

decision and before the initiation of any judicial review or any action to collect the penalties and assessments.

(d) The Attorney General has exclusive authority to compromise a case under this Part while any judicial review or any action to recover penalties and assessments are pending.

(e) The investigating official may recommend settlement terms for the reviewing official, the Administrator, or the Attorney General, as appropriate. The reviewing official may recommend settlement terms to the Administrator or the Attorney General, as appropriate.

§ 142.39 How are civil penalties and assessments collected?

31 U.S.C. 3806 and 3808(b) authorize the Attorney General to bring actions for collection of civil penalties and assessments imposed under this Part and specify the procedures for such actions. Actions to collect civil penalties and assessments may include administrative offset under 31 U.S.C. 3716. The penalties and assessments may not, however, be administratively offset against an overpayment of federal taxes (then or later owed) to the defendant by the United States.

§ 142.40 What if the investigation indicates criminal misconduct?

(a) This Part does not preclude or limit an investigating official's discretion to:

(1) Refer allegations of criminal misconduct directly to the Department of Justice for prosecution or for suit under the False Claims Act or other civil proceeding;

(2) Defer or postpone a report or referral to the reviewing official to avoid interference with a criminal investigation or prosecution; or

(3) Issue subpoenas under other statutory authority.

(b) Nothing in this Part limits the requirement that SBA employees report suspected violations of criminal law to the SBA Office of Inspector General or to the Attorney General.

§ 142.41 How does SBA protect the rights of defendants?

The procedures implemented in this Part completely separate the functions of the investigating official, reviewing official, and the ALJ. In accordance with 31 U.S.C. § 3801, each of these officials fall under a separate organizational authority. Moreover, except for the purposes of settlement, the investigating official, reviewing official, and any employee or agent of SBA who takes part in investigating, preparing, or presenting a particular case may not in such case, or a factually related case, participate or advise in the initial

decision or the review of the initial decision by the Administrator, except as a witness or a representative in public proceedings. This separation of functions and organization is designed to assure the independence and impartiality of each government official during every stage of the proceeding. The representative for SBA may be employed in the offices of either the investigating official or the reviewing official.

Dated: November 11, 1995.

Philip Lader,

Administrator.

[FR Doc. 95-28516 Filed 11-24-95; 8:45 am]

BILLING CODE 8025-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 35

[Docket Nos. RM95-8-000 and RM94-7-001]

Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities

November 17, 1995.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Proposed rule; availability of draft environment impact statement.

SUMMARY: The staff of the Federal Energy Regulatory Commission has prepared a draft environmental impact statement for the proposed rulemaking in this proceeding to satisfy the requirements of the National Environmental Policy Act.

DATES: Comments are due on or before January 8, 1996.

ADDRESSES: 888 First Street NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Mr. William Meroney, DEIS Project Manager, Office of Economic Policy, Federal Energy Regulatory Commission, 888 First Street NE., Washington, D.C. 20426.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the Federal Register, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in the Public Reference Room at 888 First Street NE., Washington, D.C. 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the text of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208-1397 or (800) 856-3920. To access CIPS, set your communications software to 19200, 14400, 12000, 9600, 7200, 4800, 2400, or 1200 bps, full duplex, no parity, 8 data bits and 1 stop bit. The full text of this document will be available on CIPS in ASCII and WordPerfect 5.1 format. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in the Public Reference Room at 888 First Street, N.E., Washington, D.C. 20426.

The staff of the Federal Energy Regulatory Commission has prepared a draft environmental impact statement (DEIS) for the proposed rulemaking referenced above to satisfy the requirements of the National Environmental Policy Act.

On July 12, 1995, the Commission issued a Notice of Intent to Prepare an Environmental Impact Statement for the Notice of Proposed Rulemaking and Request for Comments on Environmental Issues (NOI) (60 FR 36752, July 18, 1995).¹ The NOI described proposed cases for examination and established a procedure for public comments. Thirty-six comments were received in response to the NOI. A public meeting was held on September 8, 1995, in Washington, D.C. The most frequently raised issue involves air quality impacts, particularly the possible transport of nitrogen oxides (NOx) emissions by Midwestern generating plants to airsheds in the Northeast and the resulting impacts on ozone non-attainment areas in the Northeast.

Based on the comments and a careful analysis of the major issues, the staff developed a study that addresses the key potential environmental impacts of the rulemaking. The staff used a modeling approach that includes a detailed representation of the transmission grid. The model results and other analyses allow the staff to examine a series of other issues, including visibility; impacts on land, water and waste; and some potential mitigation options.

The DEIS has been placed in the public files of the FERC and is available for public inspection at:

¹ The proposed rule in this proceeding was published April 7, 1995 (60 FR 17662).

Federal Energy Regulatory Commission,
Public Reference and Files Maintenance
Branch, 888 First Street NE., Washington,
DC 20426, (202) 208-1371.

Copies of the DEIS have been mailed to Federal agencies and individuals who requested copies of the DEIS in response to the NOI.

The DEIS will be available to the public on the Commission Posting System (CIPS). CIPS is an electronic bulletin board service which provides access to the text of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208-1397 or (800) 856-3920. To access CIPS, set your communications software to 19200, 14400, 12000, 9600, 7200, 4800, 2400, or 1200 bps, full duplex, no parity, 8 data bits and 1 stop bit.

Written comments are welcome on the DEIS. Please take notice that all written comments on specific environmental issues should contain supporting documentation and rationale. Written comments must be filed on or before January 8, 1996, reference Docket Nos. RM95-8-000 and RM94-7-001, and be addressed to:

Office of the Secretary, Federal Energy
Regulatory Commission, 888 First Street
NE., Washington, D.C. 20426.

A copy of any comments should also be sent to:

Mr. William Meroney, DEIS Project Manager,
Office of Economic Policy, 888 First Street
NE., Washington, DC 20426.

In addition, commenters are asked to submit their written comments on a 3½-inch diskette formatted for MS-DOS based computers. In light of our ability to translate MS-DOS based materials, the text need only be submitted in the format and version that it was generated (i.e., MS Word, WordPerfect, ASCII, etc.). It is not necessary to reformat word processor generated text to ASCII. For Macintosh users, it would be helpful to save the documents in Macintosh word processor format and then write them to files on a diskette formatted for MS-DOS machines.

After the comments are reviewed, any significant new issues are investigated, and modifications are made to the DEIS, a final EIS will be published and distributed by the staff. The final EIS will contain the staff's responses to timely comments received on the DEIS.

Lois D. Cashell,
Secretary.

[FR Doc. 95-28846 Filed 11-24-95; 8:45 am]

BILLING CODE 6717-01-M

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 498

RIN 0960-AE23

Civil Monetary Penalties, Assessments and Recommended Exclusions

AGENCY: Office of the Inspector General (OIG), SSA.

ACTION: Proposed rule.

SUMMARY: We propose to add new rules that would establish procedures to impose civil monetary penalties and assessments against certain Old-Age, Survivors, and Disability Insurance beneficiaries, Supplemental Security Income recipients, third parties, physicians, medical providers, and other individuals and entities who make false statements or representations for use in determining any right to or amount of title II or title XVI benefits under the Social Security Act. These proposed rules would implement the civil monetary penalty provisions of section 206(b) of the Social Security Independence and Program Improvements Act of 1994.

DATES: To be sure that your comments are considered, we must receive them no later than January 26, 1996.

ADDRESSES: Comments should be submitted in writing to the Inspector General of the Social Security Administration, c/o Commissioner of Social Security, P.O. Box 1585, Baltimore, MD 21235, sent by telefax to (410) 966-2830, sent by E-mail to "regulations@ssa.gov" or delivered to 3-B-1 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, between 8:00 a.m. and 4:30 p.m. on regular business days.

The electronic file of this document is available on the Federal Bulletin Board (FBB) at 9 a.m. on the date of publication in the Federal Register. To download the file, modem dial (202) 512-1387. The FBB instructions will explain how to download the file and the fee. This file is in WordPerfect and will remain on the FBB during the comment period.

FOR FURTHER INFORMATION CONTACT: Judith A. Kidwell, Office of the Inspector General, (410) 965-9750 or Glenn Sklar, Office of the General Counsel, (410) 965-6247.

SUPPLEMENTARY INFORMATION:

Background

These proposed rules would implement the civil monetary penalty (CMP) provisions of section 206(b) of the Social Security Independence and Program Improvements Act of 1994,

Public Law (Pub. L.) 103-296, which added section 1129 of the Social Security Act (the Act), effective October 1, 1994. Section 108 of Pub. L. 103-296 made additional conforming amendments to section 1129, effective March 31, 1995, to reflect the Social Security Administration's (SSA) new status as an independent agency.

Section 206 provides expanded authority for SSA to prevent, detect, and terminate fraudulent claims for Old-Age, Survivors, and Disability Insurance (OASDI) benefits and Supplemental Security Income (SSI) benefits. The new CMP provision contained in section 1129 of the Act is intended to deter applicants, beneficiaries, employees, employers, interpreters, physicians, medical providers, recipients, representative payees, representatives, translators, and other individuals and entities from providing false or misleading information, or omitting material information in connection with benefit claims.

Previously, the SSA relied on provisions of the Civil False Claims Act (CFCA) or the Program Fraud Civil Remedies Act (PFCRA) for imposing CMPs against persons who submitted fraudulent claims to SSA. These statutory provisions have been of limited usefulness in imposing CMPs for SSA fraud, inasmuch as the CFCA requires the Department of Justice to initiate civil action in Federal court to impose penalties, and the applicability of PFCRA is restricted to fraudulent action on initial benefit applications in some circumstances. The new CMP and assessment authority provides an alternative censure in cases not acceptable for action under the CFCA or the PFCRA.

Section 1129 of the Act provides that the Commissioner may delegate authority under this section to the Inspector General of the Social Security Administration (IG). On June 28, 1995, the Commissioner delegated to the IG authority under the CMP provisions in section 1129. However, the Commissioner has retained the authority to conduct hearings and to review initial hearing decisions related to the imposition of administrative sanctions.

Provisions of the Proposed Rule

These proposed regulations reflect and implement section 1129 of the Act. Section 1129 provides the Agency with direct authority, after approval by the Department of Justice, to impose a CMP and assessment against any individual, organization, agency, or other entity that knowingly makes or causes to be made a statement or representation of a