

restrictions on the persons affected by these regulations. Furthermore, any additional delay in making the regulations correct would be contrary to the public interest. Accordingly, the FAA finds that (i) public comment on these standards prior to promulgation is unnecessary, and (ii) good cause exists to make this rule effective in less than 30 days.

### Background

On February 21, 2014, the FAA published a final rule entitled, "Helicopter Air Ambulance, Commercial Helicopter, and Part 91 Helicopter Operations" (79 FR 9932). In that final rule the FAA created provisions directed primarily toward helicopter air ambulance operations and all commercial helicopter operations conducted under part 135.

The rule added § 135.168(c) which states, "[t]he equipment required by this section must be maintained in accordance with § 135.419." Section 135.419 outlines inspection, not maintenance, requirements making the cross reference to § 135.419 incorrect.

### Technical Amendment

This technical amendment addresses this incorrect reference to inspection requirements. Maintenance and inspection requirements for part 135 operators are currently described in part 135 Subpart J. Accordingly, the FAA is removing the current text of § 135.168(c) to avoid potential confusion from redundant regulatory text.

This technical amendment also removes the reference to § 135.168(c) from § 135.168(b). Finally, the FAA removes the effective date for § 135.168(b) because that date has passed, and the paragraph currently is effective.

### Executive Order Determinations

*Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs*

This technical amendment is not an E.O. 13771 regulatory action because this technical amendment is not significant under E.O. 12866.

### List of Subjects in 14 CFR Part 135

Air taxis, Aircraft, Aviation safety.

### The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends chapter I of title 14, Code of Federal Regulations as follows:

## PART 135—OPERATING REQUIREMENTS: COMMUTER AND ON-DEMAND OPERATIONS AND RULES GOVERNING PERSONS ON BOARD SUCH AIRCRAFT

■ 1. The authority citation for part 135 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 41706, 40113, 44701–44702, 44705, 44709, 44711–44713, 44715–44717, 44722, 44730, 45101–45105; Pub. L. 112–95, 126 Stat. 58 (49 U.S.C. 44730).

■ 2. Amend § 135.168 by revising paragraph (b) introductory text and removing and reserving paragraph (c).

The revision reads as follows:

### § 135.168. Emergency equipment. Overwater rotorcraft operations.

\* \* \* \* \*

(b) *Required equipment.* Except when authorized by the certificate holder's operations specifications, or when necessary only for takeoff or landing, no person may operate a rotorcraft beyond autorotational distance from the shoreline unless it carries:

\* \* \* \* \*

Issued under authority of 49 U.S.C. 106(f), 106(g), 44701(a), and 44730 in Washington, DC.

**Lirio Liu,**

*Director, Office of Rulemaking.*

[FR Doc. 2018–00285 Filed 1–9–18; 8:45 am]

**BILLING CODE 4910–13–P**

## POSTAL SERVICE

### 39 CFR Part 113

### Hazardous, Restricted, and Perishable Mail (Publication 52); Incorporation by Reference

**AGENCY:** Postal Service™.

**ACTION:** Final rule.

**SUMMARY:** The Postal Service announces the issuance of *Hazardous, Restricted, and Perishable Mail* (Publication 52) dated August 2017, and its incorporation by reference in the *Code of Federal Regulations*.

**DATES:** This final rule is effective on January 10, 2018. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of January 10, 2018.

**FOR FURTHER INFORMATION CONTACT:** Lizbeth Dobbins (202) 268–3789.

**SUPPLEMENTARY INFORMATION:** The most recent issue of *Hazardous, Restricted, and Perishable Mail* (Publication 52) is dated August 2017. This issue of Publication 52 contains Postal Service

mailing standards relating to the shipment of hazardous, restricted, and perishable materials. Publication 52 provides a complete and comprehensive source for users to find information necessary to properly prepare mailings of hazardous, restricted, and perishable materials, and limits the need for users to consult other information sources when preparing such mailings.

Publication 52 is available, in a read-only format, to the mailing industry and general public via the Postal Explorer® website at <http://pe.usps.com>. The Postal Explorer application can be accessed directly at any time. In addition, links to Postal Explorer are provided on:

- The landing page of *USPS.com*, the Postal Service's primary customer-facing website; and
- The USPS application *Postal Pro*, an online informational source available to both mailing industry members and Postal customers, intended to eventually replace RIBBS.

New editions of Publication 52 will be published at regular intervals, generally no less frequently than once each calendar year. Changes to mailing standards applicable to hazardous, restricted, and perishable materials will be made as necessary, and incorporated into each successive edition of Publication 52. The incorporation by reference of each edition of Publication 52 will be announced through publication in the **Federal Register**. Details of the revisions to Publication 52 will be published in the *Postal Bulletin*, available at <https://about.usps.com/postal-bulletin/welcome.htm>.

Prior to July, 2014, the Postal Service maintained standards for the mailing of hazardous, restricted, and perishable mail in both the *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM) and Publication 52. On July 28, 2014, as part of a continuing initiative to reduce the size of the DMM, the Postal Service removed from that publication the detailed mailing standards relating to hazardous, restricted, and perishable materials. In place of these detailed provisions, revised DMM 601.8.0 advised that mailing standards specific to hazardous, restricted, and perishable mail would be incorporated into Publication 52, and could be found on the Postal Explorer website at [pe.usps.com](http://pe.usps.com).

Based on its experience applying the mailing standards for hazardous, restricted and perishable mail since July 28, 2014, the Postal Service believes that these mailing standards were more visible to the mailing community when they were included in the DMM, which

is incorporated by reference in the Code of Federal Regulations, and thus more effective in supporting USPS efforts related to compliance and enforcement. The Postal Service expects that incorporation by reference of Publication 52 in the *Code of Federal Regulations*, will increase the visibility of the mailing standards contained in Publication 52 and thereby maximize their effectiveness and usefulness.

Since their removal from the DMM, the mailing standards provided in Publication 52 have undergone few changes of significance; indeed, several of those changes have expanded the options available to HAZMAT mailers. With regard to changes having a wider impact on mailers, such as those required to conform Publication 52 to the revised standards for the shipment of lithium batteries established by the Pipeline and Hazardous Materials Safety Administration (PHMSA) and the International Civil Aviation Organization (ICAO), the Postal Service has been careful to provide advance notice to interested parties, with an opportunity to comment, and to shape the final standards in response to the comments received. *See, e.g.* 82 FR 11372 (February 22, 2017), and 82 FR 34712 (July 26, 2017). Relating to violations of mailing standards for hazardous materials, the Postal Service currently has civil enforcement authority granted by the Postal Accountability and Enhancement Act of 2006, and authority to assess criminal penalties under 18 U.S.C. 1716. As a result, the Postal Service believes that the incorporation by reference of Publication 52 should have little or no impact on mailers of hazardous, restricted, or perishable materials, and the Postal Service would expect few comments in response to a proposed rule. Accordingly, the Postal Service has chosen to publish only a final rule in support of this action.

The Postal Service further believes that incorporation by reference of Publication 52 is justified in view of the unique qualities of the publication, including its length, the detailed description of conditions relating to the mailing of hazardous, restricted, or perishable materials, and the presence of numerous color figures and images in the document. In addition, the potential for serious injury to Postal Service employees and the general public, as well as the potential for damage to USPS equipment and other assets resulting from improperly prepared, packaged, or marked hazardous materials, provide support for the incorporation by reference of a separate

publication dealing specifically with such matters.

#### List of Subjects in 39 CFR Part 113

Hazardous, restricted, and perishable mail, Incorporation by reference.

■ In consideration of the matters discussed above, the Postal Service adds new 39 CFR part 113 as follows:

#### PART 113—HAZARDOUS, RESTRICTED, AND PERISHABLE MAIL

Sec.

113.1 Scope and purpose.

113.2 Incorporation by reference.

**Authority:** 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

##### § 113.1 Scope and purpose.

This part applies to the mailing and shipment of hazardous, restricted, and perishable materials. In order to mail hazardous, restricted, and perishable materials, mailers must properly prepare their mailings in accordance with the standards contained in USPS Publication 52 (incorporated by reference, see § 113.2).

##### § 113.2 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection by appointment only, during normal hours of operation, at the U.S. Postal Service Library, 475 L'Enfant Plaza West SW, Washington, DC 20260–1641 (call 202–268–2906), and is available from the sources listed below. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030 or go to [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html).

(b) United States Postal Service, Product Classification Office, USPS Headquarters, 475 L'Enfant Plaza SW, Room 4446, Washington, DC 20260–5013; <http://pe.usps.com/text/pub52/welcome.htm>.

(1) *Publication 52, Hazardous, Restricted and Perishable Mail, dated August 2017, IBR approved for § 113.1.*

(2) [Reserved]

**Stanley F. Mires,**  
*Attorney, Federal Compliance.*

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**BILLING CODE 7710–12–P**

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 19

[FRL–9972–92–OECA]

#### Civil Monetary Penalty Inflation Adjustment Rule

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is promulgating this final rule to adjust the level of statutory civil monetary penalty amounts under the statutes EPA administers. This action is mandated by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended through the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (“the 2015 Act”). The 2015 Act prescribes a formula for annually adjusting statutory civil penalties to reflect inflation, maintain the deterrent effect of statutory civil penalties, and promote compliance with the law. The rule does not necessarily revise the penalty amounts that EPA chooses to seek pursuant to its civil penalty policies in a particular case. EPA’s civil penalty policies, which guide enforcement personnel in how to exercise EPA’s statutory penalty authorities, take into account a number of fact-specific considerations, *e.g.*, the seriousness of the violation, the violator’s good faith efforts to comply, any economic benefit gained by the violator as a result of its noncompliance, and a violator’s ability to pay.

**DATES:** This final rule is effective on January 15, 2018.

**FOR FURTHER INFORMATION CONTACT:** David Smith-Watts, Office of Civil Enforcement, Office of Enforcement and Compliance Assurance, Mail Code 2241A, Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460, telephone number: (202) 564–4083; [smith-watts.david@epa.gov](mailto:smith-watts.david@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Since 1990, federal agencies have been required to issue regulations adjusting for inflation the statutory civil penalties<sup>1</sup> that can be imposed under

<sup>1</sup> The Federal Civil Penalties Inflation Adjustment Act of 1990, Public Law 101–410, 28 U.S.C. 2461 note, defines “civil monetary penalty” as “any penalty, fine, or other sanction that—(A)(i) is for a specific monetary amount as provided by Federal law; or (ii) has a maximum amount provided for by Federal law; and (B) is assessed or enforced by an agency pursuant to Federal law; and (C) is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts.”