

Stamped Envelopes
 [Reserved for Product Description]
 Stamped Cards
 [Reserved for Product Description]
 Premium Stamped Stationery
 [Reserved for Product Description]
 Premium Stamped Cards
 [Reserved for Product Description]
 International Ancillary Services
 [Reserved for Product Description]
 International Certificate of Mailing
 [Reserved for Product Description]
 International Registered Mail
 [Reserved for Product Description]
 International Return Receipt
 [Reserved for Product Description]
 International Restricted Delivery
 [Reserved for Product Description]
 Address List Services
 [Reserved for Product Description]
 Caller Service
 [Reserved for Product Description]
 Change-of-Address Credit Card
 Authentication
 [Reserved for Product Description]
 Confirm
 [Reserved for Product Description]
 International Reply Coupon Service
 [Reserved for Product Description]
 International Business Reply Mail Service
 [Reserved for Product Description]
 Money Orders
 [Reserved for Product Description]
 Post Office Box Service
 [Reserved for Product Description]
 Negotiated Service Agreements
 [Reserved for Class Description]
 HSBC North America Holdings Inc.
 Negotiated Service Agreement
 [Reserved for Product Description]
 Bookspan Negotiated Service Agreement
 [Reserved for Product Description]
 Bank of America Corporation Negotiated
 Service Agreement
 The Bradford Group Negotiated Service
 Agreement
 Part B—Competitive Products
 2000 Competitive Product List
 Express Mail
 Express Mail
 Outbound International Expedited Services
 Inbound International Expedited Services
 Inbound International Expedited Services 1
 (CP2008–7)
 Inbound International Expedited Services 2
 (MC2009–10 and CP2009–12)
 Priority Mail
 Priority Mail
 Outbound Priority Mail International
 Inbound Air Parcel Post
 Parcel Select
 Parcel Return Service
 International
 International Priority Airlift (IPA)
 International Surface Airlift (ISAL)
 International Direct Sacks—M-Bags
 Global Customized Shipping Services
 Inbound Surface Parcel Post (at non-UPU
 rates)
 Canada Post—United States Postal Service
 Contractual
 Bilateral Agreement for Inbound
 Competitive Services (MC2009–8 and
 CP2009–9)
 International Money Transfer Service
 International Ancillary Services

Special Services
 Premium Forwarding Service
 Negotiated Service Agreements
 Domestic
 Express Mail Contract 1 (MC2008–5)
 Express Mail Contract 2 (MC2009–3 and
 CP2009–4)
 Express Mail & Priority Mail Contract 1
 (MC2009–6 and CP2009–7)
 Express Mail & Priority Mail Contract 2
 (MC2009–12 and CP2009–14)
 Parcel Return Service Contract 1 (MC2009–
 1 and CP2009–2)
 Parcel Return Select & Parcel Return
 Service Contract 1 (MC2009–11 and
 CP2009–13)
 Priority Mail Contract 1 (MC2008–8 and
 CP2008–26)
 Priority Mail Contract 2 (MC2009–2 and
 CP2009–3)
 Priority Mail Contract 3 (MC2009–4 and
 CP2009–5)
 Priority Mail Contract 4 (MC2009–5 and
 CP2009–6)
 Outbound International
 Global Expedited Package Services (GEPS)
 Contracts
 GEPS 1 (CP2008–5, CP2008–11, CP2008–
 12, and CP2008–13, CP2008–18,
 CP2008–19, CP2008–20, CP2008–21,
 CP2008–22, CP2008–23 and CP2008–24)
 Global Plus Contracts
 Global Plus 1 (CP2008–9 and CP2008–10)
 Global Plus 2 (MC2008–7, CP2008–16 and
 CP2008–17)
 Global Direct Contracts (MC2009–9,
 CP2009–10 and CP2009–11)
 Inbound Direct Entry Contracts with Foreign
 Postal Administrations (MC2008–6,
 CP2008–14 and CP2008–15)
 Competitive Product Descriptions
 Express Mail
 [Reserved for Group Description]
 Express Mail
 [Reserved for Product Description]
 Outbound International Expedited Services
 [Reserved for Product Description]
 Inbound International Expedited Services
 [Reserved for Product Description]
 Priority
 [Reserved for Product Description]
 Priority Mail
 [Reserved for Product Description]
 Outbound Priority Mail International
 [Reserved for Product Description]
 Inbound Air Parcel Post
 [Reserved for Product Description]
 Parcel Select
 [Reserved for Group Description]
 Parcel Return Service
 [Reserved for Group Description]
 International
 [Reserved for Group Description]
 International Priority Airlift (IPA)
 [Reserved for Product Description]
 International Surface Airlift (ISAL)
 [Reserved for Product Description]
 International Direct Sacks—M-Bags
 [Reserved for Product Description]
 Global Customized Shipping Services
 [Reserved for Product Description]
 International Money Transfer Service
 [Reserved for Product Description]
 Inbound Surface Parcel Post (at non-UPU
 rates)
 [Reserved for Product Description]

International Ancillary Services
 [Reserved for Product Description]
 International Certificate of Mailing
 [Reserved for Product Description]
 International Registered Mail
 [Reserved for Product Description]
 International Return Receipt
 [Reserved for Product Description]
 International Restricted Delivery
 [Reserved for Product Description]
 International Insurance
 [Reserved for Product Description]
 Negotiated Service Agreements
 [Reserved for Group Description]
 Domestic
 [Reserved for Product Description]
 Outbound International
 [Reserved for Group Description]
 Part C—Glossary of Terms and Conditions
 [Reserved]
 Part D—Country Price Lists for International
 Mail [Reserved]

[FR Doc. E9–58 Filed 1–6–09; 8:45 am]

BILLING CODE 7710–FW–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 19

[FRL–8760–4]

RIN 2020–AA46

Civil Monetary Penalty Inflation Adjustment Rule

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: This action contains a minor correction to the final Civil Monetary Penalty Inflation Adjustment Rule, which was published on December 11, 2008 (73 FR 75340) and will be effective on January 12, 2009. As mandated by the Debt Collection Improvement Act (DCIA), the rule adjusts for inflation the statutory civil penalties that may be assessed for violations of EPA-administered statutes and their implementing regulations. A corrected version of Table 1 of the regulation appears at the end of this action.

DATES: This correction is effective January 12, 2009.

FOR FURTHER INFORMATION CONTACT: David Abdalla, Special Litigation and Projects Division (2248A), Office of Civil Enforcement, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, (202) 564–2413.

SUPPLEMENTARY INFORMATION:

I. Background

On December 11, 2008, EPA issued the final Civil Monetary Penalty

Inflation Adjustment Rule (“2008 penalty inflation rule” or “rule”), as mandated by the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. 2461 note, as amended by the DCIA, 31 U.S.C. 3701 note, to adjust for inflation the statutory civil penalties that may be assessed for violations of EPA-administered statutes and their implementing regulations (73 FR 75340). Effective January 12, 2009, the rule at 40 CFR 19.4 adjusts, in accordance with the formula mandated by the DCIA, the maximum and the minimum amounts of each statutory civil penalty that can be imposed under EPA-administered statutes. Although the current version of 40 CFR 19.4 lists all of the penalty assessment authorities and the applicable statutory maximum amounts that can be imposed under the Safe Drinking Water Act (SDWA), 42 U.S.C. 300f–300j, EPA inadvertently deleted four SDWA statutory citations and their corresponding penalty amounts in Table 1 of the rule published on December 11, 2008.

II. Need for Correction

As published, the regulatory text in the final rule contains an error that, if not corrected, would result in an error in Table 1 of 40 CFR 19.4 in the next publication of the Code of Federal Regulations. Specifically, the rule as published deleted: four citations to penalty authorities under the SDWA; the statutory maximum penalties that can be assessed under the SDWA, as enacted; and the statutory maximum penalties that can be assessed pursuant

to the penalty inflation adjustment rules published by EPA in 1996, 2004 and 2008 (*see* 61 FR 69360 (December 31, 1996); 69 FR 7121 (February 13, 2004); and 73 FR 75340 (December 11, 2008)).

The penalty inflation adjustment rules, including the 2008 rule, are mandated by the DCIA, which requires each federal agency to apply statutorily prescribed formula to calculate inflation-adjusted penalties. Section 553(b)(3)(B) of the Administrative Procedures Act (APA), 5 U.S.C. 553(b)(3)(B), provides that, when an Agency for good cause finds that notice and public comment are impracticable, unnecessary, or contrary to the public interest, the Agency may issue a rule without providing notice and an opportunity for public comment. In the December 11, 2008 notice, EPA found good cause, pursuant to APA Section 553(b)(3)(B), that soliciting public comment prior to the publication of the final rule was not necessary because EPA is carrying out a ministerial, non-discretionary duty pursuant to a mandate from Congress under the DCIA. Because the Agency has no discretion under the DCIA to vary the amount of any penalty adjustment to reflect any views or suggestions provided by public commenters, EPA decided that there would be no purpose in providing an opportunity for public comment on the 2008 penalty inflation rule.

This action merely amends Table 1 of 40 CFR 19.4 to reinsert the four missing SDWA penalty authorities, together with their corresponding statutory maximum penalty amounts since the

SDWA was originally enacted, and reflect that the penalties in effect after January 12, 2009 under these authorities have been adjusted in accordance with the DCIA’s non-discretionary formula. Accordingly, like the 2008 penalty inflation rule, EPA has determined that there is good cause for making this action final without prior proposal and opportunity for comment because the change to the rule is a minor technical correction, is non-controversial, and merely applies the formula mandated under the DCIA. Similarly, because this change is technical in nature and is consistent with the statutorily mandated formula applied in the 2008 penalty inflation rule, EPA has also determined that this technical correction rule meets the “good cause” exception to the effective date requirements of section 553(d) of the APA. Consequently, this technical correction will be effective on January 12, 2009, the same date the 2008 penalty inflation rule will take effect.

III. Corrections to Publication

In FR Doc. E8–29380 appearing on page 75345 in the **Federal Register** of December 11, 2008, the following correction is made:

Table 1 of Section 19.4 [Corrected]

Beginning on page 75345, Table 1 of Section 19.4—Civil Monetary Penalty Inflation Adjustments, is corrected to read as follows:

§ 19.4 Penalty adjustment and table.

* * * * *

TABLE 1—OF SECTION 19.4 CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. code citation	Environmental statute	Statutory penalties, as enacted	Penalties effective after January 30, 1997 through March 15, 2004	Penalties effective after March 15, 2004 through January 12, 2009	Penalties effective after January 12, 2009
7 U.S.C. 136l.(a)(1)	FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA).	\$5,000	\$5,500	\$6,500	\$7,500
7 U.S.C. 136l.(a)(2)	FIFRA	500/1,000	550/1,000	650/1,100	750/1,100
15 U.S.C. 2615(a)(1)	TOXIC SUBSTANCES CONTROL ACT (TSCA)	25,000	27,500	32,500	37,500
15 U.S.C. 2647(a)	TSCA	5,000	5,500	6,500	7,500
15 U.S.C. 2647(g)	TSCA	5,000	5,000	5,500	7,500
31 U.S.C. 3802(a)(1)	PROGRAM FRAUD CIVIL REMEDIES ACT (PFCRA).	5,000	5,500	6,500	7,500
31 U.S.C. 3802(a)(2)	PFCRA	5,000	5,500	6,500	7,500
33 U.S.C. 1319(d)	CLEAN WATER ACT (CWA)	25,000	27,500	32,500	37,500
33 U.S.C. 1319(g)(2)(A)	CWA	10,000/25,000	11,000/27,500	11,000/32,500	16,000/37,500
33 U.S.C. 1319(g)(2)(B)	CWA	10,000/125,000	11,000/137,500	11,000/157,500	16,000/177,500
33 U.S.C. 1321(b)(6)(B)(i).	CWA	10,000/25,000	11,000/27,500	11,000/32,500	16,000/37,500
33 U.S.C. 1321(b)(6)(B)(ii).	CWA	10,000/125,000	11,000/137,500	11,000/157,500	16,000/177,500
33 U.S.C. 1321(b)(7)(A)	CWA	25,000/1,000	27,500/1,100	32,500/1,100	37,500/1,100
33 U.S.C. 1321(b)(7)(B)	CWA	25,000	27,500	32,500	37,500
33 U.S.C. 1321(b)(7)(C)	CWA	25,000	27,500	32,500	37,500

TABLE 1—OF SECTION 19.4 CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS—Continued

U.S. code citation	Environmental statute	Statutory penalties, as enacted	Penalties effective after January 30, 1997 through March 15, 2004	Penalties effective after March 15, 2004 through January 12, 2009	Penalties effective after January 12, 2009
33 U.S.C. 1321(b)(7)(D)	CWA	100,000/3,000	110,000/3,300	130,000/4,300	140,000/4,300
33 U.S.C. 1415(a)	MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT (MPRSA).	50,000/ 125,000	55,000/ 137,500	65,000/ 157,500	70,000/ 177,500
33 U.S.C. 1414b(d)(1) ¹	MPRSA	600	660	760	860
33 U.S.C. 1901 note (see 1409(a)(2)(A)).	CERTAIN ALASKAN CRUISE SHIP OPERATIONS (CACSO).	10,000/25,000	² 10,000/ 25,000	10,000/25,000	11,000/27,500
33 U.S.C. 1901 note (see 1409(a)(2)(B)).	CACSO	10,000/ 125,000	10,000/ 125,000	10,000/ 125,000	11,000/ 137,500
33 U.S.C. 1901 note (see 1409(b)(1)).	CACSO	25,000	25,000	25,000	27,500
42 U.S.C. 300g–3(b)	SAFE DRINKING WATER ACT (SDWA)	25,000	27,500	32,500	37,500
42 U.S.C. 300g–3(g)(3)(A).	SDWA	25,000	27,500	32,500	37,500
42 U.S.C. 300g–3(g)(3)(B).	SDWA	5,000/25,000	5,000/25,000	6,000/27,500	7,000/32,500
42 U.S.C. 300g–3(g)(3)(C).	SDWA	25,000	25,000	27,500	32,500
42 U.S.C. 300h–2(b)(1)	SDWA	25,000	27,500	32,500	37,500
42 U.S.C. 300h–2(c)(1)	SDWA	10,000/ 125,000	11,000/ 137,500	11,000/ 157,500	16,000/ 177,500
42 U.S.C. 300h–2(c)(2)	SDWA	5,000/125,000	5,500/137,500	6,500/157,500	7,500/177,500
42 U.S.C. 300h–3(c)	SDWA	5,000/10,000	5,500/11,000	6,500/11,000	7,500/16,000
42 U.S.C. 300i(b)	SDWA	15,000	15,000	16,500	16,500
42 U.S.C. 300i–1(c)	SDWA	20,000/50,000	³ 22,000/ 55,000	100,000/ 1,000,000	110,000/ 1,100,000
42 U.S.C. 300j(e)(2)	SDWA	2,500	2,750	2,750	3,750
42 U.S.C. 300j–4(c)	SDWA	25,000	27,500	32,500	37,500
42 U.S.C. 300j–6(b)(2) ..	SDWA	25,000	25,000	27,500	32,500
42 U.S.C. 300j–23(d)	SDWA	5,000/50,000	5,500/55,000	6,500/65,000	7,500/70,000
42 U.S.C. 4852d(b)(5) ...	RESIDENTIAL LEAD-BASED PAINT HAZARD REDUCTION ACT OF 1992.	10,000	11,000	11,000	16,000
42 U.S.C. 4910(a)(2)	NOISE CONTROL ACT OF 1972	10,000	11,000	11,000	16,000
42 U.S.C. 6928(a)(3)	RESOURCE CONSERVATION AND RECOVERY ACT (RCRA).	25,000	27,500	32,500	37,500
42 U.S.C. 6928(c)	RCRA	25,000	27,500	32,500	37,500
42 U.S.C. 6928(g)	RCRA	25,000	27,500	32,500	37,500
42 U.S.C. 6928(h)(2)	RCRA	25,000	27,500	32,500	37,500
42 U.S.C. 6934(e)	RCRA	5,000	5,500	6,500	7,500
42 U.S.C. 6973(b)	RCRA	5,000	5,500	6,500	7,500
42 U.S.C. 6991e(a)(3) ...	RCRA	25,000	27,500	32,500	37,500
42 U.S.C. 6991e(d)(1) ...	RCRA	10,000	11,000	11,000	16,000
42 U.S.C. 6991e(d)(2) ...	RCRA	10,000	11,000	11,000	16,000
42 U.S.C. 7413(b)	CLEAN AIR ACT (CAA)	25,000	27,500	32,500	37,500
42 U.S.C. 7413(d)(1)	CAA	25,000/ 200,000	27,500/ 220,000	32,500/ 270,000	37,500/ 295,000
42 U.S.C. 7413(d)(3)	CAA	5,000	5,500	6,500	7,500
42 U.S.C. 7524(a)	CAA	2,500/25,000	2,750/27,500	2,750/32,500	3,750/37,500
42 U.S.C. 7524(c)(1)	CAA	200,000	220,000	270,000	295,000
42 U.S.C. 7545(d)(1)	CAA	25,000	27,500	32,500	37,500
42 U.S.C. 9604(e)(5)(B)	COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA).	25,000	27,500	32,500	37,500
42 U.S.C. 9606(b)(1)	CERCLA	25,000	27,500	32,500	37,500
42 U.S.C. 9609(a)(1)	CERCLA	25,000/75,000	27,500/82,500	32,500/97,500	37,500/ 107,500
42 U.S.C. 9609(b)	CERCLA	25,000/75,000	27,500/82,500	32,500/97,500	37,500/ 107,500
42 U.S.C. 11045(a)	EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA).	25,000	27,500	32,500	37,500
42 U.S.C. 11045(b)	EPCRA	25,000/75,000	27,500/82,500	32,500/97,500	37,500/ 107,500
42 U.S.C. 11045(c)(1) ...	EPCRA	25,000	27,500	32,500	37,500
42 U.S.C. 11045(c)(2) ...	EPCRA	10,000	11,000	11,000	16,000
42 U.S.C. 11045(d)(1) ...	EPCRA	25,000	27,500	32,500	37,500
42 U.S.C. 14304(a)(1) ...	MERCURY-CONTAINING AND RECHARGEABLE BATTERY MANAGEMENT ACT (BATTERY ACT).	10,000	10,000	11,000	16,000

TABLE 1—OF SECTION 19.4 CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS—Continued

U.S. code citation	Environmental statute	Statutory penalties, as enacted	Penalties effective after January 30, 1997 through March 15, 2004	Penalties effective after March 15, 2004 through January 12, 2009	Penalties effective after January 12, 2009
42 U.S.C. 14304(g)	BATTERY ACT	10,000	10,000	11,000	16,000

¹ Note that 33 U.S.C. 1414b(d)(1)(B) contains additional penalty escalation provisions that must be applied to the penalty amounts set forth in this Table 1. The amounts set forth in this Table reflect an inflation adjustment to the calendar year 1992 penalty amount expressed in section 104B(d)(1)(A), which is used to calculate the applicable penalty amount under MPRSA section 104B(d)(1)(B) for violations that occur in any subsequent calendar year.

² CACSO was passed on December 21, 2000 as part of Title XIV of the Consolidated Appropriations Act of 2001, Public Law 106–554, 33 U.S.C. 1901 note.

³ The original statutory penalty amounts of 20,000 and 50,000 under section 1432(c) of the Safe Drinking Water Act, 42 U.S.C. 300i–1(c), were subsequently increased by Congress pursuant to section 403 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, Public Law No. 107–188 (June 12, 2002), to 100,000 and 1,000,000, respectively. EPA did not adjust these new penalty amounts in its 2004 Civil Monetary Penalty Inflation Adjustment Rule (“2004 Rule”), 69 FR 7121 (February 13, 2004), because they had gone into effect less than two years prior to the 2004 Rule.

Dated: December 30, 2008.

Catherine R. McCabe,

*Principal Deputy Assistant Administrator,
Office of Enforcement and Compliance
Assurance.*

[FR Doc. E8–31452 Filed 1–6–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2008–0528; FRL–8396–2]

Extract of *Chenopodium ambrosioides* near *ambrosioides*; Exemption from the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of the Extract of *Chenopodium ambrosioides* near *ambrosioides* on all food commodities when applied/used as a biochemical insecticide/acaricide. AgraQuest, Inc. submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of Extract of *Chenopodium ambrosioides* near *ambrosioides* on all food commodities.

DATES: This regulation is effective January 7, 2009. Objections and requests for hearings must be received on or before March 9, 2009, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2008–0528. All documents in the docket are listed in the docket index available at <http://www.regulations.gov>. 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 in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Chris Pfeifer, Biopesticides and Pollution Prevention Division (7511P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–0031; e-mail address: pfeifer.chris@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).

- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Access Electronic Copies of this Document?

In addition to accessing electronically available documents at <http://www.regulations.gov>, you may access this **Federal Register** document electronically through the EPA Internet under the “**Federal Register**” listings at <http://www.epa.gov/fedrgstr>. You may also access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office’s e-CFR site at <http://www.gpoaccess.gov/ecfr>.

C. Can I File an Objection or Hearing Request?

Under section 408(g) of FFDCA, 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. You must file your objection or request a hearing on this regulation in