Timber Ridge Trail	Seldom Seen Trail	Garden Ground Stacked Loop Trail.
Kaymoor Trail	Nuttallburg Town Loop Connector Trail	Little Laurel Trail.
Craig Branch Trail	Brooklyn Mine Trail	Mud Turn Trail.
Arrowhead Trail	Brooklyn Miner's Connector Trail	Glade Creek Trail.
Long Point Trail (except 0.2 miles closest to Long Point Vista).	Southside Trail	Panther Branch Connector Trail.

(2) *How will I know where the trails designated for bicycle use are located in the park?* Designated trails are identified on maps located in the Superintendent's office, at interpretive kiosks, and on the park's Web site. Trails will also be posted at trailheads and other appropriate locations.

(3) *What requirements must I meet to ride a bicycle within New River Gorge National River?* (i) In addition to the applicable provisions in 36 CFR part 4,

all bicyclists must yield to other trail users in the following manner:

- (A) A bicyclist must yield to an equestrian;
 - (B) A bicyclist must yield to a pedestrian; and
 - (C) A bicyclist travelling downhill must yield to a bicyclist travelling uphill.
- (ii) Yielding the right of way requires slowing down to a safe speed, being prepared to stop, establishing communication, and passing safely.
- (iii) Failure to yield is prohibited.

(4) *How will the Superintendent manage the designated bicycle routes?* The Superintendent may open or close designated bicycle routes, or portions thereof, or impose conditions or restrictions for bicycle use after taking into consideration public health and safety, natural and cultural resource protection, and other management activities and objectives.

(i) The Superintendent will provide public notice of all such actions through

one or more of the methods listed in § 1.7 of this chapter.

(ii) Violating a closure, condition, or restriction is prohibited.

Dated: August 17, 2012.

Rachel Jacobson,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2012-20898 Filed 8-24-12; 8:45 am]

BILLING CODE 4310-YP-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R04-OAR-2009-0786; FRL-9719-6]

Approval and Promulgation of Implementation Plans; Tennessee; Regional Haze State Implementation Plan; Best Available Retrofit Technology for Eastman Chemical Company

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a revision to the State Implementation Plan (SIP) submitted by the State of Tennessee, through the Tennessee Department Environment and Conservation (TDEC), on May 14, 2012, related to the Best Available Retrofit Technology (BART) requirements for the Eastman Chemical Company (Eastman). Specifically, the May 14, 2012, SIP revision modifies the compliance date for the Eastman BART determination included in Tennessee's April 4, 2008, SIP revision and provides a BART alternative determination option for Eastman. Together, Tennessee's April 4, 2008, and May 14, 2012, SIP revisions address the requirements of the Clean Air Act (CAA or Act) and EPA's rules that require states to prevent any future and remedy any existing anthropogenic impairment of visibility in mandatory Class I areas (national parks and wilderness areas) caused by emissions of air pollutants from numerous sources located over a wide geographic area (also referred to as the "regional haze program"). EPA is proposing to approve Tennessee's May 14, 2012, SIP revision because it is consistent with the CAA and EPA's regulations on regional haze BART determinations and BART alternative determinations.

DATES: Comments must be received on or before September 26, 2012.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R04-

OAR-2009-0786, by one of the following methods:

1. *www.regulations.gov*: Follow the on-line instructions for submitting comments.

2. *Email*: R4-RDS@epa.gov.

3. *Fax*: 404-562-9019.

4. *Mail*: EPA-R04-OAR-2009-0786, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960.

5. *Hand Delivery or Courier*: Lynora Benjamin, Chief, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding federal holidays.

Instructions: Direct your comments to Docket ID No. "EPA-R04-OAR-2009-0786." EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *www.regulations.gov* or email, information that you consider to be CBI or otherwise protected. The *www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov*, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA

Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Michele Notarianni, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. Michele Notarianni can be reached at telephone number (404) 562-9031 and by electronic mail at notarianni.michele@epa.gov.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. What is the background for this proposed action?
- II. What are the requirements for a BART alternative determination?
- III. What is EPA's analysis of Tennessee's May 14, 2012, SIP revision?
- IV. Proposed Action
- V. Statutory and Executive Order Reviews

I. What is the background for this proposed action?

On April 4, 2008, TDEC submitted a revision to Tennessee's SIP to address regional haze in mandatory federal Class I areas within the State and in mandatory federal Class I areas outside the State which may be affected by emissions from within the State. On June 9, 2011,¹ EPA published an action proposing a limited approval and a limited disapproval of Tennessee's

¹ On July 26, 2011, EPA reopened the comment period for EPA's proposed action related to Tennessee's April 4, 2008, SIP revision. See 76 FR 44534.