

to the full extent provided by Department policies and procedures.

**EFFECTIVE DATE:** November 1, 1996.

**FOR FURTHER INFORMATION CONTACT:** Sherwin Lynch, Headquarters Health Administration Service (161A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420; (202) 273-8312. (This is not a toll free number.)

**SUPPLEMENTARY INFORMATION:** This final rule consists of a delegation of authority and, therefore, is not subject to the notice and comment and effective date provisions of 5 U.S.C. 553.

The Secretary hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. This rule merely consists of a delegation of authority.

There is no Catalog of Federal Domestic Assistance Number.

#### List of Subjects in 38 CFR Part 2

Authority delegations (Government agencies).

Approved: June 14, 1996.

Jesse Brown,

*Secretary of Veterans Affairs.*

For the reasons set forth above, 38 CFR part 2 is amended as set forth below:

### PART 2—DELEGATIONS OF AUTHORITY

1. The authority citation for part 2 continues to read as follows:

Authority: 5 U.S.C. 302; 38 U.S.C. 501; 44 U.S.C. 3702.

2. In § 2.6, paragraph (a)(8) is revised to read as follows:

#### § 2.6 Secretary's delegations of authority to certain officials (38 U.S.C. 512.)

\* \* \* \* \*

(a) \* \* \*

(8) To authorize Directors of Department of Veterans Affairs property and facilities under the charge and control of the Department of Veterans Affairs to appoint police officers with the power to enforce Federal laws and Department of Veterans Affairs regulations, to investigate violations of those laws and to arrest for crimes committed on Department of Veterans Affairs property to the full extent provided by Department policies and procedures.

(Authority: 38 U.S.C. 501 and 512.)

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[FR Doc. 96-28038 Filed 10-31-96; 8:45 am]

BILLING CODE 8320-01-P

### 38 CFR Parts 36 and 42

RIN 2900-AI48

### Federal Civil Penalties Inflation Adjustment

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** This document amends Department of Veterans Affairs (VA) regulations by providing notice as required by statute to reflect statutory increases in maximum civil monetary penalties. Under 38 U.S.C. 3710, VA may impose civil monetary penalties for false loan guaranty certifications. Also, under 31 U.S.C. 3802, VA may impose civil monetary penalties for fraudulent claims and for fraudulent statements. The Federal Civil Monetary Penalties Act of 1990, as amended by the Debt Collection Improvement Act of 1996 (the Act), sets forth a formula increasing the maximum statutory amounts for civil monetary penalties and requires VA to give notice of the new maximum amounts by regulation. Accordingly, this document gives notice that the maximum civil monetary penalties have been increased as follows: \$11,000 maximum civil monetary penalty for false loan guaranty certifications; \$5,500 maximum civil monetary penalty for fraudulent claims; and \$5,500 maximum civil monetary penalty for fraudulent statements.

**EFFECTIVE DATE:** The effective date is November 1, 1996.

**FOR FURTHER INFORMATION CONTACT:** Thomas O. Gessel, Director, Office of Regulations Management (02D), Office of General Counsel, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273-8605.

**SUPPLEMENTARY INFORMATION:** Under the provisions of 5 U.S.C. 553, there is good cause for dispensing with prior notice and comment. This final rule merely sets forth specific information required by statute to be set forth in VA regulations. Accordingly, notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest.

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. This final rule merely sets forth specific information required by statute to be set forth in VA regulations. Accordingly, no proposed rulemaking was required in connection with the adoption of this final rule. Pursuant to 5 U.S.C. 605(b), this final

rule is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

There is no Catalog of Federal Domestic Assistance Number for the programs affected by this regulation.

#### List of Subjects

#### 38 CFR Part 36

Condominiums, Housing, Indians, Individuals with disabilities, Loan programs—housing and community development, Loan programs—Indians, Loan programs—veterans, Manufactured homes, Mortgage insurance, Reporting and recordkeeping requirements, Veterans.

#### 38 CFR Part 42

Administrative practice and procedure, Claims, Fraud, Penalties.

Approved: September 27, 1996.

Jesse Brown,

*Secretary of Veterans Affairs.*

For the reasons set forth in the preamble, 38 CFR parts 36 and 42 are amended as follows:

### PART 36—LOAN GUARANTY

1. The authority citation for part 36, §§ 36.4300 through 36.4375, is revised to read as follows:

Authority: Sections 36.4300 through 36.4375 issued under 38 U.S.C. 101, 501, 3701-3704, 3710, 3712-3714, 3720, 3729, 3732, unless otherwise noted.

#### § 36.4337 [Amended]

2. In § 36.4337, paragraphs (k)(1)(i) introductory text and (k)(3) are amended by removing “\$10,000” and adding, in its place, “\$11,000”; and by adding an authority citation at the end of the section to read as follows:

**§ 36.4337 Underwriting standards, processing procedures, lender responsibility and lender certification.**

\* \* \* \* \*

(Authority: 38 U.S.C. 3710)

### PART 42—STANDARDS IMPLEMENTING THE PROGRAM FRAUD CIVIL REMEDIES ACT

3. The authority citation for part 42 continues to read as follows:

Authority: Pub. L. 99-509, secs. 6101-6104, 100 Stat. 1874, to be codified at 31 U.S.C. 3801-3812.

#### § 42.3 [Amended]

4. In § 42.3, paragraphs (a)(1)(iv) and (b)(1) concluding text are amended by removing “\$5,000” and adding, in their place, “\$5,500”; and by adding an authority citation at the end of the section to read as follows:

**§ 42.3 Basis for civil penalties and assessments.**

\* \* \* \* \*

(Authority: 31 U.S.C. 3802)

[FR Doc. 96-28037 Filed 10-31-96; 8:45 am]

BILLING CODE 8320-01-P

**POSTAL SERVICE****39 CFR Part 233****Civil Penalties for Violations of Postal Orders****AGENCY:** Postal Service.**ACTION:** Final rule.

**SUMMARY:** This rule is added to the Postal Service regulations on Inspection Service/Inspector General authority in order to implement civil penalties for violations of Postal Service Orders issued under 39 U.S.C. 3012, and to allow adjustments to civil monetary penalties administered by the Postal Service.

**EFFECTIVE DATE:** October 23, 1996.**FOR FURTHER INFORMATION CONTACT:** Jennifer Y. Angelo, (202) 268-3081.

**SUPPLEMENTARY INFORMATION:** The Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. 2461 note, amended by the Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, section 31001(s), 110 Stat. 1321 (1996), requires agencies that assess civil monetary penalties to adjust their civil monetary penalties for inflation. The Postal Service may seek a civil penalty under 39 U.S.C. 3012 for violations of Postal Service Orders. The Postal Service is governed by 28 U.S.C. 2641 note, and accordingly, adds section 233.12, Civil Penalties, to 39 CFR part 233.

List of Subjects in 39 CFR Part 233

Administrative practice and procedure, Banks, Banking, Credit, Crime, Law enforcement, Postal Service, Privacy, Seizures and forfeitures.

For the reasons set out in this document, the Postal Service amends 39 CFR part 233 as follows:

**PART 233—INSPECTION SERVICE/INSPECTOR GENERAL AUTHORITY**

1. The authority citation for 39 CFR part 233 continues to read as follows:

Authority: 39 U.S.C. 101, 401, 402, 403, 404, 406, 410, 411, 3005(e)(1); 12 U.S.C. 3401-4322; 18 U.S.C. 981, 1956, 1957, 2254, 3061; 21 U.S.C. 881; Inspector General Act of 1978, as amended (Pub. L. No. 95-452 as amended), 5 U.S.C. App. 3.

2. Section 233.12 is added to read as follows:

**§ 233.12 Civil penalties.**

False representation and lottery orders—

(a) *Issuance.* Pursuant to 39 U.S.C. 3005, the Judicial Officer of the Postal Service, acting upon a satisfactory evidentiary basis, may issue a mail return and/or a cease and desist order against anyone engaged in conducting a scheme or device for obtaining money or property through the mail by means of a false representation, including the mailing of matter which is nonmailable, or engaged in conducting a lottery, gift enterprise, or scheme for the distribution of money or of real or personal property, by lottery, chance, or drawing of any kind.

(b) *Enforcement.* Pursuant to 39 U.S.C. 3012, any person:

(1) Who, through the use of the mail, evades or attempts to evade the effect of an order issued under 39 U.S.C. 3005(a)(1) or 3005(a)(2);

(2) Who fails to comply with an order issued under 39 U.S.C. 3005(a)(3); or

(3) Who (other than a publisher described by 39 U.S.C. 3007(b)) has actual knowledge of any such order, is in privity with any person described by paragraph (b) (1) or (2) of this section, and engages in conduct to assist any such person to evade, attempt to evade, or fail to comply with such order, as the case may be, through the use of the mail;

shall be liable to the United States for a civil penalty in an amount not to exceed \$11,000 for each day that such person engages in conduct described by this paragraph (b). A separate penalty may be assessed under this paragraph (b) with respect to the conduct described by paragraphs (b) (1), (2), or (3) of this section.

Stanley F. Mires,

*Chief Counsel, Legislative.*

[FR Doc. 96-27347 Filed 10-31-96; 8:45 am]

BILLING CODE 7710-12-P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**[AZ 58-1-7131-b]  
[FRL-5634-5]**Redesignation of the Yavapai-Apache Reservation to a PSD Class I Area; State of Arizona; Dispute Resolution****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Announcement of dispute resolution.

**SUMMARY:** The purpose of this action is to announce the EPA's resolution of an

intergovernmental dispute over a request by the Yavapai-Apache Tribal Council to redesignate the Yavapai-Apache Reservation ("the Reservation") as a non-Federal Class I area under the Clean Air Act program for prevention of significant deterioration of air quality. On August 22, 1994 the Governor of Arizona raised concerns about EPA's proposal to approve the request of the Yavapai-Apache Tribe to redesignate its Reservation as a Class I area and asked EPA to initiate the intergovernmental dispute resolution process provided for in section 164(e) of the Clean Air Act. The State and the Tribe were unable to reach an agreement concerning the redesignation. Section 164(e) of the Clean Air Act provides that EPA must therefore resolve the dispute. After fully considering the concerns raised by the State of Arizona, EPA declines in these particular circumstances to disapprove the Tribe's decision to limit the amount of air quality deterioration allowed within its Reservation. Therefore, as described in a final rulemaking notice also published in today's Federal Register, EPA is finalizing its proposed decision to redesignate the Yavapai-Apache Reservation as a non-Federal Class I area. The Class I designation will result in lowering the allowable increases in ambient concentrations of particulate matter, sulfur dioxide, and nitrogen dioxide within the Reservation.

**EFFECTIVE DATE:** December 2, 1996.

**ADDRESSES:** The public docket for this notice, which includes additional information related to this decision and relevant materials submitted to EPA, is available for public inspection and copying during normal business hours. Please contact the EPA official listed below at the given address. A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Jessica Gaylord, Air and Toxics Division (A-5-1), U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105-3901, (415) 744-1290. An electronic copy of this Federal Register notice and other pertinent information is available on the World Wide Web at this Internet address: <http://www.epa.gov/region09/air/yavapai/>

**SUPPLEMENTARY INFORMATION:**

I. Summary of Final Rule Approving Yavapai-Apache Tribe's Request for Redesignation

Elsewhere in today's Federal Register EPA has published a final rulemaking notice granting the Yavapai-Apache Tribe's request to redesignate its reservation as a Class I area under the Clean Air Act (CAA) program for the prevention of significant deterioration of