

102(2)(C) of the National Environmental Policy Act, pursuant to 516 Departmental Manual (DM), Chapter 2, Appendix 1. In addition, the proposed rules do not meet any of the 10 criteria for exceptions to categorical exclusions listed in 516 DM, Chapter 2, Appendix 2. Pursuant to Council on Environmental Quality regulations (40 CFR 1508.4) and the environmental policies and procedures of the Department of the Interior, the term "categorical exclusions" means a category of actions that do not individually or cumulatively have a significant effect on the human environment, that have been found to have no such effect in procedures adopted by a Federal agency, and for which neither an environmental assessment nor an environmental impact statement is required.

Regulatory Flexibility Act

Congress enacted the Regulatory Flexibility Act (RFA) of 1980, as amended, 5 U.S.C. 601–612, to ensure that Government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. The supplementary rule does not pertain specifically to commercial or governmental entities of any size, but to public recreational use of specific public lands. It merely makes clear when a fee that is already charged must be paid. Therefore, BLM has determined under the RFA that the proposed supplementary rules would not have a significant economic impact on a substantial number of small entities.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

The supplementary rules do not constitute a "major rule" as defined at 5 U.S.C. 804(2). Again, the supplementary rules merely clarify when a fee that is already charged must be paid. The supplementary rules have no effect on business—commercial or industrial—use of the public lands.

Executive Order 12630, Governmental Actions and Interference With Constitutionally Protected Property Rights (Takings)

The proposed supplementary rules do not represent a government action capable of interfering with constitutionally protected property rights. They merely clarify when a fee that is already charged must be paid. Therefore, the Department of the Interior has determined that the

proposed rules would not cause a taking of private property or require further discussion of takings implications under this Executive Order.

Executive Order 13132, Federalism

The proposed rules will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. They merely clarify when a fee that is already charged must be paid. Therefore, in accordance with Executive Order 13132, BLM has determined that these proposed rules do not have sufficient Federalism implications to warrant preparation of a Federalism Assessment.

Executive Order 12988, Civil Justice Reform

Under Executive Order 12988, the Office of the Solicitor has determined that these proposed rules would not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments [Replaces Executive Order 13084]

In accordance with Executive Order 13175, we have found that the final supplementary rules do not include policies that have tribal implications. They merely clarify when a fee that is already charged must be paid.

Paperwork Reduction Act

These supplementary rules do not contain information collection requirements that the Office of Management and Budget must approve under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

Author

The principal author of the supplementary rules is Chief Area Ranger Robert Zimmer, Bureau of Land Management, El Centro Field Office.

Supplementary Rules for Payment of Special Recreation Permit Fees Immediately Upon Arrival at the Imperial Sand Dunes Recreation Area

Under 43 CFR 8365.1–6, the Bureau of Land Management will enforce the following supplementary rules on the public lands within the area identified as defined in the Imperial Sand Dunes Recreation Area Management Plan as the Planning Area Boundary, Mammoth Wash Management Area, North Algodones Dunes Wilderness Management Area, Gecko Management

Area, Glamis Management Area, Adaptive Management Area, Ogilby Management Area, Dune Buggy Flats Management Area, and the Buttercup Management Area. These lands are within the Imperial Sand Dunes Special Recreation Management Area within the lands managed by the El Centro Field Office of the California Desert District, California. You must follow these rules:

Sec. 1 When must visitors pay the special recreation permit fees?

You must pay the special recreation permit fees immediately upon arrival.

Sec. 2 How must permits be displayed?

Any primary vehicle while on public lands within the Planning Area Boundary or the recreation area must display a weekly or seasonal permit for the areas described above.

Sec. 3 What are the penalties for violations of these rules?

Under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)) and 43 CFR 8360.0–7 if you violate any of these supplementary rules on public lands within the boundaries established in the rules, you may be tried before a United States Magistrate and fined no more than \$1,000 or imprisoned for no more than 12 months, or both. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

Dated: October 7, 2003.

Mike Pool,

State Director.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UTU 80808]

Notice of Proposed Withdrawal; Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of proposed withdrawal.

SUMMARY: The U.S. Department of Energy has filed an application to withdraw approximately 11,985 acres of public land managed by the Bureau of Land Management for two alternative disposal cell sites, for the Moab Mill Site uranium mill tailings, and four alternative borrow material areas in Grand County, Utah. The Department of Energy is preparing an environmental impact statement to determine whether the uranium mill tailings will be left in place or moved to one of the two disposal sites identified on public lands,