

later than September 30, 1997. This rule also makes a minor technical change to the 8 CFR reference.

Final Rule

This rule is not expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This rule imposes no reporting or recordkeeping action from the public requiring the approval of the Office of Management and Budget under the Paperwork Reduction Act requirements. This rule has been reviewed as required by E.O. 12778 and certified to be in compliance therewith. This rule is exempted from E.O. 12866 but has been coordinated with INS and reviewed to ensure consistency therewith. The corresponding INS regulation was published in the **Federal Register** on June 6, 1995 [60 FR 29751].

List of Subjects in 22 CFR Part 42

Aliens, Immigration, Passports and visas.

In view of the foregoing 22 CFR Chapter I is amended as follows:

PART 42—[AMENDED]

1. The authority citation for Part 42 is revised to read:

Authority: 8 U.S.C. 1104.

2. Section 42.32(d)(1) is amended by revising paragraph (d)(1)(ii) to read as follows:

§ 42.32 Employment based preference immigrants.

* * * * *

(d) *Fourth preference—Special immigrants—(1) Religious workers.*

* * *

(ii) *Timeliness of application.* An immigrant visa issued under INA 203(b)(4) to an alien described in INA 101(a)(27)(C), other than a minister of religion, who qualifies as a “religious worker” as defined in 8 CFR 204.5, shall bear the usual validity except that in no case shall it be valid later than September 30, 1997.

Dated: July 5, 1995.

Mary A. Ryan,

Assistant Secretary for Consular Affairs.

[FR Doc. 95-16934 Filed 7-11-95; 8:45 am]

BILLING CODE 4710-06-U-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 341

[DoD Directive 5105.2]

Delegation of Authority to the Deputy Secretary of Defense

AGENCY: Department of Defense.

ACTION: Final rule.

SUMMARY: This document is published to remove obsolete information concerning delegation of authority (32 CFR part 341) from the Code of Federal Regulations. The part has served the purpose for which it was intended and is no longer required.

EFFECTIVE DATE: June 22, 1995.

FOR FURTHER INFORMATION CONTACT: L.M. Bynum, 1155 Defense Pentagon, Washington, DC 20301-1155.

SUPPLEMENTARY INFORMATION: The most current version of DoD Directive 5105.2, June 22, 1995, will be available, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

List of Subjects in 32 CFR Part 341

Organization and function.

Accordingly, by the authority of 10 U.S.C. 113, the Department of Defense hereby removes 32 CFR part 341.

Dated: July 6, 1995.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95-16966 Filed 7-11-95; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Parts 5 and 7

RIN 1024-AC15

Glacier National Park; Fishing Regulations, Motorboat Regulations and Commercial Passenger-Carrying Motor Vehicle Regulations

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: The National Park Service is publishing final rules for Glacier National Park revising its current regulations regarding sport fishing, motorboats and commercial passenger-carrying motor vehicles.

The National Park Service (NPS) is replacing the current Glacier National Park fishing regulations with a

regulation that gives the Park Superintendent more discretion in managing the Park’s fisheries. This final rule will continue to allow fishing in most streams, rivers and lakes in Glacier National Park. The Superintendent, however, will have the authority to close areas to fishing or establish conditions for fishing consistent with the park’s fisheries program objectives, without going through the formal rulemaking process. As a consequence, the park will be more responsive to the changing needs of its fisheries program.

Effects of this rule are expected to be minimal and should not alter, to any degree, the number of angler days presently occurring.

The NPS is modifying the motorboat regulations in Glacier National Park. This final rule change will prohibit motorboat use on Kintla Lake, located within the North Fork area of the park. The 1974 Glacier Environmental Statement/Wilderness Recommendation included Kintla Lake as recommended wilderness and indicated that if Congress designated this area as wilderness, motorboating—a traditional activity on Kintla Lake—would be eliminated. Glacier’s 1992 North Fork Management Plan’s preferred alternative includes the prohibition of motorboats on Kintla Lake. With this change in place, the park staff will be able to more effectively protect wilderness values and accomplish the management goals and objectives outlined in the North Fork Management Plan. Effects of this rule are expected to be minimal in terms of the number of park visitors affected. A small group of motorboat users will be displaced from Kintla Lake. However, a more desirable wilderness experience will be provided for users of non-motorized craft to enjoy solitude and quiet without the disruption of motor noise.

The NPS is modifying the commercial passenger-carrying motor vehicle regulations for Glacier National Park. This final rule change will clarify the exceptions to the prohibition within Glacier National Park and will expand the areas of the park where non-permitted commercial passenger-carrying motor vehicles are allowed. The effects of this rule on tour operators will be to clarify and add consistency to current restrictions. The modification of the existing regulation will recognize and conform the regulations to the current practices of the Park. Effects of this rule on the visitor are expected to be minimal.

EFFECTIVE DATE: August 11, 1995.

FOR FURTHER INFORMATION CONTACT: Fred Vanhorn, (406) 888-5441.

SUPPLEMENTARY INFORMATION:

The proposed rule for these regulations was published in the **Federal Register** on Mar. 31, 1994, at 59 FR 15142.

*Background***Fishing Regulations**

The present Glacier National Park fishing regulations are codified in 36 CFR 7.3 (a), (b) and (c). They permit fishing in selected waters of the park with a variety of regulations covering specific lakes and streams.

Technical fishery assistance has been provided to Glacier National Park by the U.S. Fish and Wildlife Service and its predecessors for 45 years. The present objectives have evolved since 1976 and are consistent with the park's primary purpose, which is to "preserve natural environments and native plant and animal life, and to provide for the enjoyment of the same in ways that maintain natural conditions". Thus, the specific objectives of the park's fishery program are:

1. To manage the fishery as an integral part of the park's ecosystem.
2. To restore and preserve native species and aquatic habitats.
3. To provide recreational fishing for the enjoyment of the park visitors when consistent with the two previous objectives.

Attainment of these objectives requires that angler harvests not alter native species natural replenishment rates or age structure, or significantly reduce numbers, biomass, or sizes from those occurring in un-fished populations. This management objective necessitates both a philosophical and literal distinction between recreational angling and removing fish for consumption. Protective policies of the NPS that have prevented significant degradation of that aquatic habitat have also restricted the use of maintenance stocking in park waters. Given these constraints, special angling regulations have become the primary means to accomplish park fishery objectives.

Regulations used to protect fish and maintain angling quality have included manipulating season dates, bait and terminal gear restrictions and the use of creel limits, including catch and release. Additionally, various waters have been closed to anglers in order to protect threatened and endangered species, nesting birds and for visitor protection.

Because of the introduction of non-native fish in the past, the invasion of non-native fish from outside the park at present, the recognition of the westslope cutthroat and bull trout as species of special concern by the State of Montana,

and fishing pressure in selected waters within the park, park management must be able to respond rapidly to changes that occur in a dynamic ecosystem resulting from human and natural conditions.

The new park fishing regulations will allow the Superintendent the ability to make routine changes in the regulations locally and in a timely manner, using discretionary authority provided by NPS general regulations found at 36 CFR 1.5. This procedure will afford greater protection to the park's aquatic resources, be more responsive to public needs and allow the park managers greater flexibility in responding to specific situations.

Public notice of restrictions established by the Superintendent will be provided through signs, maps, brochures, newspaper notices and other appropriate methods as required by 36 CFR 1.7. Detailed information pertaining to the nature and extent of fishing restrictions will be readily available to anglers in the park.

The park's fishing regulations will be reviewed annually and made a part of the Superintendent's compendium.

Motorboat Regulations

The present Glacier National Park motorboat regulations are codified in 36 CFR 7.3(f). They limit motorboats and motor vessels to ten (10) horsepower or less on Kintla, Bowman and Two Medicine Lakes. This restriction does not apply to sightseeing vessels operated by an authorized concessioner on Two Medicine Lake. They also prohibit all motorboats and motor vessels on Swiftcurrent Lake, except for authorized concessioner sightseeing vessels.

The issue of motorboat use in wilderness is addressed in chapter 6:8 of the NPS Management Policies. It is stated that "the Wilderness Act authorized continuation of motorboat and aircraft use under certain circumstances where those activities were established prior to wilderness designation. The National Park Service will limit authorization for the continued use of any motorized equipment in wilderness to situations where such use has been specifically authorized by Congress and determined by Congress or the Park Service to be compatible with the purpose, character, and resource values of the particular wilderness area involved".

The 1974 Glacier Environmental Statement/Wilderness Recommendation included Kintla and Bowman Lakes in recommended wilderness and indicated that if Congress designated these areas as wilderness, motorboating—a

traditional activity on Kintla Lake—would be eliminated. The original recommendation was modified in 1984 to permit motorboats of up to ten (10) horsepower on both lakes. Congress has not yet acted on the NPS wilderness recommendation and boats with motors up to 10 horsepower have continued to be allowed on Kintla Lake over the past 15 years. The need for motorboating on Kintla Lake and the potential impacts of continuing or prohibiting this use was assessed in the 1992 North Fork Management Plan.

The 1992 Plan calls for the elimination of motorboats on Kintla Lake. Kintla Lake would thus become the only road-accessible lake in the park where motorized watercraft are not permitted, and it would provide opportunities for users of non-motorized watercraft to enjoy solitude and quiet without the disruption of motor noise.

An NPS patrol boat would be kept in the Kintla Lake boathouse for emergency use only. Routine patrols would be made by non-motorized watercraft.

The following goals and objectives, developed by the NPS to guide use and management of the North Fork, relate directly to this rule change. They are based on public use surveys and general perceptions of the area and are included in the North Fork Management Plan:

- Goal:
- * "To maintain the dynamic natural ecosystem."
- Objectives:
- * "To continue to manage the portion of the North Fork area that has been recommended for wilderness according to NPS wilderness management policies."
 - * "To maintain the quality and natural flow of park waters."
 - * "To minimize man-made noise."
- Goal:
- * "To maintain the area's value as a wilderness threshold."
- Objectives:
- * "To maintain a primitive atmosphere associated with an earlier point in time and to provide facilities, services, and programs in keeping with that atmosphere."
 - * "To retain a sense of solitude, require a high degree of visitor self-reliance and ensure freedom from constraint."
- Goal:
- * "To provide quality, diversity, and safety in the visitor experience."
- Objectives:
- * "To provide a visitor experience that is different from those in more developed and accessible parts of the park."

The new motorboat regulations will allow the Superintendent to manage the

Kintla Lake area in accordance with the 1992 North Fork Management Plan (approved May 20, 1992). Public notice of the motorboat prohibition on Kintla Lake will be provided through signs, maps, brochures, and media news releases.

Commercial Passenger-Carrying Motor Vehicle Regulations

The present Glacier National Park commercial passenger-carrying motor vehicle regulations are codified in 36 CFR 5.4(a) (Commercial passenger-carrying motor vehicles). It prohibits commercial transportation of passengers by motor vehicles except as authorized under a contract or permit from the Secretary or his authorized representative in Glacier National Park, except that portion of the park road from the Sherburne entrance to the Many Glacier area. Commercial passenger-carrying motor vehicles are not currently addressed in 36 CFR 7.3 (Special Regulations, Glacier National Park).

Under the existing Concessions Contract (CC1430-1-0002) with Glacier Park, Inc. (GPI), GPI had the preferential right, until December 31, 1985, to provide all transportation service in Glacier, with the exception of transportation on the road between Sherburne entrance and the Many Glacier area. No other commercial transportation services were allowed into the park without first entering into a trip lease agreement with GPI, thereby reimbursing GPI for the right to enter the park under the auspices of GPI's Concessions Contract. As of January 1, 1986, this preferential right was modified to reflect only a right of first refusal to provide transportation services for prearranged tour groups, unscheduled scenic tours over that portion of the Going-to-the-Sun Road between Lake McDonald Lodge and Rising Sun, and for daily scheduled public transportation service within Glacier National Park. This, in effect, allowed unscheduled scenic tours from outside the park to enter the park from the west as far as Lake McDonald Lodge, from the east as far as Rising Sun and to the Two Medicine area, as well as to the Many Glacier area.

Current CFR language requires a separate contract or permit for each tour company entering Glacier National Park. Several hundred of these tours travel to Glacier each season. These tours are unscheduled, sporadic transportation services that, in most cases, only involve transportation to and from a park facility. Requiring separate concessions contracts or permits would

place an unnecessary burden on the NPS as well as the tour operators.

The NPS has amended Section 5.4(a) to allow the exceptions as listed in Section 7.3(f) (revised) to show when and where these restrictions do not apply.

The final regulations clarify the areas where commercial passenger-carrying motor vehicle operations are allowed and assist the Superintendent in equitably and effectively managing the permitting process.

Public notice of the commercial passenger-carrying motor vehicle regulations will be provided through public notices and media news releases.

Comments Received

The public had extensive opportunity to comment on this rule during the proposed rulemaking process and during the development of the Management Plan Environmental Assessment for the North Fork Study Area. Comments received were taken into consideration in the formulation of this final rule. During the public comment period of the proposed rule, only one letter was received from the public requesting additional information, which the park provided.

Drafting Information

The primary authors of the final fishing regulation are Dr. Leo Marnell, Aquatic Biologist, and William Michels, Natural Resource Specialist, Glacier National Park.

The primary author of the final commercial vehicle regulation is Fred Vanhorn, Protection Specialist, Glacier National Park.

The primary author of the final motorboat regulation is Roger L. Semler, Wilderness Manager, Glacier National Park.

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under 44 USC 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 USC 601 *et seq.*). The economic effects of this rulemaking are local in nature and negligible in scope.

The NPS has determined that this final rulemaking will not have a significant effect on the quality of the human environment, health and safety because it is not expected to:

(a) Increase public use to the extent of compromising the nature and character

of the area or causing physical damage to it;

(b) Introduce incompatible uses which compromise the nature and character of the area or causing physical damage to it;

(c) Conflict with adjacent ownerships or land uses; or

(d) Cause a nuisance to adjacent owners or occupants.

Based on this determination, the regulation is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA; 42 USC 4321, *et seq.*), and by Departmental guidelines in 516 DM 6 (49 FR 21438). As such, neither an Environmental Assessment (EA) nor an Environmental Impact Statement (EIS) has not been prepared.

List of Subjects in 36 CFR Parts 5 and 7

National parks; Reporting and recordkeeping requirements.

In consideration of the foregoing, 36 CFR chapter I, parts 5 and 7 are amended as follows:

PART 5—COMMERCIAL AND PRIVATE OPERATIONS

1. The authority citation for part 5 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 17j-2, 462.

2. Section 5.4(a) is amended by revising in the first sentence the parenthetical phrase "(prohibition does not apply to that portion of the park road from the Sherburne entrance to the Many Glacier area)" to read as follows:

§ 5.4 Commercial passenger-carrying motor vehicles.

(a) * * * (prohibition does not apply to nonscheduled tours on portions of the park road as defined in § 7.3 of this chapter) * * *

* * * * *

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

3. 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 80-137 (1981) and D.C. Code 40-721 (1981).

4. Section 7.3 is amended by revising paragraphs (a), removing paragraphs (b) and (c), redesignating paragraph (d) as new paragraph (b), redesignating paragraph (e) as new paragraph (c), redesignating paragraph (f) as new paragraph (d) and revising it, redesignating paragraph (g) as new

paragraph (e) and adding the heading "Canadian dollars", and adding new paragraph (f) to read as follows:

§ 7.3 Glacier National Park.

(a) *Fishing.* (1) Fishing regulations, based on management objectives described in the park's Resource Management Plan, are established annually by the Superintendent.

(2) The Superintendent may impose closures and establish conditions or restrictions, in accordance with the criteria and procedures of §§ 1.5 and 1.7 of this chapter, or any activity pertaining to fishing, including but not limited to, species of fish that may be taken, seasons and hours during which fishing may take place, methods of taking, size, location, and possession limits.

(3) Fishing in violation of a condition or restriction established by the Superintendent is prohibited.

* * * * *

(d) *Motorboats.* (1) Motorboats and motor vessels are limited to ten (10) horsepower or less on Bowman and Two Medicine Lakes. This restriction does not apply to sightseeing vessels operated by an authorized concessioner on Two Medicine Lake.

(2) All motorboats and motor vessels except the authorized, concessioner-operated, sightseeing vessels are prohibited on Swiftcurrent Lake.

(3) The operation of all motorboats and motor vessels are prohibited on Kintla Lake.

* * * * *

(f) *Commercial passenger-carrying motor vehicles.* The prohibition against the commercial transportation of passengers by motor vehicles to Glacier National Park, contained in § 5.4 of this chapter, shall be subject to the following exceptions:

(1) Commercial transport of passengers by motor vehicles on those portions of the park roads from Sherburne entrance to the Many Glacier area; from Two Medicine entrance to Two Medicine Lake; from West Glacier entrance to the Camas Entrance; U.S. Highway 2 from Walton to Java; and the Going-to-the-Sun Road from West Glacier entrance to Lake McDonald Lodge and from St. Mary entrance to Rising Sun will be permitted.

(2) Commercial passenger-carrying motor vehicles operated in the above areas, on a general, infrequent, and nonscheduled tour in which the visit to the park is incidental to such tour, and carrying only round-trip passengers traveling from the point of origin of the tour, will be accorded admission to the park. Such tours shall not provide, in

effect, a regular and duplicating service conflicting with, or in competition with, the tours provided for the public pursuant to contract authorization from the Secretary as determined by the Superintendent.

Dated: June 16, 1995.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 95-16965 Filed 7-11-95; 8:45 am]

BILLING CODE 4310-70-P

36 CFR Part 68

RIN 1024-AC24

The Secretary of the Interior's Standards for the Treatment of Historic Properties

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: The National Park Service (NPS) published proposed revisions to 36 CFR part 68, The Secretary of the Interior's Standards for Historic Preservation Projects, on January 18, 1995 (60 FR 3599). The standards apply to all proposed grant-in-aid projects assisted through the National Historic Preservation Fund, focusing primarily on development projects involving buildings. The public was invited to comment for 60 days, with a closing date of March 20, 1995. *No comments were received.* A more thorough discussion of the revisions can be found in the proposed rule (60 FR 3599).

EFFECTIVE DATE: August 11, 1995.

FOR FURTHER INFORMATION CONTACT: Kay Weeks, 202-343-9593.

SUPPLEMENTARY INFORMATION:

Background

The Secretary of the Interior's Standards for Historic Preservation Projects were codified December 7, 1978, at 36 CFR part 1207 (43 FR 57250), and redesignated at 36 CFR part 68 on July 1, 1981 (46 FR 34329). These Standards are applied to all proposed grant-in-aid projects assisted through the National Historic Preservation Fund (HPF). They focus primarily on acquisition and development projects for buildings listed in the National Register of Historic Places.

The NPS is revising 36 CFR part 68, The Secretary of the Interior's Standards for Historic Preservation Projects, and replacing it with a broader set of standards to include all cultural property types. The revisions will change the title of 36 CFR part 68 to "The Secretary of the Interior's Standards for the Treatment of Historic

Properties". Revisions to the existing Standards began in 1990 in conjunction with the National Conference of State Historic Preservation Officers and meetings with the National Trust for Historic Preservation and a number of other outside organizations. Standards have been evolving over time, with the majority of the concepts proposed here having been practiced successfully in field application. These practices are now being proposed as revisions to codified standards and are, in several ways, broader in approach and, most important, easier to use.

First, the revised standards may be applied to all historic resource types, including buildings, sites, landscapes, structures, objects and districts.

Second, they will eliminate the general and specific standards format, which tended to create a lengthy rule that was also confusing. In the existing rule, eight general standards apply to every project, even though the goals of work differ dramatically. In addition, specific standards apply to specific types of projects, thus acknowledging the differences in work approaches, but resulting in a total of 77 standards. The revised standards remedy organizational problems that had existed in the earlier standards and create a clearer document for the user. For example, the definitions of the different treatments are expanded to assist selection of the most appropriate one; § 68.4(a), relating to acquisition, has been deleted because it is not a treatment; and protection and stabilization are consolidated under a single preservation treatment rather than being cited separately. As a result, the total number of treatments will be reduced from seven to four.

Third, the total number of standards will be reduced from 77 to 34, and the distinctions between the four treatments have been clarified in the standards themselves. *Preservation* focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time. *Rehabilitation* acknowledges the need to alter or add to a historic property to meet continuing or changing uses, while retaining the property's historic character. *Restoration* is undertaken to depict a property at a particular period of time in its history, while removing evidence of other periods. *Reconstruction* recreates vanished or non-surviving portions of a property, generally for interpretive purposes.

In summary, the simplification and sharpened focus of these revised sets of treatment standards will assist users in making sound historic preservation decisions. It should be noted that a