Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

POSTAL SERVICE

39 CFR Part 111

Insurance Claims Process Changes

AGENCY: Postal Service™.

ACTION: Proposed rule.

SUMMARY: The Postal Service proposes to revise its regulations governing the processing and adjudication of domestic mail insurance claims in order to streamline the claims process and to provide customers with more consistent service.

DATES: Submit comments on or before February 26, 2009.

ADDRESSES: Address all comments to the Manager, Mailing Standards, U.S. Postal Service, Room 3436, 475 L'Enfant Plaza, SW., Washington, DC 20260–3436. Copies of all comments will be available for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday in the USPS Headquarters Library on the 11th Floor at the above address.

FOR FURTHER INFORMATION CONTACT: Monica Grein, 202–268–8411.

SUPPLEMENTARY INFORMATION: The Postal Service is proposing to revise its procedures for processing and adjudicating domestic mail insurance claims in order to streamline the claims process and to provide its customers with more consistent service. It proposes to do this by making its online claims processing service available to customers who purchase domestic insurance through *any* retail channel—*i.e.*, usps.com, Automated Postal Center® kiosks, local Post Office™ facilities, or authorized PC Postage® providers. Currently, the online process can only be used by customers who purchase postage and insurance through Click-N-Ship® or eBay®. In addition, the proposal would allow Express Mail® customers to file online claims, even if no additional insurance was purchased. The proposal would also allow Collect on Delivery (COD) and Registered Mail™ claims to be filed by mail or at a Post Office; however, they could not be filed online.

The proposal would also permit a customer to file a claim by downloading a form from usps.com and mailing it directly to Postal Service Accounting Services in St. Louis, MO. Customers also could continue to file claim forms at a local Post Office.

Under the proposal, local Post Office facilities would no longer adjudicate insurance claims. To ensure consistency and service quality, all claims would be adjudicated by Accounting Services.

The proposal also would change the current damaged goods inspection policy for domestic claims. The proposal would require a customer to retain her or his damaged article and container, including packaging, wrapping, and any other contents received, until the claim is fully resolved. Customers would no longer be required to take these materials to the Post Office at the time a claim is filed. Rather, upon receiving a request from the Postal Service, they would be required to turn the materials over to their local Post Office for inspection, retention, and disposition in accordance with the claims decision.

This proposal also would update the Registered Mail section by changing the term uninsured Registered Mail to Registered Mail with no declared value to reflect current policy.

Although 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), the Postal Service invites comments on the following proposed revision of the Domestic Mail Manual, incorporated by reference in the Code of Federal Regulations. See 39 CFR part 111.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

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:

* * * * *

500 Additional Mailing Services

503 Extra Services

* * * * *

2.0 Registered Mail

* * * * *

[Revise heading of 2.6 as follows:]

2.6 Inquiry on Article With No Declared Value

2.6.1 Who May File

[Revise 2.6.1 to read as follows:]

If postal insurance was purchased, the claim procedures in 609 apply. The procedures in this section apply only to Registered Mail with no declared value. Only the mailer may file an inquiry on Registered Mail with no declared value. For matter registered with no declared value but with merchandise return service, only the permit holder may file an inquiry.

[Revise the heading of 2.6.2 to read as follows:]

2.6.2 When and How To File

[Revise introductory paragraph to read as follows, and delete items 2.6.2a, 2.6.2b, and 2.6.2c:]

The mailer may not file any inquiry until 15 days after the mailing date of the article. An inquiry may be filed at any Post Office, classified station, or classified branch, except for an inquiry about matter registered with merchandise return service, which must be filed by the permit holder at the Post Office where the permit is held. An inquiry for Registered Mail with no declared value must be filed by completing a PS Form 1000, *Domestic or International Claim*, which may be obtained from any Post Office or online at *www.usps.com/forms/_pdf/ps1000.pdf.*

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600 Basic Standards for All Mailing Services

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609 Filing Indemnity Claims for Loss or Damage

1.0 General Filing Instructions

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1.5 Where To File

[Revise 1.5 to read as follows:]

A claim may be filed:

a. Via mail to Domestic Claims, Accounting Services (see 608.8.0 for address) for insured mail, Registered Mail, COD, and Express Mail.

b. Online at *www.usps.com/insuranceclaims/online.htm* for domestic insured mail and Express Mail. Claims for COD and Registered Mail cannot be filed online.

c. By submitting the required information at any Post Office facility for mailing to Accounting Services in St. Louis.

* * * * *

1.6 How To File

[Revise 1.6 by deleting existing text and adding 1.6.1 and 1.6.2 to read as follows:]

1.6.1 Claims Filed by Mail

Customers may file a claim by completing a PS Form 1000, *Domestic or International Claim*, and mailing it to Domestic Claims, Accounting Services (see 608.8.0 for address). Customers may print PS Form 1000 from *www.usps.com/insuranceclaims*. Evidence of value is required and must accompany the PS Form 1000. Evidence of insurance must be retained by the customer until the claim is resolved. For Express Mail COD and Registered Mail COD claims, the customer must provide both the original COD receipt and the Express Mail receipt or the Registered Mail receipt. Upon written request by the USPS, the customer must submit proof of damage (see 2.0) for damaged items or missing contents, in person to a local Post Office for inspection, retention, and disposition in accordance with the claims decision.

1.6.2 Claims Filed Online

Customers may file a claim online for insured mail and Express Mail at *www.usps.com/insuranceclaims/online.htm*. Evidence of value is required and may be submitted as an uploaded file or sent via First-Class Mail to Domestic Claims, Accounting Services (see 608.8.0 for address). Evidence of insurance must be retained by the customer until the claim is resolved. Upon written request by the USPS, the customer must submit proof of damage (see 2.0) for damaged items or missing contents, in person to a local Post Office for inspection, retention, and disposition in accordance with the claims decision. COD and Registered Mail claims cannot be filed online.

1.6.3 Claims Filed at the Post Office

A customer may file a claim form, PS Form 1000, at a local Post Office, which will then forward the form to Accounting Services in St. Louis. Customers may print PS Form 1000 from *www.usps.com/insuranceclaims*. Evidence of value is required and must accompany the PS Form 1000. Evidence of insurance must be retained by the customer until the claim is resolved. For Express Mail COD and Registered Mail COD claims, the customer must provide both the original COD receipt and the Express Mail receipt or the Registered Mail receipt. Upon written request by the USPS, the customer must submit proof of damage (see 2.0) for damaged items or missing contents, in person to a local Post Office for inspection, retention, and disposition in accordance with the claims decision.

* * * * *

2.0 Providing Proof of Loss or Damage

2.1 Missing Contents

[Revise the first sentence of 2.1 to read as follows:]

If a claim is filed because some or all of the contents are missing, the addressee must retain the mailing container, including wrapping, packaging, and any contents that were received, and must, upon written request by the USPS, make them available to the local Post Office for inspection, retention, and disposition in accordance with the claims decision.

* * *

2.2 Proof of Damage

[Revise the first and second sentences of 2.2 to read as follows:]

If the addressee files the claim, the addressee must retain the damaged article and mailing container, including wrapping, packaging, and contents, and must, upon written request by the USPS, make them available for inspection. If the mailer files the claim, Accounting Services in St. Louis may notify the addressee by letter to present the damaged article and mailing container, including any wrapping, packaging, and any other contents received, to a local Post Office for inspection, retention, and disposition in accordance with the claims decision.

* * *

3.0 Providing Evidence of Insurance and Value

3.1 Evidence of Insurance

[Revise introductory paragraph and item 3.1a to read as follows:]

For a claim involving insured mail, Registered Mail, COD, or Express Mail, the customer must retain evidence showing that the particular service was purchased until the claim is resolved. Examples of acceptable evidence of insurance are:

a. The original mailing receipt issued at the time of mailing (retail insured mail, Registered Mail, and COD receipts must contain a USPS postmark). If the original mailing receipt is not available, the original USPS sales receipt listing the mailing receipt number and insurance amount is acceptable. Reproduced copies are not acceptable for Registered Mail and COD claims. Customers filing online claims may scan the receipt and submit as an uploaded file.

* * * * *

[Delete item 3.1d, and redesignate current items 3.1e and 3.1f as 3.1d and 3.1e.]

* * * * *

3.2 Evidence of Value

[Revise introductory paragraph of 3.2 to add online option as follows:]

The customer (either the mailer or the addressee) must submit acceptable evidence to establish the cost or value of the article at the time it was mailed. For claims submitted online, the evidence may be scanned and uploaded or sent via First-Class Mail to Domestic Claims, Accounting Services (see 608.8.0 for address). (Other evidence may be requested to help determine an accurate value.) Examples of acceptable evidence are:

* * * * *

6.0 Adjudication of Claims

6.1 Initial Adjudication of Claims

[Revise 6.1 to read as follows:]

Accounting Services in St. Louis adjudicates and determines whether to uphold a claim in full, uphold a claim in part, or deny a claim in full. Domestic insurance claims may be filed online through *www.usps.com/insuranceclaims/online.htm*, via mail to Domestic Claims Accounting Services (see 608.8 for address), or by filing it at a local Post Office. Claims for COD and Registered Mail cannot be filed online.

6.2 Appealing a Claim Decision

[Revise 6.2 to read as follows:]

A customer may appeal a claim decision by filing a written appeal to Domestic Claims Appeals, Accounting Services (*see* 608.8 for address) within 60 days of the date of the original decision. A customer may also appeal a claim decision online through *www.usps.com/insuranceclaims/online.htm* if the original claim was filed online.

6.3 Final USPS Decision of Claims

[Revise text of 6.3 by adding a new last sentence as follows:]

* * * The customer may file the additional appeal online if the original appeal was filed online.

* * * * *

We will publish an appropriate amendment to 39 CFR 111 to reflect these changes if our proposal is adopted.

Neva R. Watson,

Attorney, Legislative.

[FR Doc. E9–1645 Filed 1–26–09; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–1989–0008; FRL–8761–1]

National Oil and Hazardous Substance Pollution Contingency Plan National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of Intent for Partial Deletion of the Rentokil, Inc. Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region 3 is issuing a Notice of Intent to Delete former Wetland Areas B and C of the Rentokil, Inc. Superfund Site (Site) located in Henrico County, Virginia, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is found at Appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the Commonwealth of Virginia, through the Virginia Department of Environmental Quality, have determined that all appropriate response actions at these identified parcels under CERCLA, other than operation and maintenance and five-year reviews, have been completed. However, this deletion does not preclude future actions under Superfund.

This partial deletion pertains to the soil and sediment of former Wetland Areas B and C and the ground water at former Wetland Area C. The remaining areas/media will remain on the NPL and are not being considered for deletion as part of this action.

DATES: Comments must be received by *February 26, 2009.*

ADDRESSES: Submit your comments, identified by Docket ID no. EPA–HQ–SFUND–1989–0008, by one of the following methods:

- *http://www.regulations.gov.* Follow on-line instructions for submitting comments.
- *E-mail:* Larry C Johnson, Community Involvement Coordinator at *Johnson.larryc@epa.gov* or Andy Palestini, Remedial Project Manager at *Palestini.andy@epa.gov.*
- *Fax:* (215) 814–3002.
- *Mail:* Larry C Johnson, Community Involvement Coordinator, U.S. EPA Region 3, Mailcode 3HS52, Philadelphia, Pennsylvania 19103.
- *Hand delivery:* Larry C Johnson, Community Involvement Coordinator, U.S. EPA Region 3, Mailcode 3HS52, Philadelphia, Pennsylvania 19103. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID no. EPA–HQ–SFUND–1989–0008. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov,* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statue. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at:

U.S. EPA Region 3 Library, U.S. EPA Region 3, 1650 Arch Street, Philadelphia, Pennsylvania 19103–2029, (215) 814–5000, Monday through Friday 8 a.m. to 12 p.m.;

Henrico County Municipal Reference and Law Library, Parham Road at Hungary Spring Road, Richmond, Virginia 23273.

FOR FURTHER INFORMATION CONTACT: Andy Palestini, Remedial Project Manager, U.S. Environmental Protection Agency, Region 3, Mailcode 3HS23, 1650 Arch Street, Philadelphia, Pennsylvania 19103, (215) 814–3233.

SUPPLEMENTARY INFORMATION: In the ''Rules and Regulations'' Section of today's **Federal Register**, we are publishing a direct final Notice of Partial Deletion for former Wetland Areas B and C of the Rentokil, Inc. Superfund Site without prior Notice of Intent for Partial Deletion because EPA views this as a noncontroversial revision and anticipates no adverse comment. We have explained our reasons for this partial deletion in the preamble to the direct final Notice of Partial Deletion, and those reasons are incorporated herein. If we receive no adverse comment(s) on this partial deletion action, we will not take further action on this Notice of Intent for Partial Deletion. If we receive adverse comment(s), we will withdraw the direct final Notice of Partial Deletion and it will not take effect. We will, as appropriate, address all public comments in a subsequent final Notice of Partial Deletion based on this Notice