

telephone, confirmed in writing immediately by telegraphic or facsimile notice, as provided in paragraph (i) of this section.

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(h) Whenever a person registered as a futures commission merchant knows or should know that the total amount of its funds on deposit in segregated accounts on behalf of customers, or that the total amount set aside on behalf of customers trading on non-United States markets, is less than the total amount of such funds required by the Act and the Commission's rules to be on deposit in segregated or secured amount accounts on behalf of such customers, the registrant must report immediately by telephone, confirmed in writing immediately by telegraphic or facsimile notice, such deficiency to the registrant's designated self-regulatory organization and the principal office of the Commission in Washington, DC, to the attention of the Director and the Chief Accountant of the Division of Trading and Markets.

(i) \* \* \*

(2) \* \* \* Any notice or report filed with the National Futures Association pursuant to this paragraph shall be deemed for all purposes to be filed with, and to be the official record of, the Commission.

Issued in Washington, D.C. on January 6, 1998 by the Commission.

**Jean A. Webb,**

*Secretary of the Commission.*

[FR Doc. 98-665 Filed 1-13-98; 8:45 am]

BILLING CODE 6351-01-P

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 944

[SPATS No. UT-032-FOR]

#### Utah Abandoned Mine Land Reclamation Plan

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

**ACTION:** Proposed rule; reopening and extension of public comment period on proposed amendment.

**SUMMARY:** The Office of Surface Mining Reclamation and Enforcement (OSM) is announcing receipt of revisions pertaining to a previously-proposed amendment to the Utah abandoned mine land reclamation (AMLR) plan (hereinafter, the "Utah plan") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The

revisions to Utah's proposed rules pertain to the definitions of "eligible lands and water" and "left or abandoned in either an unreclaimed or inadequately reclaimed condition," and to general reclamation requirements for coal lands and waters. The amendment is intended to revise the Utah plan to meet the requirements of the corresponding Federal regulations, to incorporate the additional flexibility afforded by the revised Federal regulations, to clarify ambiguities, and to improve operational efficiency.

**DATES:** Written comments must be received by 4:00 p.m., m.d.t., January 29, 1998.

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

Copies of the Utah plan, 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, Western Regional Coordinating Center, Office of Surface Mining Reclamation and Enforcement, 1999 Broadway, Suite 3320, Denver, Colorado 80202  
Mark R. Mesch, Administrator, Abandoned Mine Reclamation Program, Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, Box 145801, Salt Lake City, Utah 84114-5801, (801) 538-5340

**FOR FURTHER INFORMATION CONTACT:** James F. Fulton, Telephone: (303) 844-1424.

#### SUPPLEMENTARY INFORMATION:

##### I. Background on the Utah Plan

On June 3, 1983, the Secretary of the Interior approved the Utah plan. General background information on the Utah plan, including the Secretary's findings and the disposition of comments, can be found in the June 3, 1983, **Federal Register** (48 FR 24876). Subsequent actions concerning Utah's plan and plan amendments can be found at 944.25.

##### II. Proposed Amendment

By letter dated August 5, 1995, Utah submitted a proposed amendment to its plan (administrative record No. UT-1071) pursuant to SMCRA (30 U.S.C. 1201 *et seq.*). Utah submitted the proposed amendment at its own initiative and in response to a

September 26, 1994, letter (administrative record No. UT-1011) that OSM sent to Utah in accordance with 30 CFR 884.15(b). The provisions of the Utah Administrative Rules (Utah Admin. R.) that Utah proposed to revise and add were: Utah Admin. R. 643-870-500, definitions of "eligible lands and water;" "left or abandoned in either an unreclaimed or inadequately reclaimed condition," and "Secretary;" Utah Admin. R. 643-874-100, -110, -124 through -128, -130 through -132, -140 through -144, -150, and -160, general reclamation requirements for coal lands and waters; Utah Admin. R. 643-875-120 and -122 through -125, -130 through -133, -141 through -142, -150 through -155, -160, -170, -180, -190, and -200, noncoal reclamation; Utah Admin. R. 643-877-141, rights of entry; Utah Admin. R. 643-879-141, -152.200, -153, and -154, acquisition, management, and disposition of lands and water; Utah Admin. R. 643-882-132, reclamation on private land; Utah Admin. R. 643-884-150, State reclamation plan amendments; Utah Admin. R. 643-886-130 through -190, State reclamation grants; and Utah Admin. R. 643-886-232.240, reports.

OSM announced receipt of the proposed amendment in the August 22, 1995, **Federal Register** (60 FR 43577), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (administrative record No. UT-1071-3). Because no one requested a public hearing or meeting, none was held. The public comment period ended on September 21, 1995.

During its review of the amendment, OSM identified concerns relating to the provisions of Utah Admin. R. 643-870-500, definitions of "eligible lands and water" and "left or abandoned in either an unreclaimed or inadequately reclaimed condition;" Utah Admin. R. 643-874-120, -121, -123 through -125, and -128, general reclamation requirements; Utah Admin. R. 643-875-132, certification of completion of reclamation of coal sites; Utah Admin. R. 643-877-120, rights of entry; Utah Admin. R. 643-879-154, disposition of reclaimed land; and Utah Admin. R. 643-882-121 and -122, appraisals. OSM notified Utah of the concerns by letter dated March 26, 1996 (administrative record No. UT-1071-8). Utah responded in a letter dated March 12, 1997, by submitting a revised amendment and additional explanatory information (administrative record No. UT-1071-9).

Utah proposed revisions to and additional explanatory information for Utah Admin. R. 643-870-500,

definitions of "eligible lands and water" and "left or abandoned in either an unreclaimed or inadequately reclaimed condition," and Utah Admin. R. 643-874-120, -121, -124, and -125, general reclamation requirements.

OSM announced receipt of the proposed revisions and additional explanatory information in the April 7, 1997, **Federal Register** (62 FR 16507), and invited public comment on the substantive adequacy of the proposed changes (administrative record No. UT-1071-11). The public comment period ended on April 22, 1997.

During its review of the revisions and additional explanatory information submitted by Utah, OSM identified concerns relating to the provisions of Utah Admin. R. 643-870-500, definitions of "eligible lands and water" and "left or abandoned in either an unreclaimed or inadequately reclaimed condition." OSM notified Utah of the concerns by telephone conversation record dated September 8, 1997 (administrative record No. UT-1071-14). Utah responded in a letter dated December 30, 1997, by submitting a revised amendment (administrative record No. UT-1071-15).

Utah proposes revisions to Utah Admin. R. 643-870-500, definitions of "eligible lands and water" and "left or abandoned in either an unreclaimed or inadequately reclaimed condition," and Utah Admin. R. 643-874-125, general reclamation requirements.

Specifically, Utah proposes to revise its definition of the term "eligible lands and water" at Utah Admin. R. 643-870-500 to read:

"Eligible lands and water" means land and water eligible for reclamation or drainage abatement expenditures which were mined for coal or which were affected by such mining, wastebanks, coal processing, or other coal mining processes and left or abandoned in either an unreclaimed or inadequately reclaimed condition prior to August 3, 1977, and for which there is no continuing reclamation responsibility. Provided, however, that lands and water damaged by coal mining operations after that date may also be eligible if they meet the requirements specified in R643-874-124 and R643-874-125. For additional eligibility requirements for water projects, see R643-874-140. For additional eligibility requirements for lands affected by remaining operations see R643-874-128. For eligibility requirements for lands affected by mining for minerals other than coal, see R643-875-140.

Utah is also proposing to revise its definition of "left or abandoned in either an unreclaimed or inadequately reclaimed condition" at Utah Admin. R. 643-870-500 to read:

"Left or abandoned in either an unreclaimed or inadequately reclaimed condition" means lands and water:

(a) Which were mined or which were affected by such mining, wastebanks, processing or other mining processes prior to August 3, 1977, and all mining has ceased;

(b) Which continue, in their present condition, to degrade substantially the quality of the environment, prevent or damage the beneficial use of land or water resources, or endanger the health and safety of the public; and

(c) For which there is no continuing reclamation responsibility under State or Federal Laws, except as provided in R643-874-124 and R643-874-142.

In addition, Utah proposes to revise its rules at Utah Admin. R. 643-874-125 to read:

The Reclamation Program may expend funds made available under [Utah Code Annotated (UCA)] Sections 40-10-25.1(2) and (3) of the Act for reclamation and abatement of any site eligible under paragraph 124 of this section, if the Reclamation Program, with the concurrence of the Secretary, makes the findings required in paragraph 124 of this section and the Reclamation Program determines that the reclamation priority of the site is the same or more urgent than the reclamation priority for lands and water eligible pursuant to paragraphs 120, 121, 122, or 123 of this section that qualify as a priority 1 or 2 site under [UCA] Section 40-10-25(2) of the Act.

### III. Public Comment Procedures

OSM is reopening the comment period on the proposed Utah plan amendment to provide the public an opportunity to reconsider the adequacy of the proposed amendment in light of the additional materials submitted. In accordance with the provisions of 30 CFR 884.15(a), OSM is seeking comments on whether the proposed amendment satisfies the applicable plan approval criteria of 30 CFR 884.14. If the amendment is deemed adequate, it will become part of the Utah plan.

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Denver Field Division will not necessarily be considered in the final rulemaking or included in the administrative record.

### IV. Procedural Determinations

#### 1. Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

#### 2. Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of Tribe or State AMLR plans and revisions thereof since each such plan is drafted and promulgated by a specific Tribe or State, not by OSM. Decisions on proposed Tribe or State AMLR plans and revisions thereof submitted by a Tribe or State are based on a determination of whether the submittal meets the requirements of Title IV of SMCRA (30 U.S.C. 1231-1243) and the applicable Federal regulations at 30 CFR Parts 884 and 888.

#### 3. National Environmental Policy Act

No environmental impact statement is required for this rule since agency decisions on proposed Tribe or State AMLR plans and revisions thereof are categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the Department of the Interior (516 DM 6, appendix 8, paragraph 8.4B(29)).

#### 4. Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

#### 5. Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The Tribe or State submittal which is the subject of this rule is based upon Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements established by SMCRA or previously promulgated by OSM will be implemented by the Tribe or State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions in the analyses for the corresponding Federal regulations.

#### 6. Unfunded Mandates Reform Act

This rule will not impose a cost of \$100 million or more in any given year

on any governmental entity or private sector.

### List of Subjects in 30 CFR Part 944

Abandoned mine reclamation programs, Intergovernmental relations, Surface mining, Underground mining.

Dated: January 7, 1998.

**Linda M. Wagner,**

*Acting Regional Director, Western Regional Coordinating Center.*

[FR Doc. 98-859 Filed 1-13-98; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[IN80-1b; FRL-5929-6]

#### Approval and Promulgation of Implementation Plan; Indiana

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) proposes to approve a revision to the Indiana State Implementation Plan (SIP) for the general conformity rules. The general conformity SIP revision enables the State of Indiana to implement and enforce the Federal general conformity requirements in the nonattainment and maintenance areas at the State and local level in accordance with 40 Code of Federal Regulations (CFR) part 51, subpart W—Determining Conformity of General Federal Actions to State or Federal Implementation Plans. In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse written comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse written comments, the direct final rule will be withdrawn and all written public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments must be received in writing by February 13, 1998.

**ADDRESSES:** Copies of the revision request are available for inspection at the following address:

U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Ryan Bahr, Environmental Engineer at (312) 353-4366 before visiting the Region 5 Office.)

Written comments should be sent to:

J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:**

Ryan Bahr, Environmental Engineer, at (312) 353-4366.

**SUPPLEMENTARY INFORMATION:** See the information provided in the direct final action of the same title which is located in the Rules and Regulations Section of this **Federal Register**.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: November 14, 1997.

**David A. Ullrich,**

*Acting Regional Administrator, Region V.*

[FR Doc. 98-931 Filed 1-13-98; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 60, 61, and 63

RIN 2060-AG21

[FRL-5950-1]

#### Amendments for Testing and Monitoring Provisions: Citation of ASTM Test Methods

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Supplementary proposal with request for comments.

**SUMMARY:** This action solicits public comments on EPA's interim position on citing American Society for Testing and Materials (ASTM) methods in 40 CFR Parts 60, 61, and 63. On August 27, 1997, "Amendments for Testing and Monitoring Provisions" was proposed in the **Federal Register** (62 FR 45369). In the proposal, ASTM methods cited in the subparts were amended to include all updated versions that apply. The EPA is now considering listing only the latest version of the methods instead of all individual versions. The intended effect of this action is to make the public aware of this interim position and to solicit comments from parties affected by this new listing of the methods.

**DATES:** *Comments.* Comments on this supplementary proposal must be received on or before March 16, 1998. This comment period does not apply to comments on the original amendments that were proposed on August 27, 1997. The comments for these amendments were due by October 27, 1997; however, the comment period was reopened for an additional 45 days to make comments due by January 5, 1998. The comment period for today's proposal is specific for comments solicited in this document.

**ADDRESSES:** *Comments.* Comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket No. A-97-12 (see docket section below), room M-1500, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. The Agency requests that a separate copy also be sent to the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.

*Docket.* Docket No. A-97-12, containing materials relevant to this rulemaking, is available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday, except for Federal holidays, at the EPA's Air and Radiation Docket and Information Center, Room M-1500, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460; telephone (202) 260-7548. A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Mr. Foston Curtis, Emission Measurement Center (MD-19), Emissions, Monitoring, and Analysis Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-1063 or at fax number (919) 541-1039.

**SUPPLEMENTARY INFORMATION:** The proposal of "Amendments for Testing and Monitoring Provisions" on August 27, 1997 updated the citations of ASTM methods in 40 CFR Parts 60, 61, and 63 by including the revised ASTM methods that have come into existence since the subpart was promulgated. This was done to remove the uncertainty that users of the methods were having over the acceptability of newer redesignated methods that were not cited. The ASTM normally reviews its methods periodically to determine if updates or revisions are needed. Changes are usually done to reflect improved procedures or practice, and these technical enhancements are in keeping with EPA's interest in using the best scientific information. Whenever the methods are updated or revised, the year associated with the method number