

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 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (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.

List of Subjects in 30 CFR Part 935

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 27, 1996.
Ronald C. Recker,
Acting Regional Director, Appalachian Regional Coordinating Center.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 935—OHIO

1. The authority citation of part 935 continues to read as follows:

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

2. Section 935.15 is amended by adding paragraph (cccc) to read as follows:

§ 935.15 Approval of regulatory program amendments.

* * * * *

(cccc) The following rules, as submitted to OSM on May 17, 1996, are approved effective October 29, 1996:
OAC 1501:13-14-01(A)(2)(b) (Deleted Portion) Definition of Inactive coal mining and reclamation operation
OAC 1501:13-14-01(A)(2)(c) (Deletion) Same

[FR Doc. 96-27600 Filed 10-28-96; 8:45 am]
BILLING CODE 4310-05-M

POSTAL SERVICE

39 CFR Part 273

Liabilities for False Claims and Statements

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This rule amends sections of the Postal Service regulations under the Program Fraud Civil Remedies Act regarding liabilities of false claims and statements to allow cost-of-living or inflation adjustments to civil monetary

penalties administered by the Postal Service.

EFFECTIVE DATE: October 23, 1996.

FOR FURTHER INFORMATION CONTACT: Elizabeth P. Martin, (202) 268-3022.

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. 104-134, 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 procedure under 31 U.S.C. 3802 for violations involving false claims and statements. The Postal Service is governed by 28 U.S.C. 2641 note, and accordingly, amends its civil penalties to reflect changes in §§ 273.3(a)(1) and 273.3(b)(1). Both sections are revised to increase the assessment of civil penalties from \$5,000 to \$5,500.

List of Subjects in 39 CFR Part 273

Administrative practice and procedure, Claims, Fraud, Penalties, Postal Service.

For the reasons set out in this document, the Postal Service amends 39 CFR part 273 as follows:

PART 273—ADMINISTRATION OF PROGRAM FRAUD CIVIL REMEDIES ACT

1. The authority citation for 39 CFR part 273 continues to read as follows:

Authority: 31 U.S.C. Chapter 38; 39 U.S.C. 401.

2. Section 273.3 is amended by revising paragraphs (a)(1) and (b)(1) to read as follows:

§ 273.3 Liability for false claims and statements.

* * * * *

(a) *Claims.* (1) Any person who makes, presents, or submits, or causes to be made, presented, or submitted, a claim that the person knows or has reason to know—

(i) Is false, fictitious, or fraudulent; or

(ii) Includes or is supported by any written statement asserting a material fact which is false, fictitious, or fraudulent; or

(iii) Includes or is supported by any written statement that—

(A) Omits a material fact;

(B) Is false, fictitious, or fraudulent as a result of such omission; and

(C) Is a statement in which the person making, presenting, or submitting such statement has a duty to include such material fact; or

(iv) Is for payment for the provision of property or services which the person has not provided as claimed

Shall be subject to, in addition to any other remedy that may be prescribed by law, a civil penalty of not more than \$5,500 for each such claim.

* * * * *

(b) Statements. (1) Any person who makes, presents, or submits, or causes to be made, presented, or submitted, a written statement that—

(i) The person knows or has reason to know—

(A) Asserts a material fact which is false, fictitious, or fraudulent; or

(B) Is false, fictitious, or fraudulent because it omits a material fact that the person making, presenting or submitting such statement had a duty to include in such statement; and

(ii) Contains or is accompanied by an express certification or affirmation of the truthfulness and accuracy of the contents of the statement.

Shall be subject to, in addition to any other remedy that may be prescribed by law, a civil penalty of not more than \$5,500 for each such statement.

* * * * *

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 96-27348 Filed 10-28-96; 8:45 am]

BILLING CODE 7710-12-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-5640-1]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of partial deletion of the Com Bay, near Shore/Tide Flats Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region 10 announces the deletion of portions of the Com Bay, Near Shore/Tide Flats (CB/NT)

Superfund Site, located in Tacoma, Pierce County from the National Priorities List (NPL). The NPL constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). EPA, in consultation with the State of Washington Department of Ecology and the Puyallup Tribe of Indians, has determined that the deleted portions of the site pose no significant threat to public health or the environment and, therefore, further remedial measures pursuant to CERCLA are not necessary.

EFFECTIVE DATE: October 29, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. Allison Hiltner, Remedial Project Manager, U.S. EPA, Region 10 (ECL-116), 1200 Sixth Avenue, Seattle, Washington, 98101, (206) 553-2140.

SUPPLEMENTARY INFORMATION: The site to be partially deleted from the NPL is: Com Bay, Near Shore/Tide Flats Site, located in Tacoma (Pierce County), Washington.

This partial deletion pertains only to the sediments contained in and upland properties draining only to the St. Paul or Blair Waterways, and to four properties which were transferred to the Puyallup Tribe of Indians under the Puyallup Land Settlement Act of 1989 ("Puyallup Land Settlement Properties"). The four deleted Puyallup Land Settlement Properties are the: Taylor Way Property, the East-West Road Property, the Blair Waterway Property, and the portion of the Blair Backup Property that drains only to the Blair Waterway. A map showing the deleted areas is provided in the Notice of Intent for Partial Deletion, 61 FR 44269 (August 28, 1996).

This Partial Deletion is in accordance with 40 CFR 300.425(e) and the Notice of Policy Change: Partial Deletion of Sites Listed on the National Priorities List, 60 FR 55466 (Nov. 1, 1995). A Notice of Intent for Partial Deletion was published on August 28, 1996 (61 FR 44269). The closing date for comments on the Notice of Intent for Partial Deletion was September 27, 1996. EPA

received two comment letters, both of which supported the partial deletion.

EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of these sites. Sites on the NPL may be the subject of Hazardous Substances Response Trust Fund-financed remedial actions. Any site, or portion of a site, deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425 of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. 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, Chemicals, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control.

Dated: October 16, 1996.

Approved by:

Jane S. Moore,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region 10.

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 revising the heading for the table; the heading for the 4th column; the first note at the end of the table; and the entry for Com Bay, Near Shore/Tide Flats, Pierce County, Washington and by adding the heading "Notes" at the end of the table before the first note and a new note P to read as follows:

TABLE 1.—GENERAL SUPERFUND SECTION

State	Site name	City/county	Notes
* * * * *	* * * * *	* * * * *	* * * * *
WA	Com Bay, Near Shore/Tide Flats	Pierce County	P.