

amendment as submitted on August 26, 1994, and as revised on March 1 and April 4, 1995.

The Director approves, as discussed in: finding No. 1, section 4(18) of ASCMRA, concerning the definition of the term "unanticipated event or condition;" and finding No. 3, section 5(b)(1) of ASCMRA, concerning the applicability of the 2-acre exemption.

With the requirement that Arkansas further revise its statutes, the Director approves, as discussed in: finding No. 2, section 4(19) of ASCMRA, concerning the definition of the term "lands eligible for remining;" and finding No. 4, section 13(k) of ASCMRA, concerning remining permit violations.

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

The Federal regulations at 30 CFR Part 904, codifying decisions concerning the Arkansas 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.

#### IV. Procedural Determinations

##### 1. 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).

##### 2. Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that 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 the Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendment 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.

##### 3. 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)).

##### 4. 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.*).

##### 5. 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 that is the subject of this rule is based upon counterpart 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 counterpart Federal regulations.

#### List of Subjects in 30 CFR Part 904

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 22, 1995.

**Peter A. Rutledge,**

*Acting Regional Director, Western 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 904—ARKANSAS

1. The authority citation for Part 904 continues to read as follows:

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

2. Section 904.15 is amended by adding paragraph (m) to read as follows:

#### § 904.15 Approval of amendments to State regulatory program.

\* \* \* \* \*

(m) The following sections of the Arkansas Surface Coal Mining and Reclamation Act of 1979 (ASCMRA), as submitted to OSM on August 26, 1994, and as revised on March 1 and April 4, 1995, are approved effective on June 30, 1995:

section 4(18), definition of the term "unanticipated event or condition;" 4(19), definition of the term "lands eligible for remining;" 5(b)(1), applicability of the 2-acre exemption; and 13(k), remining permit violations.

3. Section 904.16 is added to read as follows:

#### § 904.16 Required program amendments.

Pursuant to 30 CFR 732.17(f)(1), Arkansas is required to submit to OSM by the specified date the following written, proposed program amendment, or a description of an amendment to be proposed that meets the requirements of SMCRA or 30 CFR Chapter VII and a timetable for enactment that is consistent with Arkansas' established administrative or legislative procedures.

(a) By August 29, 1995, Arkansas shall revise section 4(19) of the Arkansas Surface Coal Mining and Reclamation Act of 1979 (ASCMRA), concerning the definition of the term "lands eligible for remining," or otherwise modify its program, to exclude those lands addressed by section 411 of SMCRA.

(b) By August 29, 1995, Arkansas shall revise section 13(k) of ASCMRA, concerning remining permit violations, by deleting the phrase "and section 15(d)(1)."

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#### 30 CFR Part 904

##### Arkansas Regulatory Program

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

**ACTION:** Final rule; correction.

**SUMMARY:** This document explains and corrects OSM's codified approval of an amendment to Arkansas' permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment revised Arkansas' small operators assistance program (SOAP). OSM published its approval of the Arkansas proposed amendment in a November 17, 1994, final rule **Federal Register** document.

**EFFECTIVE DATE:** November 17, 1994.

**FOR FURTHER INFORMATION CONTACT:** Gloria Prettiman, Branch of Environmental and Economic Analysis, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW., Washington, DC 20240, Telephone: (202)208-2840.

**SUPPLEMENTARY INFORMATION:** On March 31, 1993, Arkansas submitted to OSM a proposed amendment to its approved permanent regulatory program (administrative record No. AR-496). The amendment consisted of proposed revisions to the Arkansas Surface Coal Mining and Reclamation Act of 1979 at Arkansas Code Annotated. The amendment redefined the term "small operator" and expanded the permitting activities eligible for funding under SOAP. On November 17, 1994, OSM approved the amendment submitted by Arkansas (59 FR 59365). This document explains and corrects OSM's instructions for codified approval of the Arkansas amendment.

In the November 17, 1994, **Federal Register** document, OSM codified approval of Arkansas' March 31, 1993, amendment by revising 30 CFR 904.15 to add paragraph (l). However, in the codified section of the document, OSM used the term "revising" and omitted five asterisks above the paragraph (l). This caused the elimination of the introductory paragraph and previous approvals for amendments to the Arkansas regulatory program that had been codified at 30 CFR 904.15 (a) through (k), with paragraph (l) published as the introductory paragraph at 30 CFR 904.15. OSM's intent was not to eliminate the introductory paragraph and previous approvals at paragraphs (a) through (k), but was only to add the approval at paragraph (l).

The Federal regulations at 30 CFR Part 904 codifying decisions concerning the Arkansas program are being amended to implement these intended instructions for codification of approval of Arkansas' amendment. Accordingly, the amendatory instruction for 30 CFR 904.15, second column on page 59369, 59 FR 59365, is being corrected to use the term "amending" rather than "revising," and to add five asterisks between the amendatory instruction and the newly codified paragraph (l). The substance of OSM's approval at paragraph (l) has not been revised.

Dated: June 27, 1995.

**James F. Fulton,**

*Acting Regional Director, Western Regional Coordinating Center.*

The following corrections are made in 30 CFR Part 904, Arkansas Regulatory

Program, final rule, published in the **Federal Register** on November 17, 1994 (59 FR 59365). OSM is correcting the amendatory instruction at 30 CFR 904.15, second column on page 59369 (to use the term "amending" rather than "revising," and to add five asterisks between the amendatory instruction and the newly codified paragraph (l)), to read as follows:

2. Section 904.15 is amended by adding paragraph (l) to read as follows:

**§ 904.15 Approval of amendments to the Arkansas regulatory program.**

\* \* \* \* \*

(l) Revisions to and/or addition of the following provisions of the Arkansas Surface Coal Mining and Reclamation Act of 1979, as submitted to OSM on March 31, 1993, and revised on July 22, 1993, and August 26, 1994, are approved effective November 14, 1994: Arkansas Code Annotated (ACA) 15-58-104(11), definition of "small operator;"

ACA 15-58-503(a)(2)(A), activities associated with the development of a surface coal mining and reclamation permit application that are eligible for funding under the small operator's assistance program (SOAP);

ACA 15-58-503(a)(2)(B), the responsibility for training coal operators that meet the SOAP qualifications regarding the preparation of permit applications, and ensuring that qualified coal operators are aware of the available assistance;

ACA 15-58-503(a)(2)(C), an operator's obligation to reimburse the Arkansas Department of Pollution Control and Ecology for the cost of the services rendered under SOAP.

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**DEPARTMENT OF THE TREASURY**

**Office of Foreign Assets Control**

**31 CFR Chapter V**

**Compliance with 31 CFR Chapter V with Respect to Fully-Automated Financial Transactions**

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

**ACTION:** Policy Statement.

**SUMMARY:** Due to the wide availability and use by financial institutions of name-recognition software to screen fully-automated financial transactions for potential violations of economic sanctions programs, the Office of

Foreign Assets Control ("FAC") will no longer treat fully-automated transactions differently from manually-processed transactions for civil penalty purposes.

**EFFECTIVE DATE:** September 1, 1995.

**FOR FURTHER INFORMATION CONTACT:** Dennis P. Wood, Chief, Compliance Programs Division, tel.: 202/622-2490, or Mrs. B.S. Scott, Chief, Civil Penalties Program, tel.: 202/622-6140, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220.

**SUPPLEMENTARY INFORMATION:**

**Electronic Availability**

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**Background**

Essential elements of economic sanctions programs administered by FAC include prohibitions on transfers of property to or for the benefit of targeted governments, entities, and individuals, including the blocking of targeted persons' property, when it comes within the jurisdiction of the United States. Civil monetary penalties may be imposed administratively by FAC for violations of these transfer prohibitions and blocking requirements pursuant to the statutes authorizing most FAC sanctions programs. *See, e.g.,* 22 U.S.C. 5113(b) (*repealed* June 8, 1994, *see* Pub. L. 103-149, section 4(a), 107 Stat. 1504 (1993)); Pub. L. 101-513, section 586E, 104 Stat. 2047 (1990); 50 U.S.C. 1705; 50 U.S.C. App. 16.

A large proportion of financial transactions are now handled by computer, without intervention by bank or other financial institution personnel. In the past, FAC treated such fully-automated or "straight through" transactions as being beyond the knowledge of financial institutions. Thus, for purposes of administering its