

## 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 901

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 24, 1996.

Bob Armstrong,

*Assistant Secretary, Land and Minerals Management.*

For the reasons set out in the preamble, title 30, chapter VII, subchapter T, part 901 of the Code of Federal Regulations is amended as set forth below:

## **PART 901—ALABAMA**

1. The authority citation for part 901 continues to read as follows:

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

### **§ 901.15 [Amended]**

2. Section 901.15 is amended by removing paragraph (e).

[FR Doc. 96-18266 Filed 7-17-96; 8:45 am]

BILLING CODE 4310-05-M

## **30 CFR Part 913**

[SPATS No. IL-092-FOR]

### **Illinois 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 Illinois regulatory program (hereinafter referred to as the "Illinois program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Illinois proposed to revise four sections and to add one section to Title 62 of the Illinois Administrative Code (IAC) regulations pertaining to self-bonding. The amendment is intended to revise the Illinois program to be consistent with the corresponding Federal regulations.

**EFFECTIVE DATE:** July 18, 1996.

**FOR FURTHER INFORMATION CONTACT:** Roger W. Calhoun, Director, Indianapolis Field Office, Office of

Surface Mining Reclamation and Enforcement, Minton-Capehart Federal Building, 575 North Pennsylvania Street, Room 301, Indianapolis, IN 46204-1521, Telephone: (317) 226-6700.

### **SUPPLEMENTARY INFORMATION:**

I. Background on the Illinois 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 Illinois Program**

On June 1, 1982, the Secretary of the Interior conditionally approved the Illinois program. Background information on the Illinois program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the June 1, 1982, Federal Register (47 FR 23883). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 913.15, 913.16, and 913.17.

#### **II. Submission of the Proposed Amendment**

By letter dated March 4, 1996 (Administrative Record No. IL-1800), Illinois submitted a proposed amendment to its program pursuant to SMCRA. Illinois submitted the proposed amendment in response to the required program amendment that the Director placed on the Illinois program at 30 CFR 913.16(v) on February 2, 1994, (59 FR 4832). The Director required Illinois, prior to implementing the self-bonding statute at 225 ILCS 720/6.01(b), to submit and receive OSM approval of implementing regulations for the self-bonding provisions.

OSM announced receipt of the proposed amendment in the March 29, 1996, Federal Register (61 FR 14039), 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 April 29, 1996.

#### **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 Illinois' Regulations That Are Substantively Identical to the Corresponding Provisions of the Federal Regulations*

Topic	State regulation	Federal regulation
Regulatory authority responsibility .....	62 IAC 1800.4 (c), (d)–(f) ...	30 CFR 800.4 (d), (e)–(g).
Definitions .....	62 IAC 1800.5(c) .....	30 CFR 800.5(c).
Requirement to file a bond .....	62 IAC 1800.11(a) .....	30 CFR 800.11(a).
Form of the performance bond .....	62 IAC 1800.12 (b)–(d) .....	30 CFR 800.12 (b)–(d).
Self-bonding .....	62 IAC 1800.23 .....	30 CFR 800.23.

Because the above proposed revisions are identical in meaning to the corresponding Federal regulations, the Director finds that Illinois's proposed rules are no less effective than the Federal rules, and he is removing the required amendment at 30 CFR 913.16(v).

*B. Revisions to Illinois' Regulations With No Corresponding Federal Regulations*

Illinois proposes to add a regulatory provision to 62 IAC 1800.11, Requirement to File a Bond, at new subsection (e). This provision will allow the State to administer self-bonding for eligible permittees consistent with all applicable provisions of Sections 1800.1 through 1800.50. These sections contain all of Illinois' bonding requirements for surface coal mining and reclamation operations. There is no direct counterpart Federal regulation for this addition. However, the Director finds that Illinois' proposed regulation at 62 IAC 1800.11(e) is not inconsistent with the Federal regulations pertaining to self-bonding.

**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 Illinois program. No comments were received from any Federal agency.

*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 Illinois proposed to make in this amendment pertain to air or water quality standards. Therefore, OSM did not request EPA's concurrence.

On March 12, 1996, pursuant to 732.17(h)(11)(i), OSM solicited comments on the proposed amendment from EPA (Administrative Record No. IL-1801). 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. IL-1801). Neither 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 Illinois on March 4, 1996. The Director approves the rules as proposed by Illinois with the provision that they be fully promulgated in identical form to the rules submitted to and reviewed by OSM and the public.

The Federal regulations at 30 CFR Part 913, codifying decisions concerning the Illinois 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.

*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 program be submitted to OSM for review as a program amendment. In the oversight of the Illinois 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 Illinois 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**

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 913**

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 21, 1996.

Brent Wahlquist,

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

For the reasons set out in the preamble, 30 CFR part 913 is amended as set forth below:

**PART 913—ILLINOIS**

1. The authority citation for part 913 continues to read as follows:

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

2. Section 913.15 is amended by adding paragraph (t) to read as follows:

**§ 913.15 Approval of regulatory program amendments.**

\* \* \* \* \*

(t) The amendment submitted to OSM on March 4, 1996, pertaining to self-bonding is approved effective July 18, 1996.

**§ 913.16 [Amended]**

3. Section 913.16 is amended by removing paragraph (v).

[FR Doc. 96-18265 Filed 7-17-96; 8:45 am]

BILLING CODE 4310-05-M

**DEPARTMENT OF THE TREASURY****Office of Foreign Assets Control****31 CFR Part 515****Cuban Assets Control Regulations; Indirect Financing in Cuba, Civil Penalties.**

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Final rule; amendments.

**SUMMARY:** This rule amends the Cuban Assets Control Regulations to bring them into conformity with the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996. This rule adds a new prohibition on bank financing, and makes other changes to the regulations governing civil penalties consistent with amendments to the Trading with the Enemy Act contained in the Libertad Act.

**EFFECTIVE DATE:** March 12, 1996, except for the amendment to § 515.701 which is effective July 18, 1996.

**FOR FURTHER INFORMATION CONTACT:** Steven I. Pinter, Chief of Licensing (tel.: 202/622-2480); Betsy Sue Scott, Senior Program Manager, Civil Penalties Program (tel.: 202/622-6140); or William B. Hoffman, Chief Counsel (tel.: 202/622-2410), Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220.

**SUPPLEMENTARY INFORMATION:****Electronic and Facsimile Availability**

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**Background**

The enactment on March 12, 1996, of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, sections 1-401, Pub. L. 104-114, 110 Stat. 785 (the "Libertad Act") requires amendment of the Cuban Assets Control Regulations, 31 CFR part 515 (the "Regulations"), to effect certain changes in the enforcement of the Cuban embargo contained in the Libertad Act.

Section 515.208 is added to the Regulations to include a specific prohibition on knowingly making a loan, extending credit or other financing by a United States national, permanent resident alien, or a United States agency for the purpose of financing transactions involving confiscated property, the claim to which is owned by a United States national. (All transactions with respect to property or interests in property of the Cuban Government or Cuban nationals are prohibited pursuant to § 515.201 of the Regulations.) Sections 515.334, .335, .336, and .337 are added to the Regulations to incorporate definitions for "United States national," "confiscated," "property," and "permanent resident alien" as used in the Libertad Act's prohibition on financing, contained in § 515.208. Section 515.701 is amended to state that violations of the prohibition on financing are subject to the civil penalties described in that section.

Section 515.701 is further amended to describe the civil penalty authority contained in section 16 of the Trading with the Enemy Act, 50 U.S.C. App. 1-44, as amended by the Libertad Act. Certain restrictions on the use of civil penalty authority were eliminated by the Act and references to those restrictions are removed.

Because the Regulations involve a foreign affairs function, Executive Order 12866 and the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no