

implications to warrant preparation of a federalism assessment.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

In accordance with E.O. 13175, we have found that this proposed supplementary rule would not include policies that have tribal implications. Since the rule does not change BLM policy and does not involve Indian reservation lands or resources, we have determined that the government-to-government relationships should remain unaffected. The proposed supplementary rule only prohibits the unlawful possession of alcoholic beverages on public lands.

Executive Order 12988, Civil Justice Reform

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

Paperwork Reduction Act

This proposed supplementary rule does 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.*

National Environmental Policy Act

BLM has determined the supplementary rule is categorically excluded from environmental review under section 102(2)(C) of the National Environmental Policy Act, pursuant to 516 Departmental Manual (DM) Chapter 2, Appendix 1. In addition, the supplemental rule does not meet any of the ten 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 exclusion" means a category of actions which do not individually or cumulatively have a significant effect on the human environment and that have been found to have no such effect in procedures adopted by a Federal Agency, and for which neither an environmental assessment nor environmental impact statement is required.

Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This proposed supplementary rule is not a significant energy action. The rule would not have an adverse effect on energy supplies, production or consumption. It only addresses the possession of alcoholic beverages on public lands, and has no conceivable connection with energy policy.

Author

The principal author of this supplementary rule is State Staff Ranger John McLaughlin of the Arizona State Office, Bureau of Land Management, Department of the Interior.

Under the authority of 43 CFR 8365.1-6 and 43 U.S.C. 1733(a), the Arizona State Director, Bureau of Land Management, issues supplementary rules for public lands administered by the Arizona State Office.

Supplementary Rule on Possession of Open Containers of Alcoholic Beverages on Public Lands

The Arizona State Office issues this supplementary rule under the Federal Land Policy and Management Act (FLPMA), 43 U.S.C. 1733(a), 1740, and 43 CFR 8365.1-6.

No person shall have in their possession, or on their person, an open container that contains an alcoholic beverage while operating or riding on/ in a motor vehicle or off-road vehicle on public lands administered by the BLM, Arizona State Office.

1. Definitions

The following definitions will apply to the proposed supplementary rule, unless modified within a specific part or regulation:

a. A motor vehicle is defined as any self-propelled device in, upon, or by which a person is or may be transported, including a vehicle that is propelled by electric power. Exempt from this definition are motorized wheelchairs. "Off-road vehicle" is defined in 43 CFR 8340.0-5(a).

b. Operator means any person who operates, drives, controls, or otherwise has charge of a mechanical mode of transportation or any other mechanical equipment.

c. Public lands means any lands and interests in lands owned by the United States and administered by the Secretary of the Interior through the Bureau of Land Management without regard to how the United States acquired ownership. This includes, but is not limited to, a paved or unpaved parking lot or other paved or unpaved

area where vehicles are parked or areas where the public may drive a motorized vehicle, paved or unpaved roads, roads, routes or trails.

Open container means any bottle, can, jar or other receptacle that contains alcohol and that has been opened, has had its seal broken or the contents of which have been partially removed.

2. Limitations

- a. This section does not apply to:
 - i. An open container stored in the trunk of a motor vehicle or, if a motor vehicle is not equipped with a trunk, an open container stored in some other portion of the motor vehicle designed for the storage of luggage and not normally occupied by or readily accessible to the operator or passengers; or
 - ii. An open container stored in the living quarters of a motor home or camper; or
 - iii. Unless otherwise prohibited, an open container carried or stored in a motor vehicle that is parked and the vehicle's occupant(s) are camping.
 - iv. For the purpose of paragraph (a)(i) of this section, a utility compartment or glove compartment is deemed to be readily accessible to the operator and passengers of a motor vehicle.

Penalties

Under the Federal Land Policy and Management Act of 1976 43 U.S.C. 1733(a), and the Sentencing Reform Act of 1984, as amended, 18 U.S.C. 3551, 3571, persons who violate this restriction are subject to arrest and, upon conviction, may be fined up to \$100,000 and/or imprisoned for not more than 12 months.

Elaine Y. Zielinski,
State Director, Arizona.

[FR Doc. 04-26089 Filed 11-24-04; 8:45 am]

BILLING CODE 4310-HC-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO-150-1220-PA]

Notice of Proposed Supplementary Rules for Public Lands in Colorado: Escalante Canyon Area of Critical Environmental Concern (ACEC), Escalante Potholes Recreation Area, and Escalante Bridge Boat Launch Site

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of proposed supplementary rules.

SUMMARY: The Bureau of Land Management's (BLM) Uncompahgre

Field Office is proposing supplementary rules to regulate conduct on specific public lands within Escalante Canyon in Montrose and Delta Counties. The rules apply to the following Escalante Canyon recreation sites: Escalante Bridge boat launch site, Escalante Canyon Area of Critical Environmental Concern (ACEC), and the Potholes Recreation Area. BLM has determined these rules necessary to protect the area's natural resources, provide for public health and safe public recreation and reduce the potential for damage to sensitive resources including unique riparian areas and threatened and rare plant species and habitat.

DATES: Please mail comments to the following address by December 27, 2004.

ADDRESSES: Please mail comments to Barbara Sharrow, 2505 South Townsend Avenue, Montrose, Colorado 81401.

FOR FURTHER INFORMATION CONTACT: Barbara Sharrow, Uncompahgre Field Office Manager, 2505 S. Townsend Avenue, Montrose, CO 81401, (970) 240-5315, or by e-mail: Barbara_sharrow@co.blm.gov.

SUPPLEMENTARY INFORMATION: The identified public lands are in Montrose and Delta Counties, Colorado, under the management jurisdiction of the Bureau of Land Management. The Escalante Bridge boat launch site is located within sec. B, T. 15 S., R. 97 W., 6th Principal Meridian. The Escalante Canyon ACEC is located within secs. 20-22 and 28-30, T. 51 N., R. 13 W., and secs. 25 and 36, T. 51, R. 14 W., New Mexico Principal Meridian. The Potholes Recreation Area is located within the ACEC at NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 21, T. 51 N., R. 13 W.

The 1,895 acre Escalante ACEC was designated in the 1989 Uncompahgre Basin Resource Management Plan (RMP) to provide protection from surface disturbing activities for several listed plant species including the Unita hookless cactus (threatened) Grand Junction milkvetch (candidate), Delta lomatium (sensitive), and three unique plant associations. The State of Colorado, Natural Areas Program, also designated the area as a Colorado State Natural Area in 1992 based on threatened and rare plants, unique plant communities and significant geologic interest. The Escalante Bridge boat ramp site is extremely limited in size due to natural topography, private land, and a railroad crossing and right-of-way. Overnight camping by boating groups at the small site is a safety hazard and inconvenience for other users trying to launch boats at the site. The Escalante Potholes Recreation site receives

significant recreational use due to its scenic qualities and the presence of eroded potholes in Escalante Creek which are used for swimming. The practice of visitors diving and jumping from heights of 30-100 feet off surrounding cliffs into the holes has resulted in numerous accidents and at least 5 deaths over the last 12 years. In addition to jumping, visitors also cause significant resource damage to the area by cutting trees for bonfires; shooting or throwing glass bottles around the swimming and camping areas; leaving trash; and improperly disposing of human waste. Underage drinking and drug-related activity, particularly associated with overnight camping and bonfire parties, is increasing and adding to visitor safety concerns and BLM compliance problems. Complaints regarding the amount of public nudity at the site are increasing as are conflicts between various user groups. The BLM is currently installing recreation facilities at the Potholes to address sanitation problems, resource impacts, and restrict visitor use and parking to certain areas to increase safety and protect sensitive sites. Additional visitor use restrictions are needed to address the problems associated with unsafe jumping and diving, target shooting, broken glass safety concerns, damage to trees and sensitive plant communities from fire wood collecting, improper off-highway vehicle use, and unrestricted overnight camping.

I. Discussion of the Proposed Supplementary Rule

These supplementary rules are needed to address significant public safety concerns and resource protection issues resulting from increased public use and unsafe user conduct at popular recreation sites within Escalante Canyon and the Escalante Canyon ACEC. The rules would apply to the public lands located at the Escalante boat launch site, Escalante Canyon ACEC, and the Potholes Recreation Area at the legal descriptions provided above.

II. Procedural Matters

Executive Order 12866, Regulatory Planning and Review

These supplementary rules are not significant regulatory actions and not subject to review by the Office of Management and Budget under Executive Order 12866. These supplementary rules will not have an annual effect of \$100 million or more on the economy. They 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. These supplementary rules will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. The supplementary rules do not materially alter the budgetary effects of entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients; nor does it raise novel legal or policy issues. These supplementary rules would establish rules of conduct for public use of a limited area of public lands.

Clarity of the Regulations

Executive Order 12866 requires each agency to write regulations that are simple and easy to understand. We invite your comments on how to make this supplementary rule easier to understand, including answers to questions such as the following:

1. Are the requirements in the supplementary rule clearly stated?
2. Does the supplementary rule contain technical language or jargon that interferes with their clarity?
3. Does the format of the supplementary rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce clarity?
4. Is the description of the supplementary rule in the **SUPPLEMENTARY INFORMATION** section of this preamble helpful in understanding the supplementary rule? How could this description be more helpful in making the supplementary rule easier to understand?

Please send any comments you have on the clarity of the rule to the address specified in the **ADDRESSES** section.

National Environmental Policy Act

These supplementary rules do not constitute a major Federal action significantly affecting the quality of the human environment. The rules would merely establish rules of conduct for public use of a limited area of public lands to protect public health and safety and improve the protection of the resources. Although some uses, such as target shooting, will be prohibited at all sites, all of the areas would still be open to other recreation uses. A detailed statement under the National Environmental Policy Act of 1969 is not required.

Regulatory Flexibility Act

Congress enacted the Regulatory Flexibility Act 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. These supplementary rules would merely establish rules of conduct for public use of a limited area of public lands. Therefore, BLM has determined under the RFA that this supplementary rule would not have a significant economic impact on a substantial number of small entities.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

These supplementary rules are not "major" as defined under 5 U.S.C. 804(2). The supplementary rules would merely establish rules of conduct for public use of a limited area of public lands and do not affect commercial or business activities of any kind.

Unfunded Mandates Reform Act

These supplementary rules do not impose an unfunded mandate on State, local, or tribal governments in the aggregate, or the private sector of more than \$100 million per year; nor does it have a significant or unique effect on small governments. The rules have no effect on governmental or tribal entities and would impose no requirements on any of these entities. The supplementary rules would merely establish rules of conduct for public use of a limited selection of public lands and do not affect tribal, commercial, or business activities of any kind. Therefore, BLM is not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*)

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

These supplementary rules do not have significant takings implications, nor are they capable of interfering with Constitutionally-protected property rights. The supplementary rules would merely establish rules of conduct for public use of a limited area of public lands and do not affect anyone's property rights. Therefore, the Department of the Interior has determined that these rules will not cause a taking of private property or require preparation of a takings assessment under this Executive Order.

Executive Order 13132, Federalism.

These supplementary 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. These supplementary rules do not come into conflict with any state law or regulation. Therefore, in accordance with Executive Order 13132, BLM has determined that these supplementary 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 rules will not unduly burden the judicial system and that they meet the requirements of sections 3(a) and 3(b)(2) of the Order.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

In accordance with Executive Order 13175, we have found that these supplementary rules do not include policies that have tribal implications. None of the lands included in these rules are Indian lands or affect Indian rights.

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.* Any information collection requirements contained in these rules are exempt from the provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. 3518(c)(1). Federal criminal investigations or prosecutions may result from these rules, and the collection of information for these purposes is exempt from the Paperwork Reduction Act.

Authors

The principal author of these supplementary rules is Gunnison Gorge NCA Manager Karen Tucker.

Supplementary Rules

Under 43 CFR 8365.1–6, the Bureau of Land Management will enforce the following supplementary rules on public lands in the areas specified below.

Escalante Canyon ACEC:

- (a) No camping outside designated and signed campsites.
- (b) No target shooting or shooting of paintball weapons.
- (c) No cutting of live or dead trees.
- (d) No person shall use (or possess to use) as firewood any materials containing nails, screws or other metal hardware to include, but not limited to, wood pallets and/or construction debris.

(e) All campers, picnickers, and all other persons using public lands shall keep their sites free of trash, litter, and debris during the period of occupancy and shall remove all personal equipment and clean their sites upon departure.

Escalante Potholes: The Escalante Potholes Recreation Site is designated as a day use only area with the following supplemental rules that all visitors must follow:

- (a) No diving and/or jumping from rocks, shore, or any other means into the water.
- (b) No discharge of firearms of any kind, including those used for target shooting or paintball weapons.
- (c) No glass containers for beverages, food, or other items.
- (d) No public nudity.
- (e) No overnight camping.
- (f) No cutting of live or dead trees.
- (g) No wood collecting.
- (h) No wood fires or bonfires.
- (i) No person shall use (or possess to use) as firewood any materials containing nails, screws or other metal hardware to include, but not limited to, wood pallets and/or construction debris.

(j) All picnickers, and all other persons using public lands shall keep their sites free of trash, litter, and debris during the period of occupancy and shall remove all personal equipment and clean their sites upon departure.

Escalante Bridge Boat Launch Site: The Escalante Bridge Boat Launch Site is designated as a day use only area with the following supplemental rules that all visitors must follow:

- (a) No overnight camping.
- (b) No cutting of live or dead trees.
- (c) No wood collecting.
- (d) No wood fires or bonfires.
- (e) No discharge of firearms of any kind, including those used for target shooting or paintball weapons.
- (f) No person shall use (or possess to use) as firewood any materials containing nails, screws or other metal hardware to include, but not limited to, wood pallets and/or construction debris.

(g) All campers, picnickers, and all other persons using public lands shall keep their sites free of trash, litter, and debris during the period of occupancy and shall remove all personal equipment and clean their sites upon departure.

Penalties

Under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)) and the Sentencing Reform Act of 1984, as amended, 18 U.S.C. 3551, or 3571, if you violate these supplementary rules on public lands within the boundaries

established in the rule, you may be tried before a United States Magistrate and fined up to \$100,000 or imprisoned for no more than 12 months, or both.

Dated: August 4, 2004.

Anna Marie Felder,

Acting Colorado State Director.

[FR Doc. 04-26090 Filed 11-24-04; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[100% to CO-956-1420-BJ-0000-241A]

Colorado: Filing of Plats of Survey

November 17, 2004.

SUMMARY: The plats of survey of the following described land will be officially filed in the Colorado State Office, Bureau of Land Management, Lakewood, Colorado, effective 10 a.m., November 17, 2004. All inquiries should be sent to the Colorado State Office, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215-7093.

The plat, of the entire record, representing the metes-and-bounds survey in section 24, Township 41 North, Range 2 East, New Mexico Principal Meridian, Group 1367, Colorado, was accepted November 10, 2004.

This survey and plat was requested by the U.S. Forest Service, Rio Grande National Forest, to facilitate a land exchange, and for administrative and management purposes.

Randall M. Zanon,

Chief Cadastral Surveyor for Colorado.

[FR Doc. 04-26143 Filed 11-24-04; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-1056 (Final)]

Certain Aluminum Plate From South Africa

Determination

On the basis of the record¹ developed in the subject investigation, the United States International Trade Commission (Commission) determines,² pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act), that an industry in the United States is not

¹ The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

² Chairman Stephen Koplan and Commissioner Charlotte R. Lane dissenting.

materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded, by reason of imports from South Africa of certain aluminum plate, provided for in subheading 7606.12.30 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce (Commerce) to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted this investigation effective October 16, 2003, following receipt of a petition filed with the Commission and Commerce by Alcoa, Inc., Pittsburgh, PA. The final phase of the investigation was scheduled by the Commission following notification of a preliminary determination by Commerce that imports of certain aluminum plate from South Africa were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of June 15, 2004 (69 FR 33401). The hearing was held in Washington, DC, on October 5, 2004, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on November 18, 2004. The views of the Commission are contained in USITC Publication 3734, November 2004, entitled Certain Aluminum Plate from South Africa (Investigation No. 731-TA-1056 (Final)).

By order of the Commission.

Issued: November 19, 2004.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 04-26134 Filed 11-24-04; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on October 28, 2004, a proposed Consent Decree in *United States of America and State of*

Louisiana v. CanadianOxy Offshore Production Co., Civil Action No. CV04-2220-S was lodged with the United States District Court for the Western District of Louisiana.

In this action the United States sought to recover from CanadianOxy Offshore Production Co. ("COPCo") response costs incurred in response to releases and threatened releases of hazardous substances from the facility known as the Highway 71/72 Refinery Site (the "Site") located in Bossier City, Bossier Parish, Louisiana. The United States also sought a declaratory judgment that COPCo was liable for any future response costs incurred by the United States at the Site. The Consent Decree provides that COPCO shall (1) perform all the work required by EPA's September 2000 Record of Decision; (2) pay \$5,689,192.06 towards the response costs incurred by EPA in connection with the Site on or before September 30, 2003, plus interest from September 30, 2003, to the date the Consent Decree is entered; and (3) pay all response costs incurred by EPA in connection with the Site after September 30, 2003. The Consent Decree also settles the Louisiana Department of Environmental Quality's (LDEQ's) claims regarding the Site and establishes a \$25,000 special account for the LDEQ to draw upon for its work at the Site. COPCO is required to replenish the LDEQ special account annually.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States of America and State of Louisiana v. CanadianOxy Offshore Production Co.*, D.J. Ref. 90-11-2-1102.

The Consent Decree may be examined at the Office of the United States Attorney, Western District of Louisiana, 300 Fannin Street, Suite 3201, Shreveport, Louisiana 71101-3068, and at the offices of the U.S. Environmental Protection Agency, Region 6, 1445 Ross Ave., Dallas, TX 75202-2733. During the public comment period, the Consent Decree, may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood (tonia.fleetwood@usdoj.gov),