

**FEDERAL EMERGENCY
MANAGEMENT AGENCY****44 CFR Part 206**

RIN 3067-AC61

**Criminal and Civil Penalties Under the
Robert T. Stafford Disaster Relief and
Emergency Assistance Act****AGENCY:** Federal Emergency
Management Agency (FEMA).**ACTION:** Proposed rule.

SUMMARY: FEMA proposes to increase its maximum civil penalty under the Robert T. Stafford Disaster Relief & Emergency Assistance Act (42 U.S.C. 5157(d)) from \$5,000 to \$5,500. This increase is authorized by the Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101-410, 28 U.S.C. 2461 note).

DATES: We invite comments on this proposed rule and will accept comments until April 11, 1997.

ADDRESSES: Please send written comments to the Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (facsimile) (202) 646-4536.

FOR FURTHER INFORMATION CONTACT: Richard S. Buck, IV, Office of Financial Management, Financial Policy Division, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-4091.

SUPPLEMENTARY INFORMATION: Congress mandated in the Debt Collection Improvement Act of 1996, Pub. L. 104-134, Section 31001(s)(1) that Federal agencies, including FEMA, adjust their maximum civil penalties either by the factor calculated under the mathematical formulae set out in the Federal Civil Penalties Inflation Adjustment Act of 1990 (Adjustment Act, 28 U.S.C. 2461, note, Section 4) or by 10%, whichever is less. The Adjustment Act requires agencies to increase their maximum civil penalties to reflect changes in the Department of Labor's consumer price index of all urban consumers (CPI).

In 1988 Congress enacted Section 314(d) of the Robert T. Stafford Disaster Relief & Emergency Assistance Act (42 U.S.C. 5157(d)) (Stafford Act) and set the maximum civil monetary penalty for any person "* * * who knowingly violates any order or regulation issued under this [Stafford] Act * * *" at \$5,000. Since passage of the Stafford Act and FEMA's publishing its implementing regulations at 44 CFR 206.14(d), the CPI has increased by more than 33%. However, the Debt

Collection Improvement Act (Pub. L. 104-134, § 31001(s)(2)) sets a maximum increase of 10% for the initial monetary penalty adjustments. For FEMA this would be \$500. Thus, the adjusted Stafford Act maximum civil monetary penalty would be \$5,500.

This change is required by 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 rule would set the maximum Stafford Act civil monetary penalty for those violations occurring 30 days after publication of the final rule at \$5,500. For violations occurring on or before 30 days after publication of the final rule, the maximum civil monetary penalty would remain \$5,000.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

I certify that this rule will not have a significant impact on a substantial number of small entities in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because the rule increases civil monetary penalties to be paid by the small number of persons who knowingly violate regulations issued under the Stafford Act.

Paperwork Reduction Act

This rule does not involve any collection of information for the purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12162, Federalism, dated October 26, 1987.

Executive Order 12887, Civil Justice Reform. This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12887.

List of Subjects in 44 CFR Part 206

Disaster assistance, Penalties.

Accordingly, 44 CFR part 206 is proposed to be amended as follows:

**PART 206—FEDERAL DISASTER
ASSISTANCE FOR DISASTERS
DECLARED ON OR AFTER
NOVEMBER 23, 1988**

1. Section 206.14(d) is revised to read as follows:

§ 206.14 Criminal and civil penalties.
* * * * *

(d) *Civil penalty.* Any individual who knowingly violates any order or regulation on or before [30 days after publication of final rule] shall be subject to a civil penalty of not more than \$5,000 for each violation. Any individual who knowingly violates any order or regulation after [30 days after publication of final rule] shall be subject to a civil penalty of not more than \$5,500 for each violation.

Dated: January 31, 1997.

James L. Witt,

Director.

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**FEDERAL COMMUNICATIONS
COMMISSION****47 CFR Parts 36, 51, 61 and 69**

[CC Docket Nos. 96-45, 96-262, and 96-98; DA 97-239]

**Implementation of the
Telecommunications Act of 1996**

AGENCY: Federal Communications Commission.

ACTION: Request for comment; extension of comment period.

SUMMARY: The Common Carrier Bureau of the Federal Communications Commission here extends time for parties to comment on issues raised by its January 9, 1997 Staff Analysis of economic cost computer models submitted in connection with several pending proceedings implementing the Telecommunications Act of 1996. The Public Notice setting the original comment deadlines was published in the Federal Register on February 5, 1997.

DATES: Comments in response to the Public Notice are due February 13, 1997, and replies are due February 20, 1997.

ADDRESSES: Commenters must file an original and four copies of their comments with the Office of the Secretary, Federal Communications Commission, Room 222, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: David A. Konuch, 202-418-0199 or Brad Wimmer, 202-418-1847.

SUPPLEMENTARY INFORMATION: Released: January 31, 1997.

Extension of Time Granted for Parties To Submit Comments in Response to Commission Staff's Analysis of Cost Proxy Models

Comment Date: February 13, 1997

Reply Comment Date: February 20, 1997

1. On January 9, 1997, the Commission Staff released a Staff Analysis intended to stimulate discussion of criteria for the evaluation, and use, of forward-looking cost proxy models in determining universal service support payments, cost-based access charges, and interconnection and unbundled network element pricing. Also on January 9, 1997, the Common Carrier Bureau ("Bureau") issued a Public Notice seeking comment on issues raised in the Staff Analysis, and setting deadlines of February 3, 1997 for initial comments, and February 14, 1997 for replies. The Public Notice indicated that the record gathered in response to the Staff Analysis might at a future date be associated with the official record of certain pending rulemakings to which it may be relevant and used to support Commission determinations in those rulemakings. See *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, *Access Charge Reform*, CC Docket No. 96-262, and *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98.

2. On January 24, 1996, Pacific Telesis Group, Sprint Corporation, and U S WEST, Inc., ("Petitioners"), filed a Motion for Extension of Time to File Comments in response to the *Public Notice*. For the reasons below, the deadlines for filing initial and reply comments are being extended until February 13 and February 20, 1997, respectively.

3. First, the Staff Analysis focused on models submitted previously to the Commission, but the model sponsors have indicated that these models will be superseded by newer versions to be released by January 31, 1997, and by February 5, 1997. These new models are the Benchmark Cost Proxy Model ("BCPM"), to be submitted by Petitioners, and Hatfield 3, to be submitted by AT&T and MCI. Additionally, another model, Dr. Ben Johnson's Telecom Economic Cost Model, was filed in the universal service proceeding earlier this month. Inasmuch as the new models are intended to improve on the earlier versions, it would be more efficient for commenters and Commission staff to focus their efforts on evaluating the new models

instead of the superseded versions. In addition, because the new models are scheduled to be released shortly before and after the current comment deadline, commenters will not be able to evaluate them at all in comments here without an extension.

4. The extension being granted is not the full period sought by Petitioners. We want to ensure that the responses filed to the Staff Analysis are available for possible use by the Commission in acting by May 8, 1997, on the recommendation of the Federal-State Universal Service Joint Board. Any longer extension could easily jeopardize such use of the record.

5. Among other things, parties should address in their comments whether, and to what extent, the new models: (1) Meet the criteria set forth in the Staff Analysis; (2) improve on potential shortcomings of the prior versions of the models.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

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