

ACTION: Correction.

SUMMARY: This action corrects numbering and lettering errors found in Part 1206 published in the *Federal Register* on October 28, 1987 (52 FR 41406). This action redesignates paragraphs (b)(7) (A)-(F) as (b)(7) (i)-(vi) in Subpart 1206.300. Also, the first undesignated paragraph following newly designated paragraph 1206.300(b)(7)(vi) is numbered (A) and moved with all the language down to the next undesignated paragraph to follow newly designated paragraph (b)(7)(i). The subparagraphs within that section change from (A) and (B) to (1) and (2). This action also corrects Part 1207, Standards of Conduct, published in the *Federal Register* on June 16, 1987 (52 FR 22755). This action corrects a typographical error in § 1207.405(a)(2). Subparagraphs (vi) and (vii) should be (v) and (vi).

FOR FURTHER INFORMATION CONTACT: Elizabeth N. Siegel, 202/453-2465.

PART 1206—[CORRECTED]**Subpart 3—Exemptions**

1. Section 1206.300(b)(7) is correctly revised to read as follows:

§ 1206.300 [Amended]

(b) * * *

(7) Records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information—

(i) Could reasonably be expected to interfere with enforcement proceedings.

(A) Whenever a request is made which involves access to these records and—

(1) The investigation or proceeding involves a possible violation of criminal law; and

(2) There is reason to believe that the subject of the investigation or proceeding is not aware of its pendency and disclosure of the existence of the records could reasonably be expected to interfere with enforcement proceedings, the agency may, during only such time as the circumstance continues, treat the records as not subject to the requirements of this section.

(ii) Would deprive a person of a right to a fair trial or an impartial adjudication.

(iii) Could reasonably be expected to constitute an unwarranted invasion of personal privacy.

(iv) Could reasonably be expected to disclose the identity of a confidential source, including a State, local, or

foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source,

(v) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or

(vi) Could reasonably be expected to endanger the life or physical safety of any individual.

PART 1207—[CORRECTED]

2. In § 1207.405 paragraphs (a)(2) (vi) and (vii) are correctly designated (a)(2) (v) and (vi) respectively. As revised, paragraphs (a)(2) (v) and (vi) read as follows:

§ 1207.405 [Amended]

(a) * * *

(2) * * *

(v) Site Selection Boards;

(vi) Performance Evaluation Boards or Committees administering the award fee of a contract.

John E. O'Brien,
General Counsel.

[FR Doc. 88-4231 Filed 2-25-88; 8:45 am]

BILLING CODE 7510-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration****21 CFR Part 184**

[Docket No. 84G-0320]

Direct Food Substances Affirmed as Generally Recognized as Safe; Acacia (Gum Arabic)

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulation that affirms that the use of acacia (gum arabic) is generally recognized as safe (GRAS), with specific limitations, as a direct human food ingredient. The agency is adding the use of acacia in quiescently frozen confection products at a maximum use level of 6 percent to the specific

limitations listed in § 184.1330. This action responds to a petition filed by Heinz U.S.A.

EFFECTIVE DATE: February 26, 1988.

FOR FURTHER INFORMATION CONTACT:

Hortense S. Macon, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In accordance with the procedures described in 21 CFR 170.35, Heinz U.S.A., Pittsburgh, PA 15230, submitted a petition (GRASP 4G0290) requesting that 21 CFR 184.1330 be amended to provide for the safe use of acacia as a formulation aid and as a stabilizer and thickener at a level of 6 percent in quiescently frozen confection products.

FDA published a notice of filing of this petition in the *Federal Register* of October 19, 1984 (49 FR 41110), and gave interested persons an opportunity to submit comments on this petition to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. No comments were received in response to this notice of filing.

I. Introduction

Quiescently frozen confections are food products that are generally prepared by freezing, without stirring or agitation. They are usually manufactured in single servings, are individually packaged or bagged, and may be mounted on a wooden stick. Acacia functions as a bulking agent in these products and provides the necessary solids to achieve the desired texture after freezing.

The petitioner describes 6.0 percent as both the desired and maximum level of use for acacia in quiescently frozen confections. The petition includes data and information on the labeling, use level, and formulation of quiescently frozen confections that contain acacia. "Quiescently frozen confection" is not listed as a general food category in 21 CFR 170.3(n).

II. Use and Exposure Estimates

In the *Federal Register* of September 23, 1974 (39 FR 34203), FDA proposed to affirm that the use of acacia (gum arabic) is GRAS with specific limitations. In the *Federal Register* of December 7, 1976 (41 FR 53608), FDA issued a final rule based upon this proposal (21 CFR 184.1330).

Under § 184.1330, acacia is affirmed as GRAS for use in the following food categories at the following levels: Beverages and beverage bases (2

percent), chewing gum (5.6 percent), confections and frostings (12.4 percent), dairy product analogs (1.3 percent), fats and oils (1.5 percent), gelatins, puddings, and fillings (2.5 percent), hard candy and cough drops (46.5 percent), nuts and nut products (8.3 percent), snack foods (4 percent), soft candy (85 percent), and all other foods (1 percent). The use of acacia in quiescently frozen confections would come within the "all other foods" category.

FDA has estimated, from data in the petition and other data in the 1971 National Academy of Sciences/National Research Council (NAS/NRC) survey of food manufacturers, that the cumulative intake of acacia from current uses of this ingredient is 2.5 grams per person per day. The proposed use of acacia in quiescently frozen confection products will increase intake 0.05 grams per person per day, an increase of 2 percent.

III. Safety

No safety data were submitted with the petition. The petitioner cited toxicological data contained in the report of the Select Committee on GRAS Substances (the Select Committee) on acacia (gum arabic) to support the safety and GRAS status of the use of this substance in quiescently frozen confections. In its report, the Select Committee evaluated all of the available safety information on acacia and concluded that acacia poses no safety hazard to the public when it is used at current levels. The Select Committee believed, however, that because of the prevalence of allergies to gum arabic, it was not possible without additional data to determine whether significant increases in consumption of gum arabic would constitute a dietary hazard.

In 1982, FDA conducted a scientific literature search to update its information on acacia. The agency then reviewed toxicological data that it found in this search including 2-year carcinogenicity feeding studies of acacia in the rat and metabolic studies. No toxicological effects were noted in these studies or in the other information gathered in the search. Moreover, in 1981, the Joint Expert Committee on Food Additives (JECFA) of the World Health Organization evaluated acacia for acceptable daily intake and did not place a limit on its dietary use.

The agency has reviewed the use described in the petition and finds that this use will result in a low level of acacia in quiescently frozen confections. This level is much lower than other levels of use of acacia that FDA has affirmed as GRAS in other food categories. In addition, the 2 percent increase in consumer exposure to acacia

that will result from the petitioned use will not add significantly to total consumer exposure to this ingredient. Even with the increase in exposure from this use, exposure to acacia will be well within safe levels.

Moreover, there is no indication that the increased dietary exposure will exacerbate allergenicity concerns of sensitive individuals or create other health hazards. Acacia must be declared on the label when used as an ingredient in quiescently frozen confection. Consequently, people who are allergic to acacia will be able to avoid this food. Therefore, based on the above data and considerations, FDA finds that the petitioned use of acacia is GRAS.

IV. Conclusion

FDA has evaluated all of the available information on acacia. Based on its review, the agency concludes that the data are adequate to demonstrate the safety of the dietary exposure to acacia that will result from the petitioned use. Therefore, FDA is affirming the GRAS status of the use of acacia as a formulation aid as defined in 21 CFR 170.3(o)(14) and as a stabilizer and thickener as defined in 21 CFR 170.3(o)(28) for use in quiescently frozen confection products at a maximum use level of 6 percent.

The agency has determined under 21 CFR 25.24(b)(7) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

In accordance with the Regulatory Flexibility Act, the agency considered the potential effects that this rule would have on small entities, including small businesses and has determined that the effect of this rule is to permit an additional use of acacia (gum arabic) by both large and small businesses. In accordance with section 605(b) of the Regulatory Flexibility Act, the agency has determined that no significant impact on a substantial number of small entities would derive from this action.

In accordance with Executive Order 12291, FDA has analyzed the economic effects of this final rule and has determined that the rule is not a major rule as defined by the Order. The agency's findings of no major economic impact and no significant impact on a substantial number of small entities, and the evidence supporting these findings, are contained in a threshold assessment which is on file with the Dockets Management Branch (address above).

List of Subjects in 21 CFR Part 184

Food ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director of the Center for Food Safety and Applied Nutrition, Part 184 is amended as follows:

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

1. The authority citation for 21 CFR Part 184 continues to read as follows:

Authority: Secs. 201(s), 402, 409, 701, 52 Stat. 1046-1047 as amended, 1055-1056 as amended, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 342, 348, 371); 21 CFR 5.10, 5.61.

2. Section 184.1330 is amended by alphabetically inserting a new entry in the table in paragraph (c) to read as follows:

§ 184.1330 Acacia (gum arabic).

(c) * * *		
Food (as served)	Percent	Function
Quiescently frozen confection products.	6.0	Formulation aid, § 170.3(o)(14) of this chapter; stabilizer and thickener, § 170.3(o)(28) of this chapter.

* * * * *

Dated: February 11, 1988.

Richard J. Ronk,
Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 88-4103 Filed 2-25-88; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 925

Approval of Permanent Program Amendments From the State of Missouri Under the Surface Mining Control and Reclamation Act of 1977

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

ACTION: Final rule.

SUMMARY: OSMRE is announcing the approval of program amendments

submitted by Missouri as modifications to the State's permanent regulatory program (hereinafter referred to as the Missouri program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendments were submitted on February 4, 1987. The amendments pertain to: Bonding, backfilling and grading, tree and shrub stocking, bond types and conditions, bond liability release criteria for temporary structures, pattern of violation requirements, and enforcement actions for notices of delinquent reclamation.

EFFECTIVE DATE: February 26, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Kovacic, Director, Office of Surface Mining Reclamation and Enforcement, Kansas City Field Office, 1103 Grand Avenue, Room 502, Kansas City, Missouri 64106, Telephone: (816) 374-5527.

SUPPLEMENTARY INFORMATION:

I. Background

The Secretary of the Interior approved the Missouri program on November 21, 1980 (45 FR 77017). Information pertinent to the general background and revisions to the permanent program submission, as well as the Secretary's findings, the disposition of the comments, and a detailed explanation of the conditions of approval of the Missouri program can be found in the November 21, 1980 *Federal Register* (45 FR 77017). Subsequent actions concerning proposed amendments and the conditions of approval are identified at 30 CFR 925.15, 925.16, and 925.20.

II. Submission of Amendments

By letter dated February 4, 1987 (Administrative Record No. MO-307), Missouri submitted certain proposed revisions to the Missouri regulatory program. These revisions are intended, in part, to satisfy eight required amendments imposed as part of the rulemaking approving an earlier amendment (30 CFR 925.16).

On January 30, 1986, OSMRE sent Missouri a letter under 30 CFR 732.17(d) concerning the adequacy of the State's bonding system (Administrative Record No. MO-351). The proposed amendment includes revisions to the Missouri statute and corresponding regulations to address, in part, concerns in the January 30, 1986 OSMRE letter. In addition to the bonding system changes in this rulemaking, OSMRE requires further bonding system changes under the January 30, 1986 letter. These changes should provide further assurance that sufficient money is available to complete the reclamation plan for any

areas which may be in default and that there is a substantial economic incentive for the permittee to comply with all reclamation provisions.

The revisions modify sections of the Revised Statutes of Missouri (RSMo) at 444.950; 444.960; and 444.965, RSMo 1986, as summarized below:

1. Missouri amends 444.950, RSMo 1986, to raise the performance bond to \$2,500 from \$500 per acre. The increased bond applies to undisturbed acres under existing permits and acres proposed for permit. This change is in response to the January 30, 1986 OSMRE letter written under 30 CFR 732.17(d) concerning the adequacy of the bonding system.

2. Missouri amends 444.960 and 444.965, RSMo 1986, to raise the reclamation bond fund ceiling from \$3 million to \$7 million. This change is in response to the January 30, 1986 OSMRE letter written under 30 CFR 732.17(d) concerning the adequacy of the bonding system.

The Missouri Land Reclamation Commission (MLRC) has now experienced several bond forfeitures that have placed a liability on the Coal Mine Land Reclamation Fund (CMLRF). When forfeiture proceedings are completed for all presently anticipated forfeiture sites, funds available in the CMLRF will be substantially short of those necessary to complete reclamation in accordance with the approved permit and plan.

The MLRC has issued several reports on the status of both potential and actual bond forfeiture sites within the State and has made substantial progress through its bonding task force to analyze the reclamation liabilities of the various forfeiture sites. The MLRC has not yet, however, been able to develop a plan for resolving the current backlog of forfeiture sites as required in the Director's letter of January 30, 1986.

The revisions also modify sections of the Missouri Code of State Regulations (CSR) at: 10 CSR 40-2.090(5); 10 CSR 40-3.040 (2), (6), and (17); 10 CSR 40-3.110(1); 10 CSR 40-3.120(7); 10 CSR 40-3.200 (2) and (16); 10 CSR 40-3.270(7); 10 CSR 40-7.011(2) and (3); 10 CSR 40-7.021(2); 10 CSR 40-7.031; 10 CSR 40-7.041 (1), (2), and (3); and 10 CSR 40-8.030 (6) and (18) as summarized below:

1. Missouri amends 10 CSR 40-2.090(5)(B) to vest the Director, rather than the Land Reclamation Commission, with the authority to determine when a revegetated area is ready for livestock grazing. This revision would streamline the process of making decisions on requests from operators to graze livestock on areas where the operator's liability for reclamation bond has not been released. This revision would also

make this initial rule consistent with the permanent program rules.

2. Missouri amends 10 CSR 40-3.040 and 10 CSR 40-3.200, requirements for protection of the hydrologic balance. Missouri deletes 10 CSR 40-3.040(2)(A)(7) and 10 CSR 40-3.200(2)(A)(7) and adds new subsections 10 CSR 40-3.040(2)(B) and 10 CSR 40-3.200(2)(B) on water quality and effluent limitations for both surface and underground mining to require compliance with applicable State and Federal water quality laws and regulations. Missouri revises subsection 10 CSR 40-3.040(6)(Q) addressing sedimentation ponds to be consistent with OSMRE regulation 30 CFR 816.49(a). Missouri revises subsections 10 CSR 40-3.040(17)(A) and 10 CSR 40-3.200(16)(A) and adds subsection 10 CSR 40-3.040(17)(B) and 10 CSR 40-3.200(16)(B) on stream buffer zones for both surface and underground mining to be consistent with 30 CFR 816.57.

3. Missouri amends 10 CSR 40-3.110(1)(A)3. concerning backfilling and grading requirements to redefine contemporaneous reclamation timeframes.

4. Missouri amends 10 CSR 40-3.120(7)(A)2.A. and 10 CSR 40-3.270(7)(A)2.A. to extend the length of time that revegetation standards must be met for forest land from one growing season to two growing seasons. This revision is in response to condition 925.16(a) that was placed on program amendment 925.15(c).

5. Missouri amends 10 CSR 40-7.011(2)(D). The required bond amount is raised from \$500 per acre to \$2,500 per acre.

This change is in response, in part, to the January 30, 1986 OSMRE letter written under 30 CFR 732.17(d) concerning the adequacy of the bonding system.

6. Missouri amends 10 CSR 40-7.011(3)(B) to require banks issuing certificates of deposits, posted as bonds, to waive all rights to setoff or liens against those certificates. This revision is in response to condition 925.16(b) that was placed on program amendment 925.15(c).

7. Missouri amends 10 CSR 40-7.011(3)(B) and (C) requiring that notification of the insolvency or bankruptcy of the bank issuing letters of credit be provided to the regulatory authority and the permittee. The regulatory authority is then required to initiate the subsequent chain of events. This revision is in response to condition 925.16(c) that was placed on program amendment 925.15(c).

8. Missouri amends 10 CSR 40-7.021(3)(A) and (C) that deal with release of

Phase I and II bond and reclamation liability for temporary sedimentation structures. This revision is in response to condition 925.16(d) that was placed on program amendment 925.15(c).

9. Missouri amends 10 CSR 40-7.031 concerning permit suspension or revocation, bond forfeiture, and authorization to expend fund monies. The revision of 10 CSR 40-7.031(2) concerning the procedures used to act on a complaint for permit revocation are in response to condition 925.16(e) that was placed on program amendment 925.15(c). The revision of 10 CSR 40-7.031(1) adds a mandatory review of the permittee's history of violations to determine if a pattern of violations exists when a permittee fails to abate a violation or a cessation order.

10. Missouri amends 10 CSR 40-7.041(1) and (2) to raise the reclamation fund ceiling from \$3 million to \$7 million. Once the fund reaches this ceiling, permittees no longer pay the yearly assessment on the first 100,000 tons of coal sold or otherwise disposed. Should expenditures occur from the fund for reclamation, a surcharge is imposed until the fund reaches the ceiling. This revision also raises the per acre bond from \$500 to \$2,500 per acre. These revisions are in response to the January 30, 1986 OSMRE letter written under 30 CFR 732.17(d) concerning the adequacy of the bonding system.

11. Missouri amends 10 CSR 40-7.041(3) concerning penalties for delinquent payment of fees to the reclamation fund. This revision requires the Director to assess a 25 cent per ton penalty, in addition to issuing a Notice of Violation (NOV), when payments to the reclamation fund are delinquent. A provision for issuance of a cessation order is also added when this NOV is not abated in the required time. This revision is in response to condition 925.16(f) that was placed on program amendment 925.15(c).

12. Missouri amends 10 CSR 40-8.030(6) and (18) to establish the same cessation order standard for failure to abate a notice of delinquent reclamation as for failure to abate a NOV. Standards are also provided for extension of the 90-day abatement period for notices of delinquent reclamation consistent with 30 CFR 843.12. Language is added clarifying that the penalty of 25 cents per ton of coal may be imposed only in addition to, not in place of, the approved penalty provisions of 10 CSR 40-8.040. These revisions are in response to conditions 925.16(g) and (h) that were placed on program amendment 925.15(c).

On April 30, 1987, OSMRE published a notice in the *Federal Register* (52 FR 15733) announcing receipt of the

amendments and inviting public comment on their adequacy. The public comment period ended June 1, 1987. The public hearing, scheduled for May 26, 1987, was not held because no one requested to testify.

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 amendments submitted by Missouri on February 4, 1987. Only those revisions of particular interest are discussed below. Any revisions not specifically discussed below are found to be no less stringent than SMCRA and no less effective than the Federal rules. The director may require further changes in the future as a result of his ongoing review of the Missouri program in light of Federal regulatory revisions and court decisions. Revisions that are not discussed contain language similar to the corresponding Federal rules, concern nonsubstantive wording changes, or involve provisions that lack a Federal counterpart and that do not adversely affect other aspects of the program.

1. Chapter 7—Bond and Insurance Requirements for Surface Coal Mining and Reclamation Operations. On April 13, 1983, Missouri submitted a proposed program amendment consisting of new legislation and rules to implement an alternative bonding system under section 509(c) of the Act (Administrative Record No. MO-253).

The Federal bonding rules at 30 CFR 800.11(e) allow OSMRE to approve an alternative bonding system provided: (1) The alternative must assure that the regulatory authority will have available sufficient money to complete the reclamation plan for any areas that may be in default at any time; and (2) the alternative must provide substantial economic incentive for the permittee to comply with all reclamation provisions.

OSMRE approved Missouri's proposed alternative bonding system on May 8, 1984 (49 FR 19476). On January 30, 1986, OSMRE sent Missouri a letter written under 30 CFR 732.17(d) outlining deficiencies identified in Missouri's alternative bonding system (Administrative Record No. MO-351). This letter was based on a report from the Missouri Land Reclamation Commission (MLRC) dated October 30, 1985, to the Kansas City field office of OSMRE (Administrative Record No. MO-352). The report described conditions indicating that Missouri's alternative bonding system no longer met the requirements of 30 CFR 800.11(e). The MLRC report provided an update on the balance of the Coal Mine

Land Reclamation Fund (CMLRF), a report of permits revoked and bonds forfeited, the projected shortcomings of the CMLRF, and a proposed course of action for both strengthening the CMLRF as well as dealing with the necessary reclamation at two defaulted sites.

It was the finding of the Director of OSMRE, based on the above report, that the necessity to phase the reclamation over several years is contrary to the requirement to have available sufficient money to complete the reclamation plan for any areas that may be in default at any time. In accordance with 30 CFR 732.17(d), the Director determined that a State program amendment was necessary to address the adequacy of the alternative bonding system of the Missouri program. The amendment should also outline plans that will resolve the current backlog of forfeiture sites.

Missouri amended sections 444.960 and 444.965 of RSMo 1986 and its regulations at 10 CSR 40-7.041 (1) and (2) to raise the CMLRF ceiling from \$3 million to \$7 million. This action should have a long term benefit for a more adequate reclamation fund.

Missouri also amended section 444.950 RSMo 1986 and its regulations at 10 CSR 40-7.011(2) to raise the reclamation performance bond from \$500 to \$2,500 per acre. The increased bond applies to unbonded acres under new permits, after April 30, 1986, or permits undisturbed as of that date. This five-fold increase in the amount of the reclamation performance bond is a significant improvement to Missouri's alternative bonding system.

The Director finds, based on the above discussion, that the above amendments, as proposed by the State of Missouri, are a significant improvement to Missouri's alternative bonding system. The amendments, as proposed, are an adequate partial response to the OSMRE's letter of January 30, 1986, pursuant to 30 CFR 732.17(d).

IV. Public Comments

The Director solicited public comment on the proposed amendment in the April 30, 1987 *Federal Register* (52 FR 15733). No public comments were received. Since no one made a request to present testimony at the scheduled public hearing, none was held. Pursuant to section 503(b) of SMCRA and § 732.17(h)(10)(i), comments were also solicited from various Federal and State agencies. The U.S. Fish and Wildlife Service (FWS), the U.S. Soil Conservation Service (SCS), and the U.S. Environmental Protection Agency

(EPA) responded to the solicitation but provided no substantive comments on this rule. The EPA concluded (Administrative Record No. MO-344) that the proposed amendments to the Missouri program demonstrate the legal authority, administrative capability, and technical conformity to OSMRE regulations necessary to maintain water quality standards promulgated under the authority of the Clean Water Act, as amended (33 U.S.C. 1251 *et seq.*).

V. Director's Decision

The Director, based on the above findings, is approving the proposed amendments submitted by Missouri on February 4, 1987 with respect to the required program amendments placed on the Missouri program at 30 CFR 925.16 (a), (b), (c), (d), (e), (f), (g), and (h) in the May 8, 1984 Federal Register (49 FR 19468). OSMRE has determined that the State rules are consistent with the Federal requirements. Accordingly, the Director is eliminating the requirements at 30 CFR 925.16 (a), (b), (c), (d), (e), (f), (g), and (h) for Missouri to amend its program.

The Director is also approving the following proposed amendments at 10 CSR 40-2.090(5)(B); 10 CSR 40-3.040; 10 CSR 40-3.200; and 10 CSR 40-3.110(1)(A)(3).

The Director is approving the following proposed amendments as a measure to correct, in part, the deficiencies of Missouri's alternative bonding system at RSMo 1986 444.950; 444.960; 444.965; 10 CSR 40-7.011(2)(D); and 10 CSR 40-7.041 (1) and (2).

VI. Procedural Matters

1. *Compliance with the National Environmental Policy Act.* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act.* On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for action directly related to approval or conditional approval of State regulatory programs. Therefore, for this action OSMRE is exempt from the requirement to prepare a Regulatory Impact Analysis, and this action does not require regulatory review by OMB.

The Director of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

3. *Paperwork Reduction Act.* This rule does not contain information collection requirements which require approval by the OMB under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 925

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

James W. Workman,

Deputy Director, Operations and Technical Services, Office of Surface Mining Reclamation and Enforcement.

Date: February 19, 1988.

PART 925—MISSOURI

1. The authority citation of Part 925 continues to read as follows:

Authority: Pub. L. 95-87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

2. 30 CFR 925.15 is amended by adding a new paragraph (e) as follows:

§ 925.15 Approval of regulatory program amendments.

(e) The following amendments submitted to OSMRE on February 4, 1987 are approved effective February 26, 1988.

Missouri's rules at 10 CSR 40-2.090(5) concerning methods of revegetation; Missouri's rules at 10 CSR 40-3.040 (2), (6), and (17) concerning water quality standards and effluent limitations, sedimentation ponds, and stream buffer zones; Missouri's rules at 10 CSR 40-3.200 (2) and (16) concerning water quality standards and effluent limitations, and stream buffer zones; Missouri's rules at 10 CSR 40-3.110(1) concerning general backfilling and grading requirements; Missouri's rules at 10 CSR 40-3.120(7) and 10 CSR 40-3.270(7) concerning tree and shrub stocking for forest land, Missouri's rules at 10 CSR 40-7.011 (2) and (3) concerning requirements to file a bond, and types of bond; Missouri's rules at 10 CSR 40-7.021(2) concerning criteria and schedule for release of reclamation liability; Missouri's rules at 10 CSR 40-7.031 concerning permit suspension or revocation, bond forfeiture and authorization to expend reclamation fund monies; Missouri's rules at 10 CSR 40-7.041 (1), (2), and (3) concerning payment of assessments, fund ceiling and reimbursement, and penalties for delinquent payment of fees; Missouri's rules at 10 CSR 40-8.030 (6) and (18) concerning enforcement of cessation

orders and delinquency in reclamation; Missouri's statutes at RSMo 1986 444.950, 444.960, and 444.965 concerning the amount of reclamation performance bonds and the reclamation fund ceiling.

§ 925.16 [Amended]

3. 30 CFR 925.16 is amended by removing and reserving paragraphs (a), (b), (c), (d), (e), (f), (g), and (h).

[FR Doc. 88-4118 Filed 2-25-88; 8:45 am]

BILLING CODE 4310-05-M

VETERANS ADMINISTRATION

38 CFR Part 21

Veterans Education; Entitlement Charges for Refresher, Remedial and Deficiency Courses

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: Until now Veterans Administration (VA) regulations have not stated how to charge entitlement when a veteran or eligible person is pursuing some courses for which entitlement is charged concurrently with refresher, remedial or deficiency courses for which no charge is made against entitlement. The result has been inconsistent adjudication of cases by the various VA offices. This regulation specifies the manner in which entitlement charges are to be made, thus eliminating the possibility of non-uniform administration of the program.

EFFECTIVE DATE: February 9, 1988.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Education Policy and Program Administration (225), Vocational Rehabilitation and Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233-2092.

SUPPLEMENTARY INFORMATION: On pages 36280 and 36281 of the Federal Register of September 28, 1987, there was published a notice of intent to amend 38 CFR Part 21 to specify the entitlement charge when a veteran receiving benefits under the Vietnam Era GI Bill or an eligible spouse or surviving spouse receiving dependents' educational assistance enrolls in refresher, remedial or deficiency courses concurrently with courses for which entitlement must be charged. Interested people were given 45 days to submit comments, suggestions or objections. The VA received no comments, suggestions or objections. Accordingly,