

the amount and nature of any fees and commissions;

(iii) The annuity provider's experience and financial expertise in providing annuities of the type being selected or offered;

(iv) The annuity provider's level of capital, surplus and reserves available to make payments under the annuity contract;

(v) The annuity provider's ratings by insurance ratings services. Consideration should be given to whether an annuity provider's ratings demonstrate or raise questions regarding the provider's ability to make future payments under the annuity contract;

(vi) The structure of the annuity contract and benefit guarantees provided, and the use of separate accounts to underwrite the provider's benefit obligations;

(vii) The availability and extent of additional protection through state guaranty associations; and

(viii) Any other information that the fiduciary knows or should know would be relevant to an evaluation of paragraphs (c)(1)(iii) and (iv) of this section.

Signed at Washington, DC, this 31st day of August, 2007.

Bradford P. Campbell,

Assistant Secretary, Employee Benefits Security Administration, Department of Labor.

[FR Doc. E7-17743 Filed 9-11-07; 8:45 am]

BILLING CODE 4510-29-P

POSTAL SERVICE

39 CFR Part 111

Revisions to DMM 604.9.2 Postage and Fee Refunds

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®) § 604.9.2 through 604.9.3.6. The proposed revision would establish a minimum for refund of unused postage value in postage meters and PC Postage® accounts; provide a consistent time frame for submission of physical refunds for both PC Postage and postage meter indicia to 60 days; would specify procedures and a time frame for refund of items bearing a Product Identification Code (PIC) produced by a PC Postage system that must be processed electronically; and would establish refund procedures for undated PC Postage indicia.

DATES: Submit comments on or before October 12, 2007.

ADDRESSES: Mail or deliver written comments to the Manager, Postage Technology Management, Postal Service, 475 L'Enfant Plaza SW., NB Suite 4200, Washington, DC 20260-4200. Written comments may also be submitted via fax to 202-268-4225. Copies of all written comments will be available for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, at the Postage Technology Management office.

FOR FURTHER INFORMATION CONTACT:

Daniel J. Lord, Manager, Postage Technology Management, Postal Service™, at 202-268-4281.

SUPPLEMENTARY INFORMATION: The proposed revision would establish a \$5 minimum for refund of unused postage value in postage meters and PC postage accounts; would provide 60 days as a consistent time frame for submission of physical refunds for both PC Postage and postage meter indicia; would specify procedures and a 10-day time frame for refund of items bearing a Product Identification Code (PIC) produced by a PC Postage system that must be processed electronically; and would establish refund procedures for unused, undated PC Postage indicia.

Although we are exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), we invite public comments on the following proposed revisions to Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM®), 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.

For the reasons set out in this document, the Postal Service proposes to amend 39 CFR part 111 as set forth below:

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, 410, 2601, 2605, Inspector General Act of 1978, as amended (Pub. L. 95-452, as amended); 5 U.S.C. App. 3.

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

Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

* * * * *

600 Basic Standards for All Mailing Services

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604 Postage Payment Methods

* * * * *

9.0 Refunds and Exchanges

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9.2 Postage and Fee Refunds

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9.2.8 Ruling on Refund Request

Refund requests are decided based on the specific type of postage or mailing:

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[Revise items b and c by changing "licensing post office" to "Local Post Office" and changing "licensee" to "authorized user" as follows:]

b. Dated metered postage, except for PC Postage systems, under 9.3. The postmaster at the local Post Office grants or denies requests for refunds for dated metered postage under 9.3. The authorized user may appeal an adverse ruling within 30 days through the manager, Postage Technology Management, USPS Headquarters (see 608.8.0 for address), who issues the final agency decision. The original meter indicia must be submitted with the appeal.

c. Undated metered postage under 9.3. The manager, business mail entry at the district Post Office overseeing the mailer's local Post Office, or designee authorized in writing, grants or denies requests for refunds for undated metered postage under 9.3. The customer may appeal a decision on undated metered postage within 30 days through the manager, business mail entry, or designee, to the PCSC manager who issues the final agency decision. The original meter indicia must be submitted with the appeal.

[Revise item d as follows:]

d. PC Postage systems under 9.3. The system provider grants or denies a request for a refund for indicia printed by PC Postage systems under 9.3 using established USPS criteria. The customer may appeal an adverse ruling within 30 days through the manager, Postage Technology Management, USPS Headquarters, who issues the final agency decision. The original indicia must be submitted with the appeal.

* * * * *

9.3 Refund Request for Postage Evidencing Systems and Metered Postage

9.3.1 Unused Postage Value in Postage Evidencing Systems

[Revise 9.3.1 to restrict refunds to amounts of \$5 or more as follows:]

The unused postage value remaining in a postage evidencing system when withdrawn from service may be refunded, depending upon the circumstance and the ability of the USPS to make a responsible determination of the actual or approximate amount of the unused postage value. If the postage evidencing system is withdrawn because of faulty operation, a final postage adjustment or refund will be withheld pending the system provider's report of the cause to the USPS and the USPS determination of whether or not a refund is appropriate and, if so, the amount of the refund. No refund is given for faulty operation caused by the authorized user. When a postage evidencing system that is damaged by fire, flood, or similar disaster is returned to the provider, postage may be refunded or transferred when the registers are legible and accurate, or the register values can be reconstructed by the provider based on adequate supporting documentation. When the damaged system is not available for return, postage may be refunded or transferred only if the provider can accurately determine the remaining postage value based on adequate supporting documentation. The authorized user may be required to provide a statement on the cause of the damage and to attest that there has not been reimbursement by insurance, or otherwise, and that the authorized user will not seek such reimbursement. Refunds for unused postage value are granted for postage evidencing systems specified in 4.0 in accordance with the following procedures:

a. All postage evidencing systems except for PC Postage systems. Authorized users must notify their provider to withdraw the system and to refund any unused postage value remaining on their system or account. The postage evidencing system must be examined to verify the amount before any funds are cleared from the meter. Based on what is found, a refund or credit is initiated for unused postage value, or additional money is collected to pay for postage value used. The provider forwards the refund request to the USPS for payment or may credit the amount to the authorized users account. Refunds of unused postage value remaining in a postage evidencing

system less than \$5 will not be paid by the USPS.

b. PC Postage systems. Authorized users must notify their provider to withdraw the system and to refund any unused postage value remaining in their account. The provider refunds the unused postage value remaining on the user's system on behalf of the USPS. Refunds of unused postage value remaining in a postage evidencing system less than \$5 will not be paid by the USPS.

9.3.2 Unused, Dated Postage Evidencing System Indicia, Except PC Postage Indicia

[Revise 9.3.2 as follows:]

Unused, dated postage meter indicia are considered for refund only if complete, legible, and valid. PC Postage indicia refunds are processed under 9.3.3. All other metered postage refund requests must be submitted as follows:

a. Authorized users must submit the request to their local Post Office. The refund request must include proof that the person or entity requesting the refund is the authorized user of the postage meter that printed the indicia. Acceptable proof includes a copy of the lease, rental agreement, or contract.

b. Authorized users must include the items bearing the unused postage with their request to their local Post Office. The items must be sorted by meter used and then by postage value shown in the indicia, and must be properly faced and bundled in groups of 100 identical items when quantities allow. The request is processed by the USPS. The postmaster approves or denies the refund request.

c. Authorized users must submit the refund request within 60 days of the date(s) shown in the indicia.

d. When unused metered postage is affixed to a mailpiece, the refund request must be submitted with the entire envelope or wrapper. For those items where the postage is affixed to a large container (i.e. cardboard box), a sufficient portion of the container with the postage affixed must be included to validate that the item was never deposited with the USPS. The unused metered postage must not be removed from the mailpiece once applied.

e. Indicia printed on labels or tapes not adhered to wrappers or envelopes must be submitted loose and must not be stapled together or attached to any paper or other medium. However, self-adhesive labels printed without a backing may be submitted on a plain sheet of paper.

f. If a part of one indicium is printed on one envelope or card and the remaining part on one or more, the

envelopes or cards must be fastened together to show that they represent one indicium.

g. Refunds are allowable for indicia on metered reply envelopes only when it is obvious that an incorrect amount of postage was printed on them.

h. The refund request must be submitted on PS Form 3533. A separate PS Form 3533 must be completed for each meter for which a refund is requested. All identifying information and all sections related to the refund request must be completed. Charges for processing a refund request for unused, dated meter indicia are as follows:

1. If the total face value of the indicia is \$350 or less, the amount refunded is 90% of the face value. USPS may process the refund payment locally via a no-fee postal money order.

2. If the total face value is more than \$350, the amount refunded is reduced by a figure representing \$35 per hour, or fraction thereof, for the actual hours to process the refund, with a minimum charge of \$35. The postmaster will submit the approved PS Form 3533 to the USPS Imaging and Scanning Center for payment processing through the Accounting Service Center.

9.3.3 Unused, Dated PC Postage Indicia

[Revise 9.3.3 as follows:]

Unused, dated PC Postage indicia are considered for refund only if complete, legible, and valid. The refund request must be submitted as follows:

a. Only authorized PC Postage users may request the refund. Users must submit the request to their system provider. The request is processed by the provider, not the USPS.

b. Requests for refund of PC Postage indicia that contain a valid Postal Identification Code (PIC) must be submitted by authorized users to their provider electronically in accordance with procedures available from their provider. Valid PICs include any form of Delivery Confirmation or Signature Confirmation service, Express Mail service or Confirm[®] Code. Authorized users must initiate requests for electronic refunds within ten (10) days of printing the indicia. Refunds for postage associated with a PIC may only be submitted electronically. Physical submissions are not permitted.

c. Requests for refund of PC Postage indicia which do not have an associated PIC must be physically submitted by authorized users to their provider, along with the items bearing the unused postage, in accordance with procedures available from their provider. Authorized users must submit the refund request within sixty 60 days of

the date(s) shown in the indicia. The refund request must be submitted as required in 9.3.2d. through 9.3.2g.

d. The provider may, at its discretion, charge for processing a refund request.

[Revise title, introductory text, and items a and c of 9.3.4 as follows:]

9.3.4 Unused, Undated Metered Postage

Unused, undated postage evidencing system indicia are considered for refund only if complete, legible, and valid. The refund request must be submitted as follows:

a. Only the authorized user or the commercial entity that prepared the mailing for the authorized user may request the refund. The request must include a letter signed by the authorized user or the commercial entity that prepared the mailing explaining why the mailpieces were not mailed.

* * * * *

c. The authorized user, or the commercial entity that prepared the mailing for the authorized user, must submit the request, along with the items bearing the unused postage and the required documentation, to the manager, business mail entry at the district Post Office overseeing the mailer's local Post Office, or to a designee authorized in writing. The manager or designee approves or denies the refund request.

* * * * *

[Renumber 9.3.5 as new 9.3.6. Add new 9.3.5 to read as follows:]

9.3.5 Unused, Undated PC Postage Indicia

Refunds will not normally be provided for valid, undated, serialized PC Postage indicia containing commonly used postage values. If the authorized user believes there are extraordinary circumstances, requests for such refunds must be made by the authorized user in accordance with the procedures outlined in 9.3.3.c along with a detailed description of the extraordinary circumstances. Requests will be considered by the provider on a case by case basis.

9.3.6 Ineligible Metered Postage Items

The following metered postage items are ineligible for refunds:

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[Revise item d of renumbered 9.3.6 to change "licensing post office" to "Local Post Office" as follows:]

d. Indicia lacking identification of the local Post Office or other required information.

* * * * *

Neva R. Watson,

Attorney, Legislative.

[FR Doc. E7-18035 Filed 9-11-07; 8:45 am]

BILLING CODE 7710-12-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R04-OAR-2005-NC-0004-200704(b); FRL-8465-5]

Approval and Promulgation of Implementation Plans; North Carolina: Mecklenburg County Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the North Carolina State Implementation Plan (SIP). On February 16, 2005, the North Carolina Department of Environment and Natural Resources submitted revisions to the Mecklenburg County Air Pollution Control Ordinance (MCAPCO), to be incorporated into the Mecklenburg County portion of the North Carolina SIP. The revisions include changes to MCAPCO 2.0902, "Applicability," and 2.0933, "Petroleum Liquid Storage in External Floating Roof Tanks." These changes were made to maintain consistency with State and federal regulations, and are part of Mecklenburg County's strategy to attain and maintain the 8-hour ozone National Ambient Air Quality Standard, by reducing precursors to ozone. In the Final Rules Section of this **Federal Register**, the EPA is approving North Carolina's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: Written comments must be received on or before October 12, 2007.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R04-OAR-2005-NC-0004, by one of the following methods:

1. *www.regulations.gov*: Follow the on-line instructions for submitting comments.

2. *E-mail*: hou.james@epa.gov.

3. *Fax*: (404) 562-9019.

4. *Mail*: "EPA-R04-OAR-2005-NC-0004," Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960.

5. *Hand Delivery or Courier*: James Hou, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding federal holidays. Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

FOR FURTHER INFORMATION CONTACT:

James Hou, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. The telephone number is (404) 562-8965. Mr. Hou can also be reached via electronic mail at hou.james@epa.gov.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the Rules Section of this **Federal Register**.

Dated: August 27, 2007.

Russell L. Wright, Jr.,

Acting Regional Administrator, Region 4.

[FR Doc. E7-17780 Filed 9-11-07; 8:45 am]

BILLING CODE 6560-50-P