

**PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS**

■ 4. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

■ 5. In appendix B to part 4044, a new entry for November 2008, as set forth below, is added to the table.

**Appendix B to Part 4044—Interest Rates Used To Value Benefits**

\* \* \* \* \*

For valuation dates occurring in the month—	The values of $i_t$ are:					
	$i_t$	for $t =$	$i_t$	for $t =$	$i_t$	for $t =$
November 2008 .....	.0709	1–20	.0616	>20	N/A	N/A

Issued in Washington, DC, on this 9th day of October 2008.

**Vincent K. Snowbarger,**

*Deputy Director for Operations, Pension Benefit Guaranty Corporation.*

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**DEPARTMENT OF EDUCATION**

**34 CFR Part 5b**

**RIN 1880–AA85**

[Docket ID ED, ED–2008–OM–0004]

**Privacy Act Regulations**

**AGENCY:** Office of Management, Department of Education.

**ACTION:** Final regulations.

**SUMMARY:** The Secretary amends the regulations implementing the Privacy Act of 1974, as amended (Privacy Act). These changes are intended to exempt from certain Privacy Act requirements investigative material in a new system of records maintained by the Department that will be known as the Office of Inspector General Data Analytics System (ODAS) (18–10–02). Specifically, the exemption applies to materials compiled by the Department’s Office of Inspector General (OIG) for law enforcement purposes to identify internal control weaknesses and system issues and to improve methods of data modeling and annual audit planning in order to detect and investigate fraud, waste, and mismanagement in Department programs and operations.

**DATES:** These regulations are effective November 17, 2008.

**FOR FURTHER INFORMATION CONTACT:** Shelley Shepherd, Office of Inspector General, U.S. Department of Education, 400 Maryland Avenue, SW., room 8166, Washington, DC 20202–5920. Telephone: (202) 245–7077.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

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**SUPPLEMENTARY INFORMATION:** On May 8, 2008 the Secretary published a notice of proposed rulemaking (NPRM) for this part in the **Federal Register** (73 FR 26056). In the summary to the NPRM, on pages 26056 and 26507, the Secretary discussed how the proposed regulations would amend the Department’s Privacy Act regulations to exempt from certain Privacy Act requirements investigative material in a new system of records. The new system of records is the Office of Inspector General Data Analytics System (ODAS) and the exemption would apply to materials compiled by the Office of Inspector General (OIG) for law enforcement purposes.

There are no differences between the NPRM and these final regulations.

**Analysis of Comments and Changes**

In response to the Secretary’s invitation in the NPRM, the Department received no comments on the proposed regulations.

**Executive Order 12866**

We have reviewed these final regulations in accordance with Executive Order 12866. Under the terms of the order we have assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the final regulations are those resulting from statutory requirements and those we have determined to be necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits—both quantitative and qualitative—of these final regulations, we have determined that the benefits of the regulations justify the costs.

We have also determined that this regulatory action does not unduly

interfere with State, local, and tribal governments in the exercise of their governmental functions.

We summarized the potential costs and benefits of these final regulations in the NPRM at 73 FR 26058.

**Paperwork Reduction Act of 1995**

These regulations do not contain any information collection requirements.

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(Catalog of Federal Domestic Assistance Number does not apply.)

Dated: October 10, 2008.

**Christopher P. Marston,**  
*Assistant Secretary for Management.*

■ For the reasons discussed in the preamble, the Secretary amends Part 5b of title 34 of the Code of Federal Regulations as follows:

**PART 5b—PRIVACY ACT REGULATIONS**

■ 1. The authority citation for part 5b continues to read as follows:

Authority: 5 U.S.C. 301, 5 U.S.C. 552a.

■ 2. Section 5b.11 is amended by revising paragraph (c)(1) introductory text to read as follows:

**§ 5b.11 Exempt systems.**

\* \* \* \* \*

(c) *Specific systems of records exempted under (k)(2).* (1) The Department exempts the Investigative Files of the Inspector General ED/OIG (18–10–01), the Hotline Complaint Files of the Inspector General ED/OIG (18–10–04), and the Office of Inspector General Data Analytics System (ODAS) (18–10–02) from the following provisions of 5 U.S.C. 552a and this part to the extent that these systems of records consist of investigatory material and complaints that may be included in investigatory material compiled for law enforcement purposes:

\* \* \* \* \*

[FR Doc. E8–24608 Filed 10–15–08; 8:45 am]

BILLING CODE 4000–01–P

**POSTAL SERVICE****39 CFR Part 111****Revised Standards for Postage and Fee Refunds**

AGENCY: Postal Service.™

ACTION: Final rule.

**SUMMARY:** This rule modifies the *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®) 604.9.0 to establish a minimum dollar amount for the issuance of checks by the USPS® for the refund of unused postage value in postage meters and PC Postage® accounts. In addition, we provide specific time frames and procedures for refunds of different types of postage produced by PC Postage and postage meter systems.

**DATES:** This rule is effective November 6, 2008.

**FOR FURTHER INFORMATION CONTACT:**

Daniel J. Lord, Manager, Postage Technology Management, U.S. Postal Service, at 202–268–4281.

**SUPPLEMENTARY INFORMATION:** The final rule establishes a \$25.00 minimum for USPS issuance of individual customer refund checks for the unused postage value in postage meters and PC postage accounts. In addition, the final rule provides a 60-day limit for submission of physical refunds for both PC Postage and postage meter indicia; specifies a 10-day limit and procedure for requesting refunds processed electronically for items bearing a Product Identification Code (PIC) produced by a PC Postage system; and establishes a refund procedure for unused, undated PC Postage indicia.

A revised proposed revision of DMM 604.9.0 was published for comment in

the *Federal Register*, May 9, 2008 (Vol. 73, No. 91, pages 26353–26355).

**Comments:**

No comments were received on the revised proposed rule.

**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:

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

\* \* \* \* \*

**600 Basic Standards for All Mailing Services**

\* \* \* \* \*

**604 Postage Payment Methods**

\* \* \* \* \*

**9.0 Refunds and Exchanges**

\* \* \* \* \*

**9.2 Postage and Fee Refunds**

\* \* \* \* \*

**9.2.8 Ruling on Refund Request**

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

\* \* \* \* \*

[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 authorized user may appeal an adverse ruling within 30 days through the manager, business mail entry, or designee, to the Pricing and Classification Service Center (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 authorized user 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 \$25.00 or more and to change “licensee” to “authorized user” 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