

filing when preparing documents for electronic submission.<sup>3</sup>

In this update, several submission types have been added. First, EDGAR submission types 13F-HR, 13F-HR/A, 13F-NT, and 13F-NT/A have been added. These submission types will accommodate the electronic submission of reports on Form 13F<sup>4</sup> in the event that the Commission amends its rules to require mandatory electronic filing of Form 13F.<sup>5</sup>

Also added are EDGAR submission types U-9C-3 and U-9C-3/A. These submission types are to be used by public utility holding companies for the submission of Form U-9C-3, Report Pursuant to Rule 58.<sup>6</sup>

Finally, a new submission has been added to accommodate electronic submissions of certain filings by companies whose filings are within the purview of the Division of Corporation Finance. Submission type POS EX has been added to reflect the Commission's recent adoption of Rule 462(d) under the Securities Act of 1933. This rule will permit automatic effectiveness of a post-effective amendment filed solely to add an exhibit.

The following submission types have been eliminated from EDGAR: 10-C, 10-C/A, 486A24E, 486A24F, 486B24E, 48624F, 8-B12B, 8-B12B/A, 8-B12G, 8-B12G/A, 8A12BEF, 8A12BT, and 8A12BT/A.

Rule 301 of Regulation S-T also is being amended to provide for the incorporation by reference of the Filer Manual into the Code of Federal Regulations, which incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The revised Filer Manual and the amendment to Rule 301 will be effective on August 25, 1997.

Paper copies of the updated Filer Manual may be obtained at the following address: Public Reference Room, U.S. Securities and Exchange Commission, Mail Stop 1-2, 450 Fifth

Street, NW., Washington DC 20549.

Electronic format copies will be available on the EDGAR electronic bulletin board. Copies also may be obtained from Disclosure Incorporated, the paper and microfiche contractor for the Commission, at (800) 638-8241.

Since the Filer Manual relates solely to agency procedure or practice, publication for notice and comment is not required under the Administrative Procedure Act.<sup>7</sup> It follows that the requirements of the Regulatory Flexibility Act<sup>8</sup> do not apply.

The effective date for the updated Filer Manual and the rule amendment is on August 25, 1997. In accordance with the Administrative Procedure Act 5 U.S.C. 553(d)(3), the Commission finds that there is good cause to establish an effective date less than 30 days after publication of these rules. The EDGAR system is scheduled to be upgraded to Release 5.30 on August 23, 1997. The Commission believes that it is necessary to coordinate the effectiveness of the updated Filer Manual with the scheduled system upgrade in order to avoid confusion to EDGAR filers.

#### Statutory Basis

The amendment to Regulation S-T is being adopted under sections 6, 7, 8, 10, and 19(a) of the Securities Act of 1933,<sup>9</sup> sections 3, 12, 13, 14, 15, 23, and 35A of the Securities Exchange Act of 1934,<sup>10</sup> section 20 of the Public Utility Holding Company Act of 1935,<sup>11</sup> section 319 of the Trust Indenture Act of 1939,<sup>12</sup> and sections 8, 30, 31, and 38 of the Investment Company Act.<sup>13</sup>

#### List of Subjects in 17 CFR Part 232

Incorporation by reference; Investment companies; Registration requirements; Reporting and recordkeeping requirements; Securities.

#### Text of the Amendment

In accordance with the foregoing, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

#### PART 232—REGULATION S-T— GENERAL RULES AND REGULATIONS FOR ELECTRONIC FILINGS

1. The authority citation for part 232 continues to read as follows:

**Authority:** 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 77sss(a), 78c(b), 78l, 78m, 78n, 78o(d),

<sup>7</sup> 5 U.S.C. 601-612.

<sup>8</sup> 5 U.S.C. 553(b).

<sup>9</sup> 15 U.S.C. 77f, 77g, 77h, 77j and 77s(a).

<sup>10</sup> 15 U.S.C. 78c, 78l, 78m, 78n, 78o, 78w and 78ll.

<sup>11</sup> 15 U.S.C. 79t.

<sup>12</sup> 15 U.S.C. 77sss.

<sup>13</sup> 15 U.S.C. 80a-8, 80a-29, 80a-30 and 80a-37.

78w(a), 78ll(d), 79t(a), 80a-8, 80a-29, 80a-30 and 80a-37.

2. Section 232.301 is revised to read as follows:

#### § 232.301 EDGAR Filer Manual.

Electronic filings shall be prepared in the manner prescribed by the EDGAR Filer Manual, promulgated by the Commission, which sets out the technical formatting requirements for electronic submissions. The August 1997 edition of the *EDGAR Filer Manual: Guide for Electronic Filing with the U.S. Securities and Exchange Commission (Release 5.30)* is incorporated into the Code of Federal Regulations by reference, which action was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Compliance with the requirements found therein is essential to the timely receipt and acceptance of documents filed with or otherwise submitted to the Commission in electronic format. Paper copies of the EDGAR Filer Manual may be obtained at the following address: Public Reference Room, U.S. Securities and Exchange Commission, Mail Stop 1-2, 450 5th Street, NW., Washington, DC 20549. They also may be obtained from Disclosure Incorporated by calling (800) 638-8241. Electronic format copies are available through the EDGAR electronic bulletin board. Information on becoming an EDGAR E-mail/electronic bulletin board subscriber is available by contacting CompuServe Inc. at (800) 576-4247.

By the Commission.

Dated: July 29, 1997.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 97-20413 Filed 8-1-97; 8:45 am]

BILLING CODE 8010-01-P

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 925

[SPATS No. MO-032-FOR]

#### Missouri Regulatory Program

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

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

**SUMMARY:** OSM is approving amendment to the Missouri regulatory program (hereinafter referred to as the "Missouri program") under the Surface

<sup>3</sup> See Release Nos. 33-6977 (Feb. 23, 1993) (58 FR 14628), IC-19284 (Feb. 23, 1993) (58 FR 14848), 35-25746 (Feb. 23, 1993) (58 FR 14999), and 33-6980 (Feb. 23, 1993) (58 FR 15009) for a comprehensive treatment of the rules adopted by the Commission governing mandated electronic filing. See also Release No. 33-7122 (Dec. 19, 1994) (59 FR 67752), in which the Commission made the EDGAR rules final and applicable to all domestic registrants, and Release No. 33-7427 (July 1, 1997) (62 FR 36450), adopting the most recent minor amendments to the EDGAR rules.

<sup>4</sup> 17 CFR 249.325.

<sup>5</sup> See Release No. 34-38800 (July 1, 1997) (62 FR 36467), in which the Commission proposed to require electronic filing of Form 13F via the EDGAR system.

<sup>6</sup> 17 CFR 259.208. See Release No. 35-26667 (Feb. 14, 1997) (62 FR 7900). ab

Mining Control and Reclamation Act of 1977 (SMCRA). Missouri proposed to amend its revegetation success guidelines by revising its special requirements for ground cover density on previously mined areas in the phase III revegetation success standards sections of its guidelines for pasture and adding special requirements for ground cover density on previously mined areas in the phase III revegetation success standards sections of its guidelines for wildlife habitat, woodland, industrial/commercial, residential, and recreation land uses. The amendment is intended to revise the Missouri program to be consistent with the corresponding Federal regulations and improve operational efficiency.

**EFFECTIVE DATE:** August 4, 1997.

**FOR FURTHER INFORMATION CONTACT:**

Russell W. Frum, Office of Surface Mining, Mid-Continent Regional Coordinating Center, Alton Federal Building, 501 Belle Street, Alton, Illinois 62002. Telephone: (618) 463-6460.

**SUPPLEMENTARY INFORMATION:**

- I. Background on the Missouri Program
- II. Submission of the Proposed Amendment
- III. Director's Findings
- IV. Summary and Disposition of Comments
- V. Director's Decision
- VI. Procedural Determinations

**I. Background on the Missouri Program**

On November 21, 1980, the Secretary of Interior conditionally approved the Missouri program. General background information on the Missouri program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Missouri program can be found in the November 21, 1980, **Federal Register** (45 FR 77017). Subsequent actions concerning Missouri's program and program amendments can be found at 30 CFR 925.12, 925.15, and 925.16.

**II. Submission of the Proposed Amendment**

By letter dated April 16, 1997 (Administrative Record No. MO-649), Missouri submitted a proposed amendment to its program pursuant to SMCRA. Missouri submitted the proposed amendment at its own initiative.

OSM announced receipt of the proposed amendment in the April 29, 1997, **Federal Register** (62 FR 23194), and in the same document opened the public comment period and provided an opportunity for a public hearing or meeting on the adequacy of the proposed amendment. The public comment period closed on May 29,

1997. Because no one requested a public hearing or meeting, none was held.

By letter dated May 29, 1997 (Administrative Record No. MO-649.3), Missouri submitted revisions to its proposed program amendment. Missouri proposed to withdraw the portion of its proposed amendment pertaining to the optional use of county average yields for determining prime farmland revegetation success and to revise the portion of its proposed amendment pertaining to special requirements for ground cover density on previously mined areas reclaimed to a pasture land use. Missouri submitted the revisions at its own initiative.

Based upon the revisions to the proposed program amendment submitted by Missouri, OSM reopened the public comment period in the June 10, 1997, **Federal Register** (62 FR 31541). The public comment period closed on June 25, 1997.

**III. Director's Findings**

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's finding concerning the proposed amendment.

Missouri proposed to amend its Phase III revegetation success guidelines for pasture, wildlife habitat, woodland, industrial/commercial, residential, and recreation land uses concerning the standard to be applied to previously mined land. Where the premining use and the postmining use are the same, Missouri proposed to require that the ground cover on previously mined lands be restored to at least its original density, but not less than that necessary to control erosion. If the premining use and postmining use are not the same or the premining ground cover was not recorded before the area's redisturbance, the permittee shall establish a ground cover density of 70 percent. The ground cover shall be determined once during the last year of the five-year liability period. Productivity testing is not required on pasture land that was previously mined. The proposal revises the current guidelines for reclaiming previously mined areas to pasture. Missouri currently does not have any provision for reclaiming previously mined areas to wildlife habitat, woodland, industrial/commercial, residential, or recreation land uses.

There are no direct Federal regulation counterparts for reclaiming previously mined lands to a specific land use. However, the Federal regulations at 30 CFR 816.116/817.116(b)(5) and Missouri's regulations at 10 CSR 40.3.120/3.270(6)(B)2.I require that vegetative ground cover for areas

previously disturbed by mining that were not reclaimed to permanent program performance standards and that are remined, or otherwise redisturbed by surface coal mining operations, shall be no less than the ground cover existing before redisturbance and shall be adequate to control erosion. The Federal regulations at 30 CFR 816.116/817.116(c)(2)(ii) require that the vegetative parameters of areas previously disturbed by mining shall equal or exceed the applicable success standard during the growing season of the last year of the responsibility period.

The portion of Missouri's proposal in which the premining use and the postmining use are the same contains substantively identical requirements as the Federal regulations for areas previously disturbed by mining in that the vegetative ground cover shall be not less than the ground cover existing before redisturbance and shall be adequate to control erosion. Therefore, the Director finds that these revisions to Missouri's revegetation success guidelines are no less effective than the Federal regulations at 30 CFR 816.116/817.116(b)(5).

The portion of Missouri's proposal in which the premining use and the postmining use are not the same or the premining ground cover density was not recorded before the area's redisturbance, when read in combination with the Missouri regulations at 10 CSR 40.3.120/3.270(6)(B)2.I which require that ground cover on redisturbed sites be adequate to control erosion, ensures that the 70 percent ground cover requirement is a minimum density standard that will be adjusted upward if the density is not adequate to control erosion. Therefore, the Director finds these proposed revisions are no less effective than the Federal regulations at 30 CFR 816.116/817.116(b)(5).

Additionally, the Director finds that the portion of Missouri's proposal which requires that the ground cover be determined once during the last year of the five-year liability period is consistent with and no less effective than the Federal requirements at 30 CFR 816.116/817.116(c)(2)(ii).

**IV. Summary and Disposition of Comments**

*Public Comments*

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

*Federal Agency Comments*

Pursuant to 30 CFR 732.17(h)(11)(i), the Director solicited comments on the proposed amendment from various

Federal agencies with an actual or potential interest in the Missouri program. No comments were received from the Federal agencies.

*Environmental Protection Agency (EPA)*

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to obtain the written concurrence of the 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.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). None of the revisions that Missouri proposed to make in this amendment pertain to air or water quality standards. Therefore, OSM did not request the EPA's concurrence.

Pursuant to 732.17(h)(11)(i), OSM solicited comments on the proposed amendment from the EPA (Administrative Record No. MO-649.1). The EPA did not respond to OSM's request.

*State Historical Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)*

Pursuant to 30 CFR 732.17(h)(4), OSM is required to solicit comments on proposed amendments which may have an effect on historic properties from the SHPO and ACHP. OSM solicited comments on the proposed amendment from the SHPO and ACHP (Administrative Record No. MO-649.1). Neither the SHPO nor ACHP responded to OSM's request.

**V. Director's Decision**

Based on the above findings, the Director approves the proposed amendment as submitted by Missouri on April 16, 1997, and as revised on May 29, 1997, concerning revisions to its revegetation success guidelines that revised or added special requirements for ground cover density on previously mined areas in the phase III revegetation success standards sections of its guidelines for pasture, wildlife habitat, woodland, industrial/commercial, residential, and recreation land uses. The Director approves the revegetation success guidelines as proposed by Missouri with the provision that they be fully implemented in identical form to those submitted to and reviewed by OSM and the public.

The Federal regulations at 30 CFR part 925, codifying decisions concerning the Missouri 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**

*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).

*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, to the extent allowed by law, 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 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.

*Narional 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)).

*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.*).

*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 which is the subject of this rule is based upon corresponding 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 corresponding Federal regulations.

*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 925**

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 21, 1997.

**Brent Wahlquist,**

*Regional Director, Mid-Continent Regional Coordinating Center.*

For the reasons set out in the preamble, 30 CFR part 925 is amended as set forth below:

**PART 925—MISSOURI**

1. The authority citation for part 925 continues to read as follows:

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

2. Section 925.15 is amended in the table by adding a new entry in chronological order by "Date of final publication" to read as follows:

**§ 925.15 Approval of Missouri regulatory program amendments.**

\* \* \* \* \*

Original amendment submission date	Date of final publication	Citation/description
April 16, 1997	August 4, 1997	Section I of Phase III Revegetation Success Standards for Pasture, Wildlife Habitat, Woodland, Industrial/Commercial, Residential, and Recreation.

[FR Doc. 97-20400 Filed 8-1-97; 8:45 am]  
BILLING CODE 4310-05-M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 944

[UT-035-FOR]

### Utah Regulatory Program and Utah Abandoned Mine Land Reclamation Plan

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

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

**SUMMARY:** The Office of Surface Mining Reclamation and Enforcement (OSM) is approving a proposed amendment to the Utah regulatory program and Utah abandoned mine land reclamation (AMLR) plan (hereinafter, the "Utah program and plan") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Utah proposed revisions to and additions of statutes pertaining to the definition for "adjudicative proceeding"; schedule of applicant's mining law violations and remaining operation violations resulting from unanticipated events or conditions; location of informal conferences; performance standards for all coal mining and reclamation operations and approximate original contour variances for surface coal mining operations; requirements regarding surface effects of underground coal mining, repair or compensation for damage, replacement of water, suspension of underground mining upon finding of immediate danger to inhabitants at the surface, and applicability to other chapters; contest of violation or amount of civil penalty; and lands and waters eligible for expenditure of AMLR funds. The amendment was intended to revise the Utah program and plan to be consistent with SMCRA and to improve operational efficiency.

**EFFECTIVE DATE:** August 4, 1997.

**FOR FURTHER INFORMATION CONTACT:** James F. Fulton, Chief, Denver Field Division; telephone: (303) 844-1424; Internet address: WWW.JFULTONOSMRE.GOV.

#### SUPPLEMENTARY INFORMATION:

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

On January 21, 1981, the Secretary of the Interior conditionally approved the Utah program; on June 3, 1983, the Secretary approved the Utah plan.

General background information on the Utah program and plan, 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, and June 3, 1983, publications of the **Federal Register** (46 FR 5899 and 48 FR 24876). Subsequent actions concerning Utah's program and program amendments can be found at 30 CFR 944.15, 944.16, and 944.30. Subsequent actions concerning Utah's plan amendments can be found at 30 CFR 944.25.

##### II. Proposed Amendment

By letter dated May 27, 1997, Utah submitted a proposed amendment to its program and plan (administrative record No. UT-1090) pursuant to SMCRA (30 U.S.C. 1201 *et seq.*). Utah submitted the proposed amendment in response to required program amendments at 30 CFR 944.16 (e) through (i), 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 provisions of the Utah coal mining and reclamation statute that Utah proposed to revise or add were: Utah Code Annotated (UCA) 40-10-3(1), definition for "adjudicative proceeding"; UCA 40-10-11 (3) and (5), schedule of applicant's mining law violations and remaining operation violations resulting from unanticipated events or conditions; UCA 40-10-13(2), location of informal conferences; UCA 40-10-17 (2), (3), and (4), performance standards for all coal mining and reclamation operations and approximate original contour variances for surface coal mining operations; UCA 40-10-18 (1) through (15), 18.1, and 18.2, requirements regarding surface effects of underground coal mining, repair or compensation for damage, replacement of water, suspension of underground mining upon finding of immediate danger to inhabitants at the surface, and applicability of other chapter provisions; UCA 40-10-20(2) (2)(e), contest of violation or amount of civil penalty; and UCA 40-10-25(6), lands and waters eligible for expenditure of AMLR funds.

OSM announced receipt of the proposed amendment in the June 13, 1997, **Federal Register** (62 FR 32255), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (administrative record No. UT-1095). Because no one requested a public hearing or meeting, none was held. The public comment period ended on July 14, 1997.

##### III. Director's Findings

As discussed below, the Director, in accordance with SMCRA, 30 CFR 732.15 and 732.17, and 30 CFR 884.14 and 884.15, finds that the proposed program and plan amendment submitted by Utah on May 27, 1997, is no less stringent than SMCRA and consistent with SMCRA. Accordingly, the Director approves the proposed amendment.

##### 1. Nonsubstantive Revisions to Utah's Statutes

Utah proposed revisions to the following previously-approved statutes concerning underground mining that are nonsubstantive in nature and consist of minor editorial, punctuation, grammatical, and recodification changes (corresponding SMCRA provisions are listed in parentheses):

UCA 40-10-17 (2) (j)(ii)(B), (p) (ii) and (iii); (3) (a) and (c); and (4), (4) (a) and (d), performance standards for all coal mining and reclamation operations, and approximate original contour variances for surface coal mining operations (sections 515 (b) (10)(B)(ii), (16) (B) and (C); (c) (2) and (6); and (d), (d) (1) and (4) of SMCRA),

UCA 40-10-18(1), adoption of rules for control of surface effects of underground coal mining operations (section 516(a) of SMCRA),

UCA 40-10-18(2), requirements for underground coal mining permits (section 516(b) of SMCRA),

UCA 40-10-18(3) (a), (a) (i) through (iii), and (b), prevention of subsidence effects (section 516(b)(1) of SMCRA),

UCA 40-10-18(4), filling or sealing of portals, entryways, drifts, shafts, or other openings (section 516(b)(2) of SMCRA),

UCA 40-10-18(5), sealing of exploratory holes and return of mine waste to mine workings or excavations (section 516(b)(3) of SMCRA),

UCA 40-10-18(6) (a), (b), and (b) (i) through (iii), surface disposal of mine waste (section 516(b)(4) of SMCRA),

UCA 40-10-18(7), dams or embankments constructed of coal mine waste (section 516(b)(5) of SMCRA),

UCA 40-10-18 (8), (8) (a) and (b), revegetation (section 516(b)(6) of SMCRA),

UCA 40-10-18(9), protection of offsite areas from damage (section 516(b)(7) of SMCRA),

UCA 40-10-18(10), elimination of fire hazards and public health and safety hazards (section 516(b)(8) of SMCRA),

UCA 40-10-18 (11), (11)(a), and (11)(a) (i) through (iii), minimization of disturbances of the prevailing hydrologic balance (section 516(b)(9)(A) of SMCRA),