

Planning and Review," § 3(d)(3) and, therefore, this action has not been reviewed by the Office of Management and Budget.

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, "Federalism," it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, "Civil Justice Reform." This rule will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Finally, this action pertains to agency management, personnel, and organization and does not substantially affect the rights or obligations of non-agency parties and, accordingly, is not a "rule" as that term is used by the Congressional Review Act (Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA)). Therefore, the reporting requirement of 5 U.S.C. \* 801 does not apply.

#### List of Subjects in 28 CFR Part 14

Authority delegations (government agencies), Claims.

■ By virtue of the authority vested in me by part 0 of title 28 of the Code of Federal Regulations, including sections 0.45, 0.160, 0.162, 0.164, and 0.168, 28 CFR part 14 is amended as follows:

#### PART 14—ADMINISTRATIVE CLAIMS UNDER TITLE FEDERAL TORT CLAIMS ACT

■ 1. The authority citation for part 14 is revised to read as follows:

**Authority:** 5 U.S.C. 301; 28 U.S.C. 509, 510, and 2672.

■ 2. The appendix to part 14 is amended by adding at the end of the appendix "Delegation of Authority to the Secretary of the Department of Homeland Security" to read as follows:

#### APPENDIX TO PART 14—DELEGATIONS OF SETTLEMENT AUTHORITY

\* \* \* \* \*

#### Delegation of Authority to the Secretary of the Department of Homeland Security Authority To Compromise Tort Claims

(a) The Secretary of the Department of Homeland Security shall have the authority to adjust, determine, compromise, and settle a claim involving the Department of Homeland Security under Section 2672 of Title 28, United States Code, relating to the administrative settlement of federal tort claims if the amount of the proposed adjustment, compromise, or award does not exceed \$50,000. When the Secretary believes a claim pending before him presents a novel question of law or of policy, he shall obtain the advice of the Assistant Attorney General in charge of the Civil Division.

(b) The Secretary may redelegate, in writing, the settlement authority delegated to him under this section.

Dated: August 4, 2008.

**Gregory G. Katsas,**

*Assistant Attorney General, Civil Division.*

[FR Doc. E8-19045 Filed 8-18-08; 8:45 am]

**BILLING CODE 4410-12-P**

#### POSTAL SERVICE

#### 39 CFR Part 111

#### Automated Clearing House (ACH) Debit Added as New Method of Payment for Express Mail Corporate Account Customers

**AGENCY:** Postal Service™.

**ACTION:** Final rule.

**SUMMARY:** This final rule revises *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®), by making Automated Clearing House (ACH) debit a new method of payment for Express Mail® Corporate Account (EMCA) customers and eliminating the option to open new local trust accounts. The ACH system is a secure, private network that connects banks to one another by way of the Federal Reserve Board. This network enables electronic payments, such as ACH debits, to be handled and processed. EMCA customers will continue to have a total of three options to fund their accounts: Participate in the Centralized Account Processing System (CAPS); use a personal or business credit card; or authorize the USPS® to originate an ACH debit from a specified bank account. Existing EMCA customers that fund their account from a local trust account will still be required to maintain minimum balances.

This final rule also revises the DMM by adding provisions to close an EMCA funded by ACH debit payments.

**EFFECTIVE DATE:** October 1, 2008.

**FOR FURTHER INFORMATION CONTACT:**

Grace Letto, 202-268-7247 or Garry

Rodriguez, 202-268-7281, United States Postal Service.

#### SUPPLEMENTARY INFORMATION:

#### Comments

There was one internal comment received on the October 10, 2007, proposed rule. The commenter recommended the existing language on closing accounts be revised as a result of the addition of ACH debit payment method.

Based on the internal comment, we are updating DMM section 414.2.6, *Closing Account*, to maintain its applicability to the remaining trust accounts while they are being phased out and to add comparable provisions that apply to ACH debit and credit card payments.

#### Current Policy

EMCA customers could use one of the following payment methods to fund their accounts:

- a. Participate in the Centralized Account Processing System (CAPS).
- b. Use a personal or business credit card.
- c. Make an initial deposit with cash or by check of \$250, or the total postage and fees expected during the first 4 weeks of account usage, whichever is higher. After the first 4 weeks, the minimum balance in the account must equal an average week's postage and fees, or \$100, whichever is higher.

The DMM currently provides the USPS the right to close an EMCA with 10 days' written advance notice to the account holder if the ending balance on the mailing activity statement is below the minimum balance required for two consecutive months. The USPS may also close an account with 10 days' written advance notice if the account remains inactive for three consecutive months, unless circumstances warrant otherwise (e.g., a seasonal mailer, positive balance, etc.).

#### Background

The Postal Service is providing ACH debit as a new method of payment for EMCA customers and eliminating the option to open a new EMCA using a local trust account funded by cash and/or check deposits as part of the Postal Service's ongoing mission to help grow revenue in a competitive market by increasing efficiencies, enhancing financial controls, and reducing costs.

By using an electronic payment option, customers will no longer have to go to a Post Office™ to make deposits into their EMCA trust accounts. This new payment option enhances financial control by reducing risk.

Summary

This final rule eliminates the option to open a new EMCA using a local trust account funded by cash and/or check deposits and requires all new EMCA customers to fund their accounts using one of the following payment methods:

- a. Use a personal or business credit card.
b. Authorize the USPS to originate an ACH debit from a specified bank account.
c. Participate in the Centralized Account Processing System (CAPS) debit only if combined with other PostalOne! accounts such as permit imprint, Periodicals, and Business Reply Mail.

This final rule also adds provisions to close an EMCA that apply as a result of the addition of ACH debit payments.

Implementation

The addition of the ACH debit payment method, the elimination of cash and check deposits to open new local trust accounts, and the updated provisions to close an account are effective October 1, 2008.

Existing EMCA customers who deposit cash and checks in local trust accounts will be transitioned to electronic payment methods. Details of this process will be directly communicated to affected EMCA customers.

The Postal Service adopts the following changes to Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM), which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

Accordingly, 39 CFR part 111 is amended as follows:

PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001-3011, 3201-3219, 3403-3406, 3621, 3622, 3626, 3632, 3633, and 5001.

2. Revise the following sections of Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM), as follows:

\* \* \* \* \*

400 Commercial Parcels

\* \* \* \* \*

410 Express Mail

\* \* \* \* \*

414 Postage Payment Methods

\* \* \* \* \*

2.0 Corporate Accounts

\* \* \* \* \*

[Revise the heading and text in 2.4 as follows:]

2.4 Payment Method

For opening and maintaining an account, the mailer may do any of the following:

- a. Use a personal or business credit card.
b. Authorize the USPS to originate an Automated Clearing House (ACH) debit from a specified bank account.
c. Participate in the Centralized Account Processing System (CAPS) debit only if combined with other PostalOne! accounts such as permit imprint, Periodicals, and Business Reply Mail.

d. Existing EMCA customers who deposit cash and checks in local trust accounts must maintain a minimum balance in the account equal to an average week's postage and fees, or \$100, whichever is higher.

\* \* \* \* \*

2.6 Closing Account

[Revise the text in 2.6 as follows:]

The USPS may close an account with 10 days' written advance notice to the account holder (and reserves the right to refer closed corporate accounts with negative balances or unpaid mailings to a collection agency), for any of the following reasons:

- a. The ending balance on the mailing activity statement is below the minimum balance required for two consecutive months.
b. The account remains inactive for three consecutive months, unless circumstances warrant otherwise (e.g., a seasonal mailer, positive balance, etc.).
c. For any unpaid mailings.

d. There are repetitive unpaid mailings due to rejection of payment by the account holders' credit card company or ACH institution. The closing of an account due to repetitive unpaid mailings caused by the rejection of the payment by the banking institution is subject to review by the manager, Business Mail Entry.

\* \* \* \* \*

Neva R. Watson,

Attorney, Legislative.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 131

[EPA-HQ-OW-2008-0495; FRL-8706-7]

Withdrawal of the Federal Water Quality Standards Use Designations for Soda Creek and Portions of Canyon Creek, South Fork Coeur d'Alene River, and Blackfoot River in Idaho

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to withdraw the Federal water quality standards designating cold water biota uses for Soda Creek and portions of Canyon Creek, South Fork Coeur d'Alene River, and Blackfoot River in Idaho. In July 1997, EPA promulgated a Federal rule designating uses for water bodies in the State of Idaho, including the designation of cold water biota for Soda Creek, and portions of Canyon Creek, South Fork Coeur d'Alene River, and Blackfoot River, with the exception of any portion in Indian country. These Federal water quality standards designating cold water biota uses are no longer necessary since EPA approved Idaho's adopted uses that result in protection for cold water biota. EPA is also withdrawing the water quality standards variance provision applicable to these uses, because this provision is no longer necessary with the withdrawal of the Federal water quality standards designating these uses.

DATES: This rule is effective on November 17, 2008 without further notice, unless EPA receives adverse comment by September 18, 2008. If EPA receives adverse comment, we will publish a timely withdrawal in the Federal Register informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OW-2008-0495, by one of the following methods:

- www.regulations.gov: Follow the online instructions for submitting comments.
E-mail: ow-docket@epa.gov.
Mail to either: Water Docket, U.S. Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460 or Lisa Macchio, U.S. EPA, Region 10, Mailcode: OWW-131, 1200 Sixth Avenue, Suite 900, Seattle, Washington 98101, Attention: Docket ID No. EPA-HQ-OW-2008-0495.
Hand Delivery: EPA Docket Center, EPA West Room 3334, 1301