

APPENDIX A TO SUBPART A OF PART 3020—MAIL CLASSIFICATION—Continued

Schedule

- 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]

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**ENVIRONMENTAL PROTECTION  
AGENCY**

**40 CFR Part 80**

[EPA-HQ-OAR-2005-0161; FRL-8745-2]

**RIN 2060-A080**

**Regulation of Fuels and Fuel  
Additives: Modifications to Renewable  
Fuel Standard Program Requirements**

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

**ACTION:** Partial withdrawal of direct  
final rule.

**SUMMARY:** Because EPA received  
adverse comment, we are withdrawing  
several provisions of the direct final rule  
to amend the Renewable Fuel Standard  
program requirements, published on  
October 2, 2008.

**DATES:** Effective November 26, 2008,  
EPA withdraws the amendments to 40  
CFR 80.1129(b)(1), 80.1129(b)(4),  
80.1129(b)(8), 80.1131(a)(8), and  
80.1131(b)(4) published at 73 FR 57248  
on October 2, 2008.

**FOR FURTHER INFORMATION CONTACT:**

Megan Brachtl, Compliance and Innovative Strategies Division, Office of Transportation and Air Quality (Mail Code: 6406J), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., 20460; telephone number: (202) 343-9473; fax number: (202) 343-2802; e-mail address: [brachtl.megan@epa.gov](mailto:brachtl.megan@epa.gov).

**SUPPLEMENTARY INFORMATION:** Because EPA received adverse comment, we are withdrawing several provisions of the direct final rule to amend the Renewable Fuel Standard program requirements, published on October 2, 2008. We stated in that direct final rule that if we received adverse comment by November 3, 2008, the portions of the direct final rule on which adverse comments were received would not take effect, and we would publish a timely withdrawal of such portions of the direct final rule in the **Federal Register**. We subsequently received adverse comments on the following provisions: The amendments to 40 CFR 80.1129(b)(1) and 80.1129(b)(8) (providing that a party with a small refinery or small refiner exemption may only separate RINs that have been assigned to a volume of renewable fuel that the party blends into motor vehicle fuel), 40 CFR 80.1129(b)(4) (providing that any party may separate the RINs from renewable fuel that it produces or markets for use in motor vehicles in neat form, or uses in motor vehicles in neat form), and 40 CFR 80.1131(a)(8) and 80.1131(b)(4) (changing the location in the RFS regulations of a provision stating that a RIN that is transferred to two or more parties is considered an invalid RIN). Because EPA received adverse comments, we are withdrawing these provisions.

EPA published a parallel proposed rule on the same day as the direct final rule. The proposed rule invited comment on the substance of the direct final rule. We will address the comments received on the portions of the direct final rule being withdrawn today in a subsequent final action based on the parallel proposed rule also published on October 2, 2008 (73 FR 57274). As stated in the parallel proposal, we will not institute a second comment period on this proposed action. The provisions for which we did not receive adverse comment will become effective on December 1, 2008, as provided in the October 2, 2008, direct final rule.

Dated: November 20, 2008.

**Stephen L. Johnson,**  
Administrator.

■ Accordingly, the amendments to 40 CFR 80.1129(b)(1), 80.1129(b)(4),

80.1129(b)(8), 80.1131(a)(8), and 80.1131(b)(4) published on October 2, 2008 (73 FR 57248) are withdrawn as of November 26, 2008.

[FR Doc. E8-28125 Filed 11-25-08; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 112

[EPA-HQ-OPA-2008-0569 FRL-8746-1]

RIN 2050-AG48

### Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure Rule; Revisions to the Regulatory Definition of "Navigable Waters"

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule; Response to court order vacating regulatory definition of navigable waters.

**SUMMARY:** The Environmental Protection Agency (EPA) is promulgating a final rule to amend a Clean Water Act (CWA) section 311 regulation that defines the term "navigable waters." On July 17, 2002, EPA promulgated a final rule which included revisions to the definition of "navigable waters" in the Spill Prevention, Countermeasure and Control (SPCC) regulation. In this action, EPA is announcing the vacatur of the July 17, 2002 revisions to the definition of "navigable waters" in accordance with an order, issued by the United States District Court for the District of Columbia (D.D.C.) in *American Petroleum Institute v. Johnson*, 571 F.Supp.2d 165 (D.D.C. 2008), invalidating those revisions. The court decision also restored the regulatory definition of "navigable waters" promulgated by EPA in 1973; consequently, we are amending the definition of "navigable waters" in part 112 to comply with that decision.

**DATES:** This rule is effective November 26, 2008.

**ADDRESSES:** The public docket for this final rule, Docket ID No. EPA-HQ-OPA-2008-0569, contains the information related to this rulemaking. All documents in the docket are listed in an index at <http://www.regulations.gov>. Although listed in the index, some information may not be publicly available, such as Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard

copy. Publicly available docket materials are available either electronically at <http://www.regulations.gov> or in hard copy at the EPA Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Public Reading Room is 202-566-1744, and the telephone number to make an appointment to view the docket is 202-566-0276.

**FOR FURTHER INFORMATION CONTACT:** For general information, contact the Superfund, TRI, EPCRA, RMP, and Oil Information Center at 800-424-9346 or TDD at 800-553-7672 (hearing impaired). In the Washington, DC metropolitan area, contact the Superfund, TRI, EPCRA, RMP, and Oil Information Center at 703-412-9810 or TDD 703-412-3323. For more detailed information on specific aspects of this final rule, contact Hugo Fleischman of EPA at 202-564-1968 ([fleischman.hugo@epa.gov](mailto:fleischman.hugo@epa.gov)), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460-0002, Mail Code 5104A.

## SUPPLEMENTARY INFORMATION:

### I. Background

#### A. Potentially Affected Entities

Persons or entities who own or operate facilities engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using or consuming oil or oil products, which due to their location, could reasonably be expected to discharge oil in quantities that may be harmful, as described in 40 CFR part 110 of this chapter, into or upon the navigable waters of the United States or adjoining shorelines, could be affected by this rule. The rule addresses the regulatory definition of "navigable waters" under the Clean Water Act (CWA) section 311, a term that is important in determining which owners or operators are required to prepare Spill Prevention, Control and Countermeasure (SPCC) Plans and/or Facility Response Plans (FRP) under 40 CFR part 112 for their facilities. As described further below, this action does not increase regulatory burdens, but rather conforms the language in EPA's CWA section 311 regulations to the outcome of a lawsuit challenging the regulatory definition. Examples of entities that might potentially be affected include: