

amount due for the BDMA itself, or any applicable late fees, charges, or interest.

\* \* \* \* \*

8. In § 1464.108, the second sentence is amended by removing "15" and adding "30" in its place.

Signed at Washington, D.C. on January 9, 1997.

Grant Buntrock,  
Executive Vice President, Commodity Credit Corporation.

[FR Doc. 97-1463 Filed 1-21-97; 8:45 am]

BILLING CODE 3410-05-P

## DEPARTMENT OF THE TREASURY

### Office of the Comptroller of the Currency

#### 12 CFR Part 19

[Docket No. 97-03]

RIN 1557-AB57

#### Rules of Practice and Procedure

**AGENCY:** Office of the Comptroller of the Currency, Treasury.

**ACTION:** Final rule.

**SUMMARY:** The Office of the Comptroller of the Currency (OCC) is amending its rules of practice and procedure to adjust the maximum amount, as set by statute, of each civil money penalty (CMP) within its jurisdiction to account for inflation. This action is required under the Federal Civil Penalties Inflation Adjustment Act of 1990 (Inflation Adjustment Act), as amended by the Debt Collection Improvement Act of 1996.

**EFFECTIVE DATE:** January 22, 1997.

**FOR FURTHER INFORMATION CONTACT:** Andrew Gutierrez, Attorney, or Mark Tenhundfeld, Assistant Director, Legislative and Regulatory Activities Division, (202) 874-5090, or Carolyn Amundson, Senior Attorney, Enforcement and Compliance Division, (202) 874-4800; Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219.

**SUPPLEMENTARY INFORMATION:** The Inflation Adjustment Act (28 U.S.C. 2461 note) requires the OCC, as well as other Federal agencies with CMP authority, to publish regulations to adjust each CMP provided by law within its jurisdiction to account for inflation. The purpose of these adjustments is to maintain the deterrent effect of CMPs and to promote compliance with the law. The Inflation Adjustment Act requires the initial

adjustments set out in this regulation, and requires subsequent adjustments at least once every four years hereafter.

The Inflation Adjustment Act requires that the adjustment reflect the percentage increase in the Consumer Price Index between June of the calendar year preceding the adjustment and June of the calendar year in which the amount was last set or adjusted. The Inflation Adjustment Act also provides rules for rounding off increases,<sup>1</sup> and provides that any increase in a CMP applies only to violations that occur after the date of the adjustment. Additionally, section (s)(2) of the Debt Collection Improvement Act limits the initial adjustment of a CMP pursuant to the Inflation Adjustment Act to 10 percent of the amount set by statute.<sup>2</sup>

This final rule adjusts each CMP amount within the jurisdiction of the OCC in accordance with these statutory requirements. It does so by adding a new subpart O to part 19, entitled "Civil Money Penalty Inflation Adjustments." Section 19.240 of new subpart O contains a table that identifies the statutes that provide the OCC with CMP authority, describes the different tiers of penalties provided in each statute (as applicable), and sets out the inflation-adjusted maximum penalty that the OCC may impose pursuant to each statutory provision. Section 19.241 states that the adjustments made in § 19.240 apply only to violations that occur after January 22, 1997.

The OCC intends to readjust these amounts in the year 2000 and every four years thereafter, assuming no further changes to the mandate imposed by the Inflation Adjustment Act.

#### Public Notice and Comment and Delayed Effective Date Not Required

The OCC has determined for good cause that public notice and comment is unnecessary and impracticable pursuant to the Administrative Procedure Act (5 U.S.C. 553(b)(B)). The Debt Collection Improvement Act leaves the OCC with

<sup>1</sup> The statute's rounding rules require that an increase be rounded to the nearest multiple of: \$10 in the case of penalties less than or equal to \$100; \$100 in the case of penalties greater than \$100 but less than or equal to \$1000; \$1,000 in the case of penalties greater than \$1,000 but less than or equal to \$10,000; \$5,000 in the case of penalties greater than \$10,000 but less than or equal to \$100,000; \$10,000 in the case of penalties greater than \$100,000 but less than or equal to \$200,000; \$25,000 in the case of penalties greater than \$200,000.

<sup>2</sup> There is an ambiguity as to whether to apply the rounding rules before or after applying the 10 percent limitation. The OCC, in order to remain consistent with the other Federal banking agencies, has elected to apply the rounding rules before (and not after) applying the 10 percent limitation.

no discretion in calculating the adjustment, and requires the OCC to publish regulations within 180 days of its enactment. For these same reasons, the OCC for good cause is adopting an immediate effective date consistent with the Administrative Procedure Act (see 5 U.S.C. 553(d)).

#### Regulatory Flexibility Act

The Regulatory Flexibility Act applies only to rules for which an agency publishes a general notice of proposed rulemaking pursuant to 5 U.S.C. 553(b) (see 5 U.S.C. 601(2)). Because the OCC has determined for good cause that public notice and comment on this final rule is unnecessary and impracticable pursuant to 5 U.S.C. 553(b)(B), the OCC is not publishing a general notice of proposed rulemaking. Thus, the Regulatory Flexibility Act does not apply to this final rule.

#### Executive Order 12866

The Office of Management and Budget has concurred with the OCC's determination that this final rule is not a significant regulatory action under Executive Order 12866.

#### Unfunded Mandates Reform Act of 1995

The OCC has determined that this final rule will not result in expenditures by state, local, and tribal governments, or by the private sector, of \$100 million or more in any one year. Accordingly, a budgetary impact statement is not required under section 202 of the Unfunded Mandates Reform Act of 1995.

#### List of Subjects in 12 CFR Part 19

Administrative practice and procedure, Crime, Investigations, National banks, Penalties, Securities.

#### Authority and Issuance

For the reasons set out in the preamble, chapter I of title 12 of the Code of Federal Regulations is amended as follows:

### PART 19—RULES OF PRACTICE AND PROCEDURE

1. The authority citation for part 19 is revised to read as follows:

Authority: 5 U.S.C. 504, 554-557; 12 U.S.C. 93(b), 164, 505, 1817, 1818, 1820, 1831o, 1972, 3102, 3108(a), 3909 and 4717; 15 U.S.C. 78 (h) and (i), 78o-4(c), 78o-5, 78q-1, 78u, 78u-2, 78u-3, and 78w; 28 U.S.C. 2461 note; 31 U.S.C. 330 and 5321; and 42 U.S.C. 4012a.

2. A new subpart O is added to read as follows:

**Subpart O—Civil Money Penalty  
Inflation Adjustments****§ 19.240 Inflation adjustments.**

The maximum amount of each civil money penalty within the OCC's

jurisdiction is adjusted in accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note) as follows:

U.S. code citation	Description	Adjusted maximum penalty
12 U.S.C. 93(b), 504, 1817(j)(16), 1818(i)(2), and 1972(2)(F) .....	Tier 1 .....	5,500
	Tier 2 .....	27,500
	Tier 3 .....	1,100,000
12 U.S.C. 164 and 3110(c) .....	Tier 1 .....	2,000
	Tier 2 .....	22,000
	Tier 3 .....	1,100,000
12 U.S.C. 1832(c) and 3909(d)(1) .....	.....	1,100
12 U.S.C. 1884 .....	.....	110
12 U.S.C. 3110(a) .....	.....	27,500
15 U.S.C. 78u-2(b) .....	Tier 1 (natural person) .....	5,500
	Tier 1 (other person) .....	55,000
	Tier 2 (natural person) .....	55,000
	Tier 2 (other person) .....	275,000
	Tier 3 (natural person) .....	110,000
	Tier 3 (other person) .....	550,000
42 U.S.C. 4012a(f)(5) .....	Per violation .....	350
	Per year .....	105,000

**§ 19.241 Applicability.**

The adjustments in § 19.240 apply to violations that occur after January 22, 1997.

Dated: January 13, 1997.

Eugene A. Ludwig,

*Comptroller of the Currency.*

[FR Doc. 97-1507 Filed 1-21-97; 8:45 am]

BILLING CODE 4810-33-P

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. 96-CE-46-AD; Amendment 39-9884; AD 97-01-13]

**Airworthiness Directives; Cessna Aircraft Company 100, 200, 300, and 400 Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that applies to Cessna Aircraft Company (Cessna) 100, 200, 300, and 400 series airplanes. This action requires checking the airplane maintenance records for any fuel, oil, or hydraulic hose, Cessna part number (P/N) S51-10, replaced between March 1995 and February 3, 1997 (the effective date of this AD); immediately checking any of these hoses for a diagonal or spiral external reinforcement wrap; and immediately

replacing any of these hoses that have a diagonal or spiral external reinforcement wrap with one that has a criss-cross external reinforcement wrap. This action was prompted by reports of operators experiencing a loss of engine power because of low fuel feed, in addition to Cessna discovering that the rubber hose installed at the factory on certain Cessna Models 208 and 208B airplanes was defective. The Cessna P/N S51-10 rubber hose is utilized on fuel, oil, and hydraulic hoses on the affected airplanes. The actions specified by this AD are intended to prevent fuel, oil, or hydraulic systems failure caused by a collapsed hose.

**DATES:** Effective February 3, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 3, 1997.

Comments for inclusion in the Rules Docket must be received on or before March 17, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 96-CE-46-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information that applies to this AD may be obtained from Cessna Aircraft Company, Product Support, P.O. Box 7706, Wichita, Kansas 67277, telephone (316) 941-7550; facsimile (316) 942-9006. This information may also be examined at the Federal Aviation Administration (FAA), Central

Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 96-CE-46-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** John C. Pearson, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4134, facsimile (316) 946-4407.

**SUPPLEMENTARY INFORMATION:****Discussion**

The FAA has recently received several incident reports of fuel flow blockage to the engines of certain Cessna 208 series airplanes. Examination of the Cessna part number (P/N) S51-10 rubber hoses installed on these airplanes revealed a deterioration to the point of delamination of the inner tube from the external wrap. This rubber hose is utilized on fuel, oil, and hydraulic hoses on Cessna 100, 200, 300, and 400 series airplanes. This kind of deterioration eventually causes the rubber hose to collapse, which could result in failure of the fuel, oil, or hydraulic systems.

Further investigation revealed this particular rubber hose was manufactured by Buckeye Rubber Products Company in January 1995, and Cessna purchased 300 feet of this hose for factory installation on certain Cessna Models 208 and 208B airplanes between March 1995 and June 1995. The