

described in the draft paper "Using the Experience Curve Approach for Appliance Price Forecasting" posted on the DOE Web site at [http://www.eere.energy.gov/buildings/appliance\\_standards](http://www.eere.energy.gov/buildings/appliance_standards).

7. DOE seeks comment on data sources and analytical methods for estimating potential consumer welfare impacts from energy conservation standards, including information on specific consumer subgroups of products regulated under the energy conservation program.

#### Procedural Issues

1. DOE seeks comment on the details of how equipment price forecasts and consumer welfare impacts may be incorporated into specific downstream analyses that rely on the engineering analysis outputs and what other methodological changes to those analyses might be merited.

2. DOE seeks comment on products or equipment, or groups of products or equipment, that are likely to have the greatest and least improvement in price forecast accuracy from the application of experience curve methodology.

3. DOE seeks information on alternative methods for modeling persistent price trends for regulated products or equipment.

#### General Analysis Methodology

1. DOE seeks comments and information regarding additional ways of improving the accounting of costs and benefits in its energy conservation standards analysis, including comment on benefits and costs that may not have been included in energy conservation standards analyses to date.

2. DOE seeks information on how standards can affect the dynamics of innovation and investment in U.S. appliance and equipment industries.

3. DOE seeks comment on ways in which standards-induced innovation and investment might impact the competitiveness of U.S. products and companies in the global marketplace.

4. DOE seeks comment on the additional global benefits that may arise from standards that may encourage U.S. appliances and equipment to have efficiency performance levels exceeding the efficiency performance levels of appliances and equipment in other countries.

The purpose of this NODA is to solicit feedback from industry, manufacturers, academia, consumer groups, efficiency advocates, government agencies, and other stakeholders on issues related price forecasts in DOE's engineering analyses for Energy Conservation Standards rulemakings. DOE is

specifically interested in information and sources of data related to covered products and equipment that could be used in formulating a methodology regarding long term equipment price forecasts, and a methodology regarding consumer welfare impacts. Respondents are advised that DOE is under no obligation to acknowledge receipt of the information received or provide feedback to respondents with respect to any information submitted under this NODA. Responses to this NODA do not bind DOE to any further actions related to this topic.

Issued in Washington, DC, on February 15, 2011.

**Cathy Zoi,**

*Assistant Secretary, Energy Efficiency and Renewable Energy.*

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 901

[SATS No. AL-076-FOR; Docket ID: OSM-2010-0020]

#### Alabama Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

**SUMMARY:** We, the Office of Surface Mining Reclamation and Enforcement (OSM), are announcing receipt of a proposed amendment to the Alabama regulatory program (Alabama program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Alabama proposes revisions to its Program regarding their license fees, annual license updates, and blaster certification fees. Alabama intends to revise its program to improve operational efficiency. The fees will be used to recover Alabama's anticipated costs of reviewing, administering, and enforcing Alabama's licensing and blaster certification requirements.

This document gives the times and locations that the Alabama program and proposed amendment to that program are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that we will follow for the public hearing, if one is requested.

**DATES:** We will accept written comments on this amendment until

4 p.m., c.s.t., March 24, 2011. If requested, we will hold a public hearing on the amendment on March 21, 2011. We will accept requests to speak at a hearing until 4 p.m., c.s.t. on March 9, 2011.

**ADDRESSES:** You may submit comments, identified by SATS No. AL-076-FOR by any of the following methods:

- *E-mail:* [swilson@osmre.gov](mailto:swilson@osmre.gov). Include "SATS No. AL-076-FOR" in the subject line of the message.

- *Mail/Hand Delivery:* Sherry Wilson, Director, Birmingham Field Office, Office of Surface Mining Reclamation and Enforcement, 135 Gemini Circle, Suite 215, Homewood, Alabama 35209.

- *Fax:* (205) 290-7280.

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Instructions:* All submissions received must include the agency name and docket number for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the "Public Comment Procedures" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

*Docket:* For access to the docket to review copies of the Alabama program, this amendment, a listing of any scheduled public hearings, and all written comments received in response to this document, you must go to the address listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSM's Birmingham Field Office or going to <http://www.regulations.gov>.

Sherry Wilson, Director, Birmingham Field Office, Office of Surface Mining Reclamation and Enforcement, 135 Gemini Circle, Suite 215, Homewood, Alabama 35209, *Telephone:* (205) 290-7282, *E-mail:* [swilson@osmre.gov](mailto:swilson@osmre.gov).

In addition, you may review a copy of the amendment during regular business hours at the following location:

Alabama Surface Mining Commission, 1811 Second Ave., P.O. Box 2390, Jasper, Alabama 35502-2390, *Telephone:* (205) 221-4130.

#### FOR FURTHER INFORMATION CONTACT:

Sherry Wilson, Director, Birmingham Field Office. *Telephone:* (205) 290-7282. *E-mail:* [swilson@osmre.gov](mailto:swilson@osmre.gov).

#### SUPPLEMENTARY INFORMATION:

- I. Background on the Alabama Program
- II. Description of the Proposed Amendment
- III. Public Comment Procedures
- IV. Procedural Determinations

#### I. Background on the Alabama Program

Section 503(a) of the Act permits a State to assume primacy for the

regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, “a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of this Act \* \* \*; and rules and regulations consistent with regulations issued by the Secretary pursuant to this Act.” See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Alabama program effective May 20, 1982. You can find background information on the Alabama program, including the Secretary’s findings, the disposition of comments, and the conditions of approval of the Alabama program in the May 20, 1982, **Federal Register** (47 FR 22030). You can also find later actions concerning the Alabama program and program amendments at 30 CFR 901.10, 901.15, and 901.16.

## II. Description of the Proposed Amendment

By letter dated October 28, 2010 (Administrative Record No. AL-662), Alabama sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*) at its own initiative. Below is a summary of the changes proposed by Alabama. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES**.

### A. Alabama Rule 880-X-6A-.07 License Fees

Alabama’s regulations require any person who intends to conduct surface coal mining operations to obtain a license prior to applying for a permit to mine coal. Their proposed change increases the license fee from \$1,000.00 to \$2,500.00 and deletes language for pre-existing license fees.

### B. Alabama Rule 880-X-6A-.08 Annual License Updates

Alabama’s regulations require mining licenses to be updated annually. Their proposed change alters the date of annual license updates, replaces the word “renewal” with “update” or “license update,” adds the use of listing an internet site for form downloads, increases the fee from \$100.00 to \$500.00, deletes the \$100.00 penalty payment for delinquency, deletes the language where a license becomes null and void and replaces it with the issuance of a Cessation Order, and explains the license reinstatement process.

### C. Alabama Rule 880-X-12A-.09 Fees

This change adds a new section that establishes a \$100.00 blaster certification fee, a \$50.00 blaster certification renewal fee, and a \$50.00 blaster certification reciprocity fee.

## III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the State program.

### Electronic or Written Comments

If you submit written comments, they should be specific, confined to issues pertinent to the proposed regulations, and explain the reason for any recommended change(s). We appreciate any and all comments, but those most useful and likely to influence decisions on the final regulations will be those that either involve personal experience or include citations to and analyses of SMCRA, its legislative history, its implementing regulations, case law, other pertinent State or Federal laws or regulations, technical literature, or other relevant publications.

We cannot ensure that comments received after the close of the comment period (*see DATES*) or sent to an address other than those listed (*see ADDRESSES*) will be included in the docket for this rulemaking and considered.

### Public Availability of Comments

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

### Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m., c.s.t. on March 9, 2011. If you are disabled and need reasonable accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold a hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at the public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak and others present in the audience who wish to speak, have been heard.

### Public Meeting

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will make a written summary of each meeting a part of the administrative record.

## IV. Procedural Determinations

### Executive Order 12866—Regulatory Planning and Review

This proposed rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866.

### Other Laws and Executive Orders Affecting Rulemaking

When a State submits a program amendment to OSM for review, our regulations at 30 CFR 732.17(h) require us to publish a notice in the **Federal Register** indicating receipt of the proposed amendment, its text or a summary of its terms, and an opportunity for public comment. We conclude our review of the proposed amendment after the close of the public comment period and determine whether the amendment should be approved, approved in part, or not approved. At that time, we will also make the determinations and certifications required by the various laws and executive orders governing the rulemaking process and include them in the final rule.

### List of Subjects in 30 CFR Part 901

Intergovernmental relations, Surface mining, Underground mining.

Dated: December 10, 2010.

**Ervin J. Barchenger,**

*Regional Director, Mid-Centiment Region.*

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## POSTAL SERVICE

### 39 CFR Part 111

#### **Shortpaid and Unpaid Information-Based Indicia (IBI) Postage and Shortpaid Express Mail Postage, Revised Proposal**

**AGENCY:** Postal Service™.

**ACTION:** Proposed rule, revised.

**SUMMARY:** On November 19, 2009, the Postal Service published a proposed rule to revise *Mailing Standards of the United States Postal Service*, Domestic Mail Manual to implement revenue protection procedures for shortpaid and unpaid Information Based Indicia (IBI) postage. Comments on that proposed rule requested more detailed information on the automated procedures the Postal Service will use to identify and verify shortpaid and unpaid IBI postage payment and the resolution process that will be used to remedy deficiencies. This revised proposal provides the more detailed information to DMM sections 604.4, 604.8, and 604.10. In addition, this revised proposal includes proposed mailing standards to implement revenue protection procedures for shortpaid Express Mail® postage.

**DATES:** We must receive your comments on or before March 24, 2011.

**ADDRESSES:** Mail or deliver written comments to the Manager, Mailing Standards, U.S. Postal Service, 475 L'Enfant Plaza SW., Room 4446, Washington DC 20260-5015. You may inspect and photocopy all written comments at USPS® Headquarters Library, 475 L'Enfant Plaza SW., 11th Floor N, Washington DC, between 9 a.m. and 4 p.m., Monday through Friday. E-mail comments concerning the proposed rule, containing the name and address of the commenter, may be sent to: [MailingStandards@usps.gov](mailto:MailingStandards@usps.gov), with a subject line of "Shortpaid and Unpaid Information-Based Indicia Postage and Shortpaid Express Mail® Postage." Faxed comments are not accepted.

**FOR FURTHER INFORMATION CONTACT:** Carla Sherry 703-280-7068 or Carol A. Lunkins 202-268-7262.

**SUPPLEMENTARY INFORMATION:** In this revised proposed rule, the Postal Service is proposing new procedures to manage shortpaid Express Mail postage

and a new process to detect mailpieces with shortpaid and unpaid IBI postage generated from the following postage evidencing systems: Click-N-Ship®, IBI postage meters, and PC Postage® products.

In addition, the Postal Service is proposing to implement a new Web-based resolution process to remedy shortpaid and unpaid IBI postage payment deficiencies, to dispute shortpaid and unpaid IBI postage deficiency assessments, and to appeal USPS decisions relative to shortpaid and unpaid IBI postage.

The Postal Service published a proposed rule in the **Federal Register** on November 18, 2009 (74 FR 59494-59496), inviting comments on the implementation of revenue protection procedures for IBI postage generated by postage evidencing systems.

Comments were received from the mailing industry requesting more detailed information on the automated procedures that the Postal Service will implement to identify and verify shortpaid and unpaid IBI postage and the resolution process to remedy deficiencies.

In response to those comments, this revised proposed rule provides detailed information on the revenue protection process for shortpaid and unpaid IBI postage generated from postage evidencing systems, the process to identify and verify shortpaid and unpaid IBI postage, and the resolution process to remedy, dispute, or appeal matters relative to shortpaid and unpaid IBI postage.

#### **Express Mail Shortpaid Procedure**

To ensure revenue protection for Express Mail paid by any authorized postage payment method, the Postal Service is proposing to implement new shortpaid Express Mail postage procedures.

For an Express Mail Next Day, Second Day, Military, or Custom Designed Service item received at the origin office of mailing with insufficient postage, the mailer is contacted to correct the postage deficiency prior to dispatch of the Express Mail item. If the mailer cannot be contacted before dispatch from the origin office, the Express Mail item is endorsed 'Postage Due', marked to show the total deficiency of postage and fees, and then dispatched to the destination Post Office for delivery to the addressee upon payment of the postage due.

For an Express Mail item with insufficient postage that is identified in processing operations or at the destination Post Office, the Express Mail item will be endorsed 'Postage Due',

marked to show the total deficiency of postage and fees, and then delivered to the addressee upon payment of the postage due. If the payment of postage due is refused by the addressee, the Express Mail item is endorsed "Return to Sender—Refused." The postage deficiency is collected when the Express Mail item is returned to the original sender. If the original sender chooses to remail the item, a new Express Mail label and new postage and fees must be affixed.

For an Express Mail item with insufficient IBI postage that is generated from postage evidencing systems, USPS may follow the process identified in DMM 604.4.4.4 through 604.4.4.9 to resolve such revenue deficiencies.

#### **Postage Evidencing Systems**

Postage meters, PC Postage products, and Click-N-Ship are collectively identified as "postage evidencing systems." A postage evidencing system is a device or system of components a customer uses to print evidence that postage required for mailing has been paid.

The Postal Service implemented postage evidencing systems to meet the needs of the mailing industry by providing convenient, user-friendly methods for mailers to print and pay postage. To protect the viability of postage evidencing systems, the Postal Service continually implements measures to ensure revenue protection.

#### **Postage**

Postage refers to postage and fees due for the applicable price category and associated criteria such as class, weight, shape, zone, and extra services.

#### **Information-Based Indicia**

Information-Based Indicia (IBI) are digitally generated indicia that include a two-dimensional barcode.

#### **Revenue Deficiency**

In this proposed rule, a revenue deficiency includes both shortpaid and unpaid postage and occurs when any mailpiece has less postage than required for the applicable price category and associated criteria such as class, weight, shape, zone, and extra services.

#### **Shortpaid Postage**

Shortpaid postage is a revenue deficiency for which the valid postage on a mailpiece is less than the amount due.

#### **Unpaid Postage**

Unpaid postage is a revenue deficiency for which postage is deficient due to the use of counterfeited,