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 that may compromise the nature and characteristics of the area, or cause physical damage to it;
- (c) Conflict with adjacent ownerships or
- (d) Cause a nuisance to adjacent owners or

Based on this determination, this proposed rulemaking is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) by Departmental guidelines in 516 DM 6, (49 FR 21438). As such, neither an Environmental Assessment (EA) nor an Environmental Impact Statement (EIS) has been prepared.

List of Subjects

36 CFR Part 1

National parks, Reporting and recordkeeping requirements.

36 CFR Part 13

Alaska, National parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, it is proposed to amend 36 CFR Chapter I, Parts 1 and 13, as follows:

#### PART 1—GENERAL PROVISIONS

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

Authority: 16 U.S.C. 1, 3, 9a, 460 l-6a(e). 462(k); D.C. Code 8-137, 40-721 (1981).

2. Section 1.2 is amended by revising paragraphs (a), (b) and (d) to read as follows:

#### § 1.2 Applicability and scope.

- (a) The regulations contained in this chapter apply to all persons entering, using, visiting or otherwise within:
- (1) The boundaries of federally owned lands and waters administered by the National Park Service; or
- (2) The boundaries of lands and waters administered by the National Park Service for public use purposes pursuant to the terms of a written instrument; or
- (3) Waters subject to the jurisdiction of the United States located within the boundaries of the National Park System, including navigable waters and areas within their ordinary reach (up to the mean high water line in places subject to the ebb and flow of the tide and up to the ordinary high water mark in other places) and without regard to the ownership of submerged lands, tidelands or lowlands; or

- (4) Lands and waters in the environs of the District of Columbia, policed with the approval or concurrence of the head of the agency having jurisdiction or control over such reservations, pursuant to the provisions of the Act of March 17, 1948 (62 Stat. 81); or
- (5) Other lands and waters over which the United States holds a less-than-fee interest, to the extent necessary to fulfill the purpose of the National Park Service administered interest and compatible with the nonfederal interest.
- (b) The regulations contained in Parts 1 through 5 and Part 7 and Part 13 of this chapter do not apply on nonfederally owned lands and waters or on Indian tribal trust lands located within National Park System boundaries, except as provided in paragraph (a) of this section or in regulations specifically written to be applicable on such lands and waters.
- (d) The regulations contained in parts 2 through 5 and parts 7 and 13 of this chapter shall not be construed to prohibit administrative activities conducted by the National Park Service, or its agents, in accordance with approved general management and resources management plans, or in emergency operations involving threats to life, property or park resources.
- 3. Section 1.4 is amended in paragraph (a) by revising the definition of Boundary, by adding a definition for National Park System, and by revising the definition of Park area to read as follows:

### § 1.4 Definitions.

(a) \* \* \*

Boundary means the limits of lands or waters administered by the National Park Service as specified by Congress, or denoted by Presidential Proclamation, or recorded in the records of a state or political subdivision in accordance with applicable law, or published pursuant to law, or otherwise published or posted by the National Park Service.

National Park System (Park area) means any area of land and water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes.

Park area. See the definition for National Park System in this section.

\*

## **PART 13—NATIONAL PARK SYSTEM UNITS IN ALASKA**

4. The authority citation for part 13 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 462(k), 3101 et seq.; subpart D also issued under 16 U.S.C. 20, 3197; § 13.65(b) also issued under 16 U.S.C. 1361, 1531.

5. Section 13.2 is amended by republishing the first sentence of paragraph (c) and revising the second sentence of paragraph (c), and by revising paragraph (e) to read as follows:

# §13.2 Applicability and Scope.

- (c) Subpart B of this part 13 contains regulations applicable to subsistence activities. Such regulations apply on public lands within park areas except Kenai Fjords National Park, Katmai National Park, Glacier Bay National Park, Klondike Gold Rush National Historical Park and parts of Denali National Park.\* \* \*
- (e) For purposes of this chapter, "federally owned lands" does not include those land interests:
- (1) Tentatively approved to the State of Alaska; or
- (2) Interim conveyed to a Native Corporation.

Dated: October 20, 1995.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and

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### **ENVIRONMENTAL PROTECTION** AGENCY

40 CFR Part 81

[AD-FRL-5341-1]

Clean Air Act Reclassification; Pennsylvania—Liberty Borough Nonattainment Area; PM-10; **Reopening of Comment Period** 

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

**ACTION:** Proposed rule; reopening of the comment period.

**SUMMARY:** EPA is reopening the comment period for a proposed rule published on September 19, 1995 (60 FR 48439). In the September 19 notice, EPA proposed to find that the Liberty Borough, Pennsylvania nonattainment area for particulate matter of nominal aerodynamic diameter smaller than 10 micrometers (PM-10) did not attain national ambient air quality standards