

Effect of Director's Decision

Section 503 of SMCRA provides that a State may not exercise jurisdiction under SMCRA unless the State program is approved by the Secretary. Similarly, 30 CFR 732.17(a) requires that any alteration of an approved State program be submitted to OSM for review as a program amendment. The Federal regulations at 30 CFR 732.17(g) prohibit any unilateral changes to approved State programs. In the oversight of the Indiana program, the Director will recognize only the statutes, regulations and other materials approved by OSM, together with any consistent implementing policies, directives and other materials, and will require the enforcement by Indiana of only such provisions.

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

OSM has determined and certifies pursuant to the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of \$100 million or more in any given year on local, state, or tribal governments or private entities.

List of Subjects in 30 CFR Part 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: October 20, 1997.

Brent Wahlquist,

Regional Director, Mid-Continent 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 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 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 sub- mission date	Date of final publication	Citation/description
September 11, 1995 .....	November 4, 1997 .....	IC 14-8-2-42.5, -49.5, -49.6, -274.5; 14-34-5-10; 14-34-6-14.3, -14.6; 14-34-7-0.5, -0.6, -0.7, -2.5, -4 (b), (d) through (g), -4.1, -5, -7, -7.1, -8, -9, -10, -11, -12, -13.

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DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 311

OSD Privacy Program

AGENCY: Office of the Secretary, DOD.

ACTION: Final rule.

SUMMARY: The Office of the Secretary of Defense is exempting a system of

records identified as DUSP 11, entitled POW/Missing Personnel Office Files. The exemption is needed to protect information properly classified under E.O. 12958, Classified National Security Information.

EFFECTIVE DATE: October 1, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. David Bosworth at (703) 695-0970.

**SUPPLEMENTARY INFORMATION:**

The proposed rule was published on August 1, 1997, at 62 FR 41323. No comments were received, therefore, the rule is being adopted as published.

*Executive Order 12866.* It has been determined that this Privacy Act rule for the Department of Defense does not constitute "significant regulatory action". Analysis of the rule indicates that it does not have an annual effect on the economy of \$100 million or more; does not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; does not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; does not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

*Regulatory Flexibility Act.* It has been determined that this Privacy Act rule for the Department of Defense does not have significant economic impact on a substantial number of small entities because it is concerned only with the administration of Privacy Act systems of records within the Department of Defense.

*Paperwork Reduction Act.* It has been determined that this Privacy Act rule for the Department of Defense imposes no information requirements beyond the Department of Defense and that the information collected within the Department of Defense is necessary and consistent with 5 U.S.C. 552a, known as the Privacy Act, and 44 U.S.C. Chapter 35.

**List of Subjects in 32 CFR Part 311**

Privacy.

Accordingly, 32 CFR part 311 is amended as follows:

**PART 311—[AMENDED]**

1. The authority citation for 32 CFR part 311 continues to read as follows:

**Authority:** Pub.L. 93-579, 88 Stat 1896 (5 U.S.C. 552a).

2. Section 311.7, is amended by adding paragraphs (c)(11)(i) through (c)(11)(iii) to read as follows:

**§ 311.7 Procedures for exemptions.**

\* \* \* \* \*

(c) \* \* \*

(11) *System identifier and name:* DUSP 11, POW/Missing Personnel Office Files.

(i) *Exemption:* Information classified under E.O. 12958, as implemented by DoD 5200.1-R, may be exempt pursuant to 5 U.S.C. 552a(k)(1).

(ii) *Authority:* 5 U.S.C. 552a(k)(1).

(iii) *Reasons:* From subsection 5 U.S.C. 552a(d) because granting access to information that is properly classified pursuant to E.O. 12958, as implemented by DoD 5200.1-R, may cause damage to the national security.

\* \* \* \* \*

Dated: October 29, 1997.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 97-29070 Filed 11-3-97; 8:45 am]

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**DEPARTMENT OF VETERANS AFFAIRS****38 CFR Part 21**

RIN 2900-AI45

**Survivors and Dependents Education: Extension of Eligibility Period**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** In a document published in the **Federal Register** on October 3, 1997 (62 FR 51783), VA amended the "Survivors' and Dependents' Educational Assistance Under 38 U.S.C. Chapter 35" regulations. The final rule, among other things, transferred the subject matter of paragraph (e) of § 21.3046 to a new § 21.3047. Inadvertently, two cross-references to said paragraph (e) were not amended to reflect the change. Accordingly, this document corrects this error by changing the cross-references to refer to the new § 21.3047.

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

**FOR FURTHER INFORMATION CONTACT:** June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration, 202-273-7187.

**SUPPLEMENTARY INFORMATION:** The Catalog of Federal Domestic Assistance number for the program affected by this final rule is 64.117.

**List of Subjects in 38 CFR Part 21**

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Education, Employment, Grant programs-education, Grant programs-veterans, Health care, Loan programs-education, Loan programs-veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses,

Veterans, Vocational education, Vocational rehabilitation.

Approved: October 28, 1997.

**Thomas O. Gessel,**

*Director, Office of Regulations Management, Office of General Counsel, Department of Veterans Affairs.*

For the reasons set forth in the preamble, 38 CFR part 21, subpart C, is amended as set forth below.

**PART 21—VOCATIONAL REHABILITATION AND EDUCATION****Subpart C—Survivors'—and Dependents'—Educational Assistance Under 38 U.S.C. Chapter 35**

1. The authority citation for subpart C continues to read as follows:

**Authority:** 38 U.S.C. 501(a), 512, 3500-3566, unless otherwise noted.

**§ 21.3046 [Amended]**

2. In § 21.3046, paragraph (c)(1) is amended by removing "paragraphs (d) and (e) of this section" and adding, in its place, "paragraph (d) of this section and § 21.3047" and paragraph (d)(6)(ii) is amended by removing "or (e) of this section" and adding, in its place, "of this section or § 21.3047".

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 721**

[OPPTS-50621B; FRL-5745-1]

RIN 2070-AB27

**Dipropylene Glycol Dimethyl Ether; Final Significant New Use Rule**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is promulgating a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for the chemical substance described as dipropylene glycol dimethyl ether (DGDE), which was the subject of premanufacture notice (PMN) P-93-507. This final rule will require persons who intend to manufacture, import, or process this substance for a use designated by this SNUR as a "significant new use" to notify EPA at least 90 days before commencing those manufacturing or processing activities. The notice will provide EPA with the opportunity to evaluate the intended use and, if necessary, prohibit or limit that activity before it can occur.