

developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

M. Environment

We have analyzed this rule under DHS Management Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

This rule is categorically excluded under paragraphs A3 and L54 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. Paragraph A3 pertains to the promulgation of rules, issuance of rulings or interpretations, and the development and publication of policies, orders, directives, notices, procedures, manuals, advisory circulars, and other guidance documents of the following nature:

(a) Those of a strictly administrative or procedural nature;

(b) those that implement, without substantive change, statutory or regulatory requirements;

(c) those that implement, without substantive change, procedures, manuals, and other guidance documents; and

(d) those that interpret or amend an existing regulation without changing its environmental effect.

Paragraph L54 pertains to regulations which are editorial or procedural. This final rule involves a non-substantive technical and conforming amendment to existing Coast Guard regulations.

List of Subjects in 33 CFR Part 147

Continental shelf, Marine safety, Navigation (water).

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 147 as follows:

PART 147—SAFETY ZONES

■ 1. The authority citation for part 147 is revised to read as follows:

Authority: 14 U.S.C. 544; 43 U.S.C. 1333; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

■ 2. Amend § 147.10 as follows:

■ a. Redesignate paragraphs (b) through (d) as paragraphs (c) through (e);

■ b. Add new paragraph (b); and

■ c. In newly redesignated paragraph (c), remove the text “paragraph (c)” and add, in its place, the text “paragraph (d)”.

The addition reads as follows:

§ 147.10 Establishment of safety zones.

* * * * *

(b) For purposes of establishing safety zones under this part, OCS facility includes non-mineral energy resource permanent or temporary structures.

* * * * *

Dated: January 4, 2023.

Michael Cunningham,
Chief, Office of Regulations and Administrative Law.

[FR Doc. 2023–00319 Filed 1–10–23; 8:45 am]

BILLING CODE 9110–04–P

POSTAL SERVICE

39 CFR Parts 233 and 273

Inspection Service Authority; Civil Monetary Penalty Inflation Adjustment

AGENCY: Postal Service™.

ACTION: Interim final rule.

SUMMARY: This document updates postal regulations by implementing inflation adjustments to civil monetary penalties that may be imposed under consumer protection and mailability provisions enforced by the Postal Service pursuant to the Deceptive Mail Prevention and Enforcement Act and the Postal Accountability and Enhancement Act, as well as the civil monetary penalty that may be imposed by the Postal Service for false claims and statements under the Program Fraud Civil Remedies Act. These adjustments are required under the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015. This document includes the adjustments for 2023 for the statutory civil monetary penalties subject to the 2015 Act and all necessary updates authorized by the 2015 Act for regulatory civil monetary penalties.

DATES: Effective January 11, 2023.

FOR FURTHER INFORMATION CONTACT: Louis DiRienzo, (202) 268–2705, ljdierenzo@uspis.gov.

SUPPLEMENTARY INFORMATION: The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act), Public Law 114–74, 129 Stat. 584, amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (1990 Act), Public Law 101–410, 104 Stat. 890 (28 U.S.C. 2461 note), to improve the effectiveness of civil monetary penalties and to maintain their deterrent effect. Section 3 of the 1990 Act specifically includes the Postal Service in the definition of “agency” subject to its provisions.

Beginning in 2017, the 2015 Act requires the Postal Service to make an annual adjustment for inflation to civil penalties that meet the definition of “civil monetary penalty” under the 1990 Act. The Postal Service must make the annual adjustment for inflation and publish the adjustment in the **Federal Register** by January 15 of each year. The Postal Service has not completed the annual adjustments for the civil monetary penalty that may be imposed under the Program Fraud Civil Remedies Act. In order to satisfy the annual adjustment requirement, the Postal Service is making all annual adjustments at this time. Each penalty will be adjusted as instructed by the Office of Management and Budget (OMB) based on the Consumer Price Index (CPI–U) from the most recent October. OMB has furnished detailed instructions regarding the annual adjustment for 2023 in memorandum M–23–05, *Implementation of Penalty Inflation Adjustments for 2023, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (December 15, 2022), <https://www.whitehouse.gov/wp-content/uploads/2022/12/M-23-05-CMP-CMP-Guidance.pdf>. This year, OMB has advised that an adjustment multiplier of 1.07745 will be used. The new penalty amount must be rounded to the nearest dollar.

The 2015 Act allows the interim final rule and annual inflation adjustments to be published without prior public notice or opportunity for public comment.

Adjustments to Postal Service Civil Monetary Penalties

Civil monetary penalties may be assessed for postal offenses under sections 106 and 108 of the Deceptive Mail Prevention and Enforcement Act, Public Law 106–168, 113 Stat. 1811, 1814 (*see*, 39 U.S.C. 3012(a), (c)(1), (d), and 3017 (g)(2), (h)(1)(A)); and section 1008 of the Postal Accountability and Enhancement Act, Public Law 109–435, 120 Stat. 3259–3261 (*see*, 39 U.S.C. 3018 (c)(1)(A)). The statutory civil monetary

penalties subject to the 2015 Act and the amount of each penalty after implementation of the annual adjustment for inflation are as follows:

39 U.S.C. 3012(a)—False Representations and Lottery Orders

Under 39 U.S.C. 3005(a)(1)–(3), the Postal Service may issue administrative orders prohibiting persons from using the mail to obtain money through false representations or lotteries. Persons who evade, attempt to evade, or fail to comply with an order to stop such prohibited practices may be liable to the United States for a civil penalty under 39 U.S.C. 3012(a). The regulations implemented pursuant to this section currently impose a \$79,481 penalty for each mailing less than 50,000 pieces, \$158,958 for each mailing of 50,000 to 100,000 pieces, and \$15,897 for each additional 10,000 pieces above 100,000 not to exceed \$3,179,178. The new penalties will be as follows: a \$85,637 penalty for each mailing less than 50,000 pieces, \$171,269 for each mailing of 50,000 to 100,000 pieces, and \$17,128 for each additional 10,000 pieces above 100,000 not to exceed \$3,425,405.

39 U.S.C. 3012(c)(1)—False Representation and Lottery Penalties in Lieu of or as Part of an Order

In lieu of or as part of an order issued under 39 U.S.C. 3005(a)(1)–(3), the Postal Service may assess a civil penalty. Currently, the amount of this penalty, set in the implementing regulations to 39 U.S.C. 3012(c)(1), is \$39,740 for each mailing that is less than 50,000 pieces, \$79,481 for each mailing of 50,000 to 100,000 pieces, and an additional \$7,948 for each additional 10,000 pieces above 100,000 not to exceed \$1,589,589. The new penalties will be \$42,818 for each mailing that is less than 50,000 pieces, \$85,637 for each mailing of 50,000 to 100,000 pieces, and an additional \$8,564 for each additional 10,000 pieces above 100,000 not to exceed \$1,712,703.

39 U.S.C. 3012(d)—Misleading References to the United States Government; Sweepstakes and Deceptive Mailings

Persons may be liable to the United States for a civil penalty under 39 U.S.C. 3012(d) for sending certain deceptive mail matter described in 39 U.S.C. 3001(h)–(k), including:

- Solicitations making false claims of Federal Government connection or approval;
- Certain solicitations for the purchase of a product or service that may be obtained without cost from the Federal Government;

- Solicitations containing improperly prepared “facsimile checks”; and
- Certain solicitations for “skill contests” and “sweepstakes” sent to individuals who, in accordance with 39 U.S.C. 3017(d), have requested that such materials not be mailed to them.

Currently, under the implementing regulations, this penalty is not to exceed \$15,897 for each mailing. The new penalty will be \$17,128.

39 U.S.C. 3017(g)(2)—Commercial Use of Lists of Persons Electing Not To Receive Skill Contest or Sweepstakes Mailings

Under 39 U.S.C. 3017(g)(2), the Postal Service may impose a civil penalty against a person who provides information for commercial use about individuals who, in accordance with 39 U.S.C. 3017(d), have elected not to receive certain sweepstakes and contest information. Currently, this civil penalty may not exceed \$3,179,178 per violation, pursuant to the implementing regulations. The new penalty may not exceed \$3,425,405 per violation.

39 U.S.C. 3017(h)(1)(A)—Reckless Mailing of Skill Contest or Sweepstakes Matter

Currently, under 39 U.S.C. 3017(h)(1)(A) and its implementing regulations, any promoter who recklessly mails nonmailable skill contest or sweepstakes matter may be liable to the United States in the amount of \$15,897 per violation for each mailing to an individual. The new penalty is \$17,128 per violation.

39 U.S.C. 3018(c)(1)(A)—Hazardous Material

Under 39 U.S.C. 3018(c)(1)(A), the Postal Service may impose a civil penalty payable into the Treasury of the United States on a person who knowingly mails nonmailable hazardous materials or fails to follow postal laws on mailing hazardous materials. Currently, this civil penalty is at least \$344, but not more than \$137,060 for each violation, pursuant to the implementing regulations. The new penalty is at least \$371, but not more than \$147,675 for each violation.

Adjustments to Regulatory Postal Service Civil Monetary Penalties

In October 1986, Congress enacted the Program Fraud Civil Remedies Act, 31 U.S.C. 3801–3812. The Program Fraud Civil Remedies Act established an administrative remedy against any person who makes, or causes to be made, a false claim or written statement to certain Federal agencies. The Act requires each covered agency to

promulgate rules and regulations necessary to implement its provisions. The Postal Service’s implementing regulations are found in part 273 of title 39, Code of Federal Regulations. The current penalty amount is \$12,537. The new penalty amount is \$13,508.

List of Subjects

39 CFR Part 233

Administrative practice and procedure, Banks, Banking, Credit, Crime, Infants and children, Law enforcement, Penalties, Privacy, Seizures and forfeitures.

39 CFR Part 273

Administrative practice and procedure, Claims, Fraud, Penalties.

For the reasons set out in the preamble, the Postal Service amends 39 CFR parts 233 and 273 as follows:

PART 233—INSPECTION SERVICE AUTHORITY

- 1. The authority citation for part 233 continues to read as follows:

Authority: 39 U.S.C. 101, 102, 202, 204, 401, 402, 403, 404, 406, 410, 411, 1003, 3005(e)(1), 3012, 3017, 3018; 12 U.S.C. 3401–3422; 18 U.S.C. 981, 983, 1956, 1957, 2254, 3061; 21 U.S.C. 881; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 104–208, 110 Stat. 3009; Secs. 106 and 108, Pub. L. 106–168, 113 Stat. 1806 (39 U.S.C. 3012, 3017); Pub. L. 114–74, 129 Stat. 584.

§ 233.12 [Amended]

- 2. In § 233.12:

- a. In paragraph (a), remove “\$79,481” and add in its place “\$85,637”, remove “\$158,958” and add in its place “\$171,269”, remove “\$15,897” and add in its place “\$17,128”, and remove “\$3,179,178” and add in its place “\$3,425,405”;
- b. In paragraph (b), remove “\$39,740” and add in its place “\$42,818”, remove “\$79,481” and add in its place “\$85,637”, remove “\$7,948” and add in its place “\$8,564”, and remove “\$1,589,589” and add in its place “\$1,712,703”;
- c. In paragraph (c)(4), remove “\$15,897” and add in its place “\$17,128”;
- d. In paragraph (d), remove “\$3,179,178” and add in its place “\$3,425,405”;
- e. In paragraph (e), remove “\$15,897” and add in its place “\$17,128”; and
- f. In paragraph (f), remove “\$344” and add in its place “\$371” and remove “\$137,060” and add in its place “\$147,675”.

PART 273—ADMINISTRATION OF PROGRAM FRAUD CIVIL REMEDIES ACT

■ 3. The authority citation for part 273 continues to read as follows:

Authority: 31 U.S.C. Chapter 38; 39 U.S.C. 401.

■ 4. In § 273.3, in paragraph (a)(1)(iv), add a sentence to the end of the paragraph to read as follows:

§ 273.3 Liability for false claims and statements.

* * * * *

(a) * * *

(1) * * *

(iv) * * * As adjusted under Public Law 114–74, the penalty is \$13,508 per claim.

* * * * *

Tram Pham,

Attorney, Ethics & Legal Compliance.

[FR Doc. 2023–00322 Filed 1–10–23; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R09–OAR–2022–0745; FRL–10211–02–R9]

Determination of Attainment by the Attainment Date, Clean Data Determination, and Approval of Base Year Emissions Inventory for the Imperial County, California Nonattainment Area for the 2012 Annual Fine Particulate Matter NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is determining that the Imperial County, California fine particulate matter (PM_{2.5}) nonattainment area (“Imperial PM_{2.5} nonattainment area”) attained the 2012 annual PM_{2.5} national ambient air quality standards (NAAQS or “standard”) by its December 31, 2021 “Moderate” area attainment date. This determination is based upon ambient air quality monitoring data from 2019 through 2021. We are also making a clean data determination (CDD) based on our determination that preliminary air quality monitoring data from 2022 indicate the Imperial PM_{2.5} nonattainment area continues to attain the 2012 annual PM_{2.5} NAAQS. As a result of this CDD, certain Clean Air Act (CAA) requirements that apply to the Imperial County Air Pollution Control District (ICAPCD or “District”) are

suspended for so long as the area continues to meet the 2012 annual PM_{2.5} NAAQS. The area remains nonattainment for the 2012 annual PM_{2.5} NAAQS until the area is redesignated to attainment. The EPA is also approving a revision to California’s state implementation plan (SIP) consisting of the 2012 base year emissions inventory for the Imperial PM_{2.5} nonattainment area, submitted by the California Air Resources Board (CARB or “State”) on July 18, 2018.

DATES: This rule is effective February 10, 2023.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2022–0745. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Ginger Vagenas, Air Planning Office (AIR–2), EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105, (415) 972–3964, or by email at vagenas.ginger@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, “we,” “us,” and “our” refer to the EPA.

Table of Contents

- I. Summary of the Proposed Action
- II. Public Comment
- III. Final Action
- IV. Statutory and Executive Order Reviews

I. Summary of the Proposed Action

For the reasons discussed in the proposed rulemaking, the EPA proposed to determine that the Imperial PM_{2.5} nonattainment area attained the 2012 annual PM_{2.5} NAAQS by its December 31, 2021 attainment date. We explained that, if finalized, this action would fulfill the EPA’s statutory obligation to determine whether the Imperial PM_{2.5} nonattainment area attained the NAAQS by the attainment date.

As provided in 40 CFR 51.1015, we also proposed a CDD. We noted that if the EPA finalized the proposal, the requirements for this area to submit an attainment demonstration, associated

reasonably available control measures (RACM), reasonable further progress (RFP) plan, contingency measures, and any other SIP revisions related to the attainment of the 2012 annual PM_{2.5} NAAQS, would be suspended so long as the Imperial PM_{2.5} nonattainment area continues to meet the standard. We also explained that a CDD does not constitute a redesignation to attainment, and that the Imperial PM_{2.5} nonattainment area will remain designated nonattainment for the 2012 annual PM_{2.5} NAAQS until such time as the EPA determines, pursuant to sections 107 and 175A of the CAA, that the Imperial PM_{2.5} nonattainment area meets the CAA requirements for redesignation to attainment, including an approved maintenance plan showing that the area will continue to meet the standard for 10 years.

Finally, we proposed to approve the 2012 base year emissions inventory submitted by the State on July 18, 2018, as part of the “Imperial County 2018 Annual Particulate Matter Less Than 2.5 Microns In Diameter State Implementation Plan,” (“Imperial PM_{2.5} Plan”), as meeting the requirements of CAA section 172(c)(3). As authorized in section 110(k)(3) of the Act, the EPA proposed to approve the submitted base year emissions inventory because we believe it fulfills all relevant requirements.

As described in Section I.B of the proposal, the EPA’s May 7, 2018 finding of failure to submit triggered an obligation for the EPA to issue a federal implementation plan (FIP). The District and CARB ultimately fulfilled their obligation to submit a plan, but because the EPA has not issued a final approval of the Imperial PM_{2.5} Plan and because the nonattainment plan requirements continued to apply, our obligation to promulgate a FIP remained in place. We noted that if we finalized the proposed CDD, the District’s and State’s nonattainment planning obligations, except the requirement for a base year emissions inventory and new source review, would be suspended.¹ If, in addition to making a CDD, we were to finalize our proposed approval of the base year emissions inventory, the EPA’s FIP obligation would be suspended until such time as the CDD is rescinded.²

Please see our proposed rulemaking for more information concerning the background for this action and for a

¹ See Section I.D. of the proposed rulemaking.

² On August 26, 2019, the EPA approved ICAPCD’s amended Rule 207, “New and Modified Stationary Source Review” as meeting applicable CAA requirements for New Source Review. 84 FR 44545.