

the complicated technical issues raised in the proposed rulemaking.

ATF agrees that the proposed rulemaking contains several wine treating processes that are technically complex and that may require more time than usual to analyze and prepare comments for submission. Consequently, in order to allow all interested persons to comment fully, ATF has decided to reopen the comment period, which originally closed on November 29, 1994, for 60 days from the date of publication of this notice in the **Federal Register**.

All written comments received will be considered in the development of a decision on this matter. Comments that provide the factual basis supporting the views or suggestions presented will be particularly helpful in developing a reasoned regulatory decision on this matter.

#### Correction

In Notice No. 800, 59 FR 49870, on page 49874, in the "Reference or limitation" column of the table for reverse osmosis, the words "off flavors in wine" in the third line should be deleted. In addition, the word "virous" in the last line should be changed to read "vinous."

#### Drafting Information

The principal author of this document is Robert White, Wine, Beer and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

#### List of Subjects in 27 CFR Part 24

Administrative practice and procedure, Authority delegations, Claims Electronic funds transfers, Excise taxes, Exports, Food additives, Fruit juices, Labeling, Liquors, Packaging and containers, Reporting requirements, Research, Scientific equipment, Spices and flavorings, Surety bonds, Transportation, Warehouses, Wine and vinegar.

**Authority:** This notice is issued under the authority of 26 U.S.C. 7805.

Approved: January 5, 1995.

**Daniel R. Black,**

*Acting Director.*

[FR Doc. 95-1089 Filed 1-17-95; 8:45 am]

BILLING CODE 4810-31-U

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### 36 CFR Part 68

RIN 1024-AC24

#### The Secretary of the Interior's Standards for Historic Preservation Projects

**AGENCY:** National Park Service, Interior.  
**ACTION:** Proposed rule.

**SUMMARY:** The National Park Service (NPS) proposes to revise 36 CFR part 68, The Secretary of the Interior's Standards for Historic Preservation Projects. Published in 1978, the standards apply to all proposed grant-in-aid projects assisted through the National Historic Preservation Fund, focusing primarily on development projects involving buildings. Seven approaches to project work are defined in that document: Acquisition, protection, stabilization, preservation, rehabilitation, restoration, and reconstruction. Those standards are organized with general standards that apply to all historic preservation grant-in-aid projects, and specific standards that apply to specific grant-in-aid projects, as appropriate. This proposed revision reduces the work approaches from seven to four: preservation, rehabilitation, restoration, and reconstruction. The total number of standards is subsequently reduced from 77 to 34; the acquisition section is deleted; and protection and stabilization are consolidated under preservation. In addition, the citation referencing the Tax Reform Act of 1976 is deleted.

The revised Standards apply to all properties defined in the National Register of Historic Places: buildings, structures, sites, landscapes, objects, and districts. The goal of revision is to reduce the part in length, sharpen it in format and language and, in consequence, make it easier to understand and apply. Because of their broader application to all cultural property types, the revised standards are titled, "The Secretary of the Interior's Standards for the Treatment of Historic Properties". However, the philosophy of the revised standards remains unchanged and is consistent with existing historic preservation authorities.

**DATES:** Written comments will be accepted through February 17, 1995.

**ADDRESSES:** Comments should be addressed to: Chief, Preservation Assistance Division, P.O. Box 37127, Washington, DC 20013-7127.

**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 have focused primarily on acquisition and development projects for buildings listed in the National Register of Historic Places.

The NPS is proposing to revise 36 CFR part 68, The Secretary of the Interior's Standards for Historic Preservation Projects, and replace it with broader standards to include all cultural property types. The proposed revision changes the title of the part 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, 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, they may be applied to all historic resource types, including buildings, sites, landscapes, structures, objects, and districts.

Second, they 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 has been reduced from seven to four.

Third, the total number of standards has been 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 is intended to assist users in making sound historic preservation decisions. It should be noted that a slightly modified version of the Standards for Rehabilitation was codified in 36 CFR part 67, and focuses on "certified historic structures" as defined by the IRS Code of 1986. These regulations are used in the Preservation Tax Incentives Program. Part 67 of 36 CFR should continue to be used when property owners are seeking certification for Federal tax benefits.

### 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 proposed rule are Kay D. Weeks, Technical Writer-Editor, Preservation Assistance Division, and H. Ward Jandl, Deputy Chief, Preservation Assistance Division.

### 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

The NPS has determined that this proposed 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 noncompatible 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 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 nor an Environmental Impact Statement has been prepared.

This rule was not subject to Office of Management and Budget (OMB) review under Executive Order 12866.

### List of Subjects in 36 CFR Part 68

Historic preservation.

In consideration of the foregoing, 36 CFR part 68 is proposed to be revised to read as follows:

## PART 68—THE SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES

Sec.

68.1 Intent.

68.2 Definitions.

68.3 Standards.

**Authority:** The National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 *et seq.*); EO 11593, 3 CFR 75 (1971); sec. 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

### § 68.1 Intent.

The intent of this part is to set forth standards for the treatment of historic properties containing standards for preservation, rehabilitation, restoration, and reconstruction. These standards apply to all proposed grant-in-aid development projects assisted through the National Historic Preservation Fund.

### § 68.2 Definitions.

The standards for the treatment of historic properties will be used by the National Park Service and State historic preservation officers and their staff members in planning, undertaking, and supervising grant-assisted projects for preservation, rehabilitation, restoration, and reconstruction. For the purposes of this part:

(a) Preservation means the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures

to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

(b) Rehabilitation means the act or process of making possible an efficient compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

(c) Restoration means the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

(d) Reconstruction means the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

### § 68.3 Standards.

One set of standards—preservation, rehabilitation, restoration, or reconstruction—will apply to a property undergoing treatment, depending upon the property's significance, existing physical condition, the extent of documentation available, and interpretive goals, when applicable. The Standards will be applied taking into consideration the economic and technical feasibility of each project.

(a) *Preservation.* (1) A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.

(2) The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial

relationships that characterize a property will be avoided.

(3) Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.

(4) Changes to a property that have acquired historic significance in their own right will be retained and preserved.

(5) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

(6) The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.

(7) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

(8) Archeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.

(b) *Rehabilitation.* (1) A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

(2) The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

(3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, shall not be undertaken.

(4) Changes to a property that have acquired historic significance in their own right shall be retained and preserved.

(5) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

(6) Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the

new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

(7) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

(8) Archeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

(9) New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

(10) New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(c) *Restoration.* (1) A property will be used as it was historically or be given a new use that interprets the property and its restoration period.

(2) Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces, and spatial relationships that characterize the period will be not be undertaken.

(3) Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.

(4) Materials, features, spaces, and finishes that characterize other historical periods will be documented prior to their alteration or removal.

(5) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.

(6) Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials.

(7) Replacement of missing features from the restoration period will be

substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.

(8) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

(9) Archeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

(10) Designs that were never executed historically will not be constructed.

(d) *Reconstruction.* (1) Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.

(2) Reconstruction of a landscape, building, structure, or object in its historic location will be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts that are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.

(3) Reconstruction will include measures to preserve any remaining historic materials, features, and spatial relationships.

(4) Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color, and texture.

(5) A reconstruction will be clearly identified as a contemporary re-creation.

(6) Designs that were never executed historically will not be constructed.

Dated: November 9, 1994.

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

[FR Doc. 95-1043 Filed 1-17-95; 8:45 am]

BILLING CODE 4310-70-P