

To prevent this condition, the present Airworthiness Directive (AD) mandates revision of the AFM which introduces the corrected values and replaces the previous loading graphs by loading tables.

#### Actions and Compliance

(f) Unless already done, within the next 50 hours time-in-service (TIS) after the effective date of this AD, incorporate Apex Aircraft AVION CAP 10 B Document Number 1000977 GB, Revision 8, dated February 2007 into the limitations section of the airplane flight manual as specified in APEX Aircraft Service Bulletin No. 030502, dated April 11, 2008. The owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations 14 CFR 43.7 may do this action. Make an entry in the aircraft records showing compliance with this portion of the AD following 14 CFR 43.9.

#### FAA AD Differences

*Note:* This AD differs from the MCAI and/or service information as follows: No differences.

#### Other FAA AD Provisions

(g) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Sarjapur Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4145; fax: (816) 329-4090. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120-0056.

#### Related Information

(h) Refer to MCAI European Aviation Safety Agency (EASA) AD No. 2008-0071, dated April 15, 2008; and APEX Aircraft Service Bulletin No. 030502, dated April 11, 2008, for related information.

Issued in Kansas City, Missouri, on May 2, 2008.

**David R. Showers,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. E8-10348 Filed 5-8-08; 8:45 am]

**BILLING CODE 4910-13-P**

## POSTAL SERVICE

### 39 CFR Part 111

#### Revised Standards for Postage and Fee Refunds

**AGENCY:** Postal Service™.

**ACTION:** Proposed rule.

**SUMMARY:** This revised proposed rule will modify 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:** Submit comments on or before June 9, 2008.

**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. 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, U.S. Postal Service, at 202-268-4281.

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

The proposed revision of DMM 604.9.0 was published for comment in the **Federal Register**, September 12, 2007 (Vol. 72, No. 176, pages 52025-

52027). In that publication the minimum for USPS issuance of individual refund checks was \$5.00. The Postal Service received two written comments from postage providers after the closing date of October 12, 2007; and both were considered in our response.

The Postal Service gave thorough consideration to the comments it received and modified the proposed rule as appropriate.

#### Discussion of Comments

Both commenters supported the proposed rule, except for provisions in DMM 604.9.3.1a and 604.9.3.1b concerning the \$5.00 minimum for refund of unused postage.

The intent of DMM 604.9.3.1a and 604.9.3.1b is to reduce the costly process of issuing checks by the USPS. In this context, the USPS defines "refund" as the check that is issued to customers when the account with their current provider is closed and the USPS must "refund" the amount left in their device.

In the PC Postage model, providers refund unused money to their customers when an account is closed. They provide the USPS with documentation on refunds made to customers and request reimbursement from the USPS for the refunded postage. Following this model, customers are not refused any monies left unused in an account they no longer wish to have.

One commenter recommended rephrasing the provision to make it clear this does not prohibit the provider from crediting a customer's account or transferring the customer's funds to another device. The Postal Service reviewed the suggestion and amended the wording of the provision to clarify this matter.

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.

Accordingly, 39 CFR Part 111 is proposed to be 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, 410, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3626, 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**

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**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 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 user’s account. The USPS will not issue individual customer refund checks for unused postage value less than \$25.00 remaining in a postage evidencing system.

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. The USPS will not issue individual customer refund checks for unused postage value less than \$25.00 remaining in a postage evidencing system.

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

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:

*[Revise items a through e only 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 with postage 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.

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### 9.3.3 Unused, Dated PC Postage Indicia

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

[Revise 9.3.3 a, b, and c only 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, Signature Confirmation, Express Mail, or Confirm Code service. 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.

\* \* \* \* \*

[Revise title and items a and c only 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 current 9.3.5 through 9.3.7 as new 9.3.6 through 9.3.8 and add new 9.3.5 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. E8-10358 Filed 5-8-08; 8:45 am]

**BILLING CODE 7710-12-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R09-OAR-2008-0237; FRL-8564-2]

### Revisions to the California State Implementation Plan

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve revisions to the Ventura County Air Pollution Control District (VCAPCD) portion of the California State Implementation Plan (SIP). These

revisions concern oxides of nitrogen (NO<sub>x</sub>) emissions from stationary internal combustion engines. We are approving a local rule that regulates these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

**DATES:** Any comments must arrive by June 9, 2008.

**ADDRESSES:** Submit comments, identified by docket number EPA-R09-OAR-2008-0237, by one of the following methods:

1. *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). Follow the on-line instructions.

2. *E-mail:* [steckel.andrew@epa.gov](mailto:steckel.andrew@epa.gov).

3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

*Instructions:* All comments will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through [www.regulations.gov](http://www.regulations.gov) or e-mail. [www.regulations.gov](http://www.regulations.gov) is an "anonymous access" system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. 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.

*Docket:* The index to the docket for this action is available electronically at [www.regulations.gov](http://www.regulations.gov) and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Francisco Dóñez, EPA Region IX, (415) 972-3956, [Donez.Francisco@epa.gov](mailto:Donez.Francisco@epa.gov).