

TABLE FIVE

Vessel	No.	Masthead lights not over all other lights and obstructions. annex I, sec. 2(f)	Forward masthead light not in forward quarter of ship. annex I, sec. 3(a)	After mast-head light less than 1/2 ship's length aft of forward masthead light. annex I, sec. 3(a)	Percentage horizontal separation attained
USS HOPPER	DDG70	X	X	X	20.4

Dated: August 1, 1996.
 M.W. Kerns,
LT, JAGC, U.S. Navy, Acting Deputy Assistant Judge Advocate General (Admiralty).
 [FR Doc. 96-22288 Filed 8-30-96; 8:45 am]
 BILLING CODE 3810-FF-P

Department of the Air Force

32 CFR Part 801

Industrial Labor Relations Activities

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is removing the rule on Industrial Labor Relations Activities because it has limited applicability to the general public. This action is the result of departmental review. The intended effect is to ensure that only rules which substantially affect the public are maintained in the Air Force portion of the Code of Federal Regulations.

EFFECTIVE DATE: September 3, 1996.

FOR FURTHER INFORMATION CONTACT: Ms Patsy Conner, Air Force Federal Register Liaison Officer, SAF/AAX, 1720 Air Force Pentagon, Washington DC 20330-1720.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 801

Equal employment opportunity, Federal buildings and facilities, Government contracts, Investigations, Labor unions, Military personnel.

PART 801—[REMOVED]

Accordingly under the authority 10 U.S.C. 8013, 32 CFR Chapter VII is amended by removing Part 801.

Patsy J. Conner,
Air Force Federal Register Liaison Officer.
 [FR Doc. 96-22388 Filed 8-30-96; 8:45 am]
 BILLING CODE 3910-01-W

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

RIN 1024-AC52

Lassen Volcanic National Park

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: The National Park Service (NPS) is removing the current regulations concerning boating, fishing and limit of catch in Lassen Volcanic National Park. With this deletion, the park will allow for catch and release fishing only, using a barbless hook, when fishing at Manzanita Lake. The existing regulation allows for the taking of native fish species (rainbow trout) in this small fishery. The taking of the native species has and would continue to adversely affect native species composition if allowed to continue. The NPS intends to maintain and, where necessary, restore the aquatic ecosystem to a natural state while allowing recreational fishing to continue at levels that allow natural processes to continue. The park will continue to manage boating, a restricted fishing season, closed waters, limits of catch and the catch and release program through the Superintendent's Compendium.

EFFECTIVE DATE: This final rule becomes effective on September 3, 1996.

FOR FURTHER INFORMATION CONTACT: Gilbert E. Blinn, Lassen Volcanic National Park, P.O. Box 100, Mineral, CA 96063.

SUPPLEMENTARY INFORMATION:

Background

This final rule addresses a problem where a special park regulation (36 CFR 7.11) was not removed at the time improved management means were instituted to manage boating, fishing and limit of catch at Lassen Volcanic

National Park. Operation of motorboats on all waters in the park and the closure to all vessels on four of the lakes within the park is now documented and addressed in Superintendent's Compendium under the authority found at 36 CFR 1.5, *Closures and public use limits*. Fishing restrictions on Grassy Creek during certain months of the year, and closure of certain other waters to fishing is also documented and addressed in the Superintendent's Compendium.

In 1976, fish stocking of Manzanita Lake was discontinued after 44 years of almost annual stocking due to the policy of the NPS to cease artificial management of natural resources. In 1982, due to observations that the fishery at Manzanita Lake was declining, a fisheries study of the lake was conducted. As a result of this study, two recommendations were made for Manzanita Lake: (1) Reduce the current limit of 5 trout or 5 pounds and 1 trout, to 1 or 2 fish of 18 inches or more; or (2) designate the lake as catch and release only, using artificial lures and barbless hooks. In 1984, the California Game and Fish Commission recommended that the NPS adopt regulations for catch and release fishing only using artificial lures with a barbless hook in Manzanita Lake.

In March of 1985, in order to restore natural aquatic ecosystems while allowing recreational fishing in Manzanita Lake, the park adopted catch and release fishing with artificial lures and barbless hooks. This is addressed in the Superintendent's Compendium.

Other management options considered included leaving the current regulation in place and returning to more consumptive methods of fishing. Continuing fishery studies and public comment favor the catch and release fishing method. Closures and restrictions are documented and addressed in the Superintendent's

Compendium and need not be repeated in the special regulations.

The deletion of the existing rule allows the park to continue to restore the natural aquatic ecosystem while allowing recreational fishing in all park waters. Closures and restrictions have been in place in the park for over 20 years and are fully accepted and supported by the visiting public and the State of California.

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 regulations are no longer used and have not been used for over 20 years. 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 excepted 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 authors of this rule are Bryan Swift, Chief Ranger of Lassen Volcanic National Park, and 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 local in nature and negligible in scope.

The NPS has determined and certifies pursuant to the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*), that this 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 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 comprising the nature and character of the area or causing physical damage to it;

(b) Introduce non-compatible uses that may compromise the nature and characteristics of the area, or cause physical damage to it;

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

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

Based upon this determination, this final rule is categorically excluded from the procedural requirements of the National 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 7

National parks, Reporting and recordkeeping requirements.

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

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

1. 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 8-137 (1981) and D.C. Code 40-721 (1981).

§ 7.11 [Removed]

2. Section 7.11 is removed.

Dated: August 15, 1996.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 96-22331 Filed 8-30-96; 8:45 am]

BILLING CODE 4310-70-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SW-FRL-5602-6]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) today is granting a petition submitted by Giant Refining Company (Giant) to exclude from hazardous waste control (delist) certain solid wastes. The wastes being delisted consist of excavated soils contaminated with K051 currently being stored in an on-site waste pile. This action responds to Giant's petition to delist these wastes on a one-time basis from the hazardous waste lists. After careful analysis, EPA has concluded that the petitioned waste is not hazardous waste when disposed of in Subtitle D landfills. This exclusion applies only to excavated soils generated at Giant's Bloomfield, New Mexico facility. Accordingly, this final rule excludes the petitioned waste from the requirements of hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA) when disposed of in Subtitle D landfills.

EFFECTIVE DATE: September 3, 1996.

ADDRESSES: The public docket for this final rule is located at the Environmental Protection Agency Region 6, 1445 Ross Avenue, Dallas, Texas 75202, and is available for viewing in the EPA Library of the 12th floor from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding Federal holidays. Call (214) 665-6444 for appointments. The reference number for this docket is "F-96-NMDEL-GIANT." The public may copy material from any regulatory docket at no cost for the first 100 pages and at a cost of \$0.15 per page for additional copies.

FOR FURTHER INFORMATION CONTACT: For general and technical information concerning this document, contact Michelle Peace, Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas, (214) 665-7430.

SUPPLEMENTARY INFORMATION:

I. Background

A. Authority

Under 40 CFR 260.20 and 260.22, facilities may petition EPA to remove their wastes from hazardous waste control by excluding them from the lists