

hunting at New River Gorge and surrounding areas. The harm to the public from such a procedural delay should be avoided, given the probable lack of public interest in the content of this rule. The NPS still welcomes comments on this interim final rule, and will consider them as part of our update of the National River's General Management Plan (GMP), which is scheduled to begin in Fall 2003. The update of the GMP will consider a full range of park management issues, including hunting. If we determine that it is necessary to change this rule, the changes will be proposed as part of the GMP process, and the public will have further opportunity to comment.

G. When Does This Rule Go Into Effect?

This rule is effective immediately. The NPS recognizes that new rules ordinarily go into effect thirty days after publication in the **Federal Register**. For this interim regulation, however, we have determined under 5 U.S.C. 553(d) and 318 DM 6.25 that this rule should be effective immediately. This rule relieves the ordinary restrictions on hunting and does not require a delay in its effective date. In addition, good cause exists for an immediate effective date for the following reasons:

(1) Normally, the purpose of a delayed effective date is to give affected parties a chance to learn about a new regulation and how to comply with it. Such a delay is not needed here because this rule simply maintains the status quo and does not change anything for the affected parties (hunters).

(2) As discussed above, delaying implementation of this rule could prevent it from being in place in time for the opening of regular hunting season in West Virginia, and would thus adversely affect the public. The harm to the public from such a procedural delay should be avoided, given the lack of any benefit to the public in delaying the effective date.

Compliance With Laws, Executive Orders and Department Policy

Regulatory Planning and Review (Executive Order 12866)

This rule is not significant and is not subject to review by the Office of Management and Budget under Executive Order 12866.

(1) This rule will not have an effect of \$100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. This action authorizes the continued

application of State requirements for the purpose of hunting within the New River Gorge National River. It imposes no additional requirements beyond those already imposed by State law.

(2) This rule will not create inconsistencies with other agencies' actions or otherwise interfere with an action taken or planned by another agency. It follows other land management agencies and other national park areas in recognizing the role of the State in the management of hunting.

(3) This rule does not alter the budgetary effects or entitlements, grants, user fees, or loan programs, or the rights or obligations of their recipients. This rule does not impose any new requirements or in any way change the existing program.

(4) This rule does not raise novel legal or policy issues. This rule is consistent with the park legislation and NPS general regulations.

Regulatory Flexibility Act

The Department of the Interior certifies that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 602 *et seq.*). The overall economic effects of this rulemaking will be negligible, since there will be no change to longstanding practices. This action authorizes pre-existing requirements under Federal and State law for the purpose of hunting within the boundaries of New River Gorge National River. It does not impose any enforceable duty beyond that required by existing Federal and State law. There are no expected increases in costs or prices for consumers, individual industries, or State or local governments.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

(1) Does not have an annual effect on the economy of \$100 million or more.

(2) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

(3) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than \$100 million per year. The rule does not have a significant or unique effect on State, local or tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required. This action will not have substantial direct effects on the State, on the relationship between the national government and the State, or on the distribution of power and responsibilities among the various levels of government.

Takings (Executive Order 12630)

In accordance with Executive Order 12630, the rule does not have significant takings implications. A takings assessment is not required. This rule will not alter property rights.

Federalism (Executive Order 12612)

In accordance with Executive Order 12612, the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. A Federalism Assessment is not required since this rule applies only to the State of West Virginia and does not alter the State's authority to develop and implement a hunting program.

Civil Justice Reform (Executive Order 12988)

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order. This rule will not impose a new burden on the judicial system.

Paperwork Reduction Act

This regulation does not require an information collection from 10 or more parties and a submission under the Paperwork Reduction Act is not required. An OMB form 83-I is not required.

National Environmental Policy Act

The 1982 New River Gorge National River General Management Plan and Environmental Assessment (GMP) considered the issue of hunting within the boundary of the park, and found that it was appropriate to have this traditional use continue.

Subsequent to the approval of the GMP, the NPS promulgated a regulation that requires parks to pass special regulations to permit hunting, where it is authorized and where the