

terminating August 9, 1996, at 4 p.m. (PDT); commencing August 10, 1996, at 2 p.m. (PDT) and terminating August 10, 1996 at 4 p.m. (PDT); and commencing August 11, 1996, at 2 p.m. (PDT) and terminating August 11, 1996, at 4 p.m. (PDT). The Captain of the Port may sooner terminate this safety zone each day if it becomes necessary.

Dated: July 3, 1996.

Myles S. Boothe,
Captain, U.S. Coast Guard, Captain of the
Port Puget Sound.

[FR Doc. 96-20019 Filed 8-6-96; 8:45 am]

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DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 31

RIN 1024-AC51

Indiana Dunes National Lakeshore: Zoning Standards

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: The National Park Service (NPS) is deleting Part 31 of Title 36 of the Code of Federal Regulations (CFR), Zoning Standards for Indiana Dunes National Lakeshore. This deletion is necessary because Section 5 of the enabling legislation for the National Lakeshore, which authorized the Secretary of the Interior to promulgate minimum zoning standards, which, if complied with by local governments, would exempt private property within the boundaries of Lakeshore from condemnation by the United States, has been repealed. Therefore, 36 CFR part 31 is no longer needed.

EFFECTIVE DATE: The rule will become effective on August 7, 1996.

FOR FURTHER INFORMATION CONTACT: Superintendent, Indiana Dunes National Lakeshore, 1100 N. Mineral Springs Road, Porter, IN 46304. Telephone 219-926-7561.

SUPPLEMENTARY INFORMATION:

Background

Section 5 of the enabling legislation for Indiana Dunes National Lakeshore of November 5, 1966 (80 Stat. 1309), authorized the Secretary of the Interior to promulgate minimum zoning standards which, if complied with by local governments, would exempt private property within the boundaries of the National Lakeshore from condemnation by the United States.

Section 1(9) of the Act of October 18, 1976 (90 Stat. 2533), repealed Section 5 of the enabling legislation. Therefore, 36 CFR part 31 is no longer in effect.

The purpose of this action is to delete the zoning standards for Indiana Dunes National Lakeshore because they are no longer valid. The regulations in this part were originally established in accordance with the enabling legislation for the National Lakeshore in 1966 to assist in administering, preserving and developing the unit. Subsequent legislation passed in 1976 made these regulations obsolete.

Administrative Procedure Act

In accordance with the Administrative Procedure Act (5 U.S.C. 553(b)(B)), the NPS is promulgating this rule under the "good cause" exception of the Act from general notice and comment rulemaking. As discussed above, the NPS believes this exception is warranted because the existing rules are no longer in effect. This final rule will not impose any additional restrictions on the public and comments on this rule are deemed unnecessary. Based upon this discussion, the NPS finds pursuant to 5 U.S.C. 553(b)(B) that it would be contrary to the public interest to publish this rule through general notice and comment rulemaking.

The NPS also believes that publishing this final rule 30 days prior to the rule becoming effective would be counterproductive and unnecessary for the reasons discussed above. A 30-day delay in this instance would be unnecessary and contrary to the public interest. Therefore, under the "good cause" exception of the Administrative Procedure Act (5 U.S.C. 553(d)(3)), it has been determined that this final rulemaking is exempted from the 30-day delay in the effective date and will therefore become effective on the date published in the Federal Register.

Drafting Information

The primary author of this rule is Dennis Burnett, Washington Office of Ranger Activities, National Park Service.

Paperwork Reduction Act

This final rule does not contain collections of information requiring approval by the Office of Management and Budget under the Paperwork Reduction Act of 1995.

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 determined that this

document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The economic effects of this rulemaking are nonexistent.

The Service has determined and certifies pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this proposed rule will not impose a cost of \$100 million or more in any given year on local, State, or tribal governments or private entities.

The NPS has determined that this interim rule 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 non-compatible uses which 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 final rule is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) by Departmental regulations 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 in 36 CFR Part 31

National parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, the NPS is amending 36 CFR Chapter I as follows:

PART 31—INDIANA DUNES NATIONAL LAKESHORE: ZONING STANDARDS

1. The authority citation for part 31 continues to read as follows:

Authority: Sec. 5, 80 Stat. 1309, sec. 3, 39 Stat. 535; 16 U.S.C. 3, 460u.

PART 31—[REMOVED]

2. 36 CFR Part 31 is removed.

Dated: July 18, 1996.

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

[FR Doc. 96-19958 Filed 8-6-96; 8:45 am]

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