

statements from an appropriate official of the school shall be documented. A copy of the documentation shall be provided to the covered school, which shall be informed of its opportunity to forward clarifying comments to accompany the submission to the ASD(FMP), and shall be provided 30 days to offer such clarifying comments.

(3) Evaluate responses to the letter of inquiry, and other such evidence obtained in accordance with this part, and submit to the ASD(FMP) the names and addresses of covered schools that are believed to be in violation of policies established in § 216.4. Full documentation shall be furnished to the ASD(FMP) for each such covered school, including the school's formal response to the letter of inquiry, documentation of any oral response, or evidence showing that attempts were made to obtain either written confirmation or an oral statement of the school's policies.

(c) The Heads of the DoD Components shall:

(1) Provide the ASD(FMP) with the names and addresses of covered schools identified as a result of evaluation(s) required under §§ 216.4 (e) and (f).

(2) Take immediate action to deny obligations of DoD Funds to covered schools identified under paragraph (a)(1)(i) of this section, and to restore eligibility of covered schools identified under paragraph (a)(2) of this section.

§ 216.6 Information requirements.

The information requirements identified at §§ 216.5 (b) and (c)(1) have been assigned Report Control Symbols DD-P&R (SA) 1386 and DD-P&R (SA) 1640, respectively, in accordance with DoD 8910.1-M.¹

Appendix A of Part 216—ROTC Sample Letter of Inquiry

(Tailor letter to situation presented).

Dr. Jane Smith,
President, ABC College, Anywhere, USA
12345-9876.

Dear Dr. Smith: I understand that ABC College has [refused a request from a Military Department to establish a Senior ROTC unit at your institution] [refused to continue existing ROTC programs at your institution] [prevented students from participation at a Senior ROTC program at another institution] by a policy or practice of the College. Current law¹ prohibits funds by grant or contract (including a grant of funds to be available for student aid) from appropriations of the Departments of Defense, Labor, Health and Human Services, Education, and Related Agencies to schools that have a policy or

practice prohibiting or preventing the Secretary of Defense from maintaining, establishing, or efficiently operating a Senior ROTC unit. Those statutes also bar agency funds for schools that prohibit or prevent a student from enrolling in an ROTC unit at another institution of higher education. Department of Defense Directive 1322.13 implements² those statutes.

This letter provides you an opportunity to clarify your institution's policy regarding ROTC access on the campus of ABC College. In that regard, I request, within the next 30 days, a written statement of the institution with respect to [define the problem area(s)].

Based on this information, Department of Defense officials will make a determination as to your institution's eligibility to receive funds by grant or contract. That decision will affect eligibility for funding from appropriations of the Departments of Defense, Labor, Health and Human Services, Education, and Related Agencies. Should it be determined that ABC College is in violation of the aforementioned statutes, such funding would be stopped, and the school would be ineligible to receive such funds in the future.

I regret that this action may have to be taken. Successful officer procurement requires that the Department of Defense maintain a strong ROTC commissioning program. I hope it will be possible to [define the correction to the aforementioned problem area(s)]. I am available to answer any questions.

Sincerely,

Appendix B of Part 216—Military Recruiting Sample Letter of Inquiry

(Tailor letter to situation presented).

Dr. John Doe,
President, ABC College, Anywhere, USA
12345-9876.

Dear Dr. Doe: I understand that military recruiting personnel [are unable to recruit on the campus of ABC College] [have been refused directory information on ABC College students for military recruiting] by a policy or practice of the College. Current law¹ prohibits funds by grant or contract (including a grant of funds to be available for student aid) from appropriations of the Departments of Defense, Transportation, Labor, Health and Human Services, Education, and Related Agencies to schools that have a policy of denying military recruiting personnel entry to campuses, access to students on campuses, or access to directory information on students. Department of Defense Directive 1322.13 implements² those statutes.

This letter provides you an opportunity to clarify your institution's policy regarding military recruiting on the campus of ABC

² DoD Directive 1322.13, "Military Recruiting and Reserve Officers Training Corps Program Access to Institutions of Higher Education" (available on the worldwide web at <http://www.dtic.dla.mil/defenselink/>).

¹ 108 Stat. 2663 and 110 Stat. 3009

² DoD Directive 1322.13, "Military Recruiting and Reserve Officers Training Corps Program Access to Institutions of Higher Education" (available on the worldwide web at <http://www.dtic.dla.mil/defenselink/>).

College. In that regard, I request, within the next 30 days, a written policy statement of the institution with respect to access to campus and students, and to student directory information³ by military recruiting personnel. Your response should highlight any difference between access for military recruiters and access for recruiting by other potential employers.

Based on this information, Department of Defense officials will make a determination as to your institution's eligibility to receive funds by grant or contract. That decision will affect eligibility for funding from appropriations of the Departments of Defense, Transportation, Labor, Health and Human Services, Education, and Related Agencies. Should it be determined that ABC College is in violation of the aforementioned statutes, such funding would be stopped, and the school would be ineligible to receive such funds in the future.

I regret that this action may have to be taken. Successful recruiting requires that Department of Defense recruiters have reasonable access to students on the campuses of colleges and universities, and at the same time have effective relationships with the officials and student bodies of those institutions. I hope it will be possible to [define the correction to the aforementioned problem area(s)]. I am available to answer any questions.

Sincerely,

Dated: March 28, 1997.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 97-8610 Filed 4-7-97; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 5, 26, 27, 95, 100, 110, 130, 136, 138, 140, 151, 153, 177

46 CFR Part 2

[CGD 96-052]

RIN 2105-AC63

Civil Money Penalties Inflation Adjustments

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: In accordance with the Federal Civil Monetary Penalty Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, this final rule incorporates inflation adjustments for civil money penalties.

³ Directory information refers to a student's name, address, telephone listing, date and place of birth, level of education, academic major, degrees received, and the educational institution in which the student most recently was enrolled.

¹ Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

¹ 10 U.S.C. 983 and 110 Stat. 3009.

DATES: This rule is effective on May 7, 1997.

ADDRESSES: Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the office of the Executive Secretary, Marine Safety Council (G-LRA/3406), U.S. Coast Guard Headquarters, 2100 Second Street SW., room 3406, Washington, DC 20593-0001 between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

FOR FURTHER INFORMATION CONTACT: Mr. Greg Parks, Office of Regulations and Administrative Law, at (202) 267-2830.

SUPPLEMENTARY INFORMATION:

The Debt Collection Improvement Act of 1996

In an effort to maintain the remedial impact of civil money penalties (CMPs) and promote compliance with the law, Congress amended the Federal Civil Monetary Penalty Inflation Adjustment

Act of 1990 (Pub. L. 101-410) with the Debt Collection Improvement Act of 1996 (DCIA) (Pub. L. 104-134). The DCIA requires Federal agencies to adjust certain CMPs to account for inflation. As amended, the law requires each agency to make an initial inflationary adjustment for each applicable CMP, and to make further adjustments at least once every 4 years thereafter for these penalty amounts.

The Debt Collection Improvement Act of 1996 further stipulates that any resulting increase in a CMP due to the calculated inflation adjustment (i) should apply only to a violation that occurs after October 23, 1996—the Act's effective date—and (ii) should not exceed 10 percent of the penalty indicated. CMPs that fall under the Internal Revenue Code of 1986; the Tariff Act of 1930; the Occupational Safety and Health Act of 1970; and the Social Security Act; are exempt from the requirements of the Act.

Method of Calculation

Under the Act, the inflation adjustment for each applicable CMP is determined by increasing the maximum CMP amount per violation by a cost-of-living adjustment. The cost-of-living adjustment equals the percentage difference between the Consumer Price Index (CPI) for the calendar year preceding the adjustment, and the CPI for the calendar year in which the amount of the CMP was last set in accordance with the law. Any increase calculated under this adjustment is subject to a specific rounding formula set forth in the Act. Since the Coast Guard's penalties have never previously been adjusted for inflation, this first statutorily required adjustment will be limited to ten percent for every penalty. Table A below sets forth each CMP provision which is being increased and shows the intermediate calculations performed to arrive at the adjusted final maximum penalty contained in the last column.

TABLE A.—SUMMARY OF CIVIL MONETARY PENALTY INFLATION ADJUSTMENT CALCULATIONS

U.S. Code citation	Civil monetary penalty description	Year penalty amount was last set by law	Maximum penalty amount set by law as of 10/23/96	Inflation factor calculation	Maximum penalty increase after P.L. 101-410 rounding	Maximum penalty amount after increase and P.L. 101-410 rounding	Maximum penalty amount after P.L. 101-410 rounding and 10% limit
14 U.S.C. 88(c)	Saving Life and Property ..	1990	\$5,000	458.7/389.1	\$1,000	\$6,000	\$5,500
14 U.S.C. 645(h)	Confidentiality of Medical Quality Assurance Records (first offense).	1992	3,000	458.7/419.9	0	3,000	3,000
14 U.S.C. 645(h)	Confidentiality of Medical Quality Assurance Records (subsequent offense).	1992	20,000	458.7/419.9	2,000	22,000	22,000
33 U.S.C. 471	Anchorage Ground/Harbor Regulations General.	1983	100	458.7/298.1	50	150	110
33 U.S.C. 474	Anchorage Ground/Harbor Regulations St. Mary's River.	1968	200	458.7/97.1	700	900	220
33 U.S.C. 495	Bridges/Failure to Comply with Regulations.	1983	1,000	458.7/298.1	500	1,500	1,100
33 U.S.C. 499	Bridges/Drawbridges	1988	1,000	458.7/353.5	300	1,300	1,100
33 U.S.C. 502	Bridges/Failure to Alter Bridge Obstructing Navigation.	1982	1,000	458.7/290.6	600	1,600	1,100
33 U.S.C. 533	Bridges/Maintenance & Operation.	1983	1,000	458.7/298.1	500	1,500	1,100
33 U.S.C. 1208(a)	Bridge to Bridge Communication.	1971	500	458.7/121.5	1,400	1,900	550
33 U.S.C. 1208(b)	Bridge to Bridge Communication.	1971	500	458.7/121.5	1,400	1,900	550
33 U.S.C. 1232	PWSA Regulations	1990	25,000	458.7/389.1	5,000	30,000	27,500
33 U.S.C. 1236(b)	Vessel Navigation: Regattas or Marine Parades.	1990	5,000	458.7/389.1	1,000	6,000	5,500
33 U.S.C. 1236(c)	Vessel Navigation: Regattas or Marine Parades.	1990	5,000	458.7/389.1	1,000	6,000	5,500
33 U.S.C. 1236(d)	Vessel Navigation: Regattas or Marine Parades.	1990	2,500	458.7/389.1	0	2,500	2,500
33 U.S.C. 1319(d)	Pollution Prevention	1987	25,000	458.7/340.1	10,000	35,000	27,500
33 U.S.C. 1319(a)(2)(A)	Pollution Prevention (per violation).	1987	10,000	458.7/340.1	3,000	13,000	11,000

TABLE A.—SUMMARY OF CIVIL MONETARY PENALTY INFLATION ADJUSTMENT CALCULATIONS—Continued

U.S. Code citation	Civil monetary penalty description	Year penalty amount was last set by law	Maximum penalty amount set by law as of 10/23/96	Inflation factor calculation	Maximum penalty increase after P.L. 101-410 rounding	Maximum penalty amount after increase and P.L. 101-410 rounding	Maximum penalty amount after P.L. 101-410 rounding and 10% limit
33 U.S.C. 1319(g)(2)(A)	Pollution Prevention (total under subparagraph).	1987	25,000	458.7/340.1	10,000	35,000	27,500
33 U.S.C. 1319(g)(2)(B)	Pollution Prevention (per day of violation).	1987	10,000	458.7/340.1	3,000	13,000	11,000
33 U.S.C. 1319(g)(2)(B)	Pollution Prevention (total under subparagraph).	1987	125,000	458.7/340.1	40,000	165,000	137,500
33 U.S.C. 1321(b)(6)(B)(i)	Oil/Hazardous Substances: Discharges (per violation).	1990	10,000	458.7/389.1	2,000	12,000	11,000
33 U.S.C. 3121(b)(6)(B)(i)	Oil/Hazardous Substances: Discharges (total under paragraph).	1990	25,000	458.7/389.1	5,000	30,000	27,500
33 U.S.C. 1321(b)(6)(B)(ii)	Oil/Hazardous Substances: Discharges (per day of violation).	1990	10,000	458.7/389.1	2,000	12,000	11,000
33 U.S.C. 1321(b)(6)(B)(ii)	Oil/Hazardous Substances: Discharges (total under paragraph).	1990	125,000	458.7/389.1	20,000	145,000	137,500
33 U.S.C. 1321(b)(7)(A)	Oil/Hazardous Substances: Discharges (per day of violation).	1990	25,000	458.7/389.1	5,000	30,000	27,500
33 U.S.C. 1321(b)(7)(A)	Oil/Hazardous Substances: Discharges (per barrel of oil or unit of hazsub discharged).	1990	1,000	458.7/389.1	200	1,200	1,100
33 U.S.C. 1321(b)(7)(B)	Oil/Hazardous Substances: Discharges.	1990	25,000	458.7/389.1	5,000	30,000	27,500
33 U.S.C. 1321(b)(7)(C)	Oil/Hazardous Substances: Discharges.	1990	25,000	458.7/389.1	5,000	30,000	27,500
33 U.S.C. 1321(b)(7)(D)	Oil/Hazardous Substances: Discharges (per barrel of oil or unit of hazsub discharged).	1990	3,000	458.7/389.1	1,000	4,000	3,300
33 U.S.C. 1321(j)	Oil/Hazardous Substances Prevention Regulations.	1990	25,000	458.7/389.1	5,000	30,000	27,500
33 U.S.C. 1322(j)	Marine Sanitation Devices	1987	2,000	458.7/340.1	1,000	3,000	2,200
33 U.S.C. 1322(j)	Marine Sanitation Devices	1987	5,000	458.7/340.1	2,000	7,000	5,500
33 U.S.C. 1517(a)	Deepwater Ports Regulations.	1989	10,000	458.7/371.7	2,000	12,000	11,000
33 U.S.C. 1608(a)	International Regulations ..	1980	5,000	458.7/247.6	4,000	9,000	5,500
33 U.S.C. 1608(b)	International Regulations ..	1980	5,000	458.7/247.6	4,000	9,000	5,500
33 U.S.C. 1908(b)(1)	Pollution from Ships	1980	25,000	458.7/247.6	20,000	45,000	27,500
33 U.S.C. 1908(b)(2)	Pollution from Ships	1980	5,000	458.7/247.6	4,000	9,000	5,500
33 U.S.C. 2072(a)	Inland Navigation Rules	1980	5,000	458.7/247.6	4,000	9,000	5,500
33 U.S.C. 2072(b)	Inland Navigation Rules	1980	5,000	458.7/247.6	4,000	9,000	5,500
33 U.S.C. 2609(a)	Shore Protection	1988	25,000	458.7/353.6	5,000	30,000	27,500
33 U.S.C. 2609(b)	Shore Protection	1988	10,000	458.7/353.6	3,000	13,000	11,000
33 U.S.C. 2716a(a)	Oil Pollution Liability and Compensation.	1990	25,000	458.7/389.1	5,000	30,000	27,500
46 U.S.C. App 1805(c)(2)	Suspension of Passenger Service.	1986	50,000	458.7/327.9	20,000	70,000	55,000
46 U.S.C. 2302(a)	Negligent Operations	1990	1,000	458.7/389.1	200	1,200	1,100
46 U.S.C. 2302(c)(1)	Negligent Operations	1990	1,000	458.7/389.1	200	1,200	1,100
46 U.S.C. 2306(a)(2)(B)(4)	Vessel Reporting Requirements: Owner.	1984	5,000	458.7/310.7	2,000	7,000	5,500
46 U.S.C. 2306(b)(2)	Vessel Reporting Requirements: Master.	1984	1,000	458.7/310.7	500	1,500	1,100
46 U.S.C. 3102(c)(1)	Immersion Suits	1988	5,000	458.7/353.6	1,000	6,000	5,500
46 U.S.C. 3302(j)(5)	Inspection Permit	1986	1,000	458.7/327.9	400	1,400	1,100
46 U.S.C. 3318(a)	Vessel Inspection	1990	5,000	458.7/389.1	1,000	6,000	5,500
46 U.S.C. 3318(g)	Vessel Inspection	1990	5,000	458.7/389.1	1,000	6,000	5,500
46 U.S.C. 3318(h)	Vessel Inspection	1990	1,000	458.7/389.1	200	1,200	1,100
46 U.S.C. 3318(i)	Vessel Inspection	1990	1,000	458.7/389.1	200	1,200	1,100
46 U.S.C. 3318(j)(1)	Vessel Inspection	1990	10,000	458.7/389.1	2,000	12,000	11,000
46 U.S.C. 3318(j)(1)	Vessel Inspection	1990	2,000	458.7/389.1	0	2,000	2,000
46 U.S.C. 3318(k)	Vessel Inspection	1990	10,000	458.7/389.1	2,000	12,000	11,000

TABLE A.—SUMMARY OF CIVIL MONETARY PENALTY INFLATION ADJUSTMENT CALCULATIONS—Continued

U.S. Code citation	Civil monetary penalty description	Year penalty amount was last set by law	Maximum penalty amount set by law as of 10/23/96	Inflation factor calculation	Maximum penalty increase after P.L. 101-410 rounding	Maximum penalty amount after increase and P.L. 101-410 rounding	Maximum penalty amount after P.L. 101-410 rounding and 10% limit
46 U.S.C. 3318(l)	Vessel Inspection	1990	5,000	458.7/389.1	1,000	6,000	5,500
46 U.S.C. 3502(e)	List/Count of Passengers	1983	100	458.7/298.1	50	150	110
46 U.S.C. 3504(c)	Notification to Passengers	1983	10,000	458.7/298.1	5,000	15,000	11,000
46 U.S.C. 3504(c)	Notification to Passengers	1983	500	458.7/298.1	300	800	550
46 U.S.C. 3506	Copies of Laws on Passenger Vessels.	1983	200	458.7/298.1	100	300	220
46 U.S.C. 3718(a)(1)	Dangerous Cargo Carriage	1990	25,000	458.7/389.1	5,000	30,000	27,500
46 U.S.C. 4106	Uninspected Vessels	1988	5,000	458.7/353.6	1,000	6,000	5,500
46 U.S.C. 4311(b)	Recreational Vessels	1984	100,000	458.7/310.7	45,000	145,000	110,000
46 U.S.C. 4311(b)	Recreational Vessels	1984	2,000	458.7/310.7	1,000	3,000	2,200
46 U.S.C. 4311(c)	Recreational Vessels	1984	1,000	458.7/310.7	500	1,500	1,100
46 U.S.C. 4507	Vessel Inspection	1988	5,000	458.7/353.6	1,000	6,000	5,500
46 U.S.C. 5116(a)	Load Lines	1990	5,000	458.7/389.1	1,000	6,000	5,500
46 U.S.C. 5116(b)	Load Lines	1990	10,000	458.7/389.1	2,000	12,000	11,000
46 U.S.C. 5116(c)	Load Lines	1990	5,000	458.7/389.1	1,000	6,000	5,500
46 U.S.C. 6103(a)	Reporting Marine Casualties.	1988	1,000	458.7/353.6	300	1,300	1,100
46 U.S.C. 6103(b)	Reporting Marine Casualties.	1988	5,000	458.7/353.6	1,000	6,000	5,500
46 U.S.C. 8101(e)	Manning of Inspected Vessels.	1990	1,000	458.7/389.1	200	1,200	1,100
46 U.S.C. 8101(f)	Manning of Inspected Vessels.	1990	10,000	458.7/389.1	2,000	12,000	11,000
46 U.S.C. 8101(g)	Manning of Inspected Vessels.	1990	10,000	458.7/389.1	2,000	12,000	11,000
46 U.S.C. 8102(a)	Watchmen on Passenger Vessels.	1984	1,000	458.7/310.7	500	1,500	1,100
46 U.S.C. 8103(f)	Citizenship Requirements	1988	500	458.7/353.6	100	600	550
46 U.S.C. 8104(i)	Watches on Vessels	1990	10,000	458.7/389.1	2,000	12,000	11,000
46 U.S.C. 8104(j)	Watches on Vessels	1990	10,000	458.7/389.1	2,000	12,000	11,000
46 U.S.C. 8302(e)	Staff Department on Vessels.	1985	100	458.7/322.3	40	140	110
46 U.S.C. 8304(d)	Officer's Competency Certificates.	1983	100	458.7/298.1	50	150	110
46 U.S.C. 8502(e)	Coastwise Pilotage	1990	10,000	458.7/389.1	2,000	12,000	11,000
46 U.S.C. 8502(f)	Coastwise Pilotage	1990	10,000	458.7/389.1	2,000	12,000	11,000
46 U.S.C. 8503	Federal Pilots	1990	25,000	458.7/389.1	5,000	30,000	27,500
46 U.S.C. 8701(d)	Merchant Mariners Documents.	1986	500	458.7/327.9	200	700	550
46 U.S.C. 8702(e)	Crew Requirements	1990	10,000	458.7/389.1	2,000	12,000	11,000
46 U.S.C. 8906	Small Vessel Manning	1983	1,000	458.7/298.1	500	1,500	1,100
46 U.S.C. 9308(a)	Pilotage: Great Lakes	1990	10,000	458.7/389.1	2,000	12,000	11,000
46 U.S.C. 9308(b)	Pilotage: Great Lakes	1990	10,000	458.7/389.1	2,000	12,000	11,000
46 U.S.C. 9308(c)	Pilotage: Great Lakes	1990	10,000	458.7/389.1	2,000	12,000	11,000
46 U.S.C. 10104(b)	Failure to Report Sexual Offense.	1989	5,000	458.7/371.7	1,000	6,000	5,500
46 U.S.C. 10307	Posting of Agreements	1983	100	458.7/298.1	50	150	110
46 U.S.C. 10308(b)	Foreign Engagements by Seamen.	1983	100	458.7/298.1	50	150	110
46 U.S.C. 10309(b)	Replacement of Lost/Deserted Seamen.	1983	200	458.7/298.1	100	300	220
46 U.S.C. 10310	Discharge of Seamen	1983	50	458.7/298.1	30	80	55
46 U.S.C. 10312(c)	Foreign/Intercoastal Voyages.	1983	100	458.7/298.1	50	150	110
46 U.S.C. 10314(a)(2)	Pay Advances to Seamen	1983	500	458.7/298.1	300	800	550
46 U.S.C. 10314(b)	Pay Advances to Seamen	1983	500	458.7/298.1	300	800	550
46 U.S.C. 10315(c)	Allotments to Seamen	1983	500	458.7/298.1	300	800	550
46 U.S.C. 10321	Seamen Protection: General.	1983	200	458.7/298.1	100	300	220
46 U.S.C. 10505(b)	Advances	1983	500	458.7/298.1	300	800	550
46 U.S.C. 10508(b)	Seamen Protection: General.	1983	20	458.7/298.1	10	30	22
46 U.S.C. 10711	Effects of Deceased Seamen.	1983	200	458.7/298.1	100	300	220
46 U.S.C. 10902(a)(2)	Complaints of Unfitness	1983	500	458.7/298.1	300	800	550

TABLE A.—SUMMARY OF CIVIL MONETARY PENALTY INFLATION ADJUSTMENT CALCULATIONS—Continued

U.S. Code citation	Civil monetary penalty description	Year penalty amount was last set by law	Maximum penalty amount set by law as of 10/23/96	Inflation factor calculation	Maximum penalty increase after P.L. 101-410 rounding	Maximum penalty amount after increase and P.L. 101-410 rounding	Maximum penalty amount after P.L. 101-410 rounding and 10% limit
46 U.S.C. 10903(d)	Proceedings on Examination of Vessel.	1983	100	458.7/298.1	50	150	110
46 U.S.C. 10907(b)	Permission to Make Complaint.	1983	500	458.7/298.1	300	800	550
46 U.S.C. 11101(f)	Accommodations for Seamen.	1985	500	458.7/322.3	200	700	550
46 U.S.C. 11102(b)	Medicine Chests on Vessels.	1983	500	458.7/298.1	300	800	550
46 U.S.C. 11104(b)	Destitute Seamen	1983	100	458.7/298.1	50	150	110
46 U.S.C. 11105(c)	Wages on Discharge	1983	500	458.7/298.1	300	800	550
46 U.S.C. 11303(a)	Log Books	1983	200	458.7/298.1	100	300	220
46 U.S.C. 11303(b)	Log Books	1983	200	458.7/298.1	100	300	220
46 U.S.C. 11303(c)	Log Books	1983	150	458.7/298.1	100	250	185
46 U.S.C. 11506	Carrying of Sheath Knives	1983	50	458.7/298.1	30	80	55
46 U.S.C. 12122(a)	Identification of Vessels	1986	500	458.7/327.9	200	700	550
46 U.S.C. 12309(b)	Numbering of Undocumented Vessels.	1983	1,000	458.7/298.1	500	1,500	1,100
46 U.S.C. 12507(b)	Vessel Identification System.	1988	10,000	458.7/353.6	3,000	13,000	11,000
46 U.S.C. 14701	Measurement of Vessels ..	1986	20,000	458.7/327.9	10,000	30,000	22,000
46 U.S.C. 14701	Registry/Recording: Tonnage.	1986	20,000	458.7/327.9	10,000	30,000	22,000
46 U.S.C. 14702	Measurement/False Statements.	1986	20,000	458.7/327.9	10,000	30,000	22,000
46 U.S.C. 31309	Instruments and Liens	1988	10,000	458.7/353.6	3,000	13,000	11,000
49 U.S.C. 1809(a)(1)	Hazardous Materials—Relating to Vessels.	1975	10,000	458.7/160.6	18,000	28,000	11,000

Future adjustments will also be made in accordance with the statutory formula. Since today's inflation adjustments are being made in March 1997, the next scheduled adjustment will cover inflation from June 1996 to June of the year in which the next adjustment is made. The Debt Collection Improvement Act requires that penalties be adjusted for inflation at least once every four years.

This rule also eliminates or revises existing sections of the Code of Federal Regulations (CFR) which contain civil penalty amounts. These sections are now obsolete as they contain penalty amounts which have not been adjusted for inflation in accordance with the Debt Collection Improvement Act of 1996. The Coast Guard has incorporated all penalty amounts into a single table for ease of use by the public. Because the volume of the CFR which contains Title 33 is widely disseminated, the Coast Guard is placing the table, including all applicable Coast Guard administered penalties from Titles 33, 46 and 49, in a new part 27 within 33 CFR. The Coast Guard has attempted to include in the table all penalties covered by the Act. However, due to factors such as subsequent statutory changes, some

penalties may not be included in the table. If a penalty amount is not included in the table its statutorily set amount will control.

Waiver of Proposed Rulemaking

In developing this final rule, the Coast Guard is waiving the usual notice of proposed rulemaking and public comment procedures set forth in the Administrative Procedure Act (APA) (5 U.S.C. 553). 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 bases that they are impracticable, unnecessary or contrary to the public interest. The Coast Guard has 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 implements the Debt Collection Improvement Act of 1996, which leaves the agency no discretion. Accordingly, the Coast Guard believes that opportunity for prior comment is unnecessary and is issuing these revised regulations as a final rule that will apply to all future cases under this authority. Other administrations with the

Department of Transportation have also followed this procedure.

Assessment

This final rule is exempt from review under Executive Order 12866 because it is limited to the adoption of statutory language without interpretation.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612) the Coast Guard is required to assess the impact of regulations on small business entities. While some penalties may have an impact on small entities, it is the nature of the violation and not the size of the entity that will result in an action by the Coast Guard. Moreover, although this rule increases the maximum penalty that could be assessed, it does not change the Coast Guard's existing enforcement policies which provide for consideration of the size of an entity and the economic impact of the penalty on that entity. The aggregate economic impact of this rulemaking on small business entities should be minimal. Therefore, the Coast Guard certifies that this final rule will not have a significant economic impact on a substantial number of small business entities.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), the Coast Guard will provide assistance to small entities to determine how this rule applies to them. If you are a small entity against which a civil penalty has been assessed by the Coast Guard and you need assistance understanding the provisions of this rule or how it applies to your circumstances, please bring this issue to the attention of the hearing officer in your case.

Collection of Information

This rule contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B, (as revised by 59 FR 38654, July 29, 1994), this rule is categorically excluded from further environmental documentation because it contains only regulations which are editorial or procedural in nature. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

List of Subjects

33 CFR Part 5

Volunteers.

33 CFR Part 26

Communications equipment, Marine safety, Radio, Telephone, Vessels.

33 CFR Part 27

Marine safety, Oil pollution, Penalties, Vessels, Waterways.

33 CFR Part 95

Alcohol abuse, Drug abuse, Marine safety, Penalties.

33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

33 CFR Part 110

Anchorage grounds.

33 CFR Part 130

Hazardous materials transportation, Insurance, Oil pollution, Reporting and recordkeeping requirements, Vessels, Water pollution control.

33 CFR Part 136

Administrative practice and procedure, Claims, Continental shelf, Insurance, Oil pollution.

33 CFR Part 138

Insurance, Maritime carriers, Reporting and recordkeeping requirements, Water pollution control.

33 CFR Part 140

Continental shelf, Investigations, Marine safety, Occupational safety and health, Penalties, Reporting and recordkeeping requirements.

33 CFR Part 151

Administrative practice and procedure, Oil pollution, Penalties, Reporting and recordkeeping requirements, Water pollution control.

33 CFR Part 153

Hazardous substances, Oil pollution, Reporting and recordkeeping requirements, Water pollution control.

33 CFR Part 177

Marine safety.

46 CFR Part 2

Marine safety, Reporting and recordkeeping requirements, Vessels.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR parts 5, 26, 95, 100, 110, 130, 136, 138, 140, 151, 153, and 177; and 46 CFR part 2; and adds 33 CFR part 27.

Title 33, Chapter I

PART 5—[AMENDED]

1. The authority citation for part 5 is revised to read as follows:

Authority: 14 U.S.C. 633, 892; 49 CFR 1.46.

§ 5.67 [Removed]

2. Section 5.67 is removed.

PART 26—[AMENDED]

3. The authority citation for part 26 continues to read as follows:

Authority: 14 U.S.C. 2; 33 U.S.C. 1201-1208; 49 CFR 1.45(b), 1.46; Rule 1, International Regulations for the Prevention of Collisions at Sea.

§ 26.10 [Removed]

4. Section 26.10 is removed.

5. Add a new part 27 to read as follows:

PART 27—ADJUSTMENT OF CIVIL MONETARY PENALTIES FOR INFLATION

Sec.

27.1 Applicability.

27.2 Effective date.

27.3 Penalty Adjustment Table.

Authority: Pub. L. 101-410, 104 Stat. 890 as amended by Pub. L. 104-134; 49 CFR 1.45, 1.46.

PART 27—ADJUSTMENT OF CIVIL MONETARY PENALTIES FOR INFLATION

§ 27.1 Applicability.

This part applies to each statutory provision under the laws administered by the Coast Guard concerning the maximum civil monetary penalty which may be assessed in either civil judicial or administrative proceedings.

§ 27.2 Effective date

The increased penalty amounts set forth in this rule apply to all violations under the applicable statutes and regulations which occur after May 7, 1997.

§ 27.3 Penalty Adjustment Table

The adjusted statutory penalty provisions and their maximum applicable amounts are set out in Table 1. The last column of the table provides the newly effective maximum penalty amounts.

TABLE 1.—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS *

U.S. Code citation	Civil monetary penalty description	New maximum penalty amount
14 U.S.C. 88(c)	Saving Life and Property	\$5,500
14 U.S.C. 645(h)	Confidentiality of Medical Quality Assurance Records (first offense)	3,000

TABLE 1.—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS*—Continued

U.S. Code citation	Civil monetary penalty description	New maximum penalty amount
14 U.S.C. 645(h)	Confidentiality of Medical Quality Assurance Records (subsequent offense)	22,000
33 U.S.C. 471	Anchorage Ground/Harbor Regulations General	110
33 U.S.C. 474	Anchorage Ground/Harbor Regulations St. Mary's River	220
33 U.S.C. 495	Bridges/Failure to Comply with Regulations	1,100
33 U.S.C. 499	Bridges/Drawbridges	1,100
33 U.S.C. 502	Bridges/Failure to Alter Bridge Obstructing Navigation	1,100
33 U.S.C. 533	Bridges/Maintenance & Operation	1,100
33 U.S.C. 1208(a)	Bridge to Bridge Communication	550
33 U.S.C. 1208(b)	Bridge to Bridge Communication	550
33 U.S.C. 1232	PWSA Regulations	27,500
33 U.S.C. 1236(b)	Vessel Navigation: Regattas or Marine Parades	5,500
33 U.S.C. 1236(c)	Vessel Navigation: Regattas or Marine Parades	5,500
33 U.S.C. 1236(d)	Vessel Navigation: Regattas or Marine Parades	2,500
33 U.S.C. 1319(d)	Pollution Prevention	27,500
33 U.S.C. 1319(g)(2)(A)	Pollution Prevention (per violation)	11,000
33 U.S.C. 1319(g)(2)(A)	Pollution Prevention (total under subparagraph)	27,500
33 U.S.C. 1319(g)(2)(B)	Pollution Prevention (per day of violation)	11,000
33 U.S.C. 1319(g)(2)(B)	Pollution Prevention (total under subparagraph)	137,500
33 U.S.C. 1321(b)(6)(B)(i)	Oil/Hazardous Substances: Discharges (per violation)	11,000
33 U.S.C. 1321(b)(6)(B)(i)	Oil/Hazardous Substances: Discharges (total under paragraph)	27,500
33 U.S.C. 1321(b)(6)(B)(ii)	Oil/Hazardous Substances: Discharges (per day of violation)	11,000
33 U.S.C. 1321(b)(6)(B)(ii)	Oil/Hazardous Substances: Discharges (total under paragraph)	137,500
33 U.S.C. 1321(b)(7)(A)	Oil/Hazardous Substances: Discharges (per day of violation)	27,500
33 U.S.C. 1321(b)(7)(A)	Oil/Hazardous Substances: Discharges (per barrel of oil or unit of hazsub discharged)	1,100
33 U.S.C. 1321(b)(7)(B)	Oil/Hazardous Substances: Discharges	27,500
33 U.S.C. 1321(b)(7)(C)	Oil/Hazardous Substances: Discharges	27,500
33 U.S.C. 1321(b)(7)(D)	Oil/Hazardous Substances: Discharges (per barrel of oil or unit of hazsub discharged)	3,300
33 U.S.C. 1321(j)	Oil/Hazardous Substances Prevention Regulations	27,500
33 U.S.C. 1322(j)	Marine Sanitation Devices	2,200
33 U.S.C. 1322(j)	Marine Sanitation Devices	5,500
33 U.S.C. 1517(a)	Deepwater Ports Regulations	11,000
33 U.S.C. 1608(a)	International Regulations	5,500
33 U.S.C. 1608(b)	International Regulations	5,500
33 U.S.C. 1908(b)(1)	Pollution from Ships	27,500
33 U.S.C. 1908(b)(2)	Pollution from Ships	5,500
33 U.S.C. 2072(a)	Inland Navigation Rules	5,500
33 U.S.C. 2072(b)	Inland Navigation Rules	5,500
33 U.S.C. 2609(a)	Shore Protection	27,500
33 U.S.C. 2609(b)	Shore Protection	11,000
33 U.S.C. 2716(a)	Oil Pollution Liability and Compensation	27,500
46 U.S.C. App. 1805(c)(2)	Suspension of Passenger Service	55,000
46 U.S.C. 2302(a)	Negligent Operations	1,100
46 U.S.C. 2302(c)(1)	Negligent Operations	1,100
46 U.S.C. 2306(a)(2)(B)(4)	Vessel Reporting Requirements: Owner	5,500
46 U.S.C. 2306(b)(2)	Vessel Reporting Requirements: Master	1,100
46 U.S.C. 3102(c)(1)	Immersion Suits	5,500
46 U.S.C. 3302(j)(5)	Inspection Permit	1,100
46 U.S.C. 3318(a)	Vessel Inspection	5,500
46 U.S.C. 3318(g)	Vessel Inspection	5,500
46 U.S.C. 3318(h)	Vessel Inspection	1,100
46 U.S.C. 3318(i)	Vessel Inspection	1,100
46 U.S.C. 3318(j)(1)	Vessel Inspection	11,000
46 U.S.C. 3318(j)(1)	Vessel Inspection	2,000
46 U.S.C. 3318(k)	Vessel Inspection	11,000
46 U.S.C. 3318(l)	Vessel Inspection	5,500
46 U.S.C. 3502(e)	List/Count of Passengers	110
46 U.S.C. 3504(c)	Notification to Passengers	11,000
46 U.S.C. 3504(c)	Notification to Passengers	550
46 U.S.C. 3506	Copies of Laws on Passenger Vessels	220
46 U.S.C. 3718(a)(1)	Dangerous Cargo Carriage	27,500
46 U.S.C. 4106	Uninspected Vessels	5,500
46 U.S.C. 4311(b)	Recreational Vessels (Maximum for related series of violations)	110,000
46 U.S.C. 4311(b)	Recreational Vessels	2,200
46 U.S.C. 4311(c)	Recreational Vessels	1,100
46 U.S.C. 4507	Vessel Inspection	5,500
46 U.S.C. 5116(a)	Load Lines	5,500
46 U.S.C. 5116(b)	Load Lines	11,000
46 U.S.C. 5116(c)	Load Lines	5,500
46 U.S.C. 6103(a)	Reporting Marine Casualties	1,100
46 U.S.C. 6103(b)	Reporting Marine Casualties	5,500

TABLE 1.—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS *—Continued

U.S. Code citation	Civil monetary penalty description	New maximum penalty amount
46 U.S.C. 8101(e)	Manning of Inspected Vessels	1,100
46 U.S.C. 8101(f)	Manning of Inspected Vessels	11,000
46 U.S.C. 8101(g)	Manning of Inspected Vessels	11,000
46 U.S.C. 8102(a)	Watchmen on Passenger Vessels	1,100
46 U.S.C. 8103(f)	Citizenship Requirements	550
46 U.S.C. 8104(i)	Watches on Vessels	11,000
46 U.S.C. 8104(j)	Watches on Vessels	11,000
46 U.S.C. 8302(e)	Staff Department on Vessels	110
46 U.S.C. 8304(d)	Officer's Competency Certificates	110
46 U.S.C. 8502(e)	Coastwise Pilotage	11,000
46 U.S.C. 8502(f)	Coastwise Pilotage	11,000
46 U.S.C. 8503	Federal Pilots	27,500
46 U.S.C. 8701(d)	Merchant Mariners Documents	550
46 U.S.C. 8702(e)	Crew Requirements	11,000
46 U.S.C. 8906	Small Vessel Manning	1,100
46 U.S.C. 9308(a)	Pilotage: Great Lakes	11,000
46 U.S.C. 9308(b)	Pilotage: Great Lakes	11,000
46 U.S.C. 9308(c)	Pilotage: Great Lakes	11,000
46 U.S.C. 10104(b)	Failure to Report Sexual Offense	5,500
46 U.S.C. 10307	Posting of Agreements	110
46 U.S.C. 10308(b)	Foreign Engagements by Seamen	110
46 U.S.C. 10309(b)	Replacement of Lost/Deserted Seamen	220
46 U.S.C. 10310	Discharge of Seamen	55
46 U.S.C. 10312(c)	Foreign/Intercoastal Voyages	110
46 U.S.C. 10314(a)(2)	Pay Advances to Seamen	550
46 U.S.C. 10314(b)	Pay Advances to Seamen	550
46 U.S.C. 10315(c)	Allotments to Seamen	550
46 U.S.C. 10321	Seamen Protection: General	220
46 U.S.C. 10505(b)	Advances	550
46 U.S.C. 10508(b)	Seamen Protection: General	22
46 U.S.C. 10711	Effects of Deceased Seamen	220
46 U.S.C. 10902(a)(2)	Complaints of Unfitness	550
46 U.S.C. 10903(d)	Proceedings on Examination of Vessel	110
46 U.S.C. 10907(b)	Permission to Make Complaint	550
46 U.S.C. 11101(f)	Accommodations for Seamen	550
46 U.S.C. 11102(b)	Medicine Chests on Vessels	550
46 U.S.C. 11104(b)	Destitute Seamen	110
46 U.S.C. 11105(c)	Wages on Discharge	550
46 U.S.C. 11303(a)	Log Books	220
46 U.S.C. 11303(b)	Log Books	220
46 U.S.C. 11303(c)	Log Books	185
46 U.S.C. 11506	Carrying of Sheath Knives	55
46 U.S.C. 12122(a)	Identification of Vessels	550
46 U.S.C. 12309(b)	Numbering of Undocumented Vessels	1,100
46 U.S.C. 12507(b)	Vessel Identification System	11,000
46 U.S.C. 14701	Measurement of Vessels	22,000
46 U.S.C. 14701	Registry/Recording: Tonnage	22,000
46 U.S.C. 14702	Measurement/False Statements	22,000
46 U.S.C. 31309	Instruments and Liens	11,000
46 U.S.C. 1809(a)(1)	Hazardous Materials—Relating to Vessels	11,000

* Table may not include all civil monetary penalties. If penalty is not listed, check applicable statute for penalty amount.

PART 95—[AMENDED]

6. The authority citation for part 95 is revised to read as follows:

Authority: 33 U.S.C. 2071; 46 U.S.C. 2302; 49 CFR 1.46.

§ 95.055 [Removed]

7. Section 95.055 is removed.

PART 100—[AMENDED]

8. The authority citation for part 100 is revised to read as follows:

Authority: 33 U.S.C. 1233 through 1236; 49 CFR 1.46; 33 CFR 100.35.

§ 100.101 [Amended]

9. In § 100.101, paragraph (c)(12) is removed.

§ 100.102 [Amended]

10. In § 100.102, paragraph (c)(5) is removed.

§ 100.103 [Amended]

11. In § 100.103, paragraph (c)(7) is removed.

§ 100.104 [Amended]

12. In § 100.104, paragraph (c)(9) is removed.

§ 100.108 [Amended]

13. In § 100.108, paragraph (b)(6) is removed.

§ 100.504 [Amended]

14. In § 100.504, paragraph (c)(5) is removed.

§ 100.505 [Amended]

15. In § 100.505, paragraph (c)(7) is removed.

16. The authority citation for part 110 is revised to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035, 2071; 49 CFR 1.46 and 33 CFR 1.05-1(g).

§ 110.1a [Amended]

17. In § 110.1a, paragraph (b) is removed.

PART 130—[AMENDED]

18. The authority citation for part 130 is revised to read as follows:

Authority: 33 U.S.C. 2716, 2716a; E.O. 12777, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

19. Section 130.14 is revised to read as follows:

§ 130.14 Enforcement.

Enforcement actions will be carried out under the provisions of 33 CFR 138.140.

PART 136—[AMENDED]

20. The authority citation for part 136 is revised to read as follows:

Authority: 31 U.S.C. 3801 through 3812; 33 U.S.C. 2713, 2714; E.O. 12777, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

§ 136.9 Falsification of claims. [Amended]

21. In § 136.9, remove the words "of up to \$5,000".

PART 138—[AMENDED]

22. The authority citation for part 138 is revised to read as follows:

Authority: 33 U.S.C. 2716, 2716a; 42 U.S.C. 9608, 9609; sec. 7(b), E.O. 12580, 3 CFR, 1987 Comp., p. 198; E.O. 12777, 3 CFR 1991 Comp., p. 351; 49 CFR 1.46; § 138.30 also issued under the authority of 46 U.S.C. 2103, 14302.

23. In § 138.140, paragraph (a) is revised to read as follows:

§ 138.140 Enforcement.

(a) Any person who fails to comply with this part with respect to evidence of financial responsibility under section 1016 of OPA 90 (33 U.S.C. 2716) is subject to a civil penalty. In addition, under section 4303(b) of that Act (33 U.S.C. 2716a(b)), the Attorney General may secure such relief as may be necessary to compel compliance with this part including termination of operations. Further, any person who fails to comply with this part with respect to evidence of financial responsibility under section 108(a)(1) of CERCLA (42 U.S.C. 9608(a)(1)), is subject to a Class I administrative civil penalty and a Class II administrative civil penalty or judicial penalty.

* * * * *

24. In § 138.140, paragraph (b), remove "section 4197 of the Revised Statutes (46 U.S.C. 91)" and add, in its place "46 U.S.C. App. 91".

* * * * *

PART 140—[AMENDED]

25. The authority citation for part 140 is revised to read as follows:

Authority: 42 U.S.C. 1333, 1348, 1350, 1356; 49 CFR 1.46.

§ 140.35 Sanctions

26. In § 140.35, paragraph (a)(3), remove the words "of not more than \$10,000".

PART 151—[AMENDED]

27. The authority citation for part 151 is revised to read as follows:

Authority: 33 U.S.C. 1321, 1903, 1908; E.O. 12777, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

§ 151.04 Penalties for violation

28. In § 151.04, paragraph (a), remove the words "not to exceed \$25,000".

29. In § 151.04, paragraph (b), remove the words "not to exceed \$5,000".

30. In § 151.59 paragraphs (d)(6) and (e)(2)(ii) are revised to read as follows:

§ 151.59 Placards.

* * * * *

(d) * * *

(6) A person who violates the above requirements is liable for a civil penalty for each violation, and the criminal penalties of a class D felony.

* * * * *

(e) * * *

(2) * * *

(ii) A person who violates the above requirements is liable for a civil penalty for each violation, and the criminal penalties of a class D felony.

* * * * *

PART 153—[AMENDED]

31. The authority citation for part 153 continues to read as follows:

Authority: 14 U.S.C. 633; 33 U.S.C. 1321; 42 U.S.C. 9615; E.O. 12580, 3 CFR, 1987 Comp., p. 193; E.O. 12777, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.45 and 1.46.

32. Section 153.307 is revised to read as follows:

§ 153.307 Penalties.

Section 311(b)(7)(C) of the Act, as amended, prescribes that any person who fails or refuses to comply with the provisions of this subpart is liable for a civil penalty per day of violation.

PART 177—[AMENDED]

33. The authority citation for part 177 is revised to read as follows:

Authority: 46 U.S.C. 4302, 4311; 49 CFR 1.45 and 1.46.

34. Section 177.09 is revised to read as follows:

§ 177.09 Penalties.

An operator of a vessel who does not follow the directions of a Coast Guard Boarding Officer prescribed in § 177.05 is, in addition to any other penalty prescribed by law, subject to—

(a) The criminal penalties of 46 U.S.C. 4311, which provides that a person willfully operating a recreational vessel in violation of 46 U.S.C., Chapter 43 or regulations issued thereunder, shall be fined not more than \$5,000, imprisoned for not more than one year, or both.

(b)(1) The civil penalties for violating 46 U.S.C. 4307(a)(1).

(2) The civil penalties of 46 U.S.C. 4311, which provides that a person violating any other provision of 43 U.S.C., Chapter 43 or regulation issued thereunder is liable to the United States Government for a civil penalty, and, if the violation involves the operation of a vessel, the vessel is liable in rem for the penalty.

Title 46, Chapter I

PART 2—[AMENDED]

35. The authority citation for part 2 is revised to read as follows:

Authority: 14 U.S.C. 664; 31 U.S.C. 9701; 33 U.S.C. 1903; 43 U.S.C. 1333, 1356; 46 U.S.C. 2110, 3306, 3703; E.O. 12234, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46; Subpart 2.45 also issued under the authority of 64 Stat. 1120.

§ 2.10-135 Penalties [Amended]

36. In § 2.10-135, paragraph (a), remove the words "of not more than \$5,000".

37. The heading Subpart 2.50 is revised and § 2.50-1 is added to read as follows:

Subpart 2.50—Penalties

§ 2.50-1 Penalty procedures.

Civil and criminal penalty procedures appear in 33 CFR part 1. Civil monetary penalty amounts are set forth in 33 CFR part 27.

Dated: March 24, 1997.

Paul M. Blainey,

Rear Admiral, U.S. Coast Guard, Chief Counsel.

[FR Doc. 97-8781 Filed 4-7-97; 8:45 am]

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