implement previously approved statutory revisions at UCA 40–10–20 (1)(a) and (3)(a) that had the same effect (see finding No. 4, 59 FR 49185, 49187, September 27, 1994).

- Utah Admin. R. 645–401–120 (30 CFR 845.11), concerning information on civil penalties;
- Utah Admin. R. 645–401–410 (30 CFR 845.15(a)), concerning assessments of separate violations for each day;
- Utah Admin. R. 645–401–721, 645–401– 723.100, and 645–401–742 (30 CFR 845.18(b)(1), 845.18(b)(3)(i), and 845.18(d)(2)), concerning procedures for informal assessment conferences;
- Utah Admin. R. 645–401–810 (30 CFR 845.19(a)), concerning requests for formal hearings; and
- Utah Admin. R. 645–402–420 and 645– 402–422 (30 CFR 846.17(b) and 846.17(b)(2)), concerning procedures for assessment of individual civil penalties.

Because these proposed revisions of the Utah rules are substantively identical to the corresponding provisions of the Federal regulations, the Director finds that they are no less effective than the Federal regulations. The Director approves these proposed rules.

3. Utah Admin. R. 645–401–830, Formal Review of the Violation Fact or the Civil Penalty

Utah proposed to revise Utah Admin. R. 645–401–830 to specify that formal review of the violation fact or penalty will be conducted by the Board under the provisions of the "procedural rules of the Board (R641 Rules)." The "procedural rules of the Board (R641 Rules)" are entitled "Rules of Practice and Procedure of the Utah Board of Oil, Gas and Mining."

The corresponding Federal regulations at 30 CFR 845.19(a) state that the person charged with the violation may contest the fact of a violation or the proposed penalty for a violation by submitting, among other things, a petition to the Office of Hearings and Appeals. The procedural requirements that apply to these appeals are included in the Federal program at 43 CFR 4.1150 through 4.1171.

Utah's proposed reference to its "procedural rules of the Board (R641 Rules)" in proposed Utah Admin. R. 645–401–830 corresponds to the general reference in the Federal regulation at 30 CFR 845.19(a) to the Office of Hearings and Appeals. OSM previously approved, in Utah's original program, Utah's procedural requirements at Utah Admin. R. Part 641, the "Rules of Practice and Procedure of the Utah Board of Oil, Gas and Mining." (see finding No. 4(q), 46 FR 5899, 5910, January 21, 1981).

On this basis, the Director finds that the proposed revision to Utah Admin. R. 645–401–830 is no less effective than the Federal regulations at 845.19(a) and approves it.

4. Utah Admin. R. 645–401–910, Final Civil Penalty Assessment and Payment of Penalty

Utah proposed to revise Utah Admin. R. 645–401–910 to require that, if the permittee fails to request a hearing as provided in Utah Admin. R. 645-401-810, the proposed civil penalty assessment will become a final order of the Division, rather than the Board. Utah also proposed revising Utah Admin. R. 645-401-910 to require that the penalty assessed will become due and payable upon expiration of the time allowed to request a hearing and "upon the Division fulfilling its responsibilities under UCA 40-10-20(3)(e)." Utah proposed to add the quoted language as part of this amendment.

The counterpart Federal regulation at 30 CFR 845.20(a) requires that if the person to whom a notice of violation or cessation order is issued fails to request a hearing as provided for in 30 CFR 845.19, the proposed assessment shall become a final order of the Secretary and the penalty assessed shall become due and payable upon expiration of the time allowed to request a hearing.

The Federal regulation at 30 CFR 845.20(a) differs from proposed Utah Admin. R. 645–401–910 only in that (1) it addresses the final order of the Secretary of the Interior and (2) it does not reference section 518(b) of SMCRA which is substantively identical to the Utah's referenced statutory provision at UCA 40–10–20(3)(e).

Utah's referenced statutory provision at UCA 40-10-20(3)(e) provides that, if the person charged with a violation fails to avail himself of the opportunity for a public hearing, a civil penalty shall be assessed by the Division after it has (1) determined that a violation did occur, (2) determined the amount of the penalty that is warranted, and (3) issued an order requiring that the penalty be paid. These provisions of Utah's statute are implemented in Utah Admin. R. 645-401-730, which states that the assessment conference officer will promptly serve the permittee with a notice of his or her action (i.e., an assessment notice) and will include a worksheet if the penalty has been lowered or raised from the original assessment.

Proposed Utah Admin. R. 645–401– 910 therefore requires that, if the permittee fails to request a hearing as provided in Utah Admin. R. 645–401– 810, the proposed civil penalty assessment (i.e., the assessment notice required in Utah Admin. R. 645–401– 730) will become a final order of the Division.

The Director finds that proposed Utah Admin. R. 645–401–910 is no less effective than the Federal regulation at 30 CFR 845.20(a) and approves it.

5. Utah Admin. R. 645–402–120, Information on Individual Civil Penalties

Utah proposed to revise Utah Admin. R. 645–402–120 to require that a Division-appointed, rather than a Boardappointed, assessment officer will assess individual civil penalties.

Proposed Utah Admin. R. 645–402– 120 has no direct counterpart in the Federal regulations. However, the generally corresponding Federal regulation at 30 CFR 846.1 establishes the scope of OSM's individual civil penalty regulations when it states that 30 CFR Part 846 covers the assessment of individual civil penalties under section 518(f) of SMCRA.

Utah's statutory provision which corresponds to, and is substantively identical to, section 518(f) of SMCRA is UCA 40–10–20(6). As discussed in finding No. 2 above, OSM previously approved Utah's statutory provisions at UCA 40–10–20 that transferred power for assessment of civil penalties from the Board to the Division. It naturally follows that Utah also has the discretion to select the same State entity to be responsible for assessments of individual civil penalties.

On this basis, the Director finds that proposed Utah Admin. R. 645–402–120 is consistent with its statute as well as the Federal regulation at 30 CFR 846.1. Therefore, the Director approves proposed Utah Admin. R. 645–402–120.

IV. Summary and Disposition of Comments

Following are summaries of all substantive comments on the proposed amendment that were received by OSM, and OSM's responses to them.

1. Public Comments

OSM invited public comments on the proposed amendment, but none were received.

2. Federal Agency Comments

Pursuant to 732.17(h)(11)(i), OSM solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Utah program.