

**§ 42.3 Basis for civil penalties and assessments.**

\* \* \* \* \*

(Authority: 31 U.S.C. 3802)

[FR Doc. 96-28037 Filed 10-31-96; 8:45 am]

BILLING CODE 8320-01-P

**POSTAL SERVICE****39 CFR Part 233****Civil Penalties for Violations of Postal Orders**

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** This rule is added to the Postal Service regulations on Inspection Service/Inspector General authority in order to implement civil penalties for violations of Postal Service Orders issued under 39 U.S.C. 3012, and to allow adjustments to civil monetary penalties administered by the Postal Service.

**EFFECTIVE DATE:** October 23, 1996.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Y. Angelo, (202) 268-3081.

**SUPPLEMENTARY INFORMATION:** The Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. 2461 note, amended by the Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, section 31001(s), 110 Stat. 1321 (1996), requires agencies that assess civil monetary penalties to adjust their civil monetary penalties for inflation. The Postal Service may seek a civil penalty under 39 U.S.C. 3012 for violations of Postal Service Orders. The Postal Service is governed by 28 U.S.C. 2641 note, and accordingly, adds section 233.12, Civil Penalties, to 39 CFR part 233.

List of Subjects in 39 CFR Part 233

Administrative practice and procedure, Banks, Banking, Credit, Crime, Law enforcement, Postal Service, Privacy, Seizures and forfeitures.

For the reasons set out in this document, the Postal Service amends 39 CFR part 233 as follows:

**PART 233—INSPECTION SERVICE/INSPECTOR GENERAL AUTHORITY**

1. The authority citation for 39 CFR part 233 continues to read as follows:

Authority: 39 U.S.C. 101, 401, 402, 403, 404, 406, 410, 411, 3005(e)(1); 12 U.S.C. 3401-4322; 18 U.S.C. 981, 1956, 1957, 2254, 3061; 21 U.S.C. 881; Inspector General Act of 1978, as amended (Pub. L. No. 95-452 as amended), 5 U.S.C. App. 3.

2. Section 233.12 is added to read as follows:

**§ 233.12 Civil penalties.**

False representation and lottery orders—

(a) *Issuance.* Pursuant to 39 U.S.C. 3005, the Judicial Officer of the Postal Service, acting upon a satisfactory evidentiary basis, may issue a mail return and/or a cease and desist order against anyone engaged in conducting a scheme or device for obtaining money or property through the mail by means of a false representation, including the mailing of matter which is nonmailable, or engaged in conducting a lottery, gift enterprise, or scheme for the distribution of money or of real or personal property, by lottery, chance, or drawing of any kind.

(b) *Enforcement.* Pursuant to 39 U.S.C. 3012, any person:

(1) Who, through the use of the mail, evades or attempts to evade the effect of an order issued under 39 U.S.C. 3005(a)(1) or 3005(a)(2);

(2) Who fails to comply with an order issued under 39 U.S.C. 3005(a)(3); or

(3) Who (other than a publisher described by 39 U.S.C. 3007(b)) has actual knowledge of any such order, is in privity with any person described by paragraph (b) (1) or (2) of this section, and engages in conduct to assist any such person to evade, attempt to evade, or fail to comply with such order, as the case may be, through the use of the mail;

shall be liable to the United States for a civil penalty in an amount not to exceed \$11,000 for each day that such person engages in conduct described by this paragraph (b). A separate penalty may be assessed under this paragraph (b) with respect to the conduct described by paragraphs (b) (1), (2), or (3) of this section.

Stanley F. Mires,

*Chief Counsel, Legislative.*

[FR Doc. 96-27347 Filed 10-31-96; 8:45 am]

BILLING CODE 7710-12-P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[AZ 58-1-7131-b]  
[FRL-5634-5]

**Redesignation of the Yavapai-Apache Reservation to a PSD Class I Area; State of Arizona; Dispute Resolution**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Announcement of dispute resolution.

**SUMMARY:** The purpose of this action is to announce the EPA's resolution of an

intergovernmental dispute over a request by the Yavapai-Apache Tribal Council to redesignate the Yavapai-Apache Reservation ("the Reservation") as a non-Federal Class I area under the Clean Air Act program for prevention of significant deterioration of air quality. On August 22, 1994 the Governor of Arizona raised concerns about EPA's proposal to approve the request of the Yavapai-Apache Tribe to redesignate its Reservation as a Class I area and asked EPA to initiate the intergovernmental dispute resolution process provided for in section 164(e) of the Clean Air Act. The State and the Tribe were unable to reach an agreement concerning the redesignation. Section 164(e) of the Clean Air Act provides that EPA must therefore resolve the dispute. After fully considering the concerns raised by the State of Arizona, EPA declines in these particular circumstances to disapprove the Tribe's decision to limit the amount of air quality deterioration allowed within its Reservation. Therefore, as described in a final rulemaking notice also published in today's Federal Register, EPA is finalizing its proposed decision to redesignate the Yavapai-Apache Reservation as a non-Federal Class I area. The Class I designation will result in lowering the allowable increases in ambient concentrations of particulate matter, sulfur dioxide, and nitrogen dioxide within the Reservation.

**EFFECTIVE DATE:** December 2, 1996.

**ADDRESSES:** The public docket for this notice, which includes additional information related to this decision and relevant materials submitted to EPA, is available for public inspection and copying during normal business hours. Please contact the EPA official listed below at the given address. A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Jessica Gaylord, Air and Toxics Division (A-5-1), U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105-3901, (415) 744-1290. An electronic copy of this Federal Register notice and other pertinent information is available on the World Wide Web at this Internet address: <http://www.epa.gov/region09/air/yavapai/>

**SUPPLEMENTARY INFORMATION:**

I. Summary of Final Rule Approving Yavapai-Apache Tribe's Request for Redesignation

Elsewhere in today's Federal Register EPA has published a final rulemaking notice granting the Yavapai-Apache Tribe's request to redesignate its reservation as a Class I area under the Clean Air Act (CAA) program for the prevention of significant deterioration of