specify that marking or designating products in a similar manner to that employed by BLM applies only to BLMadministered lands. These comments were adopted and language added to clarify this point.

Three comments argued that proposed § 5462.2(b)(6) could result in numerous timber sale defaults, not related to timber theft. Many timber sale contract violations are minor and should be dealt with under the terms and conditions of the contract. The recommendation to remove this paragraph has been adopted in the final rule.

Three comments stated that the language in §5462.2(b)(5) and (7) would require all persons working on a BLM timber sale or hauling logs from a sale to have copies of the contract or permit in their possession and that this is unreasonable. They suggested that requiring the purchaser or its designated representative to have a copy of the contract, as well as requiring each truck driver to have copies of the haul permit, should satisfy any accountability objective. This is an acceptable alternative, and provides for sufficient documentation and accountability. Language has therefore been added to adopt these comments.

One comment noted that § 5462.2(b)(7) authorizes any BLM employee to stop people associated with a timber sale at any time and demand that they produce a permit or contract. It questions whether all BLM employees have sufficient experience with timber sales to warrant such authority. Language was added to limit the BLM personnel to those persons acting within their designated authority as sale inspectors, contract administrators, contracting officers, and law enforcement officers.

Several comments stated that BLM lacks authority to enforce State and local laws, especially in the absence of a cooperative law enforcement agreement, and that BLM employees should concentrate their efforts on onthe-ground inspection of timber sale operations rather than enforcing State and local laws. Section 5462.2(b)(8) of the proposed rule has been amended in the final rule to make it consistent with the Federal Land Policy and Management Act provision for cooperation with State and local regulatory and law enforcement officials (43 U.S.C. 1733(d)) and the language in §5462.2(b)(1).

For purposes of clarity, the phrase "by fraud" in § 5462.2(b)(10) of the proposed rule has been removed and replaced with language more precisely defining what constitutes fraud as it relates to timber and other vegetative resources.

Three comments suggested that BLM define what constitutes a negligent act by an operator referred to in § 5462.2(b)(11). One of the comments added that the concept of negligence should be removed and the BLM focus on "intentional destruction." These comments were not adopted in the final rule. The prework conferences provided for in standard BLM timber sale contracts are the appropriate forums to discuss and clarify what constitutes a "negligent act."

The paragraphs of § 5462.2(b) have been renumbered in the final rule to accommodate the removal of paragraphs (3) and (6).

A comment recommended addition of a new § 5462.3 entitled "Penalties" with a description of the penalties for knowingly and willfully violating the prohibited acts under § 5462.2(b) to make it clear that criminal penalties apply to the prohibited acts. This comment has been adopted in the final rule, but by adding a new paragraph (c) to § 5462.2 rather than a new § 5462.3.

Comments on Amendments to 43 CFR Subpart 5511

One comment recommended removal of the phrase "See § 9239.1 of this title for trespass and subpart 9265 of this title for criminal prosecution" from § 5511.4(a). The comment was adopted. The cross-reference is rendered unnecessary by the addition of § 5511.5—Penalties.

A comment recommended addition of a new § 5511.5 entitled "Penalties" with a description of the penalties for knowingly and willfully violating the prohibited acts under 5511.4(b) to make it clear again that criminal penalties apply. The comment was adopted.

Comments on Amendment of 43 CFR Part 9230

No public comments addressed this part in the proposed rule. The BLM is currently in the process of updating and amending part 9230—Trespass. The changes promulgated in this rule relating to timber trespass will be included in the subsequent revision of part 9230.

Comments on Amendment of 43 CFR Part 9260

The BLM is also preparing to update and revise part 9260—Law Enforcement—Criminal. Organizational changes in § 9265.6 have been adopted in the final rule and language has been added to that section detailing how penalties will be determined. These changes are made in order to

standardize the penalty provisions in the various regulations that relate to timber, trees, and other vegetative resources. Paragraphs (a) and (b)(1) in the final rule are new and refer to the penalties imposed under the Sentencing Reform Act of 1984 (18 U.S.C. 3551 et seq.), as they apply to the regulations for timber sales administration and free use of timber. The penalties are statutory and would apply whether they appear in the regulations or not. Paragraph (a) in the proposed rule has been renumbered (c), and paragraph (b) in the proposed rule has been renumbered (b)(2) in the final rule. Cross references to other regulations in title 43 governing the use of timber for mining and agriculture have been added to paragraph (b)(2). Paragraph (c) in the proposed rule has been renumbered (d) in the final rule to accommodate the earlier additions. No public comments addressed this part in the proposed rule.

The principal author of this final rule is Robert Bierer, Biological and Heritage Implementation Team, assisted by the Regulatory Management Team, BLM.

It is hereby determined that this final rule does not constitute a major Federal action significantly affecting the quality of the human environment, and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required. The BLM has determined that this final rule will not create environmental impacts. No critical element of the human environment is affected because the final rule merely promulgates a series of prohibited acts related to the ministerial aspects of the administration of timber sales contracts and the free use of timber. It does not prescribe or prohibit any substantive activities or methods for carrying out timber harvest operations on BLM-managed lands. It prohibits harvesting and removing timber without the requisite permits or haul tickets, prohibits the violation of other laws and regulations, including State and local laws, and using fraud or trickery to obtain a free-use permit. No sales or new uses of timber, and no other uses of land and resources, are authorized by this rule.

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

The Department has determined under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) that the rule will not have a significant economic impact on a substantial number of small entities. There will be no cost increases imposed on the lumber industry other than those caused by violations of law, and there would thus be no economic effect on