

EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as a list of those sites. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that future conditions at the site warrant such action. Section 300.425 (e)(3). Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Hazardous waste.

Dated: November 27, 1996.

Jack W. McGraw,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region VIII.

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Appendix B—[Amended]

2. Table 1 of appendix B to part 300 is amended by removing the site “Sand Creek Industrial, Commerce City, Colorado”.

[FR Doc. 96–32089 Filed 12–19–96; 8:45 am]

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40 CFR Part 300

[FRL–5667–1]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Cal West Metals Superfund Site (Site) from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA), Region 6, announces the deletion of the Cal West Metals Superfund site in Lemitar, New Mexico from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR Part 300 which is the National Oil and Hazardous Substances Pollution contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental

Response, Compensation, and Liability Act of 1980, as amended (CERCLA). EPA and the State of New Mexico through the New Mexico Environment Department (NMED) have determined that all appropriate Fund-financed responses under CERCLA have been implemented and that no further cleanup is appropriate. Moreover, EPA and the State of New Mexico have determined that remedial actions conducted at the Site to date is Protective of public health, welfare, and the environment.

EFFECTIVE DATE: December 20, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Donald Williams, New Mexico Team Leader, U.S. EPA, Region 6 (6SF–LN), 1445 Ross Avenue, Dallas, Texas 75202–2733, Telephone: (214) 665–2197 or 1–800–533–3508.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is Cal West Metals, Socorro County, Lemitar, New Mexico. A Notice of Intent to Delete for this site was published in the Federal Register on November 5, 1996, (61 FR 56931). The closing date for comments on the Notice of Intent to Delete was December 5, 1996. EPA received no comments.

The EPA identifies sites that appear to present a significant risk to the public health, welfare, or the environment, and maintains the NPL as the list of those sites. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action in the future. NCP section 300.425(e)(3) of the NCP, provides that in the event of a significant release from a site deleted from the NPL, the site shall be restored to the NPL without application of the Hazard Ranking System. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Hazardous waste.

Dated: December 10, 1996.

Lynda Carroll,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region 6.

For the reasons set out in the preamble, 40 CFR, part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(d); 42 U.S.C. 9601–9657; E.O. 11735, 38 FR 21243; E.O. 12580; 52 FR 2923; E.O. 12777, 56 FR 54757.

Appendix B—[Amended]

2. Table 2 of Appendix B to part 300 is amended by removing the site Cal West Metals (USSBA), Lemitar, New Mexico.

[FR Doc. 96–32088 Filed 12–19–96; 8:45 am]

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GENERAL SERVICES ADMINISTRATION

41 CFR Part 105–70

[RIN NO. 3090–AG18]

Program Fraud Civil Remedies Act of 1986, Civil Monetary Penalties Inflation Adjustment

AGENCY: Office of General Counsel, General Services Administration.

ACTION: Final rule.

SUMMARY: In accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410), as amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104–134), this final rule incorporates the penalty inflation adjustments for the civil monetary penalties set forth in 31 U.S.C. 3802(a)(1) and (a)(2), as codified in 41 CFR Part 105–70.

DATES: This rule is effective January 21, 1997.

FOR FURTHER INFORMATION CONTACT: Jeffrey H. Domber, Senior Assistant General Counsel, General Law Division (LG), General Services Administration, 18th & F Streets, NW, Washington, DC 20405. Telephone No. (202) 501–1460.

SUPPLEMENTARY INFORMATION:

I. The Debt Collection Improvement Act of 1996

To maintain the remedial impact of civil monetary penalties (CMPs) and to promote compliance with the law, the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410) was amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104–134) to require Federal agencies to regularly adjust certain CMPs for inflation. As amended, the law requires each agency to make an initial inflationary adjustment for all applicable CMPs, and to make further adjustments at least once every four years thereafter for these penalty amounts. The Debt Collection Improvement Act of 1996 further stipulates that any resulting increases in

a CMP due to the calculated inflation adjustments shall apply only to violations which occur after the date the increase takes effect, *i.e.*, thirty (30) days after date of publication in the Federal Register, and shall not exceed ten percent of such penalty for the initial inflation adjustment. Under the Act, the inflation adjustment for each applicable CMP is determined by increasing the maximum CMP amount per violation by the cost-of-living adjustment. The "cost-of-living" adjustment is defined as the percentage of each CMP by which the Consumer Price Index (CPI) for the month of June of the calendar year preceding the adjustment exceeds the CPI for the month of June of the calendar year in which the amount of the CMP was last set or adjusted in accordance with the law. Any calculated increase under this adjustment is subject to a specific rounding formula set forth in the Act.

II. The Program Fraud Civil Remedies Act of 1986

In 1986, sections 6103 and 6104 of the Omnibus Budget Reconciliation Act of 1986 (Pub. L. 99-501) set forth the Program Fraud Civil Remedies Act of 1986 (PFCRA). Specifically, this statute imposes a CMP and an assessment against any person who, with knowledge or reason to know, makes, submits, or presents a false, fictitious, or fraudulent claim or statement to the Government. The General Services Administration's regulations, published in the Federal Register (52 FR 45188, November 25, 1987) and codified at 41 CFR Part 105-70, set forth a CMP of up to \$5,000 for each false claim or statement made to the agency. Based on the penalty amount inflation factor calculation, derived from dividing the June 1995 CPI by the June 1986 CPI, after rounding and the ten percent maximum ceiling, we are adjusting the maximum penalty amount for this CMP to \$5,500 per violation.

III. Waiver of Proposed Rulemaking

In developing this final rule, we are waiving the usual notice of proposed rulemaking and public comment procedures set forth in the Administrative Procedure Act, 5 U.S.C. 553 (APA). The APA provides an exception to the notice and comment procedures when an agency finds there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary or contrary to the public interest. We have determined that under 5 U.S.C. 553(b)(3)(B) good cause exists for dispensing with the notice of proposed rulemaking and public comment

procedures for this rule. Specifically, this rulemaking comports and is consistent with the statutory authority set forth in the Debt Collection Improvement Act of 1996, with no issues of policy discretion. Accordingly, we believe that opportunity for prior comment is unnecessary and contrary to the public interest, and we are issuing these revised regulations as a final rule that will apply to all future cases under this authority.

The Office of Management and Budget (OMB) has reviewed this final rule in accordance with the provisions of Executive Order 12866 and has determined that it does not meet the criteria for a significant regulatory action. As indicated above, the provisions contained in this final rulemaking set forth the inflation adjustments in compliance with the Debt Collection Improvement Act of 1996 for specific applicable CMPs. The great majority of individuals, organizations and entities addressed through these regulations do not engage in such prohibited conduct, and as a result, we believe that any aggregate economic impact of these revised regulations will be minimal, affecting only those limited few who may engage in prohibited conduct in violation of the statute. As such, this final rule and the inflation adjustment contained therein should have no effect on Federal or state expenditures.

The Administrator of General Services certifies that this final rule will not have a significant economic impact on a substantial number of small business entities. While some penalties may have an impact on small business entities, it is the nature of the violation and not the size of the entity that will result in an action by the agency, and the aggregate economic impact of this rulemaking on small business entities should be minimal, affecting only those few who have engaged in prohibited conduct in violation of statutory intent.

This final rule imposes no new reporting or recordkeeping requirements necessitating clearance by OMB.

List of Subjects in 41 CFR Part 105-70

Administrative hearing, Claims, Program fraud.

Accordingly, 41 CFR Part 105-70 is amended as set forth below:

PART 105-70—[AMENDED]

1. The authority citation for 41 CFR Part 105-70 continues to read as follows:

Authority: 40 U.S.C. 486(c); 31 U.S.C. 3809.

§ 105-70.003 [Amended]

2. Section 105-70.003 is amended in paragraph (a)(1)(iv) by removing the amount "5,000" and inserting in its place, the amount "5,500".

3. Section 105-70.003 is amended in paragraph (b)(1)(ii) by removing the amount "5,000" and inserting in its place, the amount "5,500".

Dated: November 4, 1996.

David J. Barram,

Acting Administrator of General Services.

[FR Doc. 96-32279 Filed 12-19-96; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Parts 301, 302, 303, 304, 306 and 307

RIN 0970-AB57

Child Support Enforcement Program; State Plan Approval and Grant Procedures, State Plan Requirements, Standards for Program Operations, Federal Financial Participation, Optional Cooperative Agreements for Medical Support Enforcement and Computerized Support Enforcement Systems

AGENCY: Office of Child Support Enforcement (OCSE), HHS.

ACTION: Final rule.

SUMMARY: This final rule revises or removes regulations, in part or whole, in response to the President's Memorandum of March 4, 1995 to heads of Departments and Agencies which announced a government-wide Regulatory Reinvention Initiative to reduce or eliminate burdens on States, other governmental agencies or the private sector. This rule also implements Public Law 104-35 which extends the date from October 1, 1995 to October 1, 1997 by which States will have in effect, and approved by the Secretary, an operational automated data processing and information retrieval system meeting all requirements of Federal law enacted on or before the date of enactment of the Family Support Act of 1988.

EFFECTIVE DATE: The final rule is effective December 20, 1996.

FOR FURTHER INFORMATION CONTACT: Division of Policy and Planning, OCSE, specifically: Marilyn R. Cohen, (202) 401-5366.