

considered for minimum impact permits under the existing regulations.

A prospective applicant would have the opportunity to discuss these criteria with the authorized officer during the pre-application phase of the permitting process described in § 2922.1 of the 1990 proposed rule. During this discussion, the authorized officer would also inform prospective applicants of other possible resource management conflicts, legal approvals required, and other interested or affected public land users or interest groups. This would assist prospective applicants at the outset to assess the likelihood of obtaining a minimum impact permit, and would enable them to locate other available land quickly for the proposed activity, rather than seek a full permit with its attendant delays.

Section 2921.8 Appeals

Section 2921.8 in this further proposed rule supersedes subpart 2924, concerning appeals, in the 1990 proposed rule. The further proposed rule provides that all minimum impact permit decisions of an authorized officer would be effective immediately unless a person adversely affected appeals and demonstrates to the Interior Board of Land Appeals (IBLA) that the action should be stayed pending appeal. The general provisions of 43 CFR 4.21(a) would not apply to a decision or approval of the authorized officer for any minimum impact permit, except that parties eligible to maintain an appeal under 43 CFR 4.21(a) would also be able to file a request for a stay of decision with the IBLA. The IBLA could grant a stay if the petitioner demonstrated sufficient justification.

Section 2921.9 Outdoor Advertising

This new provision is a cross-reference to regulations of the Department of Transportation on outdoor advertising.

Section 2922.2-1 Applications Not Conforming to Land Use Plans

Section 2922.2-1 has been added to make clear that applications are required to conform to BLM land use plans, and that any applications that do not conform to BLM plans must be modified or they will be rejected. Applications so rejected due to nonconformance with BLM land use plans are subject to appeal pursuant to 43 CFR part 4.

Section 2922.2-3 Application Content

This provision was suggested in public comments on the original proposed rule. Provisions restricting the use, storage, or production of hazardous

materials on lands subject to permits or leases would be added as § 2922.2-4(m). Related amendments are proposed in §§ 2921.3 and 2922.2-3 to prohibit treatment and disposal of hazardous materials and certain solid wastes on public lands, and requiring applications for permit or lease to disclose whether hazardous materials would be involved in the activity.

Section 2924.1-2 Rental and Fee Schedules for Film and Photography Permits

Rental and fee schedules for commercial filming and photography would be added in a new § 2924.1-2. The schedules are intended to be reasonable and easy to implement, and have been developed in consultation with other land managing agencies of the Department of the Interior and with the Forest Service. The schedules do not include recovery of the costs of processing an application. Cost recovery provisions for permits and leases were included in the original proposed rule. The rental payments are intended to reflect fair market value of the use of public lands and their resources for a specified period. In developing the rental schedule, the BLM considered comments from industry and other Federal agencies, and interviews with private property owners who rent land to film production companies. Private property owners take into account the nature of the activities to be conducted on their land, the number of people, and the duration of the use.

III. Request for Comments

To assist the public in the development of comment on this further proposed rule, copies of the original November 21, 1990, proposed rule (55 FR 48810) may be obtained by request to the office identified in ADDRESSES, above. However, the substance of this further proposed rule may be understood without reference to the 1990 proposed rule.

In addition to inviting comments on this further proposed rule, the BLM specifically requests responses to the following questions related to leases and permits:

1. Under the existing regulations, all permits and leases are subject to a 30-day appeal period before they become effective. The 1990 proposed rule would make all leases and permits effective immediately upon issuance by the BLM authorized officer. Under the current proposal, only minimum impact permits would be effective immediately; leases and other permits would remain subject to the 30-day waiting period prescribed

in 43 CFR part 4. Which approach do you think is appropriate?

2. Should the BLM issue minimum impact permits for all types of activities authorized under 43 CFR part 2920 or only for filming or photography?

3. Are the standards set forth in § 2921.7 appropriate and sufficient for determining whether a proposed activity should require a full permit or a minimum impact permit?

4. Is the U.S. Department of Labor Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average an appropriate index for adjusting rental schedules in future years?

5. Should free-lance professional still photography be considered a casual use activity that is exempt from the permit requirements, except in those situations listed in § 2921.6(b) of the further proposed rule, or should free-lance professional still photographers be required to obtain a permit in all cases and pay appropriate fees?

The principal authors of this further proposed rule are Jim Paugh, Wyoming State Office, David Cavanaugh, Chief Appraiser, and Ray Brady, Chief, Division of Lands, assisted by the staff of the Division of Legislation and Regulatory Management, Bureau of Land Management, and the Office of the Solicitor, Department of the Interior.

We have determined that this further proposed rule does not constitute a major Federal action significantly affecting the quality of the human environment. The BLM has prepared an environmental assessment of the impacts of the rule and has determined 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 rule would merely simplify and streamline procedures for permit issuance. Each application for a permit or lease is, and under this rule would remain, subject to environmental analysis and, if determined necessary, an environmental impact statement.

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. The rule favors no demographic group. The fee schedule imposed by the rule is graduated according to the size of the permittee, so that larger entities with more personnel and equipment using the public lands would pay larger fees. The costs would be minimized for those small entities that would cause less damage to the public lands being used