

the Consumer Product Safety Act, the Federal Hazardous Substances Act, and the Flammable Fabrics Act. As calculated in accordance with the amendments, the new amounts are \$8,000 for each violation and \$1,825,000 for any related series of violations.

**DATES:** The new amounts will become effective on January 1, 2005.

**FOR FURTHER INFORMATION CONTACT:**

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**SUPPLEMENTARY INFORMATION:** The Consumer Product Safety Improvements Act of 1990 (Improvements Act), Pub. L. 101-608, 104 Stat. 3110 (November 16, 1990), amended the Consumer Product Safety Act (CPSA), the Federal Hazardous Substances Act (FHSA), and the Flammable Fabrics Act (FFA). First, the Improvements Act added civil penalty authority to the FHSA and FFA, which previously contained only criminal penalties. 15 U.S.C. 1264(c) and 1194(e). Second, the Improvements Act increased the maximum civil penalty amounts applicable to civil penalties under the CPSA, and set the same maximum amounts for the newly-created FHSA and FFA civil penalties. 15 U.S.C. 2069(a), 1264(c)(1), and 1194(e)(1).

Third, the Improvements Act directed the Commission to adjust the maximum civil penalty amounts periodically for inflation:

(A) The maximum penalty amounts authorized in paragraph (1) shall be adjusted for inflation as provided in this paragraph.

(B) Not later than December 1, 1994, and December 1 of each fifth calendar year thereafter, the Commission shall prescribe and publish in the **Federal Register** a schedule of maximum authorized penalties that shall apply for violations that occur after January 1 of the year immediately following such publication.

(C) The schedule of maximum authorized penalties shall be prescribed by increasing each of the amounts referred to in paragraph (1) by the cost-of-living adjustment for the preceding five years. Any increase determined under the preceding sentence shall be rounded to—

(i) In the case of penalties greater than \$1,000 but less than or equal to \$10,000, the nearest multiple of \$1,000;

(ii) In the case of penalties greater than \$10,000 but less than or equal to \$100,000, the nearest multiple of \$5,000;

(iii) In the case of penalties greater than \$100,000 but less than or equal to

\$200,000, the nearest multiple of \$10,000; and

(iv) In the case of penalties greater than \$200,000, the nearest multiple of \$25,000.

(D) For purposes of this subsection:

(i) The term “Consumer Price Index” means the Consumer Price Index for all-urban consumers, published by the Department of Labor.

(ii) The term “cost-of-living adjustment for the preceding five years” means the percentage by which—

(I) The Consumer Price Index for the month of June of the calendar year preceding the adjustment; exceeds

(II) The Consumer Price Index for the month of June preceding the date on which the maximum authorized penalty was last adjusted. 15 U.S.C. 2069(a)(3), 1264(c)(6), and 1194(e)(5).

The Commission’s Directorate for Economics has calculated that the cost-of-living adjustment increases the maximum civil penalty amounts to \$7,737 for each violation and to \$1,823,736 for any related series of violations. Rounding off these numbers in accordance with the statutory directions, the adjusted maximum amounts are \$8,000 for each violation and \$1,825,000 for any related series of violations.

These new amounts will apply to violations that occur after January 1, 2005.

Dated: November 19, 2004.

**Todd A. Stevenson,**

*Secretary, Consumer Product Safety Commission.*

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**Albert Bodnar,**

*Air Force Federal Register Liaison Officer.*

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## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### Notice of Intent

**AGENCY:** Air Combat Command, United States Air Force.

**ACTION:** Notice of intent.

**SUMMARY:** The United States Air Force is issuing this Notice of Intent (NOI) to announce that it is conducting an Environmental Impact Statement (EIS) to describe the proposed action for the Airspace Training Initiative. The proposed action would enhance the F-16 aircraft training mission for Shaw AFB and McEntire Air National Guard Station (ANGS). This NOI describes the Air Force’s scoping process and identifies the Air Force’s point of contact.

The Air Force conducted a series of scoping meetings in South Carolina and Georgia during September 2004 to receive public input on alternatives, concerns, and issues to be addressed in an environmental analysis. Based on the input received from the scoping meetings, the Air Force has determined that an EIS is required. The EIS will consider environmental issues identified by the public and agencies during the September meetings and received from correspondence during the scoping process. The Air Force has currently identified changes to airspace and aircraft noise as potential key issue requiring detailed analysis in the EIS.

No additional scoping meetings are scheduled. However, based upon interest expressed during community outreach scoping meetings, the public comment period has been extended through December 17, 2004. All written comments on the scope of alternatives and impacts received, as a result of the scoping meetings, or during the extended scoping period will be considered in the preparation of this EIS.

The proposed EIS will be prepared in compliance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321-4347), the Council on Environmental Quality NEPA Regulations (40 CFR 1500-1508); and the Air Force’s Environmental Impact Analysis Process (EIAP) (Air Force Instruction 32-7061 as promulgated at

## DEPARTMENT OF DEFENSE

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#### Active Duty Service Determinations for Civilians or Contractual Groups

On November 4, 2004, the Secretary of the Air Force, acting as Executive Agent of the Secretary of Defense, determined that the service of the group known as “U.S. Civil Servants on Temporary Duty at Long Binh, Republic of Vietnam From about April 4, 1972, to about April 27, 1972, to Design a Commercial Carrier Commodity Tariff and Shipment Control System” shall not be considered “active duty” for purposes of all laws administered by the Department of Veterans Affairs (VA).

**FOR FURTHER INFORMATION CONTACT:** Mr. James D. Johnston at the Secretary of the Air Force Personnel Council (SAFPC),