

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 301

[Docket No. 96-053-2]

#### Mexican Fruit Fly Regulations; Removal of Regulated Area

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Affirmation of interim rule as final rule.

**SUMMARY:** We are adopting as a final rule, without change, an interim rule that amended the Mexican fruit fly regulations by removing the quarantined portion of San Diego County, CA, from the list of areas regulated because of the Mexican fruit fly. We have determined that the Mexican fruit fly has been eradicated from San Diego County, CA, and that restrictions on the interstate movement of regulated articles from San Diego County, CA, are no longer necessary to prevent the spread of the Mexican fruit fly into noninfested areas of the United States. The interim rule was necessary to relieve unnecessary restrictions on the interstate movement of regulated articles from the previously regulated area.

**EFFECTIVE DATE:** The interim rule was effective on July 19, 1996.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael B. Stefan, Operations Officer, Domestic and Emergency Operations, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737-1236, (301) 734-8247; or e-mail: mstefan@aphis.usda.gov.

#### SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective July 19, 1996, and published in the Federal Register on July 24, 1996 (61 FR 38353-

38354, Docket No. 96-053-1), we amended the Mexican fruit fly regulations in 7 CFR 301.64 by removing the quarantined portion of San Diego County, CA, from the list of areas regulated because of the Mexican fruit fly.

Comments on the interim rule were required to be received on or before September 23, 1996. We did not receive any comments. The facts presented in the interim rule still provide a basis for the rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

#### List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

#### PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR 301 and that was published at 61 FR 38353-38354 on July 24, 1996.

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff, 161, 162, and 164-167; 7 CFR 2.22, 2.80, and 371.2(c).

Done in Washington, DC, this 5th day of November 1996.

A. Strating,

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 96-28837 Filed 11-8-96; 8:45 am]

BILLING CODE 3410-34-P

## FEDERAL DEPOSIT INSURANCE CORPORATION

### 12 CFR Part 308

#### Rules of Practice and Procedure; Civil Money Penalty Adjustments

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Final rule.

**SUMMARY:** As required by the Debt Collection Improvement Act of 1996

(DCIA), the Federal Deposit Insurance Corporation (FDIC) is adopting a final regulation that adjusts each civil money penalty (CMP) under its jurisdiction by the rate of inflation using the formula prescribed by the DCIA. That statute requires all federal agencies to adjust each CMP by the rate of inflation and adopt implementing regulations within 180 days after enactment of the DCIA, and at least once every four years thereafter. Any increase in a CMP shall apply only to violations that occur after the effective date of this regulation.

**EFFECTIVE DATE:** November 12, 1996.

**FOR FURTHER INFORMATION CONTACT:** Andrea Winkler, Counsel, (202) 736-0762, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The DCIA amended section 4 of the Federal Civil Penalties Inflation Adjustment Act of 1990 (Inflation Adjustment Act) (28 U.S.C. 2461 note), to require the head of each Federal agency to enact regulations within 180 days of the enactment of the DCIA and at least once every four years thereafter, that adjust each CMP provided by law within the jurisdiction of the agency (with the exception of certain specifically listed statutes) by the inflation adjustment formula set forth in section 5(b) of the Inflation Adjustment Act. The Inflation Adjustment Act requires that each CMP amount be increased by the "cost of living" adjustment, which is defined as the percentage by which the Consumer Price Index (CPI)<sup>1</sup> 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 pursuant to law. Any increase is to be rounded to the nearest multiple of \$10 in the case of penalties less than or equal to \$100; multiple of \$100 in the case of penalties greater than \$100 but less than or equal to \$1,000; multiple of \$1,000 in the case of penalties greater than \$1,000 but less than or equal to \$10,000; multiple of \$5,000 in the case of penalties greater than \$10,000 but less than or equal to \$100,000; multiple of \$10,000 in the

<sup>1</sup> The CPI is compiled by the Bureau of Statistics of the Department of Labor.