

local, state, or tribal governments or private entities.

List of Subjects in 30 CFR Part 916

Intergovernmental relations, Surface mining, Underground mining.

Dated: February 23, 1998.
Brent Wahlquist,
Regional Director, Mid-Continent Regional Coordinating Center.

For the reasons set out in the preamble, 30 CFR Part 916 is amended as set forth below:

PART 916—KANSAS

1. The authority citation for part 916 continues to read as follows:

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

2. Section 916.15 is amended in the table by adding a new entry in chronological order by "Date of final publication" to read as follows:

§ 916.15 Approval of Kansas regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
May 7, 1997	March 3, 1998	K.A.R. 47-1-1, 3, 4, 8, 9, 10, 11; 47-2-14, 21, 53, 53a, 58, 64, 67, 74, 75; 47-3-1, 2, 3a, 42; 47-4-14a, 47-4-15; 47-4-16; 47-4-17; 47-5-5a; 47-5-16; 47-6-1, 2, 3, 4, 6, 7, 8, 9, 10; 47-7-2; 47-8-9, 11; 47-9-1, 2, 4; 47-10-1; 47-11-8; 47-12-4; 47-13-4, 5, 6; 47-14-7; 47-15-1a; 47-15-3, 4, 7, 8, 15, 17.

3. Section 916.25 is amended in the table by adding a new entry in chronological order by "Date of final publication" to read as follows:

§ 916.25 Approval of Kansas abandoned mine land reclamation plan amendments.

Original amendment submission date	Date of final publication	Citation/description
May 7, 1997	March 3, 1998	K.A.R. 47-16-1 through 47-16-11.

[FR Doc. 98-5392 Filed 3-2-98; 8:45 am]
 BILLING CODE 4310-05-M

DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation and Enforcement

30 CFR Part 943
 [SPATS No. TX-036-FOR]

Texas Regulatory Program and Abandoned Mine Land Reclamation Plan

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 Texas regulatory program and abandoned mine land reclamation plan (hereinafter referred to as the "Texas program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Texas proposed revisions to statutes pertaining to eligibility of land and water, small operator assistance, definitions, exemptions, applicability to governmental units, coal exploration

operations, prohibition on surface coal mining in certain areas, filing of a schedule of notices of violation, effect of past or present violation, improvidently issued permits, performance standards, and cessation orders. The amendment is intended to revise the Texas program to be consistent with SMCRA.

EFFECTIVE DATE: March 3, 1998.

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:**
- I. Background on the Texas 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 Texas Program

On February 16, 1980, the Secretary of the Interior conditionally approved the Texas program. Background information on the Texas program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the February 27, 1980, **Federal Register** (45 FR

12998). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 943.10, 943.15, and 943.16.

II. Submission of the Proposed Amendment

By letter dated December 1, 1997 (Administrative Record No. TX-643), Texas submitted a proposed amendment to its program pursuant to SMCRA. Texas submitted the proposed amendment at its own initiative. Texas proposed to amend the Texas Surface Coal Mining and Reclamation Act (TSCMRA) to reflect changes resulting from the passage of Senate Bills (SB) 636 and 898 by the 75th Texas Legislature.

OSM announced receipt of the proposed amendment in the December 29, 1997, **Federal Register** (62 FR 67596), 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. The public comment period closed on January 28, 1998. Because no one requested a public hearing or meeting, none was held.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15, 732.17, 884.14 and 884.15, 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 the Texas Abandoned Mine Land Program (SB636)

At section TSCMRA § 134.142, Texas proposed to remove its existing criteria at paragraphs (1) through (3) for determining if land and water are eligible for reclamation or abatement under its abandoned mine land reclamation program and add the following new criteria:

Land and water are eligible for reclamation or abatement expenditures under this subchapter if the land and water are eligible for reclamation or abatement expenditures under the federal act.

The criteria Texas proposed to remove from its statutes are substantially the same as those at section 404 of SMCRA. Removing these existing criteria and adding criteria that bases eligibility of land and water for reclamation or abatement expenditures on criteria delineated in SMCRA is not inconsistent with SMCRA, and does not render the Texas statutes less stringent than SMCRA. Therefore, the Director is approving Texas' proposed changes at section 134.142.

B. Revisions to Texas' Regulatory Program

1. TSCMRA § 134.004 Definitions (SB 898)

Texas proposed to add the following definition for the term "applicant" at § 134.004(3) and to renumber the existing definitions to reflect this addition:

Applicant means a person or other legal entity seeking a permit from the commission to conduct surface coal mining activities or underground mining activities under this chapter.

The definition for "applicant" at section 701(16) of SMCRA does not include the term "legal entity." However, Texas' proposal to include the term "legal entity" in its definition of "applicant" is not inconsistent with SMCRA and does not render the Texas statutes less stringent than SMCRA.

2. TSCMRA § 134.005 Exemptions (SB 898)

Texas proposed to remove § 134.005(a)(2), which is the exemption for extraction of coal for commercial purposes if the surface mining operation affects two acres or less, and to renumber existing paragraph (3) as (2) to reflect this deletion.

On May 7, 1987, section 528(2) of SMCRA was amended to remove the exemption on surface coal mining operations affecting two acres or less ([101 STAT. 300] SMCRA Title II—Two-Acre Exemption, Section 201 Repeal of Exemption (a)(2)). Because any State law or regulation allowing a two-acre exemption was rendered ineffective, the Director approved Texas' proposal to recodify § 134.005(a)(2), in the January 30, 1997, **Federal Register** (62 FR 4453), with the recommendation that Texas should remove the exemption from its statutes to prevent confusion and as a housekeeping measure. Therefore, the Director finds that Texas' proposal to remove § 134.005(a)(2) from its statutes does not render the Texas statutes less stringent than SMCRA.

3. TSCMRA § 134.008 Applicability to Governmental Units (SB 898)

Texas proposed to add the following provision at section 134.008:

An agency, unit, or instrumentality of federal, state, or local government, including a publicly owned utility or publicly owned corporation of federal, state, or local government, that proposes to engage in surface coal mining operations that are subject to this chapter shall comply with this chapter.

Texas' proposed provision is substantially the same as section 524 of SMCRA. Therefore, the Director finds Texas' proposal is no less stringent than the counterpart SMCRA provision.

4. TSCMRA § 134.014 Coal Exploration Operations (SB 898)

Texas proposed to add the following new provision at 134.014(b), and redesignate existing (b) to (c):

A person who conducts coal exploration operations that substantially disturb the natural land surface in violation of this section or a rule adopted under this section is subject to §§ 134.174 through 134.181.

Texas' proposed new provision (b) is substantially the same as section 512(c) of SMCRA. Therefore, the Director finds that proposed § 134.014(b) is no less stringent than the counterpart SMCRA provision.

5. TSCMRA § 134.022 Prohibitions on Surface Coal Mining in Certain Areas (SB 898)

Texas proposed to recodify Article 5920–11, Section 33(e), Vernon's Texas Civil Statutes (Vernon's), to § 134.022(c) and to revise the language of the provision by changing the date relating to valid existing rights from May 9, 1979, to August 3, 1977.

In the January 30, 1997, **Federal Register** (62 FR 4451), Texas' proposal to extend the date relating to valid existing rights to May 9, 1979, and to recodify Article 5920–11, Section 33(e) (Vernon's) to § 134.022(c), was disapproved, and the Director required Texas to remove the unapproved provision from its recodified statutes and to restore its previously approved statute language. The proposal now under consideration establishes August 3, 1977, as the date relating to valid existing rights. This is the same date as that established by section 522(a)(6) SMCRA. Therefore, the Director finds Texas' proposal is no less stringent than the counterpart SMCRA provision, and she is approving it.

6. TSCMRA § 134.056 Small Mine Exemption (SB 636)

At § 134.056(2), Texas proposed to increase the amount of probable total annual production allowed for surface coal mining operators under its small operator assistance program from 100,000 to 300,000 tons.

Section 507(c)(1) of SMCRA also establishes 300,000 tons of probable total annual production as the coal production figure for operators to qualify for small operator assistance. Therefore, Texas' proposal is no less stringent than the requirements of SMCRA.

7. TSCMRA § 134.068 Schedule of Notices of Violation (SB 898)

Texas proposed to replace Article 5920–11, Section 21(c) (Vernon's), with new § 134.068 which reads as follows:

(a) The applicant shall file with the application a schedule listing any notices of violations of this chapter, the federal Act, a federal regulation or federal or state program adopted under the federal Act, or another law, rule, or regulation of the United States, this state, or a department or agency in the United States pertaining to air or water environmental protection incurred by the applicant in connection with a surface coal mining operation during the three years before the application date.

(b) The schedule must indicate the final resolution of any notice of violation.

Texas' proposed language at new 134.068 is substantially the same and no less stringent than the language at

section 510(c) of SMCRA pertaining to permit applicant filing of a schedule of notices of violation. Therefore, the Director is approving replacement of Article 5920-11, Section 21(c) with new section 134.068.

8. TSCMRA § 134.069 Effect of Past or Present Violation (SB 898)

a. *TSCMRA § 134.069(a)*. Texas proposed to amend § 134.069(a) by removing paragraph (2), which allows the commission to issue a permit to an applicant who has an unabated violation if the applicant is contesting the violation.

The provisions relating to applicant filing of a schedule listing notices of violation at section 510(c) of SMCRA do not include a provision that would allow issuance of a permit if the applicant is contesting a violation. Therefore, Texas' proposal is no less stringent than the requirements of SMCRA.

b. *TSCMRA § 134.069(b)*. Texas proposes to amend § 134.069(b) by adding language that references Chapter 134 and other laws in § 134.068 in relation to a demonstrated pattern of willful violations. The other laws referenced in § 134.068 include the federal Act, a federal regulation or federal or state program adopted under the federal Act, or another law, rule, or regulation of the United States, this state, or a department or agency in the United States pertaining to air or water environmental protection.

The federal counterpart provisions to § 134.069(b) at section 510(c) of SMCRA also include references to the Act and other laws, rules, and regulations of the United States or any other department or agency in the United States. Therefore, Texas' proposal is not inconsistent with SMCRA and would not render the Texas statutes less stringent than SMCRA.

9. TSCMRA § 134.084 Suspension or Rescission of Improvidently Issued Permit (SB 898)

a. *TSCMRA § 134.084(a) and (b)*. Article 5920-11, Section 21a (Vernon's), authorizes the Commission to adopt and enforce rules relating to suspension or rescission of improvidently issued permits that are consistent with and no less effective than Federal regulations adopted under SMCRA. Texas proposed to replace Article 5920-11, Section 21a, with language that is substantively the same at new § 134.084(a) and (b). SMCRA section 201(c)(1), states that permits shall be suspended, revoked, or withheld for failure to comply with any of the provisions of SMCRA or any rules and regulations adopted pursuant

thereto. Therefore, the Director finds Texas' proposal is not inconsistent with SMCRA and does not render the Texas statutes less stringent than SMCRA.

b. *TSCMRA § 134.084(c) and (d)*. Article 5920-11, Section 6(b) (Vernon's) provides for Texas to issue a notice of permit suspension or rescission of an improvidently issued permit without first conducting a formal adjudicative proceeding under the Texas Administrative Procedure Act (Chapter 2001, Government Code), while still allowing the permittee to file an appeal for administrative review of Texas' decision to suspend or rescind a permit. Texas proposed to replace Article 5920-11, Section 6(b) with language that is substantively the same at 134.084(c) and (d).

The general authority for suspension or revocation (rescission) of permits is found at section 201(c)(1) of SMCRA. The Federal regulation provisions at 30 CFR 773.21(a) provide for an automatic permit suspension and rescission process and 30 CFR 773.20(c)(2) requires regulatory authorities to give permittees the opportunity to request administrative review of a notice of suspension or rescission of an improvidently issued permit. Therefore, the Director finds Texas' proposal to replace Article 5920-11, Section 6(b) with language that is substantively the same at new § 134.084(c) and (d) is not inconsistent with SMCRA or the Federal regulations and is approving it.

10. TSCMRA § 134.092 Performance Standards (SB 898)

At section 134.092(a)(2), Texas proposed to add the language, "all highwalls, spoil piles, and" after the word "with" in the phrase "to restore the approximate original contour of the land with depressions eliminated."

Texas' proposed language is similar to the provisions at section 515(b)(3) of SMCRA concerning restoration of approximate original contour. Therefore, Texas' proposal is not inconsistent with SMCRA and does not render the Texas statutes less stringent than SMCRA.

11. TSCMRA § 134.163 Terms of Cessation Order

At § 134.163(1), Texas proposed to add the language, "condition, practice, or" after the word "the" in the phrase "determines the violation has been abated."

Texas' existing provisions at section 134.163 were approved by the Director in the January 30, 1997, **Federal Register** (62 FR 4451), with the Director's understanding that Texas may amend section 134.163 to refer to "the

condition, practice, or violation" in order to more closely track the language of SMCRA at section 521(a)(2) and the Texas implementing regulation at TCMR 843.680(c). The language Texas proposed is that which the Director understood might be proposed to make the Texas statutes more closely track SMCRA and Texas' implementing regulation at TCMR 843.680(c). Therefore, Texas proposal is not inconsistent with SMCRA and it does not render the Texas statutes less stringent than SMCRA.

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 Texas program (Administrative Record No. TX-643.03).

By letter dated December 24, 1997 (Administrative Record No. TX-643.05), the U.S. Army Corps of Engineers commented that it found the changes to be satisfactory.

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 Texas 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. TX-643.01). 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. 643.02).

Neither the 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 Texas on December 1, 1997.

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

The Federal regulations at 30 CFR part 943, codifying decisions concerning the Texas 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.

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 943

Intergovernmental relations, Surface mining, Underground mining.

Dated: February 20, 1998.

Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

For the reasons set out in the preamble, 30 CFR part 943 is amended as set forth below:

PART 943—TEXAS

1. The authority citation for part 943 continues to read as follows:

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

2. Section 943.15 is amended in the table by adding a new entry in chronological order by "Date of final publication" to read as follows:

§ 943.15 Approval of Texas regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
* * * * *	* * * * *	* * * * *
December 1, 1997	March 3, 1998	TSCMRA 134.004(3); 134.005(a)(2); 134.008; 134.014(b); 134.022(c); 134.056(2); 134.068; 134.069(a)(2) and (b); 134.084(a) through (d); 134.092(a)(2); 134.163(1). Vernon's Texas Civil Statutes Article 5920-11, Sections 6(b), 21(c), 33(e) and 21a.

3. Section 943.25 is amended in the table by adding a new entry in chronological order by "Date of final publication" to read as follows:

§ 943.25 Approval of Texas abandoned mine land reclamation plan amendments.

Original amendment submission date	Date of final publication	Citation/description
* * * * *	* * * * *	* * * * *
December 1, 1997	March 3, 1998	TSCMRA 134.142.

[FR Doc. 98-5390 Filed 3-2-98; 8:45 am]

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DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Parts 500, 505 and 515

Foreign Assets Control Regulations; Regulations Prohibiting Transactions Involving the Shipment of Certain Merchandise Between Foreign Countries; Cuban Assets Control Regulations: Civil Penalty Administrative Hearings

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Treasury Department amends the Foreign Assets Control Regulations and the Cuban Assets Control Regulations to add procedures for the conduct of administrative hearings in civil penalty cases and for settlement of civil penalty cases in lieu of administrative hearings. A conforming amendment is made to the Transaction Control Regulations. The final rule is issued after consideration of public comments received on the proposed rule published in the February 14, 1997 **Federal Register**.

EFFECTIVE DATE: This final rule is effective April 2, 1998.

FOR FURTHER INFORMATION CONTACT: Mrs. B.S. Scott, Chief, Civil Penalties Program (tel.: 202/622-6140), or William B. Hoffman, Chief Counsel (tel.: 202/622-2410), Office of Foreign Assets Control, U.S. Treasury Department, Washington, DC 20220.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document is available as an electronic file on *The Federal Bulletin Board* the day of publication in the **Federal Register**. By modem, dial 202/512-1387 and type "/GO FAC," or call 202/512-1530 for disk or paper copies. This file is available for downloading without charge in WordPerfect 5.1, ASCII, and Adobe Acrobat™ readable (*.PDF) formats. For Internet access, the address for use with the World Wide Web (Home Page), Telnet, or FTP protocol is: fedbbs.access.gpo.gov. The document is also accessible for downloading in ASCII format without charge from Treasury's Electronic Library ("TEL") in the "Business, Trade and Labor Mall" of the FedWorld bulletin board. By modem, dial 703/321-3339, and select the appropriate self-expanding file in TEL. For Internet

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Background

The Foreign Assets Control Regulations, 31 CFR part 500, and the Cuban Assets Control Regulations, 31 CFR part 515 (jointly, the "Regulations"), are amended to provide for detailed procedures governing administrative hearings, as provided in section 1710(c) of the Cuban Democracy Act of 1992 (22 U.S.C. 6001-6010 — the "CDA"). A conforming amendment is made to § 505.50 of the Regulations Prohibiting Transactions Involving the Shipment of Certain Merchandise Between Foreign Countries, 31 CFR part 505, which incorporates by reference the penalty provisions of part 500. Because the CDA amends section 16 of the Trading with the Enemy Act (50 U.S.C. App. 16) to permit the imposition of civil monetary penalties and civil forfeiture with opportunity for hearing and discovery, subpart G of the Regulations is revised to establish the procedures governing administrative hearings.

This final rule addresses the comments received during the public comment period and establishes the Office of Foreign Assets Control's ("OFAC") civil penalties administrative hearing process.

Response to Public Comments

On February 14, 1997, OFAC requested public comments on proposed rules (31 CFR Parts 500, 505 and 515). OFAC received two letters commenting on the proposed hearing procedures. The commenters were Lonnie Ann Pera, Esq., of Zuckert, Scoutt & Rasenberger, L.L.P., and D.E. Wilson, Jr., Esq., of Lane & Mittendorf LLP. A number of procedural and substantive changes have been made to improve clarity and to reflect concerns raised in the comments submitted.

In response to the suggestion of one commenter, the sections have been renumbered to create new headings to facilitate use of the regulations. In the discussion below, the new headings are

used with the previous heading listed in parentheses. The comments below apply equally to part 500 and 515, but, because the sections are identical, reference is made only to part 500.

Section 550.701(b)

Criminal Penalty Increase:

One commenter suggested that more information about increased criminal fines for violations of the Trading with the Enemy Act pursuant to 18 U.S.C. 3571 be included. Further information is provided.

Section 500.702

Calendar Days:

Both commenters raised a number of procedural points requesting clarification of filing and service requirements. Many of their suggestions have been incorporated into the final rule. Filing deadlines are now specifically counted in terms of calendar days, unless otherwise noted.

Notice in the Prepenalty Notice of Waiver of Discovery:

One commenter believed that the prepenalty notice should specifically inform the respondent that a request for discovery must be included in the response or the right to discovery is waived. This additional notice to the respondent is now included in § 500.702(b)(2)(iii). The second commenter stated that the waiver of respondent's rights to discovery and hearing where the respondent has filed in an untimely manner was "draconian." OFAC disagrees. Prepenalty notices and OFAC regulations clearly set out deadline requirements which respondents must satisfy.

Service:

One commenter stated that § 500.702(c)(3) should require the individual serving the prepenalty notice to sign and to indicate on the certificate the date on which the prepenalty notice was served. The paragraph has been amended to require that the certificate include both the server's signature and the date of service.

Section 500.703

Notice of Address Change:

Each respondent is required to provide a name and address for service. One commenter asked that OFAC define the term "interested parties" found in section 703(b)(1)(iii), which contains the requirement for accurate address information. The commenter requested that the possible sanctions for failure to comply with this provision be specifically set forth in the regulations. OFAC has changed the term "interested