will not have a significant impact on a substantial number of small entities, the agency must analyze regulatory options that would minimize any significant impact of a rule on small entities. The agency can identify at least one company which manufactures quality assurance products which are used in the selenium batch testing process. FDA has not prohibited the use of these batch testing products. They will still be available to feed mills if the feed mills wish to test every batch of selenium premix. As this final rule does not impose any new costs on this or other firms, under the Regulatory Flexibility Act (5 U.S.C. 605(b)), the agency certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

The Unfunded Mandates Reform Act requires (in section 202) that agencies prepare an assessment of anticipated costs and benefits before proposing any expenditure by State, local, and tribal Governments, in the aggregate, or by the private sector of $100 million. Because the rule does not require any expenditures by industry members or State or local governments, FDA is not required to perform a cost/benefit analysis under the Unfunded Mandates Reform Act.

IV. Final Action

The Commissioner has determined that the interim rule published on October 17, 1995, should be finalized without modification.

List of Subjects in 21 CFR Part 573

Animal feeds, Food additives.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 573 is amended as follows:

PART 573—FOOD ADDITIVES PERMITTED IN FEED AND DRINKING WATER OF ANIMALS

1. The authority citation for 21 CFR part 573 continues to read as follows:

Authority: Secs. 201, 402, 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348).

2. Accordingly, the interim rule amending 21 CFR 573.920 that was published in the **Federal Register** of October 17, 1995 (60 FR 53702), is adopted as a final rule without change.

Dated: August 8, 1997.

William K. Hubbard,

Acting Deputy Commissioner for Policy.

[FR Doc. 97–22476 Filed 8-22-97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 904

[SPATS No. AR–027–FOR]

Arkansas Regulatory Program

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

ACTION: Final rule; correction.

SUMMARY: OSM is correcting a final rule that appeared in the **Federal Register** of April 29, 1997 (62 FR 23129). This document amended the Arkansas regulatory program (hereinafter referred to as the ''Arkansas program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). When citing the part of the regulation that Arkansas proposed to remove, OSM inadvertently omitted the letter of the paragraph that was proposed for removal. Likewise, OSM inadvertently omitted the letter of the paragraph from the Federal regulation that was a counterpart to this State regulation that was proposed for removal.

EFFECTIVE DATE: The amendment to 30 CFR part 904 (62 FR 23129) is effective April 29, 1997.

FOR FURTHER INFORMATION CONTACT:

Michael C. Wolfrom, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, Suite 470, Tulsa, Oklahoma 74135–6548, Telephone: (918) 581–6430.

SUPPLEMENTARY INFORMATION: In FR Doc. 97–10990, appearing on page 23129 in the **Federal Register** of Tuesday, April 29, 1997, the following correction is made:

On page 23133, the second column, lines two and three, ''ASCMRC 816.89'' and ''30 CFR 816.89'' should read ''ASCMRC 816.89(d)'' and ''30 CFR 816.89(d)'', respectively.

Dated: August 7, 1997.

Charles E. Sandberg,

Acting Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 97–22414 Filed 8–22–97; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

[SPATS No. IN–138–FOR; State Program Amendment No. 95–3 II]

Indiana Regulatory Program

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

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is approving a proposed amendment to the Indiana regulatory program (hereinafter referred to as the ''Indiana program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Indiana proposed revisions to its rules pertaining to the small operator assistance program (SOAP). Topics covered in the proposed amendment are definitions for program administrator and qualified laboratory, eligibility for assistance, filing for assistance, application approval and notice, program services and data requirements, qualified laboratories, assistance funding, and applicant liability. The amendment is intended to revise the Indiana program to be consistent with the corresponding Federal regulations and to incorporate changes desired by the State.

EFFECTIVE DATE: August 25, 1997.

FOR FURTHER INFORMATION CONTACT:

Andrew R. Gilmore, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Minton-Capehart Federal Building, 575 North Pennsylvania Street, Room 301, Indianapolis, Indiana 46204–1521, Telephone (317) 226–6700.

SUPPLEMENTARY INFORMATION:

I. Background on the Indiana 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 Indiana Program

On July 29, 1982, the Secretary of the Interior conditionally approved the Indiana program. Background information on the Indiana program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the July 26, 1982, **Federal Register** (47 FR 32107). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 914.10, 914.15, and 914.16.

II. Submission of the Proposed Amendment

By letter dated January 13, 1997 (Administrative Record No. IND–1550), Indiana submitted a proposed amendment to its program pursuant to SMCRA. Indiana submitted the proposed amendment at its own initiative. The proposed amendment revises the Indiana Administrative Code (IAC) at 310 IAC 12–3 pertaining to SOAP.

OSM announced receipt of the proposed amendment in the February 18, 1997, **Federal Register** (62 FR 7192), 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. A proposed rule correction notice was published in the March 18, 1997, **Federal Register** (62 FR 12766). The public comment period closed on March 20, 1997. Because no one requested a public hearing or meeting, none was held.

During its review of the amendment, OSM identified concerns relating to technical errors at 310 IAC 12–3–130(5), definition of qualified laboratory; 310 IAC 12–3–131(2)(B), eligibility for assistance; and 310 IAC 12–3–132(a)(3)(C), filing for assistance. OSM notified Indiana of these concerns by letter dated March 26, 1997 (Administrative Record No. IND–1562).

By letter dated April 30, 1997 (Administrative Record No. IND–1569), Indiana responded to OSM's concerns by submitting additional explanatory information showing that the editorial errors at 310 IAC 12–3–130(5), 12–3–131(2)(B), and 12–3–132(a)(3)(C) had either been corrected or would be corrected in an Errata to be published upon final approval of the proposed amendment by the Governor of Indiana. Because the additional information merely clarified certain provisions of Indiana's proposed amendment, OSM did not reopen the public comment period.

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 findings concerning the proposed amendment.

A. Withdrawal of Previously Approved SOAP Amendment

Indiana notified OSM in its letter dated January 13, 1997, that the Indiana Legislative Service Agency had rejected, for procedural reasons, a proposed SOAP amendment dated May 3, 1995, which was approved by the Director and codified on October 25, 1995 (60 FR 54593). Since Indiana did not adopt the SOAP amendment, the Director is removing the approval and is amending 30 CFR 914.15 to reflect this decision.

B. Revisions to Indiana's Rules That Are Substantively Identical to the Corresponding Provisions of the Federal Regulations

1. The proposed State rules listed in the table contain language that is the same as or similar to the corresponding sections of the Federal regulations pertaining to SOAP. Differences between the proposed State rules and the Federal regulations are nonsubstantive.

Topic	State regulation	Federal regulation counterpart
Definition for program administrator	310 IAC 12–3–130(4)	30 CFR 795.3
Definition for qualified laboratory	310 IAC 12–3–130(5)	30 CFR 795.3
Eligibility for assistance	310 IAC 12–3–131	30 CFR 795.6
Filing for assistance	310 IAC 12–3–132	30 CFR 795.7
Application approval and notice	310 IAC 12–3–132.5	30 CFR 795.8
Program services and data requirements	310 IAC 12–3–133	30 CFR 795.9
Qualified laboratories	310 IAC 12–3–134.1	30 CFR 795.10
Assistance funding	310 IAC 12–3–134.5	30 CFR 795.11
Applicant liability	310 IAC 12–3–135 (a) (1) through (3) and (b).	30 CFR 795.12

Because the above proposed revisions are identical in meaning to the corresponding Federal regulations, the Director finds that Indiana's proposed rules are no less effective than the Federal regulations.

2. Indiana also proposed to remove previously approved 310 IAC 12–3–134, concerning qualified laboratories, and to replace it with 310 IAC 12–3–134.1. As noted in the above table, 310 IAC 12–3–134.1 is substantively identical to the Federal regulations at 30 CFR 795.10, concerning qualified laboratories. Therefore, the proposed removal of 310 IAC 12–3–134 will not render the Indiana rules less effective than the Federal regulations.

C. Revisions to Indiana's Rules With No Corresponding Federal Regulations

At 310 IAC 12–3–135(a)(4), Indiana proposed to include another criterion under which a SOAP applicant is responsible for reimbursing Indiana for the cost of services rendered under its program. This criterion requires the applicant to reimburse Indiana if mining does not begin within six months after obtaining the permit. The Federal regulations at 30 CFR 795.12(a), concerning applicant liability for reimbursement of the cost of services, do not contain this specific requirement. However, the Director finds the proposed regulation is not inconsistent with the intent of the requirements of SMCRA or the Federal regulations pertaining to reimbursement for SOAP services. Therefore, the addition of this new criterion does not render the Indiana rules less effective than the Federal regulations at 30 CFR Part 795.12.

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 Indiana program (Administrative Record No. IND–1552). On February 13, 1997, the U.S. Fish and Wildlife Service responded that it had no specific comments on the program amendment (Administrative Record No. IND–1554). On March 6, 1997, the U.S. Mine Safety and Health Administration responded that no comments were being submitted for the proposed revisions (Administrative Record No. IND–1561).

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 Indiana 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. IND–1552). 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. IND–1552). Neither the SHPO nor ACHP responded to OSM's request.

V. Director's Decision

Based upon the above findings, the Director approves the proposed amendments as submitted by Indiana on January 13, 1997, and as revised on April 30, 1997.

The Director approves the rules as proposed by Indiana with the provision that they be fully promulgated in identical form to the rules submitted to and reviewed by OSM and the public.

For the reasons discussed in finding III.A, the Director is also amending 30 CFR Part 914 by removing the approval of an Indiana proposed amendment that was submitted on May 3, 1995, and codified on October 25, 1995 (60 FR 54593).

The Federal regulations at 30 CFR Part 914, codifying decisions concerning the Indiana program, are being amended to implement the above decisions. 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.

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)).

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 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 23, 1997.

Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

For the reasons set out in the preamble, 30 CFR part 914 is amended as set forth below:

PART 914—INDIANA

1. The authority citation for part 914 continues to read as follows:

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

2. Section 914.15 is amended in the table by revising the entry for ''Original amendment submission date'' of May 3, 1995, and by adding a new entry in chronological order by ''Date of final publication'' to read as follows:

§ 914.15 Approval of Indiana regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
	* * * * * * *	
May 3, 1995	September 14, 1995	310 IAC 12–5–64.1(c), –128.1(c); correction of typographical, clerical, spelling errors
	* * * * * * *	
January 13, 1997	August 25, 1997	310 IAC 12–3–130 (4), (5), –131, –132, –132.5, –133, –134, –134.1, –134.5, –135

[FR Doc. 97–22412 Filed 8–22–97; 8:45 am]
BILLING CODE 4310–05–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

[SPATS No. IN–136–FOR; State Program Amendment No. 95–4]

Indiana Regulatory Program

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

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is approving a proposed amendment to the Indiana regulatory program (hereinafter referred to as the ''Indiana program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Indiana proposed revisions and additions to its rules pertaining to repair or compensation for material damage resulting from subsidence caused by underground coal mining operations and to replacement of water supplies adversely impacted by coal mining operations. The amendment is intended to revise the Indiana program to be consistent with the corresponding Federal regulations.

EFFECTIVE DATE: August 25, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. Andrew R. Gilmore, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Minton—Capehart Federal Building, 575 North Pennsylvania Street, Room 301, Indianapolis, Indiana 46204–1521, Telephone (317) 226–6700.

SUPPLEMENTARY INFORMATION:

I. Background on the Indiana 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 Indiana Program

On July 29, 1982, the Secretary of the Interior conditionally approved the Indiana program. Background information on the Indiana program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the July 26, 1982, **Federal Register** (47 FR 32107). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 914.10, 914.15, and 914.16

II. Submission of the Proposed Amendment

By letter dated January 14, 1997 (Administrative Record No. IND–1551), Indiana submitted a proposed amendment to its program pursuant to SMCRA. Indiana submitted the proposed amendment in response to a May 20, 1996, letter (Administrative Record No. IND–1540) that OSM sent to Indiana in accordance with 30 CFR 732.17(c)

OSM announced receipt of the proposed amendment in the February 18, 1997. **Federal Register** (62 FR 7189), and in the same document opened the public comment period and provided an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period closed on March 20, 1997.

During its review of the amendment, OSM identified some concerns pertaining to minor word omissions and spelling and typographical errors. OSM notified Indiana of these concerns by letter dated March 26, 1997 (Administrative Record No. IND–1562).

By letter dated May 1, 1997 (Administrative Record NO. IND–1570), Indiana responded to OSM's concerns by stating that the necessary corrections will be achieved pursuant to a published Errata. Based upon the State's response and the nature of the concerns, OSM did not reopen the comment period.

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 findings concerning the proposed amendment.

Revisions not specifically discussed below concern nonsubstantive wording changes, or revised cross-references and paragraph notations to reflect organizational changes resulting from this amendment.

A. Revisions to Indiana's Regulations That Are Substantively Identical to the Corresponding Federal Regulations

Topic	State regulations	Federal counterpart regulations
Definition for ''Drinking, domestic, or residential water supply.	310 IAC 12–0.5–39.5	30 CFR 701.5
Definition for ''Material damage''	310 IAC 12.05–72.1	30 CFR 701.5
Definition for ''Noncommercial building''	310 IAC 12.05–75.5	30 CFR 701.5
Definition for ''Occupied residential dwelling and structures related thereto''.	310 IAC 12.0–77.5	30 CFR 701.5
Definition for ''Replacement of water supply''	310 IAC 12.0.5–107.5	30 CFR 701.5
Protection of hydrologic balance	310 IAC 12–3–81(c)(2)	30 CFR 784.14(e)(3)(iv)
Subsidence control plan	310 IAC 12–3–87.1	30 CFR 784.20
Water rights and replacement	310 IAC 12–5–94	30 CFR 817.41(j)
Subsidence control: General requirements	310 IAC 12–5–130.1	30 CFR 817.121

Because the above proposed revisions are identical in meaning to the corresponding Federal regulations, the Director finds that Indiana's proposed rules are no less effective than the Federal rules.

IV. Summary and Disposition of Comments

Public Comments

The Director solicited public comments and provided an opportunity for a public hearing on the proposed amendment. No public comments were received, and because no one requested an opportunity to speak at a public hearing, no hearing was held.

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 Indiana program (Administrative Record No. IND–1553). OSM received two comments; one from the U.S. Department of Labor Mine Safety and Health Administration and the other from the U.S. Fish and Wildlife Service (Administrative Record Nos. IND–1560 and IND–1559, respectively). The Mine Safety and Health Administration responded that it had no comments on the proposed amendment. The U.S. Fish and Wildlife Service commented that it could not