

implants to cattle and have been approved by the Secretary of Health and Human Services for such use. Therefore, pursuant to the authority vested in the Attorney General by title XIX of Pub. L.

101-647 as delegated to the Administrator of the DEA pursuant to 21 U.S.C. 871(a) and 28 CFR 0.100, the Acting Deputy Assistant Administrator hereby orders that the following

anabolic steroid veterinary implant products be added to those described in 21 CFR 1308.26(a) and excluded from application of the CSA.

EXCLUDED VETERINARY ANABOLIC STEROID IMPLANT PRODUCTS

Trade name	Company	NDC code	Delivery system	Ingredients	Quantity
Component E-H ..	VetLife, Inc., Norcross, GA	021641-002	20 implant belt ..... 8 pellets/implant .....	Testosterone propionate .... Estradiol benzoate .....	200 mg/implant. (25 mg/pellet). 20 mg/implant. (2.5 mg/pellet).
Component E-H ..	Elanco, Scarborough, Ont ..	DIN01968327	20 implant belt ..... 8 pellets/implant .....	Testosterone propionate .... Estradiol benzoate .....	200 mg/implant. (25 mg/pellet). 20 mg/implant. (2.5 mg/pellet).
Component TE-S	VetLife, Inc., Norcross, GA	021641-004	20 implant belt ..... 6 pellets/implant .....	Trenbolone acetate ..... Estradiol .....	120 mg/implant. (20 mg/pellet). 24 mg/implant. (4 mg/pellet).
Component T-H ..	VetLife, Inc., Norcross, GA	021641-006	20 implant belt ..... 10 pellets/implant	Trenbolone acetate .....	200 mg/implant. (20 mg/pellet).
Component T-S ..	VetLife, Inc., Norcross, GA	021641-005	20 implant belt ..... 7 pellets/implant	Trenbolone acetate .....	140 mg/implant. (20 mg/pellet).
Revalor-G .....	Hoechst Roussel Vet, Somerville, NJ.	12799-811	10 implant cartridge .. 2 pellets/implant .....	Trenbolone acetate ..... Estradiol .....	40 mg/implant. (20 mg/pellet). 4 mg/implant. (2 mg/pellet).
Revalor-H .....	Hoechst Roussel Vet, Somerville, NJ.	12799-810	10 implant cartridge .. 7 pellets/implant .....	Trenbolone acetate ..... Estradiol .....	140 mg/implant. (20 mg/pellet). 14 mg/implant. (2 mg/pellet).
Synovex H .....	Fort Dodge Labs, Fort Dodge, IA.	0856-3901	10 implant cartridge .. 8 pellets/implant .....	Testosterone propionate .... Estradiol benzoate .....	200 mg/implant. (25 mg/pellet). 20 mg/implant. (2.5 mg/pellet).
Synovex Plus .....	Fort Dodge Labs, Fort Dodge, IA.	0856-3904	10 implant cartridge .. 8 pellets/implant .....	Trenbolone acetate ..... Estradiol benzoate .....	200 mg/implant. (25 mg/pellet). 28 mg/implant. (3.5 mg/pellet).

The exemption of these products relates to their production, distribution, and use in animals only. If any person distributes, dispenses or otherwise diverts these products to use in humans, he/she shall be deemed to have distributed a Schedule III controlled substance and may be prosecuted for CSA violations.

Interested persons are invited to submit their comments in writing with regard to this interim rule. If any comments or objections raise significant issues regarding any finding of fact or conclusion of law upon which this order is based, the Acting Deputy Assistant Administrator shall immediately suspend the effectiveness of this order until he may reconsider the application in light of the comments and objections filed. Thereafter, the Acting Deputy Assistant Administrator shall reinstate, revoke, or amend his original order as he determines appropriate.

The granting of excluded status relieves persons who handle the

excluded products in the course of legitimate business from the registration, record keeping, security, and other requirements imposed by the CSA. Accordingly, the Acting Deputy Assistant Administrator certifies that this action will have no negative economic impact upon small entities whose interests must be considered under the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*).

This action has been analyzed in accordance with the principles and criteria contained in E.O. 12612, and it has been determined that this matter does not have sufficient federalism implications to require the preparation of a Federalism Assessment.

It has been determined that drug control matters are not subject to review by the Office of Management and Budget (OMB) pursuant to the provisions of E.O. 12866. Accordingly, this action is not subject to those provisions of E.O. 12778 which are contingent upon review by OMB. Nevertheless, the Acting Deputy

Assistant Administrator has determined that this is not a "major rule," as that term is used in E.O. 12866, and that it would otherwise meet the applicable standards of sections 2(a) and 2(b)(2) of E.O. 12778.

Dated: May 21, 1997.

**Terrance W. Woodworth,**

*Acting Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 97-14112 Filed 5-29-97; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 906

[SPATS No. CO-034-FOR]

Colorado Regulatory Program

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

**ACTION:** Final rule; approval of amendment.

**SUMMARY:** Office of Surface Mining Reclamation and Enforcement (OSM) is approving a proposed amendment to the Colorado regulatory program (hereinafter referred to as the "Colorado program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Colorado proposed, in addition to several nonsubstantive editorial revisions, revisions to Colorado's rules pertaining to the applicability of Colorado's rules and language identifying where referenced material may be viewed; definitions; the requirement to repeal any State rule required by a Federal law or rule which is repealed; the operations plan permit application requirements; experimental practices; the right of successive permit renewal; transfer, assignment or sale of permit rights; terms and conditions of an irrevocable letter of credit; performance standards for sedimentation ponds; embankment design for sedimentation ponds; sign and markers for temporary and permanent cessation of operations; availability of records; and a permittee's failure to abate a violation. The amendment revised the State program to clarify ambiguities and improve operational efficiency.

**EFFECTIVE DATE:** May 30, 1997.

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

**SUPPLEMENTARY INFORMATION:**

**I. Background on the Colorado Program**

On December 15, 1980, the Secretary of the Interior conditionally approved the Colorado program. General background information on the Colorado program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Colorado program can be found in the December 15, 1980, **Federal Register** (45 FR 82173). Subsequent actions concerning Colorado's program and program amendments can be found at CFR 906.15, 906.16, and 906.30.

**II. Proposed Amendment**

By letters dated February 25, 1997, Colorado submitted a proposed amendment (administrative record No. CO-683) to its program pursuant to SMCRA (30 U.S.C. 1201 *et seq.*). Colorado submitted the proposed amendment at its own initiative.

OSM announced receipt of the proposed amendment in the March 13, 1997, **Federal Register** (62 FR 11805),

provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (administrative record No. CO-683-2). Because no one requested a public hearing or meeting, none was held.

The public comment period ended on April 14, 1997.

**III. Director's Findings**

As discussed below, the Director, in accordance with SMCRA and 30 CFR 732.15 and 732.17, find that the proposed program amendment submitted by Colorado on February 25, 1997, is no less effective than the Federal regulations in implementing the requirements of SMCRA. Accordingly, the Director approves the proposed amendment.

*1. Nonsubstantive Revisions to Colorado's Rules*

Colorado proposed revisions to the following previously-approved rules that are nonsubstantive in nature and consist of minor editorial changes (corresponding Federal regulation provisions are listed in parentheses):

Rule 1.01(9) (No Federal counterpart), concerning materials incorporated by reference in Colorado's rules, to identify in this rule, which is applicable to all Colorado rules (rather than in each rule citing referenced material) the location where material incorporated by reference may be examined or obtained;

Rule 1.04(4) (No Federal counterpart), concerning the definition of "[a]ctive mining area," to remove a reference to a rule that is not applicable;

Rule 1.04(12) (30 CFR 701.5), concerning the definition of "[a]pplication," to remove an extraneous "of;"

Rule 1.04(21) (30 CFR 700.5), concerning the definition of "[c]oal," to remove the language now incorporated in Rule 1.01(9) regarding where material incorporated by reference may be examined or obtained;

Rule 1.04(41) (30 CFR 706.3), concerning the definition of "employee," to identify the section of Colorado's rules to which the definition is applicable;

Rule 1.04(149) (30 CFR 761.5), concerning the definition of "[v]alid existing rights," to recodify existing paragraphs within the definition;

Rule 2.05.3(3)(b)(i)(D) (30 CFR 780.12(a)(4)), concerning the description of existing structures in the operations plan for a permit application, to remove a reference to requirements that do not exist;

Rule 2.05.3(3)(c)(ii) (30 CFR 780.37(c) and 784.24(c)), concerning the

description of mine facilities (road, conveyor, or rail system) in the operations plan for a permit application, to correct a referenced rule citation;

Rule 2.06.6(2)(a)(i) (30 CFR 785.17(b)(3)), concerning special requirements for permit applications involving prime farmlands, to remove the language now incorporated in Rule 1.01(9) regarding where material incorporated by reference may be examined or obtained;

Rule 3.05.5(1) (30 CFR 800.40(c)), concerning criteria for the release of performance bonds, to remove an extraneous "the;"

Rule 4.03.1(1)(e) (30 CFR 816.151(b) and 817.151(b)), concerning general performance standards for haul roads, to remove a portion of the subparagraph that was duplicated;

Rule 4.05.6(6)(a) (30 CFR 816.46(c)(2)), concerning the storm event used to design sedimentation ponds, to repromulgate previously-approved language that was inadvertently removed;

Rule 4.05.6(11)(h) (30 CFR 816.49(a) (3) and (4)), concerning embankment design for sedimentation ponds, to correct a referenced rule citation;

Rules 4.07.3(3)(f) and 4.07.3(3)(g) (30 CFR 816.15), concerning permanent sealing of drill holes, to correct typographical errors; and

Rule 5.03.3(5) (30 CFR 843.13(d)), concerning a permittee's failure to abate a violation, to correct a referenced rule citation.

Because the proposed revisions to these previously-approved Colorado rules are nonsubstantive in nature, the Director finds that they are no less effective than the Federal regulations. The Director approves these proposed rules.

*2. Rule 1.13, Repeal of Colorado Rules Which are More Stringent than Required to be as Effective as SMCRA and the Federal Regulations*

Colorado's Rule 1.13 requires that any Colorado rule which is required by a Federal law, rule, or regulation shall become repealed and shall not be enforced when said Federal law is repealed or said Federal rule or regulation is deleted or withdrawn. Colorado proposed to revise Rule 1.13 to state that the repeal of any such rule shall not become effective to ninety, rather than sixty, days after repeal of the Federal regulation during which time the repeal may be subject to a rulemaking hearing. Colorado proposed this revision of Rule 1.13 in order that the rule would be consistent with its authorizing statutory provision at C.R.S. 34-33-108 (1) and (2), which OSM

approved as no less stringent than section 503 of SMCRA (see finding No. 4, 61 FR 59332, 59333, November 22, 1996).

The Federal regulations at 30 CFR 730.5 define "consistent with and in accordance with" to mean, with regard to SMCRA, that the State laws and regulations are no less stringent than, meet the minimum requirements of, and include all applicable provisions, and, with regard to the Federal regulations, that the State laws and regulations are no less effective than the Secretary's regulations in meeting the requirements of SMCRA.

There is no Federal counterpart regarding automatic appeal of State rules if the Federal rule is repealed; however, there is nothing in Colorado's proposed Rule 1.13 which causes the rule to be inconsistent with the Federal regulations at 30 CFR 730.5. Allowing an extra thirty days prior to repeal, during which any person may request a rulemaking hearing, provides for greater public participation than did the existing rule.

Therefore, the Director finds that proposed Rule 1.13 is consistent with and no less effective than the Federal regulations and approves the proposed revision.

### 3. Rule 2.06.2(4), Approval of Experimental Practices

Colorado proposed to revise Rule 2.06.2(4) to note that the Director of OSM is the authorized representative of the Secretary of the Department of the Interior for all experimental practices. Experimental practices must be approved by both the "Board" and the "Director." The "Board" is the Colorado Mined Land Reclamation Board (defined at Rule 1.04(18)) and the "Director" is the Director of OSM (defined at Rule 1.04(35)).

The counterpart Federal regulation at 30 CFR 785.13(d) requires the approval of OSM for all proposed experimental practices.

Colorado proposed to revise Rule 2.06.2(4) to ensure that it would be consistent with the authorizing statute (C.R.S. 34-33-134), which requires approval by the Secretary of the U.S. Department of Interior. Colorado's proposed rule clarifies that the Director of OSM is the authorized representative for the Secretary.

Because Colorado has only clarified approval authority in Rule 2.06.2(4) and has not substantively revised the requirements of the rule, the Director finds that Rule 2.06.2(4) remains no less effective than the counterpart Federal regulation at 30 CFR 785.13(d) and approves it.

### 4. Rule 2.08.5(2)(b)(ii), Advertisement of Public Notice for Applications Concerning Permit Renewal

Colorado proposed to revise Rule 2.08.5(2)(b)(ii) to require that applicants for permit renewals submit a copy of the newspaper notice, which must be published in accordance with Colorado's Rule 2.07.3(2), at the time of initial application and proof of publication within four weeks of the last date of publication.

The Federal regulation at 30 CFR 774.15(b)(2)(iv) requires the applicant for permit renewal to submit a copy of the proposed newspaper notice and proof of publication of same.

Proposed Rule 2.08.5(2)(b)(ii) clarifies the timing of submittal of proof of publication of the required newspaper notice for a permit renewal. The Director finds that proposed Rule 2.08.5(2)(b)(ii) is consistent with and no less effective than the requirements of 30 CFR 774.15(b)(2)(iv) and approves it.

### 5. Rule 3.02(2)(d)(i); Letters of Credit That Are Acceptable as Performance Bonds

Colorado's existing Rule 3.02.4(2)(d)(i) requires that irrevocable letters of credit may only be issued by a bank organized or authorized to do business in the U.S. and located in the state of Colorado, except that the bank need not be located in the state of Colorado if the letter of credit can be exercised at an affiliate or subsidiary located in the State of Colorado. Colorado proposed to revise Rule 3.02.4(2)(d)(i) to also allow for letter of credit performance bonds issued by a bank located in the United States but outside of the State of Colorado, if it (1) is confirmed by a bank located in the State of Colorado or (2) at the Board's discretion, is determined to be an acceptable letter of credit.

The counterpart Federal regulation at 30 CFR 800.21(b)(1) only require that the bank be authorized to do business in the United States. Colorado's proposed Rule 3.02.4(2)(d)(i) provides requirements for letters of credit as forms of collateral bond that are in addition to those provided in the Federal program. These requirements afford a measure of protection beyond that afforded by the Federal regulations and is not inconsistent with the Federal regulations.

Therefore, the Director finds that proposed Rule 3.02.4(2)(d)(i) is no less effective than the Federal regulation at 30 CFR 800.21(1)(e), and approves it.

### 6. Rules 4.02.2(2), 4.30.1(3), and 4.30.2(3), Information Required To Be on Mine Identification Signs Which are Posted at the Entrance to Mine Sites

Colorado proposed to revise Rules 4.30.1 and 4.30.2, concerning cessation of operations, by adding a paragraph (3) to each rule to require that, as soon as it is known that a temporary cessation will last more than 30 days or when a mine is in permanent cessation, the name, address and telephone number of the Division be included on mine identification signs which are posted at the entrance to mine sites. Colorado also proposed to remove the requirement for this information on all signs and markers for all surface coal mining operations from Rules 4.02.2(2)(a) through (c), which were previously approved by OSM never actually promulgated by Colorado.

The Federal regulation at 30 CFR 816.11(c)(2) requires that identification signs be displayed at each point of access to the permit area from public roads and that such signs shall show the name, business address, and telephone number of the person who conducts the surface mining activities and the identification number of the current permit authorizing surface mining activities. Neither this rule nor the Federal regulations concerning cessation of operations at 30 CFR 816.131 and 816.132 include the requirement for the additional information on the identification signs.

Colorado's proposed inclusion of the requirement at Rules 4.30.1(3) and 4.30.2(3), that the name, address, and telephone number of the office where the mining and reclamation permit is filed, provides for information on the mine identification sign that will facilitate the public's ability to participate in the development, revision, and enforcement of regulations, standards, reclamation plans, or programs established by Colorado and is, therefore, not inconsistent with the Federal regulations at 30 CFR 816.11(c)(2), 816.131, and 816.132. Because Colorado's Rule 4.02.2(2) requires the same information on all signs and markers as does the Federal regulation at 30 CFR 816.11(c)(2), Colorado's proposed deletion of the additional requirement for the permit number and where information regarding the permitted operation may be viewed is not inconsistent with the requirements of the Federal regulations at 30 CFR 816.11(c)(2).

Based on the above discussion, the Director finds that proposed Rules 4.02.2(2), 4.30.1(3), and 4.30.2(3) are no

less effective than the Federal regulations at 30 CFR 816.11(c)(2), 816.131, and 816.132. The Director approves Rules 4.02.2(2), 4.30.1(3), and 4.30.2(3).

#### *7. Rule 5.02.4(1) and (2), Maintenance of Records of Surface Coal Mining Operations*

Colorado proposes to revise (1) Rule 5.02.4(1) by deleting the general requirement that records be retained for at least five years after the period during which the operations is covered by any portion of reclamation bond and adding the requirement that the permittee maintain records for public review only until the Division has terminated jurisdiction at a reclaimed coal mining and reclamation operation, and (2) Rule 5.02.4(2) by adding the requirement that the Division maintain records of surface coal mining operations for five years after the operation was last active or covered by any portion of reclamation bond and provide for public review of such information.

The Federal regulation at 30 CFR 840.14(b) requires that, with the exception of certain investigative and enforcement materials, information designated as confidential according to 30 CFR 772.15 and 773.13(d), and as otherwise provided by Federal law; copies of all records, reports, inspection materials, or information obtained by the regulatory authority shall be made immediately available to the public in the area of mining until at least 5 years after expiration of the period during which the operation is active or is covered by any portion of a reclamation bond so that they are conveniently available to residents of that area (emphasis added). The Federal regulation at 30 CFR 840.14(c) requires that the State regulatory authority ensure compliance with paragraph (b) by either: (1) making copies of all records, reports, inspection materials, and other subject information available for public inspection at a Federal, State, or local government office in the county where the mining is occurring or proposed to occur; or (2) at the regulatory authority's option and expense, providing copies of subject information promptly by mail at the request of any resident of the area where the mining is occurring or is proposed to occur, provided, that the regulatory authority shall maintain for public inspection, at a Federal, State, or local government office in the county where the mining is occurring or proposed to occur, a description of the information available for mailing and the procedure for obtaining such information.

The Federal regulation at 30 CFR 700.11(d)(1) provides that the regulatory authority may terminate its jurisdiction at a surface coal mining and reclamation operation after release of all performance bonds. However, the requirement to maintain, for 5 years after all performance bonds have been released, public records relevant to the surface coal mining and reclamation operation is an obligation of the regulatory authority.

Colorado's proposed revisions at Rules 5.02.4 (1) and (2) clarify that the permittee is obligated to maintain records only until Colorado terminates jurisdiction over the operation and that Colorado will both maintain records relevant to the surface coal mining and reclamation operation for at least 5 years after release of all performance bonds and provide for public review of such information. Therefore, the Director finds that proposed Rules 5.02.4 (1) and (2) are consistent with and no less effective than the Federal regulations at 30 CFR 840.14 (b) and (c), and approves them.

#### **IV. Summary and Disposition of Comments**

Following are summaries of all substantive written 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.

The Colorado Mining Association (CMA) responded on March 18, 1997, that the Colorado Division of Minerals and Geology has kept the public continuously informed of the changes under consideration and that CMA has no objection to and supports many of the proposals currently before OSM (administrative record No. CO-680-3).

##### *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 Colorado program (administrative record No. CO-683-1).

The U.S. National Resources Conservation Service (NRCS) responded on April 1, 1997, that the title of its agency was changed in 1995 from the Soil Conservation Service (SCS) to the NRCS. NRCS noted that in Colorado's amendment several references in one rule are made to its old title, the SCS, and requested that Colorado revise its program to refer to NRCS rather than the SCS (administrative record No. CO-680-4). Because Colorado references the

SCS in several places throughout its approved program, OSM will not require, at this time, that Colorado make this revision in the one rule where the reference to SCS is made in this amendment. However, in response to this comment, OSM will, in a near-future 30 CFR Part 732 letter to Colorado, request that Colorado revise all references to the SCS to refer instead to the NRCS.

##### *3. Environmental Protection Agency (EPA) Concurrence and Comments*

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to solicit the written concurrence of EPA with respect to those provisions of the proposed program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*).

None of the revisions that Colorado proposed to make in its amendment pertain to air or water quality standards.

Therefore, OSM did not request EPA's concurrence.

Pursuant to 732.17(h)(11)(i), OSM solicited comments on the proposed amendment from EPA (administrative record No. CO-683-1). It did not respond to OSM's request.

##### *4. State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)*

Pursuant to 30 CFR 732.17(h)(4), OSM solicited comments on the proposed amendment from the SHPO and ACHP (administrative record No. CO-683-1). Neither SHPO nor ACHP responded to OSM's request.

#### **V. Director's Decision**

Based on the above findings the Director approves Colorado's proposed amendment as submitted on February 25, 1997.

The Director approves, as discussed in:

Finding No. 1, Rules 1.01(9); 1.04 (4), (12), (21), (41), and (149), 2.05.3(3)(b)(i)(D) and (3)(c)(ii); 2.06.6(2)(a)(i); 3.05.5(1); 4.03.1(1)(e); 4.05.6 (6)(a) and (11)(h); 4.07.3 (3)(f) and (3)(g), and 5.03.3(5), concerning nonsubstantive revisions;

Finding No. 2, Rule 1.13, concerning repeal of Colorado rules which are more stringent than required to be as effective as SMCRA and the Federal regulations;

Finding No. 3, Rule 2.06.2(4), concerning approval of experimental practices;

Finding No. 4, Rule 2.08.5(2)(b)(ii), concerning advertisement of public notice for applications concerning permit renewal;

Finding No. 5, Rule 3.02.4(2)(d)(i), letters of credit that are acceptable as performance bonds;

Finding No. 6, Rules 4.02.2(2), 4.30.1(3), and 4.30.2(3), concerning information required to be on mine identification signs which are posted at the entrance to mine sites, and;

Finding No. 7, Rule 5.02.4 (1) and (2), maintenance of records of surface coal mining operations.

The Federal regulations at 30 CFR Part 906, codifying decisions concerning the Colorado program, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

**VI. 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), 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 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 906**

Intergovernmental relations, Surface mining, Underground mining.

Dated: April 29, 1997.

**Richard J. Seibel,**

*Regional Director, Western Regional Coordinating Center.*

For the reasons set out in the preamble, title 30, chapter VII, subchapter T of the Code of Federal Regulations is amended as set forth below:

**PART 906—COLORADO**

1. The authority citation for part 906 continues to read as follows:

**Authority:** 30 U.S.C. 1201 *et seq.*

2. Section 906.15 is amended in the table by adding a new entry in chronological order by "Date of Final Publication" to read as follows:

**§ 906.15 Approval of Colorado regulatory program amendments.**

\* \* \* \* \*

Original amendment submission date	Date of final publication	Citation/description
* February 25, 1997	* May 30, 1997	* 2 CCR 407-2, Rules 1.01(9); 1.04 (4), (12), (21), (41), (149); 1.13; 2.05.3(3)(b)(i)(D), (3)(c)(ii); 2.06.2(4); 2.06.6(2)(a)(i); 2.08.5(2)(b)(ii); 3.02.4(2)(d)(i); 3.05.5(1); 4.02.2(2); 4.03.1(1)(e); 4.05.6(6)(a), (11)(h); 4.07.3(3) (f), (g); 4.30.1(3), .2(3); 5.02.4 (1), (2); 5.03.3(5)

[FR Doc. 97-14156 Filed 5-29-97; 8:45 am]  
BILLING CODE 4310-05-M

**DEPARTMENT OF THE INTERIOR**  
**Office of Surface Mining Reclamation and Enforcement**  
**30 CFR Part 938**  
**[PA-117-FOR]**

**Pennsylvania Regulatory Program**

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

**ACTION:** Final rule; approval of amendments.

**SUMMARY:** OSM is approving a proposed amendment to the Pennsylvania permanent regulatory program (hereinafter referred to as the Pennsylvania program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment (Administrative Record Number PA 843.00) revises the Pennsylvania program to incorporate