

OMB must approve or disapprove this collection of information between 30 and 60 days after this document appears in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for sending comments to us on the proposed regulations.

### National Environmental Policy Act

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 is not required.

### List of Subjects in 25 CFR Part 61

Indians, Indians—claims.

For the reasons set out in the preamble, Part 61 of Chapter 1 of Title 25 of the Code of Federal Regulations is proposed to be amended as set forth below.

### PART 61—PREPARATION OF ROLLS OF INDIANS

1. The authority citation for 25 CFR Part 61 is revised to read as follows:

**Authority:** 5 U.S.C. 301; 25 U.S.C. 2 and 9, 1300d-3(b), 1401 *et seq.*

2. In § 61.4, paragraph (s) is revised to read as follows:

#### § 61.4 Qualifications for enrollment and the deadline for filing application forms.

- \* \* \* \* \*
- (s) *Sisseton and Wahpeton Mississippi Sioux Tribe.* (1) Persons meeting the criteria in this paragraph are entitled to enroll under 25 U.S.C. 1300d-3(b) to share in the distribution of certain funds derived from a judgment awarded to the Mississippi Sioux Indians. To be eligible a person must:
- (i) Be a lineal descendent of the Sisseton and Wahpeton Mississippi Sioux Tribe;
  - (ii) Be born on or before October 25, 1972;
  - (iii) Be living on October 25, 1972;
  - (iv) Appear in records and rolls acceptable to the Secretary or have a lineal ancestor whose name appears in these records; and
  - (v) Not be a member of any of the following tribes:
    - (A) The Spirit Lake Tribe (formerly known as the Devils Lake Sioux Tribe of South Dakota);
    - (B) The Sisseton and Wahpeton Sioux Tribe of South Dakota; or
    - (C) The Assiniboine and Sioux Tribes of the Fort Peck Reservation.
- (2) The initial enrollment application period that closed on November 1, 1973,

is reopened as of the date on which this rule is published in final. The application period will remain open until further notice.

\* \* \* \* \*

Dated: April 23, 1998.

**Kevin Gover,**

*Assistant Secretary for Indian Affairs.*

[FR Doc. 98-17984 Filed 7-7-98; 8:45 am]

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### DEPARTMENT OF THE INTERIOR

#### Minerals Management Service

#### 30 CFR Part 206

RIN 1010-AC09

#### Establishing Oil Value for Royalty Due on Federal Leases

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of reopening the public comment period.

**SUMMARY:** The Minerals Management Service (MMS) hereby gives notice that it is reopening the public comment period on a second supplementary proposed rulemaking, which was published in the **Federal Register** on February 6, 1998, (63 FR 6113). The proposed rule amends the royalty valuation regulations for crude oil produced from Federal leases. In response to issues raised on the February 6, 1998, second supplementary proposed rulemaking, MMS will reopen the comment period from July 9, 1998, to July 24, 1998.

**DATE:** Comments must be submitted on or before July 24, 1998.

**ADDRESSES:** Mail comments, suggestions, or objections about this supplementary proposed rule to: Minerals Management Service, Royalty Management Program, Rules and Publications Staff, P.O. Box 25165, MS 3021, Denver, Colorado 80225-0165. E-mail address is [RMP.comments@mms.gov](mailto:RMP.comments@mms.gov).

#### FOR FURTHER INFORMATION CONTACT:

David S. Guzy, Chief, Rules and Publications Staff, telephone number (303) 231-3432, fax (303) 231-3385, e-mail [RMP.comments@mms.gov](mailto:RMP.comments@mms.gov).

**SUPPLEMENTARY INFORMATION:** MMS is reopening the comment period for the February 6 second supplementary proposed rulemaking for a two-week period from July 9 to July 24. All comments received during this comment period will be posted on MMS's web site at <http://www.rmp.mms.gov/library/readroom/readrm.htm>. It is unnecessary to

resubmit comments previously submitted regarding this rulemaking.

Dated: July 2, 1998.

**Phillip D. Sykora,**

*Acting Associate Director for Royalty Management.*

[FR Doc. 98-18051 Filed 7-7-98; 8:45 am]

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### DEPARTMENT OF THE INTERIOR

#### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 944

[SPATS No. UT-039-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 proposes changes in requirements for coal mine permit application approval in section 40-10-11 of the Utah Code Annotated (UCA) (hereafter, also the "Utah Code"). The State proposes the changes to update language used to describe the approval process and information documented during that process. In addition, Utah proposes a change to subsection (f) of UCA 40-10-11(2) to clarify limitations on authority of the Division and to the Board of Oil, Gas and Mining with respect to property right disputes. Utah also proposes to revise provisions applicable to a permit applicant's list of violations of air and water protection at subsection (3) of section 40-10-11 in response to an amendment required by OSM and described at 30 CFR 944.16(f)(2).

The amendment is intended to revise the Utah program to be consistent with the Surface Mining Control and Reclamation Act of 1977 (SMCRA) regulations and to improve operational efficiency.

**DATES:** Written comments must be received by 4:00 p.m., m.d.t. August 7, 1998. If requested, a public hearing on the proposed amendment will be held on August 2, 1998. Requests to present oral testimony at the hearing must be received by 4:00 p.m., m.d.t. on July 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 Amendment

By letter dated June 8, 1998, (administrative record No. UT-1117) Utah submitted a proposed amendment (SPATS No. UT-039-FOR, administrative record No. 1117) to its program pursuant to SMCRA (30 U.S.C. 1201 *et seq.*). Utah submitted the proposed amendment at its own initiative and in response to a requirement imposed by the Director resulting from OSM's review of a previous amendment to the Utah Code.

The proposed amendment consists of revisions to UCA 40-10-11. This section of the Utah Code pertains to actions by the Division of Oil, Gas and Mining (the Division) to approve or deny coal mine permit applications. It also includes provisions for considering, in the permit approval/denial process, an applicant's violations of air and

water protection provisions and whether an area proposed for mining includes prime farmlands.

Most of Utah's proposed changes reword existing provisions of UCA 40-10-11 in current writing style and break-up existing provisions into subsections. In that context, specific changes Utah proposes include: Revising existing UCA 40-10-11(1) to include new subsections (1)(a)(i) and (ii), (1)(b), (1)(c), and (1)(c)(i) and (ii); revising UCA 40-10-11(2)(d) to include new subsections 2(d)(i) and 2(d)(ii); adding new subsections (e)(i)(A) and (B) to UCA 40-10-11(2)(e)(i); revising UCA 40-10-11(2)(f)(i) to include (f)(i)(A) and (B); changing UCA 40-10-11(3) to include new subsections (3)(a)(i), (ii) and (3)(b) and (c); and breaking-up existing UCA 40-10-11(4)(a)(i) and (ii). Utah also proposes to update language under several parts of UCA 40-10-11(1), (2), (3), (4) and (5).

In two cases, the State's proposed changes add new provisions to the Utah Code. At UCA 40-10-11((2)(f)(i)(B), Utah proposes to add a statement to the effect that nothing in UCA 40-10-11(2) shall be construed " \* \* \* to authorize the board or division to adjudicate property right disputes \* \* \*" in cases where permit applications involve lands on which the mineral estate has been severed from the private surface estate. Second, in new subsection (c) of UCA 40-10-11(3), Utah proposes to preclude permit issuance in cases in which the Board finds that an applicant or operator controls or has controlled mining operations with a demonstrated pattern of willful violations of SMCRA, the implementing regulations, or of any state or federal programs enacted under SMCRA or under other provisions of the approved Utah program, in addition to violations of the Utah Code. The State proposes this new provision in response to the requirement described at 30 CFR 944.16(f)(2) that the Utah Code's provision for denying permits on the basis of patterns of violations be no less stringent than the Federal counterpart provision at section 510(c) of SMCRA. The required amendment resulted from OSM's review of a previous amendment to the Utah Code (UT-024-FOR; 60 FR 37002, July 19, 1995; administrative record No. UT-1066). OSM later reiterated the need for Utah to amend UCA 40-10-11(3) in its review of Code amendment UT-035-FOR (62 FR 41845, August 4, 1997; administrative record No. UT-1098).

### III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed

amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If OSM finds the amendment adequate, it will become part of the Utah program.

#### 1. Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. OSM will not necessarily consider comments in the final rulemaking that it receives after the time indicated under "DATES" or that it receives at locations other than the Denver Field Division. OSM will not necessarily include such comments in the administrative record, either.

#### 2. Public Hearing

Persons wishing to testify at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., m.d.t. on July 23, 1998. Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**. OSM will arrange the location and time of the hearing with those persons requesting the hearing. OSM will not hold a public hearing if no one requests an opportunity to testify at a hearing.

OSM requests that commenters file a written statement at the time of the hearing because doing so will greatly assist the transcriber. If commenters submit written statements in advance of the hearing, OSM will be able to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to testify have been heard. Persons in the audience who have not been scheduled to testify, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to testify and persons present in the audience who wish to testify have been heard.

#### 3. Public Meeting

OSM may hold a public meeting if only one person requests an opportunity to testify at a public hearing. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible OSM will post notices of meetings at the locations listed under **ADDRESSES**. OSM will make a written

summary of each meeting part of 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 12988

The Department of the Interior conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and determined that his rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and the Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

##### 3. National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

##### 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 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. *et seq.*). The State submittal that is the subject of this rule is based upon counterpart 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 previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

##### 6. Unfunded Mandates

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

##### List of Subjects in 30 CFR Part 944

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 29, 1998.

**Richard J. Seibel,**

*Regional Director, Western Regional Coordinating Center.*

[FR Doc. 98-18096 Filed 7-7-98; 8:45 am]

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#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 52

[049-1049b; FRL-6118-2]

##### Approval and Promulgation of Implementation Plans; State of Missouri

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

**ACTION:** Proposed rule.

**SUMMARY:** The EPA proposes to approve revised Missouri rule 10 CSR 10-6.030 as a revision to the State Implementation Plan (SIP). This revision, submitted by the state on December 17, 1996, incorporates into the rule the most current EPA guidance on capture efficiency methods for volatile organic compound emission control systems.

In the final rules section of the **Federal Register**, the EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no relevant adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to the direct final rule, no further activity is contemplated in relation to that rule. If the EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be

addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on the direct final rule. Any parties interested in commenting on the rule should do so at this time.

**DATES:** Comments must be received in writing by August 7, 1998.

**ADDRESSES:** Comments may be mailed to Kim Johnson, Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

**FOR FURTHER INFORMATION CONTACT:** Kim Johnson at (913) 551-7975.

**SUPPLEMENTARY INFORMATION:** See the information provided in the direct final rule which is located in the rules section of the **Federal Register**.

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

Dated: May 26, 1998.

**William Rice,**

*Acting Regional Administrator, Region VII.*

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#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 52

[DC038-2009b, MD058-3026b, VA083-5035b; FRL-6120-5]

##### Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Virginia, Maryland—1990 Base Year Emission Inventory for the Metropolitan Washington DC Ozone Nonattainment Area

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve the State Implementation Plan (SIP) revisions submitted by the District of Columbia, State of Maryland and Commonwealth of Virginia for the purpose of establishing purpose of revising the 1990 ozone base year emission inventories for the Metropolitan Washington, D.C. ozone nonattainment area. In the Final Rules section of this **Federal Register**, EPA is approving these States' SIP revisions 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 comments are received in response to the direct final rule, no further activity is contemplated in relation to that rule. If EPA receives adverse comments, the direct final rule