

the public interest, to make this final rule effective upon publication.

*Regulatory Planning and Review*

The rule does not meet the criteria for a "significant regulatory action" as defined in Executive Order 12866. Therefore, the regulatory review procedures contained therein do not apply.

*Regulatory Flexibility Act Analysis*

It is hereby certified that the rule will not have a significant economic impact on a substantial number of small entities. The rule only affects the time that a delinquent nontax debt may be collected. Accordingly, a regulatory flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) is not required.

*Unfunded Mandates Act*

Section 202 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1532 (Unfunded Mandates Act), requires that the agency prepare a budgetary impact statement before promulgating any rule likely to result in a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year. If a budgetary impact statement is required, section 205 of the Unfunded Mandates Act also requires the agency to identify and consider a reasonable number of regulatory alternatives before promulgating the rule. We have determined that the rule will not result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year. Accordingly, we have not prepared a budgetary impact statement or specifically addressed any regulatory alternatives.

**List of Subjects in 31 CFR Part 285**

Administrative practice and procedure, Black lung benefits, Child support, Claims, Credit, Debts, Disability benefits, Federal employees, Garnishment of wages, Hearing and appeal procedures, Loan programs, Privacy, Railroad retirement, Railroad unemployment insurance, Salaries, Social Security benefits, Supplemental Security Income (SSI), Taxes, Veteran's benefits, Wages.

■ For the reasons set forth in the preamble, 31 CFR part 285 is amended as follows:

**PART 285—DEBT COLLECTION AUTHORITIES UNDER THE DEBT COLLECTION IMPROVEMENT ACT OF 1996**

■ 1. The authority citation for part 285 continues to read as follows:

**Authority:** 5 U.S.C. 5514; 26 U.S.C. 6402; 31 U.S.C. 321, 3701, 3711, 3716, 3719, 3720A, 3720B, 3720D; 42 U.S.C. 664; E.O. 13019, 61 FR 51763, 3 CFR, 1996 Comp., p. 216.

■ 2. In § 285.2, remove paragraph (d)(1)(ii), redesignate paragraphs (d)(1)(iii) through (d)(1)(v) as paragraphs (d)(1)(ii) through (d)(1)(iv), respectively, and add paragraph (d)(6) as follows:

**§ 285.2 Offset of tax refund payments to collect past-due, legally enforceable nontax debt.**

\* \* \* \* \*

(d) \* \* \*

(6)(i) Creditor agencies may submit debts to FMS for collection by tax refund offset irrespective of the amount of time the debt has been outstanding. Accordingly, all nontax debts, including debts that were delinquent for ten years or longer prior to January 27, 2010 may be collected by tax refund offset.

(ii) For debts outstanding more than ten years on or before January 27, 2010, creditor agencies must certify to FMS that the notice of intent to offset described in paragraph (d)(1)(ii)(B) of this section was sent to the debtor after the debt became ten years delinquent. This requirement will apply even in a case where notice was also sent prior to the debt becoming ten years delinquent, but does not apply to any debt that could be collected by offset without regard to any time limitation prior to January 27, 2010.

\* \* \* \* \*

Dated: December 18, 2009.

**Richard L. Gregg,**

*Acting Fiscal Assistant Secretary.*

[FR Doc. E9-30550 Filed 12-24-09; 8:45 am]

**BILLING CODE 4810-35-P**

**POSTAL SERVICE**

**39 CFR Part 111**

**Move Update Assessment Charges for Automation and Presort First-Class Mail and All Standard Mail Mailings**

**AGENCY:** Postal Service™.

**ACTION:** Final rule, revised.

**SUMMARY:** The Postal Service issues this notice to revise the final rule that was published in the **Federal Register** on Tuesday, October 27, 2009 providing new Move Update assessment

procedures, and to clarify the Performance-Based Verification process.

**DATES:** Effective January 4, 2010.

**FOR FURTHER INFORMATION CONTACT:** Bill Chatfield, 202-268-7278.

**SUPPLEMENTARY INFORMATION:**

In the **Federal Register** final rule published October 27, 2009 (74 FR 55140-42), the Postal Service provided notice of new Move Update assessment charges to be applied during the acceptance process. On November 25, 2009, the Postal Regulatory Commission (PRC) issued Order No. 348 on Move Update, which modified the Postal Service's requested Mail Classification Schedule (MCS) language filed on October 15, 2009. A change of address error tolerance of 30 percent was added to the MCS language, for determining whether a mailing fails the Move Update portion of the Performance-Based Verification (PBV) test.

The Commission retained language about a \$0.07 Move Update noncompliance charge for Standard Mail®, and stated that this charge, rather than the difference between postage paid and the First-Class Mail® single-piece price, would apply when Standard Mail mailers do not comply with the Move Update standard. The Commission's modifications affect the Move Update procedures published in the October 27, 2009 final rule. This change is effective January 4, 2010, and will be reflected in the next DMM update on February 1, 2010.

Following are a background summary and descriptions of the changes and procedures for how Move Update assessment charges will be handled at the time of acceptance.

**Background**

Mailers who claim presorted or automation prices for First-Class Mail, or claim any Standard Mail prices, must identify on the postage statement which Move Update method was used to ensure that the mailing meets the Move Update standard. Additionally, on each postage statement, mailers or their agents, must also affix their signature and certify that the mailing presented for acceptance qualifies for the prices claimed. The Move Update standard requires that a mailer participate in an approved Move Update process, and use the change of address information received through the approved Move Update process, to correct the mailing addresses in the mailing. This has been a longstanding requirement for First-Class Mail presort and automation prices; however, prior to November 2008 the frequency with which a mailer was required to participate in the Move

Update process and make the requisite address changes was within the 185 days immediately preceding the date of mailing. In November 2008 the frequency was reduced to the 95 days immediately preceding the date of mailing. The Move Update standard, including the 95 day frequency, was extended to include all Standard Mail in November 2008. If a mailer does not identify a Move Update method and certify compliance, then the Postal Service can reject the mailing, unless the mailer agrees to pay the First-Class Mail single-piece price.

The Move Update standard is designed to reduce the number of mailpieces that require forwarding, return, or disposal as waste, thus reducing Postal Service costs. The standard also helps to assure that mail reaches its intended recipients in a timely manner.

#### Procedures

PBV procedures introduced in Spring 2009 allow the Postal Service to sample mailings during the acceptance process to compare mailpiece addresses within the sample against the change of address information in the National Change of Address (NCOA<sup>®</sup>) database. For the Move Update portion of PBV, addresses on the verification sample are compared to the NCOA database. The ratio of the number of failed changes of address (COAs), addresses that should have been updated per Postal Service records, to the number of actual COAs (all changed addresses for addresses in the mailing) is calculated. If this ratio for the sample is sufficiently high, as detailed below, the mailing is subject to an additional postage charge, called the Move Update assessment charge. Mailers are offered the option of taking the mailing back and reworking it to avoid the Move Update assessment charge.

The Move Update standard is not new. All known mailings of commercial First-Class Mail pieces that did not follow address updating requirements have been subject to single-piece First-Class Mail prices for each piece in the mailing since 1997. When the Move Update standard was first applied to Standard Mail in 2008, the same consequence would have applied to Standard Mail mailings when addresses were found not to have been updated. This would have meant a substantial increase in postage for Standard Mail mailings. To mitigate this effect, the Postal Service announced in 2008 that it would charge \$0.07 per piece for all pieces in Standard Mail mailings which fail the Move Update PBV test. In addition, in its October 15, 2009 Notice

filed with the Postal Regulatory Commission after extensive consultation with mailers, the Postal Service announced that the \$0.07 charge would apply to a portion of a mailing that fails the Move Update PBV test, and that samples with five or fewer pieces that were not updated for a COA would not be subject to the assessment, regardless of the error rate.

A provision for multi-client mailings is also included for the first year after implementation: a mailer submitting a combined multi-client mailing that fails the Move Update verification may have additional postage attributed to individual clients, given certain conditions described in detail on the ribbs.usps.gov website. If the conditions are met, the Move Update Assessment Charge of \$0.07 could apply to a different number of pieces, thus affecting the overall assessment charge for the mailing.

The Move Update assessment charge was originally intended for May 2009 implementation. However, in response to customer concerns, we deferred implementation until January 4, 2010, as announced in the April 6, 2009 **Federal Register** final rule notice. The Postal Service also decided to apply a \$0.07 per piece additional postage charge for First-Class Mail pieces found in mailings with a Move Update error rate of greater than 30 percent based on Postal Service PBV samplings at acceptance, with the five-piece exception discussed above.

The PBV process does not establish compliance or noncompliance with the Move Update standard; it is a tool that the Postal Service uses to test mailings. It is designed to facilitate the acceptance of mail in the event that the PBV Move Update process determines that a sample of the mailing has failed above a given tolerance. Mailers who believe the Move Update assessment charge was applied to their mailing(s) in error may appeal to the Pricing and Classification Service Center.

The percentage of a mailing paying the additional charge is based on the percentage of failed sample pieces above the tolerance. Each assessed piece pays an additional \$0.07. As examples, with a tolerance of 30 percent exempted from the charge:

- If 40% of COAs sampled are not updated, the charge is applied to 10% (= 40% - 30%) of the total mailing.
- If 80% of COAs sampled are not updated, the charge is applied to 50% (= 80% - 30%) of the total mailing.

#### Recap

The following Domestic Mail Manual (DMM<sup>®</sup>) changes vary from the changes

published in the October 27, 2009 **Federal Register** final rule. The application of the Move Update assessment charge is described directly, rather than by reference to the RIBBS Web site. The application of the Move Update noncompliance charge to a failure to comply with the Move Update standard would be determined outside of the PBV test at acceptance. Information about the noncompliance charge will be provided separately.

The Postal Service adopts the following changes 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 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)*

\* \* \* \* \*

#### 200 Commercial Mail Letters and Cards

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#### 230 First-Class Mail

#### 233 Prices and Eligibility

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#### 3.0 Basic Standards for First-Class Mail Letters

\* \* \* \* \*

#### 3.5 Move Update Standard

\* \* \* \* \*

[Add new 3.5.4 to read as follows:]

#### 3.5.4 Basis for Move Update Assessment Charge

Mailings are subject to a Move Update assessment charge if more than 30 percent of addresses with a change of address (COA) are not updated, based on the error rate found in USPS sampling at acceptance during Performance-Based Verification. Specifically, mailings for which the

sample contains greater than 30 percent failed COAs out of the total COAs are subject to additional postage charges as follows:

- a. The percentage of the mailing paying the charge is based on the percentage of failed pieces above 30 percent.
- b. Each of the assessed pieces is subject to the \$0.07 per piece charge.
- c. As an example, if 40% of COAs in the sample are not updated, then the charge is applied to 10% (= 40% - 30%) of the total mailing.
- d. Mailings for which the sample has five or fewer pieces that were not updated for a COA are not subject to the assessment, regardless of the failure percentage.

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**240 Standard Mail**

**243 Prices and Eligibility**

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**3.0 Basic Standards for Standard Mail Letters**

\* \* \* \* \*

**3.9 Move Update Standard**

**3.9.1 Basic Standards**

\* \* \* Addresses subject to the Move Update standard must meet these requirements:

\* \* \* \* \*

*[Delete item 3.9.1.d in its entirety.]*

\* \* \* \* \*

*[Add new 3.9.4 to read as follows:]*

**3.9.4 Basis for Move Update Assessment Charge**

Mailings are subject to a Move Update assessment charge if more than 30 percent of addresses with a change of address (COA) are not updated, based on the error rate found in USPS sampling at acceptance during Performance-Based Verification. Specifically, mailings for which the sample contains greater than 30 percent failed COAs out of the total COAs are subject to additional postage charges as follows:

- a. The percentage of the mailing paying the charge is based on the percentage of failed pieces above 30 percent.
- b. Each of the assessed pieces is subject to the \$0.07 per piece charge.
- c. As an example, if 40% of COAs in the sample are not updated, then the charge is applied to 10% (= 40% - 30%) of the total mailing.
- d. Mailings for which the sample has five or fewer pieces that were not updated for a COA are not subject to the

assessment, regardless of the failure percentage.

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**300 Commercial Mail Flats**

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**330 First-Class Mail**

**333 Prices and Eligibility**

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**3.0 Eligibility Standards for First-Class Mail Flats**

\* \* \* \* \*

**3.5 Move Update Standards**

\* \* \* \* \*

*[Add new 3.5.4 to read as follows:]*

**3.5.4 Basis for Move Update Assessment Charge**

Mailings are subject to a Move Update assessment charge if more than 30 percent of addresses with a change of address (COA) are not updated, based on the error rate found in USPS sampling at acceptance during Performance-Based Verification. Specifically, mailings for which the sample contains greater than 30 percent failed COAs out of the total COAs are subject to additional postage charges as follows:

- a. The percentage of the mailing paying the charge is based on the percentage of failed pieces above 30 percent.
- b. Each of the assessed pieces is subject to the \$0.07 per piece charge.
- c. As an example, if 40% of COAs in the sample are not updated, then the charge is applied to 10% (= 40% - 30%) of the total mailing.
- d. Mailings for which the sample has five or fewer pieces that were not updated for a COA are not subject to the assessment, regardless of the failure percentage.

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**340 Standard Mail**

**343 Prices and Eligibility**

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**3.0 Basic Standards for Standard Mail Flats**

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**3.9 Move Update Standard**

**3.9.1 Basic Standards**

\* \* \* Addresses subject to the Move Update standard must meet these requirements:

\* \* \* \* \*

*[Delete item 3.9.1 d in its entirety.]*

\* \* \* \* \*

*[Add new 3.9.4 to read as follows:]*

**3.9.4 Basis for Move Update Assessment Charge**

Mailings are subject to a Move Update assessment charge if more than 30 percent of addresses with a change of address (COA) are not updated, based on the error rate found in USPS sampling at acceptance during Performance-Based Verification. Specifically, mailings for which the sample contains greater than 30 percent failed changes of address (COAs) out of the total COA are subject to additional postage charges as follows:

- a. The percentage of the mailing paying the charge is based on the percentage of failed pieces above 30 percent.
- b. Each of the assessed pieces is subject to the \$0.07 per piece charge.
- c. As an example, if 40% of COAs in the sample are not updated, then the charge is applied to 10% (= 40% - 30%) of the total mailing.
- d. Mailings for which the sample has five or fewer pieces that were not updated for a COA are not subject to the assessment, regardless of the failure percentage.

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**400 Commercial Parcels**

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**430 First-Class Mail**

**433 Prices and Eligibility**

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**3.0 Basic Standards for First-Class Mail Parcels**

\* \* \* \* \*

**3.5 Move Update Standard**

\* \* \* \* \*

*[Add new 3.5.4 to read as follows:]*

**3.5.4 Basis for Move Update Assessment Charge**

Mailings are subject to a Move Update assessment charge if more than 30 percent of addresses with a change of address (COA) are not updated, based on the error rate found in USPS sampling at acceptance during Performance-Based Verification. Specifically, mailings for which the sample contains greater than 30 percent failed COAs out of the total COAs are subject to additional postage charges as follows:

- a. The percentage of the mailing paying the charge is based on the percentage of failed pieces above 30 percent.
- b. Each of the assessed pieces is subject to the \$0.07 per piece charge.
- c. As an example, if 40% of COAs in the sample are not updated, then the

charge is applied to 10% (= 40% – 30%) of the total mailing.

d. Mailings for which the sample has five or fewer pieces that were not updated for a COA are not subject to the assessment, regardless of the failure percentage.

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#### 440 Standard Mail

#### 443 Prices and Eligibility

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### 3.0 Basic Standards for Standard Mail Parcels

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### 3.9 Move Update Standard

#### 3.9.1 Basic Standards

\* \* \* Addresses subject to the Move Update standard must meet these requirements:

\* \* \* \* \*

*[Delete item 3.9.1d in its entirety.]*

\* \* \* \* \*

*[Add new 3.9.4 to read as follows:]*

#### 3.9.4 Basis for Move Update Assessment Charge

Mailings are subject to a Move Update assessment charge if more than 30 percent of addresses with a change of address (COA) are not updated, based on the error rate found in USPS sampling at acceptance during Performance-Based Verification. Specifically, mailings for which the sample contains greater than 30 percent failed COAs out of the total COAs are subject to additional postage charges as follows:

a. The percentage of the mailing paying the charge is based on the percentage of failed pieces above 30 percent.

b. Each of the assessed pieces is subject to the \$0.07 per piece charge.

c. As an example, if 40% of COAs in the sample are not updated, then the charge is applied to 10% (= 40% – 30%) of the total mailing.

d. Mailings for which the sample has five or fewer pieces that were not updated for a COA are not subject to the assessment, regardless of the failure percentage.

\* \* \* \* \*

We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes.

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

[FR Doc. E9–30619 Filed 12–22–09; 4:15 pm]

**BILLING CODE 7710–12–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R05–OAR–2008–0515; FRL–8985–4]

### Approval and Promulgation of Air Quality Implementation Plans; Indiana

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

**ACTION:** Direct final rule.

**SUMMARY:** Indiana has requested that EPA approve as revisions to its State Implementation Plan (SIP) both its continuous emission monitoring rule and alternative monitoring requirements for Alcoa Power Generating, Inc.—Warrick Power Plant. The alternative monitoring requirements allow the use of a particulate matter (PM) continuous emissions monitoring system (CEMS) in place of a continuous opacity monitor system (COMS).

**DATES:** This direct final rule will be effective February 26, 2010, unless EPA receives adverse comments by January 27, 2010. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R05–OAR–2008–0515, by one of the following methods:

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

2. *E-mail*: [mooney.john@epa.gov](mailto:mooney.john@epa.gov).

3. *Fax*: (312) 692–2551.

4. *Mail*: John M. Mooney, Chief, Criteria Pollutant Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

5. *Hand Delivery*: John M. Mooney, Chief, Criteria Pollutant Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m. excluding Federal holidays.

**Instructions:** Direct your comments to Docket ID No. EPA–R05–OAR–2008–0515. 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 and 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 statute. 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 the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Matt Rau, Environmental Engineer, at (312) 886–6524 before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:** Matt Rau, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6524, [rau.matthew@epa.gov](mailto:rau.matthew@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean