

should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 96-ACE-17." The postcard will be date stamped and returned to the commenter.

Agency Findings

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not as a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the

Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—AMENDED

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporated by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

Paragraph 6000 Class E airspace areas extending upward from the surface of the earth.

* * * * *

ACE NE E2 Knob Noster, MO. [Revised]

Knob Noster, MO.

(Lat. 38°43'49" N., long. 93°32'53" W.)

Whiteman TACAN

(Lat. 38°44'09" N., long. 93°33'02" W.)

Within a 4.6-mile radius of Whiteman AFB and within 1.8 miles each side of the Whiteman TACAN 185° radial extending from the 4.6-mile radius to 6.1 miles south of the TACAN and within 1 mile each side of the Whiteman TACAN 008° radial extending from the 4.6-mile radius to 5.1 miles north of the TACAN. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airman. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Kansas City, MO, on October 17, 1996.

Herman J. Lyons, Jr.,

Manager, Air Traffic Division, Central Region.

[FR Doc. 96-28793 Filed 11-7-96; 8:45 am]

BILLING CODE 4910-17-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 201

[Release Nos. 33-7361; 34-37912; IC-22310; IA-1596]

Adjustments to Civil Monetary Penalty Amounts

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: This rule implements the Debt Collection Improvement Act of 1996, which requires that the Commission adopt a regulation adjusting for inflation the maximum amount of civil monetary penalties under the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Company Act of 1940 and the Investment Advisers Act of 1940.

EFFECTIVE DATE: December 9, 1996.

FOR FURTHER INFORMATION CONTACT: Richard A. Levine, Senior Special Counsel, or Laura Leedy Gansler, Senior Counsel, Office of the General Counsel, at (202) 942-0900.

SUPPLEMENTARY INFORMATION: This regulation implements the Debt Collection Improvement Act of 1996 ("DCIA").¹ The DCIA amended the Federal Civil Penalties Inflation Adjustment Act ("FCPIAA")² to require that the Commission adopt regulations no later than 180 days after the enactment of the statute and at least once every four years thereafter adjusting for inflation the maximum amount of the civil monetary penalties under the statutes administered by the Commission.

A civil monetary penalty is defined in relevant part as any penalty, fine, or other sanction that: (1) is for a specific amount, or has a maximum amount, as provided by federal law; and (2) is assessed or enforced by an agency in an administrative proceeding or by federal court pursuant to federal law.³ This definition covers the monetary penalty provisions contained in the statutes administered by the Commission.

The DCIA requires that the penalties be adjusted by the cost-of-living adjustment set forth in section 5 of the FCPIAA.⁴ The cost-of-living adjustment is defined as the percentage by which the U.S. Department of Labor's Consumer Price Index ("CPI") for the month of June of the year preceding the adjustment exceeds the CPI for the

¹ P.L. 104-134, section 31001(s) (April 26, 1996)

² 28 U.S.C. 2461 (1990).

³ *Id.* at § 3(2).

⁴ P.L. 104-134.

month of June for the year in which the amount of the penalty was last set or adjusted pursuant to law. The adjusted amounts are then rounded in accordance with the rounding formula set forth in section 5 of the FCPIAA. However, the DCIA imposes a 10% maximum increase for each penalty for the first adjustment pursuant thereto.

The Commission administers four statutes which provide for civil monetary penalties: the Securities Act of 1933; the Securities Exchange Act of 1934; the Investment Company Act of 1940; and the Investment Advisers Act of 1940. The last years in which the penalties administered by the Commission were adjusted or set were 1936,⁵ 1988,⁶ and 1990.⁷ For each of these years, the required CPI adjustment exceeds 10%. Therefore, for this first increase pursuant to the DCIA, the Commission is directed by the statute to increase the maximum amount of each penalty by 10%.

Accordingly, the Commission is adopting an amendment to 17 CFR 201 to add a new Subpart E increasing by 10% the amount of each civil monetary penalty authorized by Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Company Act of 1940 and the Investment Advisers Act

of 1940. The adjustments set forth in the amendment apply to violations occurring after the effective date of the amendment.

Because the Commission is required by statute to adjust the civil monetary penalties within its jurisdiction by 10%, the Commission finds that good cause exists to dispense with public notice and comment pursuant to the notice and comment provisions of the Administrative Procedure Act ("APA").⁸ Specifically, the Commission finds that, because the adjustment is mandated by Congress and does not involve the exercise of Commission discretion or any policy judgments, public notice and comment is unnecessary. Therefore, the provisions of the Regulatory Flexibility Act, which apply only when notice and comments are required by the APA or other laws, are also not applicable.⁹

This rule does not contain any collection of information requirements as defined by the Paperwork Reduction Act of 1995 as amended.¹⁰ Therefore, Office of Management and Budget review is not required.

List of Subjects in 17 CFR Part 201

Administrative practice and procedure, Claims, Confidential

business information, Equal access to justice, Lawyers, Securities.

For the reasons set forth in the preamble, part 201, title 17, chapter II of the Code of Federal Regulations is amended to read as follows:

PART 201—RULES OF PRACTICE

Subpart E—Adjustment of Civil Monetary Penalties

Sec.
201.1001 Adjustment of civil monetary penalties.

Table I to Subpart E—Civil Monetary Penalty Inflation Adjustments

Subpart E—Adjustment of Civil Monetary Penalties

Authority: Pub. L. 104-134, 110 Stat. 1321.

§ 201.1001 Adjustment of civil monetary penalties.

As required by the Debt Collection Improvement Act of 1996, the maximum amounts of all civil monetary penalties under the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Company Act of 1940, and the Investment Advisers Act of 1940 are adjusted for inflation in accordance with Table I to this subpart. The adjustments set forth in Table I apply to violations occurring after December 9, 1996.

TABLE 1 TO SUBPART E.—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. code citation	Civil monetary penalty description	Year penalty amount was last set by law	Original statutory maximum penalty amount	Adjusted maximum penalty amount
SECURITIES AND EXCHANGE COMMISSION:				
15 USC 77t(d)	FOR NATURAL PERSON	1990	\$5,000	\$5,500
	FOR ANY OTHER PERSON	1990	50,000	55,000
	FOR NATURAL PERSON/FRAUD	1990	50,000	55,000
	FOR ANY OTHER PERSON/FRAUD	1990	250,000	275,000
	FOR NATURAL PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS.	1990	100,000	110,000
	FOR ANY OTHER PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS.	1990	500,000	550,000
15 USC 78ff(b)	EXCHANGE ACT/FAILURE TO FILE INFORMATION DOCUMENTS, REPORTS.	1936	100	110
15 USC 78ff(c)(1)(B).	FOREIGN CORRUPT PRACTICES—ANY ISSUER	1988	10,000	11,000
15 USC 78ff(c)(2)(C).	FOREIGN CORRUPT PRACTICES—ANY AGENT OR STOCKHOLDER ACTING ON BEHALF OF ISSUER.	1988	10,000	11,000
15 USC 78u-1(a)(3).	INSIDER TRADING—CONTROLLING PERSONS	1988	1,000,000	1,100,000
15 USC 78u-2	FOR NATURAL PERSON	1990	5,000	5,500
	FOR ANY OTHER PERSON	1990	50,000	55,000
	FOR NATURAL PERSON/FRAUD	1990	50,000	55,000

⁵ See 15 U.S.C. 78ff(b)). The CPI for June 1936 was 41.4. The CPI for June 1995 was 456.7. Therefore, the cost-of-living adjustment factor for penalties set or last amended in 1936 is 11.031.

⁶ See 15 U.S.C. 78ff(c)(1)(B), 78ff(c)(2)(C), 78u-1(a)(3). The CPI for June 1988 was 353.5. The CPI for June 1995 was 456.7. Therefore, the cost-of-

living adjustment factor for penalties set or last amended in 1988 is 1.29.

⁷ See 15 U.S.C. 77t(d); 15 U.S.C. 78u-2, 78u(d)(3); 15 USC 80a-9(d), 80a-41(e), 80b-3(i), 80b-9(e). The CPI for June 1990 was 389.1. The CPI for June 1995 was 456.7. Therefore, the cost-of-living adjustment factor for penalties set or last amended in 1990 is 1.17.

⁸ 5 U.S.C. 553(b)(3)(B).

⁹ See 5 U.S.C. 601-612.

¹⁰ 44 U.S.C. 3501 *et. seq.*

TABLE 1 TO SUBPART E.—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS—Continued

U.S. code citation	Civil monetary penalty description	Year penalty amount was last set by law	Original statutory maximum penalty amount	Adjusted maximum penalty amount
	FOR ANY OTHER PERSON/FRAUD	1990	250,000	275,000
	FOR NATURAL PERSON/SUBSTANTIAL LOSSES TO OTHERS/ GAINS TO SELF.	1990	100,000	110,000
15 USC 78u(d)(3)	FOR ANY OTHER PERSONS/SUBSTANTIAL LOSSES TO OTHERS/ GAIN TO SELF.	1990	500,000	550,000
	FOR NATURAL PERSON	1990	5,000	5,000
	FOR ANY OTHER PERSON	1990	50,000	55,000
	FOR NATURAL PERSON/FRAUD	1990	50,000	55,000
	FOR ANY OTHER PERSON/FRAUD	1990	250,000	275,000
	FOR NATURAL PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS.	1990	100,000	110,000
15 USC 80a-9(d)	FOR ANY OTHER PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS.	1990	500,000	550,000
	FOR NATURAL PERSON	1990	5,000	5,500
	FOR ANY OTHER PERSON	1990	50,000	55,000
	FOR NATURAL PERSON/FRAUD	1990	50,000	55,000
	FOR ANY OTHER PERSON/FRAUD	1990	250,000	275,000
	FOR NATURAL PERSON/SUBSTANTIAL LOSSES TO OTHERS/ GAINS TO SELF.	1990	100,000	110,000
15 USC 80a-41(e)	FOR ANY OTHER PERSON/SUBSTANTIAL LOSSES TO OTHER/ GAINS TO SELF.	1990	500,000	550,000
	FOR NATURAL PERSON	1990	5,000	5,500
	FOR ANY OTHER PERSON	1990	50,000	55,000
	FOR NATURAL PERSON/FRAUD	1990	50,000	55,000
	FOR ANY OTHER PERSON/FRAUD	1990	250,000	275,000
	FOR NATURAL PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS.	1990	100,000	110,000
15 USC 80b-3(i)	FOR ANY OTHER PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS.	1990	500,000	550,000
	FOR NATURAL PERSON	1990	5,000	5,500
	FOR ANY OTHER PERSON	1990	50,000	55,000
	FOR NATURAL PERSON/FRAUD	1990	50,000	55,000
	FOR ANY OTHER PERSON/FRAUD	1990	250,000	275,000
	FOR NATURAL PERSON/SUBSTANTIAL LOSSES TO OTHERS/ GAIN TO SELF.	1990	100,000	110,000
15 USC 80b-9(e)	FOR ANY OTHER PERSON/SUBSTANTIAL LOSSES TO OTHERS/ GAIN TO SELF.	1990	500,000	550,000
	FOR NATURAL PERSON	1990	5,000	5,500
	FOR ANY OTHER PERSON	1990	50,000	55,000
	FOR NATURAL PERSON/FRAUD	1990	50,000	55,000
	FOR ANY OTHER PERSON/FRAUD	1990	250,000	275,000
	FOR NATURAL PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS.	1990	100,000	110,000
	FOR ANY OTHER PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS.	1990	500,000	550,000

Dated: November 1, 1996.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96-28596 Filed 11-7-96; 8:45 am]

BILLING CODE 8010-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 078-2-0016; FRL-5642-8]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing a limited approval and a limited disapproval of revisions to the California State Implementation Plan (SIP) proposed in the Federal Register on February 28, 1995. The revisions concern rules from the South Coast Air Quality Management District (SCAQMD). This final action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of oxides of nitrogen (NO_x) and oxides of sulfur (SO_x) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The rules concern the control of NO_x emissions from facilities in the SCAQMD with four or more tons of NO_x

or SO_x emissions per year from permitted equipment. The subject facilities, in order to meet annual emission reduction requirements, will participate in an economic incentive program (EIP) in order to reduce emissions at a significantly lower cost. This document also serves to respond to comments received from the public on the February 28, 1995 notice of proposed rulemaking (NPRM).

EFFECTIVE DATE: This action is effective on December 9, 1996.

ADDRESSES: Copies of the rule revisions and EPA's evaluation report for each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are available for inspection at the following locations: