

(a) How would these changes affect the benefits provided by the Guides?

(5) Do the Guides overlap or conflict with other federal, state, or local laws or regulations?

(a) Have the existence of or the terms of written warranties largely replace the Guides as a signal of the quality of an industry part or assembly?

(b) Have state consumer protection laws or regulations governing automobile service and automobile service facilities, designation of used parts, return of repaired parts, etc. affected the need for these Guides?

(6) Since 1962 when the main provisions of the Guides were issued as a TPR, what effects, if any, have the following changes in relevant technology or economic conditions had on the Guides:

(a) Increased sales of imported new automobiles?

(b) The global nature of the economy?

(c) Changes in methods of parts distribution? or

(d) Other changes in distribution or sales, including use of E-mail, the Internet, Internet advertising or CD ROM advertising.

(7) Are there any abuses occurring in the distribution, promotion, sale or manufacture of used automobile parts that are not addressed by the Guides? If so, what mechanisms should be explored to address such abuses (*e.g.*, consumer education, industry self-regulation, Guide amendment)?

List of Subjects in 16 CFR Part 20

Advertising, Motor vehicles, Trade practices.

Authority: 15 U.S.C. 41–58.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 98–9206 Filed 4–7–98; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Parts 210 and 216

RIN 1010–AC40

Electronic Reporting

AGENCY: Minerals Management Service, Interior.

ACTION: Proposed rulemaking.

SUMMARY: The Minerals Management Service (MMS) proposes to amend its regulations to require reporters to submit royalty and production reports electronically. This change is necessary

to comply with various mandates to use new technologies to improve the productivity, efficiency, and effectiveness of Government programs. Additional amendments would extend the due date for production reports filed electronically and eliminate the reporting of most wells that are in drilling status. These changes will reduce administrative costs and increase operating efficiencies for industry and MMS.

DATES: Submit comments on or before June 8, 1998.

ADDRESSES: Send comments to David S. Guzy, Chief, Rules and Publications Staff, Royalty Management Program, Minerals Management Service, PO Box 25165, Mail Stop 3021, Denver, Colorado 80225–0165; courier delivery to Building 85, Denver Federal Center, Denver, Colorado 80225; or E-mail RMP.comments@mms.gov.

FOR FURTHER INFORMATION CONTACT: David S. Guzy, Chief, Rules and Publications Staff, Royalty Management Program, Minerals Management Service; telephone (303) 231–3432; fax (303) 231–3385; E-mail David_Guzy@mms.gov. Contact Ralph Spencer at (303) 231–3095 for further information about being added to the list of MMS-approved electronic reporting services.

SUPPLEMENTARY INFORMATION: The principal authors of this proposed rulemaking are Mary Williams, Ralph Spencer, Barbara Lambert, Gail Solaas of the Accounting and Reports Division, and Tim Allard of the Systems Management Division, Royalty Management Program, MMS.

I. Background

Congress and the President have mandated that Federal agencies use new technologies to improve Government operations. For example, the Paperwork Reduction Act of 1995, Public Law 104–13, and the Information Technology Management Reform Act of 1996, Public Law 104–106, authorize the use of new technologies to improve the productivity, efficiency, and effectiveness of Government programs. Executive Order 13011 requires Government agencies to use information technology to improve productivity and increase efficiencies. To meet these legislative and executive mandates and take advantage of rapidly improving technologies, MMS proposes to amend its regulations to require reporters to report electronically.

MMS has been successfully developing and using electronic information collection alternatives for many years. Electronic reports produce

more timely and accurate reporting at significantly less cost than paper reports. For example, electronically-submitted Reports of Sales and Royalty Remittance, Form MMS–2014, have an average error rate of 1 percent compared to paper reports that have an 8 percent error rate.

Electronic reports also streamline the error correction process. We can quickly notify a reporter of any problems discovered during our edit processes. The reporter can make his/her own corrections and quickly resubmit the reports to us. This automated process reduces the exchange of paper and the attendant confusion.

Electronic reporting, along with other streamlining and process improvements, has reduced our error correction costs by 20 percent, our manual data entry costs by 60 percent, and our file maintenance costs by 24 percent. Many reporters using an electronic reporting option have experienced up to a 50 percent reduction in resources needed to comply with our reporting requirements.

An additional advantage of electronic reporting is the expanded time to report. If a reporter uses E-mail or Electronic Data Interchange (EDI), he/she can transmit reports to us on the due date rather than several days before the due date to allow for manual delivery. This additional time allows a reporter to collect more accurate and complete data, thereby reducing the need for amended reports. We can also process the reports faster because electronic reports do not require manual data entry.

We offer various electronic reporting options and means of transmission for different reporters. We will work closely with all reporters to provide advice on the best electronic reporting options. Large reporters may use standards approved by the American National Standards Institute, Accredited Standards Committee X12, for sending data via EDI. Small to medium reporters may use a template software version we offer at no cost and transmit their reports to us by diskette or E-mail. We provide detailed electronic reporting guidelines to reporters converting to electronic reporting media. These guidelines consist of a variety of record layout specifications and template software with appropriate user's guides from which the reporter can select the option best suited to his/her needs.

We are requesting specific comments from reporters who do not currently report to us electronically on their capability (hardware, software, knowledgeable personnel, etc.) to convert to electronic reporting.

Conversion to electronic reporting is typically not time-consuming and does not require an extensive knowledge of computer programming. For example, if a reporter is currently using an electronic spreadsheet such as Microsoft Excel to produce a paper report, we can provide a record layout for converting to a Comma Separated Values format which can be transmitted electronically. Reporters who use electronic reports experience few problems with converting or submitting their monthly reports.

For those reporters who do not have computers, there are numerous reporting services that can provide electronic reporting at a reasonable cost. We can provide a list of reporting services that have MMS-approved electronic reporting formats. Any other reporting service not currently using an MMS-approved electronic reporting format can contact us for approval and be added to this list. Please contact Ralph Spencer at (303) 231-3095 for further information.

As an added incentive to report electronically, we are proposing to extend the due date for production reports submitted electronically by 10 days. In a recent pilot program, we tested this concept by extending the due date 10 days for production reports filed using any of our electronic reporting options. We were able to process electronic production reports and provide corrected data to users, such as the Bureau of Land Management (BLM), with no delay.

Because the pilot results were favorable, we are incorporating the extended due date for production reports in this proposed rule. This extension would not apply to the Form MMS-2014 Report of Sales and Royalty Remittance. The royalty payment due date would not change.

Through this rulemaking, we also are proposing to eliminate the requirement to report most wells that are in drilling status. Currently, operators must report drilling wells on Form MMS-3160, Monthly Report of Operations, or Form MMS-4054, Oil and Gas Operations Report, to MMS, and on other reports to either BLM or Offshore Minerals Management in MMS. We propose to amend our regulations to require Forms MMS-3160 and MMS-4054 only on completed wells, unless otherwise directed by MMS. Generally, operators would report wells when drilling is concluded, that is, when the well status changes to completed, temporarily abandoned, or abandoned. We would continue to require reports for the months drilling wells have test production and in some unique or

unusual situations on specific leases or agreements. We would notify operators when reporting is required on drilling wells.

These proposed amendments, when adopted, would be effective December 31, 1998, to allow sufficient time for reporters to convert to electronic reporting.

II. Section-by-Section Analysis

PART 210—FORMS AND REPORTS

Section 210.10(c)(1), (2), and (7) Information collection

We would amend these paragraphs to reflect the reduced monthly reporting burden associated with electronic reporting. We estimate reporting electronically would reduce your monthly reporting burden by 50 percent or more if you do not now report electronically. Although converting to electronic reporting would require a resource investment, your monthly benefits would ultimately offset initial conversion costs.

Section 210.10(d) Information Collection

We would amend this paragraph to reflect changes required by the Paperwork Reduction Act of 1995 and to provide updated addresses for commenting on information collections.

Section 210.20 Electronic reporting

This section would require you to submit the following three reports electronically:

- Report of Sales and Royalty Remittance, Form MMS-2014.
- Monthly Report of Operations, Form MMS-3160.
- Oil and Gas Operations Report, Form MMS-4054.

This section would also contain the following provisions:

- Several electronic reporting options, and their order of preference, would be identified.
- You would have to obtain MMS electronic reporting guidelines and arrange to have an electronic sample reviewed and approved by MMS before submitting your first official electronic report.
- You would have to sign an electronic commerce agreement when transmitting your reports by E-mail or EDI.
- Certain security measures would apply to EDI formats and E-mail transmissions.
- A new reporter would have to begin reporting electronically within 90 days from the day its first report is due.
- We will assess you a fee per report line for failure to report electronically

under this part after the 90-day period to compensate the Government for the increased costs incurred as a result of a reporter's non-compliance. We will accept your manual reports after the 90-day period to assure that royalties collected are distributed to the proper recipient. However, you will be assessed a fee for failure to report electronically after the 90-day grace period.

Section 210.52 Report of Sales and Royalty Remittance

This section would be amended to remove the references to magnetic tape as the only alternative to a paper Form MMS-2014. Specific reference to payments by electronic funds transfer would also be removed because electronic funds transfer is not the only option for electronic payments. Information on electronic payments is contained in 30 CFR 218.51.

PART 216—PRODUCTION ACCOUNTING

Section 216.11 Electronic reporting

This new section in Subpart A—General Provisions would require electronic submission of Forms MMS-3160 and MMS-4054. Specific requirements for electronic reporting would be located in 30 CFR 210.20.

Section 216.50 Monthly Report of Operations

This section would be amended to require reports only on completed wells unless otherwise directed by MMS. We would also extend the due date from the 15th to the 25th day of the second month following the month of production when your Monthly Report of Operations, Form MMS-3160, is filed electronically.

Section 216.53 Oil and Gas Operations Report

This section would be modified to require reports only on completed wells unless otherwise directed by MMS. We would also extend the due date from the 15th to the 25th day of the second month following the month of production when your Oil and Gas Operations Report, Form MMS-4054, is filed electronically.

Section 216.55 Gas Plant Operations Report

We have no electronic reporting options for the Gas Plant Operations Report, Form MMS-4056. However, this section would be modified to extend the due date for Form MMS-4056 from the 15th to the 25th day of the second month following the month of production when your Form MMS-3160

or Form MMS-4054 is filed electronically.

Section 216.56 Production Allocation Schedule Report

We have no electronic reporting options for the Production Allocation Schedule Report, Form MMS-4058. However, this section will be modified to extend the due date for the Form MMS-4058 from the 15th to the 25th day of the second month following the month of production when your Form MMS-4054 is filed electronically.

III. Procedural Matters

The Regulatory Flexibility Act

The Department 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. 601 *et seq.*). This rule will have no effect on tribal governments or other small governmental jurisdictions. Approximately 2,000 entities who pay royalties and 2,750 entities who report production from Federal and Indian lands will be impacted, and the majority of these entities are small businesses because they employ 500 or less employees. However, the economic impact to these small businesses will not be significant because one-time monetary outlays to convert to electronic reporting will be offset by reduced monthly costs to report to MMS.

Estimated outlays for equipment or contracted services necessary to submit electronic reports to MMS vary widely depending on the number of properties reported, the electronic reporting option selected, and the reporter's access to a computer.

- *Costs for reporters who have computers.* Converting to a Comma Separated Values (CSV) format or template software, which does not require professional programmers, may require 10 hours depending on the number of properties reported. Additional time to maintain the software may require 10 hours per year. Using a cost of \$35 per hour, reporters who have computers will incur a one-time cost of \$350 and an annual cost to maintain the software of \$350. We estimate that 80 percent of reporters not currently reporting to us electronically will use the CSV or template option to comply with this rule.

- *Costs for reporters who do not have computers.* Reporters who do not have computers may choose to contract with an electronic reporting service or may choose to purchase a computer and/or a software package from an electronic reporting service. These reporters may

incur average capital/startup costs of \$2,000 and subsequent annually operating and maintenance costs of \$350.

- *Your comments are important.* The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on the enforcement actions in this proposed rule, call 1-888-734-3247.

Executive Order 12866

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

Executive Order 12988

The Department has certified to the Office of Management and Budget that this proposed regulation meets the applicable civil justice reform standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988.

Unfunded Mandates Reform Act of 1995

The Department has determined and certifies according to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rule will not impose a cost of \$100 million or more in any given year on local, tribal, or State governments, or the private sector.

Paperwork Reduction Act

This proposed rule does contain information collection requirements. These requirements have been approved by the Office of Management and Budget (OMB) and assigned OMB Control Numbers 1010-0022 and 1010-0040.

As discussed below, this proposed rule impacts two existing collections of information which have been submitted to the Office of Management and Budget (OMB) for review and approval under section 3507(d) of the Paperwork Reduction Act of 1995. As part of our continuing effort to reduce paperwork and respondent burden, MMS invites the public and other Federal agencies to comment on any aspect of the reporting burden. Submit your comments to the Office of Information and Regulatory Affairs, OMB, Attention Desk Officer for the Department of the Interior, Washington, DC 20503. Send copies of your comments to: Minerals Management Service, Royalty Management Program, Rules and Publications Staff, PO Box 25165, MS

3021, Denver, Colorado 80225-0165; courier address is: Building 85, Denver Federal Center, Denver, Colorado 80225; e-Mail address is: RMP.comments@mms.gov.

OMB may make a decision to approve or disapprove this collection of information after 30 days from receipt of our request. Therefore, your comments are best assured of being considered by OMB if OMB receives them within that time period. However, MMS will consider all comments received during the comment period for this notice of proposed rulemaking.

The burden hours associated with two existing information collections titled Report of Sales and Royalty Remittance (Form MMS-2014), OMB Control Number 1010-0022, and Production Accounting and Auditing System (PAAS) Reports [Facility and Measurement Information Form (FMIF), Form MMS-4051; Oil and Gas Operations Report (OGOR), Form MMS-4054; Gas Analysis Report (GAR), Form MMS-4055; Gas Plant Operations Report (GPOR), Form MMS-4056; Monthly Report of Operations (MRO), Form MMS-3160; Production Allocation Schedule Report (PASR), Form MMS-4058], OMB Control Number 1010-0040, will be reduced by this proposed rulemaking.

MMS estimates that 275,000 lines will be submitted on Form MMS-2014 each month by 2,000 payors. We estimate that a payor will complete a line on the Form MMS-2014 in 2 minutes and that each payor will spend 10 hours on related recordkeeping. The annual burden for reporting electronically under this information collection will be 134,000 hours under this proposed rulemaking.

MMS estimates that the total annual burden for reporting electronically all PAAS reports will be 53,030 hours. Approximately 290,000 Form MMS-3160 reports will be submitted annually, and we estimate that the operator will take 1/8 hour to complete the report or 36,250 burden hours annually. Approximately 59,000 Form MMS-4054 reports will be submitted annually, and we estimate that the operator will take 1/4 hour to complete the report or 14,750 burden hours annually. Approximately 7,200 Form MMS-4058 reports will be submitted annually, and we estimate that the operator will take 1/4 hour to complete the report manually or 1,800 burden hours annually. Approximately 450 Form MMS-4056 reports will be submitted annually, and we estimate that the operator will take 1/2 hour to complete the report manually or 225 burden hours. Approximately 10 Form

MMS-4055 reports will be submitted annually, and we estimate that the operator will take ¼ hour to complete the report manually or 2.5 burden hours. Approximately 8 Form MMS-4051 reports will be submitted annually by telephone, and we estimate that the operator will take ¼ hour to complete this report for 2 burden hours.

In compliance with the Paperwork Reduction Act of 1995, section 3506 (c)(2)(A), we are notifying you, members of the public and affected agencies, of this collection of information, and are inviting your comments. For instance your comments may address the following areas. Is this information collection necessary for us to properly do our job? Have we accurately estimated the industry burden for responding to this collection? Can we enhance the quality, utility, and clarity of the information we collect? Can we lessen the burden of this information collection on the respondents by using automated collection techniques or other forms of information technology?

The Paperwork Reduction Act of 1995 provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act of 1969

We have determined that this rulemaking is not a major Federal action significantly affecting the quality of the human environment, and a detailed statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is not required.

List of Subjects

30 CFR Part 210

Coal, Continental shelf, Geothermal energy, Government contracts, Indian lands, Mineral royalties, Natural gas, Petroleum, Public lands—mineral resources, Reporting and recordkeeping requirements.

30 CFR Part 216

Coal, Continental shelf, Geothermal energy, Government contracts, Indian lands, Mineral royalties, Natural gas, Penalties, Petroleum, Public lands—mineral resources, Reporting and recordkeeping requirements.

Dated: March 13, 1998.

Bob Armstrong,

Assistant Secretary for Land and Minerals Management.

For the reasons stated in the preamble, MMS proposes to amend 30 CFR parts 210 and 216 as follows:

PART 210—FORMS AND REPORTS

1. The authority citation for part 210 is revised to read as follows:

Authority: 5 U.S.C. 301 *et seq.*; 25 U.S.C. 396, 2107; 30 U.S.C. 189, 190, 359, 1023, 1751(a); 31 U.S.C. 3716, 9701; 43 U.S.C. 1334, 1801 *et seq.*; and 44 U.S.C. 3506(a).

2. Amend § 210.10 by revising paragraphs (c)(1), (c)(2), (c)(7), and (d) to read as follows:

§ 210.10 Information collection.

* * * * *

(c) * * *

(1) *MMS-2014*—Used monthly to report lease-related transactions essential for royalty management to determine the correct royalty amount due, reconcile or audit data, and distribute payments to appropriate accounts. Public reporting burden for paper submission is estimated to average 7 minutes to complete each line item on the form, including the time necessary to assemble data, calculate value and royalty, and enter data on the form. Companies reporting electronically may average 2 minutes to complete each line item on the form. Comments submitted relative to this information collection should reference the information collection titled Report of Sales and Royalty Remittance, OMB Control Number 1010-0022.

(2) *MMS-3160*—Used by onshore oil and gas lease operators to report monthly oil and gas production to MMS. Public reporting burden for paper submission is estimated to average 15 minutes per form, including the time necessary to assemble data, ensure that production and disposition numbers are accurate, and enter data on the form. Companies reporting electronically may average 7.5 minutes per month to complete the form. Comments submitted relative to this information collection should reference the information collection titled PAAS Oil and Gas Reports, OMB Control Number 1010-0040.

* * * * *

(7) *MMS-4054*—This three-part form identifies all oil and gas lease production from Federal and Indian lands. MMS uses information from this form to track oil and gas from the point of first sale or other disposition. Respondents will generally not use all three parts of the form. Public reporting burden for paper submission is estimated to average 30 minutes per month, including the time necessary to assemble data, ensure that production and disposition numbers are accurate, and enter data on the form. Companies reporting electronically may average 15 minutes per month to complete the

form. Comments submitted relative to this information collection should reference the information collection titled PAAS Oil and Gas Reports, OMB Control Number 1010-0040.

* * * * *

(d) *Comments on burden estimates.* Send comments on the accuracy of this burden estimate or suggestions on reducing this burden to the Information Collection Clearance Officer, MS 4230, MMS, 1849 C Street, NW., Washington, DC 20240 and to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Desk Officer for the U.S. Department of the Interior, OMB Control Number 1010-XXXX, Washington, DC 20503. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

3. Add § 210.20 to subpart A to read as follows:

§ 210.20 Electronic reporting.

(a) You must submit Forms MMS-2014, MMS-3160, and MMS-4054 to MMS electronically.

(b) You may use any of the following electronic media types, unless MMS instructs you differently:

(1) Electronic Data Interchange (EDI)—The inter-organizational, computer-to-computer exchange of structured information in a standard, machine-processable format;

(2) Electronic Mail (E-mail)—Any communications service used to electronically transmit and store messages and attach files. MMS has three file options:

(i) Template—MMS-provided software that generates blank forms on a personal computer to assist companies in preparing MMS regulatory reports (this option is not available for Form MMS-4054);

(ii) Comma Separated Values (CSV)—A file format where attribute fields are separated by commas; and

(iii) American Standard Code for Information Interchange (ASCII)—A file format of fixed-length records with fixed-length attribute fields;

(3) Reporter-Prepared Diskette (3½ inch)—A data storage medium used to transmit report data using one of the following file options:

(i) Template;

(ii) CSV; and

(iii) ASCII;

(4) Magnetic or Cartridge Tape—A data storage medium used to transmit report data in an ASCII file format.

(c) MMS prefers that you use the media types in the order presented in § 210.20(b) to the extent it is cost

effective and practical. As technology changes, MMS will consider other media types and the order of MMS preference may change. Refer to our electronic commerce brochure for the most current reporting options. You can receive a copy of our brochure by calling your MMS representative.

(d) Before you begin reporting electronically:

(1) You must submit an electronic sample of your report for MMS approval using the MMS-supplied electronic reporting guidelines;

(2) If you choose to use EDI or E-mail, you must sign an electronic commerce agreement (ECA). An ECA is an agreement between you and MMS that sets forth the terms and conditions for sending and receiving your electronic report data transactions or funds. This agreement ensures that your report data transactions or funds transfer are legally valid and enforceable;

(3) If you choose to use EDI, MMS must verify your sender identification numbers and security code before you may begin reporting electronically; and

(4) If you choose to use the E-mail interchanges, MMS must verify your originating address and compression software passwords before you may begin reporting electronically.

(e) When MMS approves your sample, we will notify you to begin reporting electronically.

(f) If you are a new reporter to MMS, you have 90 days from the day your first report is due to begin reporting electronically.

(g) After 90 days, we will assess you a fixed fee per report line if you report other than electronically. We will assess you a fixed fee per report line if you do not report electronically. MMS will calculate a reasonable fee in light of the increased costs to the Government of a reporter's non-compliance, and will publish the per line fee rate in the **Federal Register**. MMS may change the per line fee as circumstances warrant by publishing notice in the **Federal Register**.

4. Section 210.52 is revised to read as follows:

§ 210.52 Report of sales and royalty remittance.

You must submit a completed Report of Sales and Royalty Remittance (Form MMS-2014) with all payments to MMS for royalties and, where specified, for rents on nonproducing leases. When you submit Form MMS-2014 data electronically, you are not required to submit the form itself. Completed Form MMS-2014's for royalty payments are due by the end of the month following the production month. Where

applicable, completed Form MMS-2014's for rental payments are due no later than the anniversary date of the lease. This section does not prohibit you from making early payments voluntarily.

PART 216—PRODUCTION ACCOUNTING

5. The authority citation for part 216 is revised to read as follows:

Authority: 5 U.S.C. 301 *et seq.*; 25 U.S.C. 396, 2107; 30 U.S.C. 189, 190, 359, 1023, 1751(a); 31 U.S.C. 3716, 9701; 43 U.S.C. 1334, 1801 *et seq.*; and 44 U.S.C. 3506(a).

Subpart A—General Provisions

6. Add § 216.11 to subpart A to read as follows:

§ 216.11 Electronic reporting.

You must submit your Monthly Report of Operations, Form MMS-3160, or the Oil and Gas Operations Report, Form MMS-4054, electronically. Specific requirements are located in 30 CFR 210.20.

Subpart B—Oil and Gas, General

7. Amend § 216.50, by redesignating paragraphs (b) through (d) as paragraphs (f) through (h), revising paragraph (a), and adding new paragraphs (b) through (e) to read as follows:

§ 216.50 Monthly report of operations.

(a) You must submit a Monthly Report of Operations, Form MMS-3160, if you operate either an onshore Federal or Indian lease or an onshore federally-approved agreement that contains one or more wells that are not permanently plugged and abandoned.

(b) You must submit a Form MMS-3160 for each well for each calendar month, beginning with the month in which you complete drilling, unless you have only test production from a drilling well or MMS tells you in writing to do otherwise.

(c) MMS must receive your completed Form MMS-3160 on or before:

(1) The 25th day of the second month following the month for which you are reporting; or

(2) The 15th day of the second month following the month for which you are reporting, if you are a new reporter and not yet converted to electronic reporting.

(d) You must continue reporting until either:

(1) BLM approves all wells as permanently plugged or abandoned and you dispose of all inventory; or

(2) The lease or agreement is terminated.

(e) You do not have to submit Form MMS-3160 if:

(1) You are authorized to submit an Oil and Gas Operations Report, Form MMS-4054, instead of a Form MMS-3160; or

(2) You operate a gas storage agreement. You must report gas storage agreements to the appropriate BLM office.

* * * * *

8. Section 216.53 is revised to read as follows:

§ 216.53 Oil and gas operations report.

(a) You must file an Oil and Gas Operations Report, Form MMS-4054, if you operate either an OCS lease or federally-approved agreement; or an onshore Federal or Indian lease or federally-approved agreement for which you elected to report on a Form MMS-4054 instead of a Form MMS-3160, that contains one or more wells that are not permanently plugged and abandoned.

(b) You must submit a Form MMS-4054 for each well for each calendar month, beginning with the month in which you complete drilling, unless you have only test production from a drilling well or MMS tells you in writing to do otherwise.

(c) MMS must receive your completed Form MMS-4054 on or before:

(1) The 25th day of the second month following the month for which you are reporting; or

(2) The 15th day of the second month following the month for which you are reporting, if you are a new reporter and not yet converted to electronic reporting.

(d) You must continue reporting until either:

(1) BLM or MMS approves all wells as permanently plugged or abandoned and you dispose of all inventory; or

(2) The lease or agreement is terminated.

9. Section 216.55 is revised to read as follows:

§ 216.55 Gas plant operations report.

(a) You must submit a Gas Plant Operations Report, Form MMS-4056, if you operate either:

(1) A gas plant that processes gas originating from an OCS lease or federally-approved agreement before the point of final royalty determination; or

(2) A gas plant that processes gas from an onshore Federal or Indian lease or federally-approved agreement before the point of final royalty determination and MMS has asked you to submit a Form MMS-4056.

(b) You must submit a Form MMS-4056 for each calendar month beginning with the month gas processing is initiated.

(c) MMS must receive your completed Form MMS-4056 on or before:

(1) The 25th day of the second month following the month for which you are reporting; or

(2) The 15th day of the second month following the month you for which are reporting, if you are a new reporter and not yet converted to electronic reporting for Forms MMS-3160 and MMS-4054.

(d) Your report must show 100 percent of the gas.

(e) If your plant has not processed gas that originated from a Federal onshore, OCS, or Indian lease, or federally-approved agreement before the point of final royalty determination for 6 months or more, then:

(1) You must notify MMS in writing; and

(2) You are not required to file a Form MMS-4056 until your plant resumes processing such gas.

10. Amend § 216.56 to revise paragraph (b) and add paragraph (c) to read as follows:

§ 216.56 Production allocation schedule report.

* * * * *

(b) You must submit a Production Allocation Schedule Report, Form MMS-4058, for each calendar month beginning with the month in which you first handle production covered by this section.

(c) MMS must receive your Form MMS-4058 on or before the following dates:

(1) The 25th day of the second month following the month for which you are reporting; or

(2) The 15th day of the second month following the month for which you are reporting, if you are a new reporter and not yet converted to electronic reporting for Form MMS-4054.

[FR Doc. 98-9109 Filed 4-7-98; 8:45 am]

BILLING CODE 4310-MR-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 944

[SPATS No. UT-037-FOR]

Utah Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is announcing receipt of a proposed amendment to the Utah regulatory

program (the "Utah program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

Utah's amendment includes proposed changes in requirements for subsidence control plans, subsidence control, and water replacement in context of the definitions, engineering, and hydrology parts of the Utah Administrative Rules (Utah Admin. R.) at R645 *et seq.*

The amendment is intended to revise the Utah program to be consistent with the corresponding Federal regulations and improve operational efficiency.

DATES: Written comments must be received by 4 p.m., m.d.t. May 8, 1998. If requested, a public hearing on the proposed amendment will be held on May 4, 1998. Requests to present oral testimony at the hearing must be received by 4 p.m., m.d.t. on April 23, 1998.

ADDRESSES: Written comments should be mailed or hand delivered to James F. Fulton at the address listed below.

Copies of the Utah program, the proposed amendment, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Denver Field Division.

James F. Fulton, Chief, Denver Field Division, Office of Surface Mining Reclamation and Enforcement, 1999 Broadway, Suite 3320, Denver, Colorado 80202-5733, Telephone: (303) 844-1424

Lowell P. Braxton, Acting Director, Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, P.O. Box 145801, Salt Lake City, Utah 84114-5801, Telephone: (801) 538-5340

FOR FURTHER INFORMATION CONTACT:

James F. Fulton, Chief, Denver Field Division, Telephone: (303) 844-1424.

SUPPLEMENTARY INFORMATION:

I. Background on the Utah Program

On January 21, 1981, the Secretary of the Interior conditionally approved the Utah program. General background information on the Utah program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Utah program can be found in the January 21, 1981, **Federal Register** (46 FR 5899). Subsequent actions concerning Utah's program and program amendments can be found at 30 CFR 944.15, 944.16 and 944.30.

II. Proposed Amendments

By letter dated March 20, 1998, (administrative record No. UT-1103) Utah submitted a proposed amendment (SPATS No. UT-037-FOR, administrative record No. 1105) to its program pursuant to SMCRA (30 U.S.C. 1202 *et seq.*). Utah submitted the proposed amendment in response to a June 5, 1996, letter (administrative record No. UT-1083) that OSM sent to Utah in accordance with 30 CFR 732.17(c), and at its own initiative.

The proposed amendment consists of revisions to and additions of rules pertaining to: adding definitions for "material damage", "non-commercial building", "occupied residential dwelling and structures related thereto", "replacement of water supply", and "state appropriated water supply" at R645-100-200; adding requirements at R645-301-525.100 through 525.130 for pre-subsidence surveys; removing existing requirements for subsidence control plans at R645-301-525 through 525.170; redesignating rules at R645-301-525.200 through 525.240 pertaining to protected areas; removing existing requirements for subsidence control at R645-301-525.200 through 525.232; adding requirements at R645-301-525.300 through 525.490 for subsidence control and subsidence control plans; adding requirements for subsidence damage repair at R645-301-525.500 through 525.530; adding a rebuttable presumption of causation by subsidence at R645-301-525.540 through 525.545; adding provisions at R645-301-525.550 for adjusting bond amounts for subsidence damage; redesignating rules at R645-301-525.600 and 525.700 requiring compliance with approved subsidence control plans and public notice of proposed mining; removing existing requirements for aquifer surveys at R645-301-724.600; adding provision at R645-301-728.350 for finding whether underground coal mining and reclamation activities might contaminate, diminish or interrupt State-appropriated water; and adding a requirement at R645-301-731.530 for replacing State-appropriated water supplies that are contaminated, diminished, or interrupted by underground coal mining activities.

Proposed Definition Changes

Specifically, the State proposes to add five definitions to its rules. Definitions the State proposes to add in R645-100-200 are: "material damage"; "non-commercial building"; "occupied residential dwelling and structures related thereto"; "replacement of water