

(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 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

supply"; and "state appropriated water supply."

Utah proposes to defined "material damage" for the purposes of R645-301-525 (Subsidence Control Plan) as

(a) any functional impairment of surface lands, features, structures or facilities; (b) any physical change that has a significant adverse impact on the affected land's capability to support any current or reasonably foreseeable uses or causes significant loss in production or income; or (c) any significant change in the condition, appearance or utility of any structure or facility from its pre-subsidence condition.

"Non-commercial building" as defined in the proposed amendment means

any building, other than an occupied residential dwelling, that, at the time the subsidence occurs, is used on a regular or temporary basis as a public building or community or institutional building as those terms are defined at R645-100-200. Any building used only for commercial agricultural industrial, retail or other commercial enterprises is excluded.

Utah's proposed definition of "occupied residential dwelling and structures related thereto" for the purposes of R634-301 (Coal Mine Permitting: Permit Application Requirements) is

any building or other structure that, at the time the subsidence occurs, is used either temporarily, occasionally, seasonally, or permanently for human habitation. This term also includes any building, structure or facility installed on, above or below, or a combination thereof, the land surface if that building, structure or facility is adjunct to or used in connection with an occupied residential dwelling. Examples of such structures include, but are not limited to, garages; storage sheds and barns; greenhouses and related buildings; utilities and cables; fences and other enclosures; retaining walls; paved or improved patios, walks and driveways; septic sewage treatment facilities; and lot drainage and lawn and garden irrigation systems. Any structure used only for commercial agricultural, industrial, retail or other commercial purposes is excluded.

The term "replacement of water supply" as proposed in Utah's amendment means

with respect to State-appropriated water supplies contaminated, diminished, or interrupted by coal mining and reclamation operations, provision of water supply on both a temporary and permanent basis equivalent to premining quantity and quality. Replacement includes provision of an equivalent water delivery system and payment of operation and maintenance costs in excess of customary and reasonable delivery costs for premining water supplies.

(a) Upon agreement by the permittee and the water supply owner, the obligation to pay such operation and maintenance costs may be satisfied by a one-time payment in an

amount which covers the present worth of the increased annual operation and maintenance costs for a period agreed to by the permittee and the water supply owner.

(b) If the affected water supply was not needed for the land use in existence at the time of loss, contamination, or diminution, and if the supply is not needed to achieve the postmining land use, replacement requirements may be satisfied by demonstrating that a suitable alternative water source is available and could feasibly be developed. If the latter approach is selected, written concurrence must be obtained from the water supply owner.

Lastly, Utah's proposed definition of "state appropriate water supply" means

State-created water rights which are recognized under the provision of the Utah Code.

Proposed Changes for Engineering Information About Subsidence To Be Included in a Permit Application

Utah proposes to revise its rules at R645-301-525 *et seq.*, which are the requirements for engineering information to be included in a permit application. The proposed amendment would add requirements for subsidence control and subsidence control plans and revise existing requirements.

(a) Proposed Requirements for Pre-Subsidence Surveys

The State proposes at R645-301-525 to establish requirements for subsidence control plans. At R645-301-525.100, Utah proposes to add the requirement that each application for underground coal mining and reclamation activities include a pre-subsidence survey.

Proposed R645-301-525.110 requires a * * * map of the permit and adjacent areas at a scale of 1:12,000, or larger if determined necessary by the Division [of Oil, Gas and Mining, "the Division"], showing the location and type of structures and renewable resource lands that subsidence may materially damage or for which the value or reasonably foreseeable use may be diminished by subsidence, and showing the location and type of State-appropriated water that could be contaminated, diminished, or interrupted by subsidence.

Proposed R645301-525.120 requires

[a] narrative indicating whether subsidence, if it occurred, could cause material damage to or diminish the value or reasonably foreseeable use of such structures or renewable resource lands or could contaminate, diminish, or interrupt State-appropriated water supplies.

Utah proposes at R645-310-525.130 to require the pre-subsidence survey to include

[a] survey of the condition of all non-commercial buildings or occupied residential dwellings and structures related thereto, that may be materially damaged or for which the

reasonably foreseeable use may be diminished by subsidence, within the area encompassed by the applicable angle of draw; as well as a survey of the quantity and quality of all State-appropriated water supplies within the permit area and adjacent area that could be contaminated, diminished, or interrupted by subsidence. If the applicant cannot make this survey because the owner will not allow access to the site, the applicant will notify the owner, in writing, of the effect that denial of access will have as described in R645-301-525. The applicant must pay for any technical assessment or engineering evaluation used to determine the pre-mining condition or value of such non-commercial buildings or occupied residential dwellings and structures related thereto and the quantity and quality of State-appropriated water supplies. The applicant must provide copies of the survey and any technical assessment or engineering evaluation to the property owner and to the Division.

The State proposes to remove existing provisions for subsidence control plans at R645.525 through 525.170 as a result of the proposed addition of the subsidence plans requirements described in the preceding two paragraphs.

Utah also proposes to add the heading "Protected areas" at R645-301-525.200 and to redesignate the following eight sections R645.525.210 through 525.240. These rules apply to areas that underground coal mining and reclamation activities will not be conducted under or adjacent to. The State also proposes to remove the existing provisions for subsidence control at R645.525.200 through 525.232.

(b) Proposed Subsidence Control Measures

Utah also proposes to add requirements for subsidence control at R645-301-525.300 and the subject heading "Measures to prevent or minimize damage" at 525.310. As proposed at R645-301-525.311,

[t]he permittee will either adopt measures consistent with known technology that prevent subsidence from causing material damage to the extent technologically and economically feasible, maximize mine stability, and maintain the value and reasonably foreseeable use of surface lands or adopt mining technology that provides for planned subsidence in a predictable and controlled manner.

Proposed R645-301-525.312 requires that,

[i]f a permittee employs mining technology that provides for planned subsidence in a predictable and controlled manner, the permittee must take necessary and prudent measures, consistent with the mining method employed, to minimize material damage to the extent technologically and economically feasible to non-commercial buildings and

occupied residential dwellings and structures related thereto except that measures required to minimize material damage to such structures are not required if:

- 525.312.1 The permittee has the written consent of their owners or
525.312.2 Unless the anticipated damage would constitute a threat to health or safety, the costs of such measures exceed the anticipated costs of repair.

Utah's proposed R6454.301-525.313 provides that

[n]othing in this part prohibits the standard method of room-and-pillar mining.

(c) Proposed Subsidence Control Plan Content Requirements

Utah proposes subsidence control plan contents at R645-301-525.400. This section provides that

[i]f the survey conducted under R645-301-525.100 shows that no structures, or State-appropriated water supplies, or renewable resource lands exist, or that no material damage or diminution in value or reasonably foreseeable use of such structures or lands, and no contamination, diminution, or interruption of such water supplies would occur as a result of mine subsidence, and if the Division agrees with this conclusion, no further information need be provided under this section. If the survey shows that structures, renewable resource lands, or water supplies exist and that subsidence could cause material damage or diminution in value or reasonably foreseeable use, or contamination, diminution, or interruption of state-appropriated water supplies, or if the Division determines that damage, diminution in value or foreseeable use, or contamination, diminution, or interruption could occur, the application must include a subsidence control plan that contains the following information:

525.410 A description of the method of coal removal, such as longwall mining, room-and-pillar removal or hydraulic mining, including the size, sequence and timing of the development of underground workings;

525.420 A map of the underground workings that describes the location and extent of the areas in which planned-subsidence mining methods will be used and that identifies all areas where the measures described in 525.440, 525.450, and 525.470 will be taken to prevent or minimize subsidence and subsidence-related damage; and, when applicable, to correct subsidence-related material damage;

525.430 A description of the physical conditions, such as depth of cover, seam thickness and lithology of overlying strata, that affect the likelihood or extent of subsidence and subsidence-related damage;

525.440 A description of the monitoring, if any, needed to determine the commencement and degree of subsidence so that, when appropriate, other measures can be taken to prevent, reduce or correct material damage in accordance with R645-301-525.500;

525.450 Except for those areas where planned subsidence is projected to be used, a detailed description of the subsidence control measures that will be taken to

prevent or minimize subsidence and subsidence-related damage, such as, but not limited to:

525.451 Backstowing or backfilling of voids;

525.452 Leaving support pillars of coal;

525.453 Leaving areas in which no coal is removed, including a description of the overlying area to be protected by leaving coal in place; and

525.454 Taking measures on the surface to prevent or minimize material damage or diminution in value of the surface;

525.460 A description of the anticipated effects of planned subsidence, if any;

525.470 For those areas where planned subsidence is projected to be used, a description of methods to be employed to minimize damage from planned subsidence to non-commercial buildings and occupied residential dwellings and structures related thereto; or the written consent of the owner of the structure or facility that minimization measures not be taken; or, unless the anticipated damage would constitute a threat to health or safety, a demonstration that the costs of minimizing damage exceed the anticipated costs of repair;

525.480 A description of the measures to be taken in accordance with R645-301-731.530 and R645-301-525.500 to replace adversely affected State-appropriated water supplies or to mitigate or remedy any subsidence-related material damage to the land and protected structures; and

525.490 Other information specified by the Division as necessary to demonstrate that the operation will be conducted in accordance with R645-301-525.300.

(d) Proposed Requirements for Subsidence Damage Repair

Utah's proposed amendment at R645-301-525.510 provides that

[t]he permittee must correct any material damage resulting from subsidence caused to surface lands, to the extent technologically and economically feasible, by restoring the land to a condition capable of maintaining the value and reasonably foreseeable uses that it was capable of supporting before subsidence damage.

Utah proposes at R645-312-525.520 that

[t]he permittee must promptly repair, or compensate the owner for, material damage resulting from subsidence caused to any non-commercial building or occupied residential dwelling or structure related thereto that existed at the time of mining. If repair option is selected, the permittee must fully rehabilitate, restore or replace the damaged structure. If compensation is selected, the permittee must compensate the owner of the damaged structure for the full amount of the decrease in value resulting from the subsidence-related damage. The permittee may provide compensation by the purchase, before mining, of a non-cancelable premium-prepaid insurance policy. The requirements of this paragraph apply only to subsidence-related damage caused by underground coal mining and reclamation activities conducted after October 24, 1992.

Utah's proposed rule at R645-301-525.530 provides that

[t]he permittee shall either correct material damage resulting from subsidence caused to any structures or facilities not protected by paragraph 525.520 by repairing the damage or compensate the owner of the structures or facilities for the full amount of the decrease in value resulting from the subsidence. Repair of damage includes rehabilitation, restoration, or replacement of damaged structures or facilities. Compensation may be accomplished by the purchase before mining of a non-cancelable premium-prepaid insurance policy.

Proposed R645-301-525.540 through 525.545 provide a rebuttable presumption of causation by subsidence within a certain angle of draw. At R645-301-525.541, Utah proposes that,

[i]f damage to any non-commercial building or occupied residential dwelling or structure related thereto occurs as a result of earth movement within an area determined by projecting an angle of draw equal to that used for that particular mine's compliance with R645-301 from the outermost boundary of any underground mine workings to the surface of the land, a rebuttable presumption exists that the permittee caused the damage. This presumption will normally apply to a 30 degree angle of draw from the vertical, however, the Division may amend the applicable angle of draw for a particular mine through the process described in R645-301-525.542.

Proposed section R645-301-525.542 provides that

[a] permittee or permit applicant may request that the presumption apply to an angle of draw different than 30 degrees. To establish a site-specific angle of draw, an applicant must demonstrate and the Division must determine in writing that the proposed angle of draw has a more reasonable basis than 30 degrees and is based on a site-specific geotechnical analysis of the potential surface impacts of the mining operation.

Under proposed R645-301-525.543, there is

[n]o presumption where access for pre-subsidence survey is denied. If the permittee was denied access to the land or property for the purpose of conducting the pre-subsidence survey in accordance with R645-301-525.130 no rebuttable presumption will exist.

Utah proposes under R645-301-525.544 that

[t]he presumption will be rebutted if, for example, the evidence establishes that: The damage predated the mining in question; the damage was proximately caused by some other factor or factors and was not proximately caused by subsidence; or the damage occurred outside the surface area within which subsidence was actually caused by the mining in question.

Proposed R645-301-525.545 provides that

[i]n any determination whether damage to protected structures was caused by

subsidence from underground mining, all relevant and reasonably available information will be considered by the Division.

Utah proposes to add provisions for adjustment of bond amount for subsidence damage at R645-301-525.550. As proposed,

[w]hen subsidence-related material damage to land, structures or facilities protected under R645-301-525.500 through R645-301-525.530 occurs, or when contamination, diminution, or interruption to a water supply protected under Sec. R645-301-731.530 occurs, the Division must require the permittee to obtain additional performance bond in the amount of the estimated cost of the repairs if the permittee will be repairing, or in the amount of the decrease in value if the permittee will be compensating the owner, or in the amount of the estimated cost to replace the State-appropriated water supply if the permittee will be replacing the water supply, until the repair, compensation, or replacement is completed. If repair, compensation, or replacement is completed within 90 days of the occurrence of damage, no additional bond is required. The Division may extend the 90-day time frame, but not to exceed one year, if the permittee demonstrates and the Division finds in writing that subsidence is not complete, that not all probable subsidence-related material damage has occurred to lands or protected structures, or that not all reasonably anticipated changes have occurred affecting the State-appropriated water supply, and that therefore it would be unreasonable to complete within 90 days the repair of the subsidence-related material damage to lands or protected structures, or the replacement of State-appropriated water supply.

Utah proposes to redesignate former R645-301-525.220 as 525.600 and to add the heading, "Compliance" to the new section. It also proposes to redesignate R645-301-525.300, entitled "Public Notice of Proposed Mining", as 525.700.

Proposed Changes in Hydrology Information for Permit Applications

Utah proposes to remove existing requirements at R645-301-724.600 for surveys that were to determine if aquifers would be materially damaged or diminished by subsidence. Such surveys were to be included in subsidence control plans required by R645-301-525. The proposed removal follows the change to R645-301-525 as proposed by this amendment at R645-301-728.350.

Utah proposes at R645-301-728.350 an alternative to the existing provision at R645-301-728.340 for probable hydrologic consequences determinations to include findings on the effects of surface coal mining and reclamation activities on underground or surface water sources. The alternative

would apply to underground coal mining and reclamation activities. In such cases, Utah proposes that probable hydrologic consequence determinations include findings on

[w]hether the underground coal mining and reclamation activities conducted after October 24, 1992[,] may result in contamination, diminution or interruption of State-appropriated water in existence at the time the application is submitted and used for legitimate purposes within the permit and adjacent areas.

Under provisions applicable to State-appropriated water supplies in a permit application's operation plan, Utah proposes that

[t]he permittee will promptly replace any State-appropriated water supply that is contaminated, diminished or interrupted by underground mining activities conducted after October 24, 1992, if the affected water supply was in existence before the date the Division received the permit application for the activities causing the loss, contamination or interruption. The baseline hydrologic and geologic information required in R645-301-700, will be used to determine the impact of mining activities upon the water supply.

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 it receives after the time indicated under **DATES** or at locations other than the Denver Field Division in the final rulemaking, or include them in the administrative record.

2. Public Hearing

Persons wishing to testify at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m., m.d.t. on April 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 has conducted the reviews required by section 3 of Executive Order 12988 (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 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), decision 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 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 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: March 31, 1998.

Richard J. Seibel,

Regional Director, Western Regional Coordinating Center.

[FR Doc. 98-9173 Filed 4-7-98; 8:45 am]

BILLING CODE 4310-05-M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. 98-2]

Fees

AGENCY: Copyright Office, Library of Congress.

ACTION: Proposed rule; correction

SUMMARY: The Copyright Office published in the **Federal Register** of April 1, 1998, a proposed rule regarding new fees for special services. This document corrects the special services fee chart.

DATES: April 8, 1998.

FOR FURTHER INFORMATION CONTACT:

Marilyn J. Kretsinger, Assistant General Counsel, or Patricia Sinn, Senior Attorney, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, DC 20024, or telephone (202) 707-8380. Fax: (202) 707-8366.

SUPPLEMENTARY INFORMATION: The proposed rule Docket No. 98-2 regarding fees published beginning on page 15802 in the April 1, 1998, issue of the **Federal Register**, contained errors in the special services fee chart appearing on pages 15806-15807 that need to be clarified.

List of Subjects in 37 CFR Part 201

Copyright, General provisions.

PART 201—GENERAL PROVISIONS

In consideration of the foregoing, the proposed rule amending part 201 of 37 CFR chapter II published at 63 FR 15802 is corrected as follows:

§ 201.32 [Corrected]

On page 15806, in § 201.32, the special services fee chart is corrected to read as follows:

Special services	Fees
1. Service charge for deposit account overdraft	\$70
2. Service charge for dishonored deposit account replenishment check	35
3. Service charge for short fee payment	20
4. Appeals:	
a. First appeal	200
Additional claim in related group	20
b. Second appeal	500
Additional claim in related group	20
5. Secure test processing charge, per hour	60
6. Copying charge, first 15 pages, per page	1
Each additional page50
7. Inspection charge	65
8. Special handling fee for a claim	500
Each additional claim using the same deposit	50
9. Special handling for recodation of a document	330
10. Full-term storage of deposits	365
11. Surcharge for expedited Certifications and Documents Section services:	
a. Additional certificates, per hour	75
b. In-process searches, per hour	75
c. Copy of assignment, per hour	75
d. Certification, per hour	75
e. Copy of registered deposit.	
First hour	95
Each additional hour	75
f. Copy of correspondence file:	
First hour	95
Each additional hour	75
12. Surcharge for expedited Reference and Bibliography searches:	
First hour	125
Each additional hour	95