

review and issue an order approving Priority Mail Contract 2 no later than November 10, 2008.⁵ Recognizing that these filings have been available on the Commission's Web site since October 24, 2008 and in light of the Postal Service's Request, comments are due no later than November 6, 2008. The public portions of these filings can be accessed via the Commission's Web site (<http://www.prc.gov>).

The Commission appoints Paul L. Harrington to serve as Public Representative in the captioned filings.

III. Ordering Paragraphs

It is Ordered:

1. The Commission establishes Docket Nos. MC2009-2 and CP2009-3 for consideration of the matters raised in each respective docket.

2. Pursuant to 39 U.S.C. 505, Paul L. Harrington is appointed to serve as officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.

3. Comments by interested persons in these proceedings are due no later than November 6, 2008.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Steven W. Williams,

Secretary.

[FR Doc. E8-26517 Filed 11-5-08; 8:45 am]

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POSTAL REGULATORY COMMISSION

[Docket Nos. MC2009-5 and CP2009-6;
Order No. 124]

Priority Mail Contract

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recently-filed Postal Service request to add Priority Mail Contract 4 to the Competitive Product List. The Postal Service has also filed a related contract. This notice addresses procedural steps associated with these filings.

DATES: Comments are due November 7, 2008.

ADDRESSES: Submit comments electronically via the Commission's

⁵ Errata at 1. The Commission appreciates the time pressures confronting the Postal Service regarding these types of agreements. Within the bounds of due process, the Commission endeavors to act expeditiously on the Postal Service's Requests. The Commission observes that the Postal Service has the responsibility to provide the Commission sufficient time to perform its review and analysis with due diligence.

Filing Online system at <http://www.prc.gov>.

FOR FURTHER INFORMATION CONTACT:

Stephen L. Sharfman, General Counsel, 202-789-6820 and stephen.sharfman@prc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

On October 27, 2008, the Postal Service filed a formal request pursuant to 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.* to add the Priority Mail Contract 4 product to the Competitive Product List. The Postal Service asserts that the Priority Mail Contract 4 product is a competitive product "not of general applicability" within the meaning of 39 U.S.C. 3632(b)(3). This Request has been assigned Docket No. MC2009-5.¹

The Postal Service contemporaneously filed a contract related to the proposed new product pursuant to 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. The contract is assigned Docket No. CP2009-6. The Postal Service represents that the contract fits within the proposed Mail Classification Schedule (MCS) language.

Request. The Request is filed pursuant to 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.* The Request incorporates (1) A redacted version of the Governors' Decision authorizing the new product; (2) a redacted version of the contract; (3) requested changes in the MCS product list; (4) submission of supporting material under seal; and (5) certification of compliance with 39 U.S.C. 3633(a).² The Request seeks to add Priority Mail Contract 4 to the Competitive Product List. Request at 1.

In the statement of supporting justification, Kim Parks, Manager, Sales and Communications, Expedited Shipping, asserts that the service to be provided under the contract will cover its attributable costs, make a positive contribution to institutional costs, and increase contribution toward the requisite 5.5 percent of the Postal Service's total institutional costs. *Id.*,

¹ Request of the United States Postal Service to Add Priority Mail Contract 4 to Competitive Product List and Notice of Establishment of Rates and Class Not of General Applicability, October 27, 2008 (Request).

² Attachment A to the Request consists of the redacted Decision of the Governors of the United States Postal Service on Establishment of Rates and Class Not of General Applicability for Priority Mail Service (Governors' Decision No. 08-16). The Governors' Decision includes an attachment which provides an analysis of the proposed Priority Mail Service Contract. Attachment B is a redacted version of the contract. Attachment C shows the requested changes in the MCS product list. Attachment D provides a statement of supporting justification for this Request. Attachment E provides the certification of compliance with 39 U.S.C. 3633(a).

Attachment D. Thus, Ms. Parks contends there will be no issue of subsidization of competitive products by market dominant products as a result of this contract. *Id.*

Related contract. A redacted version of the specific Priority Mail Contract 4 is included with the Request. The contract is for 2 years and is to be effective 1 day after the Commission approves the required addition of this product to the product list. The Postal Service represents that the contract is consistent with 39 U.S.C. 3633(a) and 39 CFR 3015.7 (c). *See id.*, Attachment A and Attachment D. It notes that there is some risk of not meeting the expected cost coverage, based, for example, on pieces becoming less dense or traveling a longer distance than expected. The Postal Service concludes, however, that the risks are manageable and expects the contract to remain profitable. *Id.*, Attachment A.

The Postal Service filed much of the supporting materials, including the Governors' Decision and the specific Priority Mail Contract 4 under seal. In its Request, the Postal Service maintains that the contract and related financial information, including the customer's name and the accompanying analyses that provide the prices, terms, conditions, and financial projections should remain under seal. *Id.* at 2.

II. Notice of Filings

The Commission establishes Docket Nos. MC2009-5 and CP2009-6 for consideration of the Request pertaining to the Priority Mail Contract 4 product and the related contract. In keeping with practice, these dockets are addressed on a consolidated basis for purposes of this order; however, future filings should be made in the specific docket in which issues being addressed pertain.

Interested persons may submit comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642. Comments are due no later than November 7, 2008. The public portions of these filings can be accessed via the Commission's Web site (<http://www.prc.gov>).

The Commission appoints Paul L. Harrington to serve as Public Representative in the captioned filings.

III. Ordering Paragraphs

It is Ordered:

1. The Commission establishes Docket Nos. MC2009-5 and CP2009-6 for consideration of the matters raised in each docket.

2. The Commission, pursuant to 39 U.S.C. 505, appoints Paul L. Harrington

to serve as officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.

3. Comments by interested persons in these proceedings are due no later than November 7, 2008.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Steven W. Williams,
Secretary.

[FR Doc. E8-26518 Filed 11-5-08; 8:45 am]

BILLING CODE 7710-FW-P

POSTAL SERVICE BOARD OF GOVERNORS

Sunshine Act Meeting

DATE AND TIME: Wednesday, November 12, 2008, at 12:30 p.m.; and Thursday, November 13, 2008, at 8:30 a.m. and 11 a.m.

PLACE: Washington, DC, at U.S. Postal Service Headquarters, 475 L'Enfant Plaza, SW., in the Benjamin Franklin Room.

STATUS: November 12—12:30 p.m.—Closed; November 13—8:30 a.m.—Open; November 13—11 a.m.—Closed.

MATTERS TO BE CONSIDERED:

Wednesday, November 12 at 12:30 p.m. (Closed)

1. Strategic Issues.
2. Financial Matters.
3. Pricing.
4. Personnel Matters and Compensation Issues.

5. Governors' Executive Session—Discussion of prior agenda items and Board Governance.

Thursday, November 13 at 8:30 a.m. (Open)

1. Minutes of the Previous Meetings, September 23–24, and October 20–21, 2008.

2. Remarks of the Chairman of the Board.

3. Remarks of the Postmaster General and CEO.

4. Committee Reports.

5. Quarterly Report on Service Performance.

6. Consideration of Fiscal Year 2008 Audited Financial Statements and Postal Service Annual Report.

7. Tentative Agenda for the December 2–3, 2008, meeting in Washington, DC.

Thursday, November 13 at 11 a.m. (Closed)—If Needed

1. Continuation of Wednesday's closed session agenda.

FOR FURTHER INFORMATION CONTACT: Julie S. Moore, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260–1000. Telephone (202) 268–4800.

Julie S. Moore,

Secretary.

[FR Doc. E8-26555 Filed 11-4-08; 11:15 am]

BILLING CODE 7710-12-P

RAILROAD RETIREMENT BOARD

2009 Railroad Experience Rating Proclamations, Monthly Compensation Base and Other Determinations

AGENCY: Railroad Retirement Board.

ACTION: Notice.

SUMMARY: Pursuant to section 8(c)(2) and section 12(r)(3) of the Railroad Unemployment Insurance Act (Act) (45 U.S.C. 358(c)(2) and 45 U.S.C. 362(r)(3), respectively), the Board gives notice of the following:

1. The balance to the credit of the Railroad Unemployment Insurance (RUI) Account, as of June 30, 2008, is \$122,524,603.90;
2. The September 30, 2008, balance of any new loans to the RUI Account, including accrued interest, is zero;
3. The system compensation base is \$3,596,278,039.12 as of June 30, 2008;
4. The cumulative system unallocated charge balance is (\$305,933,872.49) as of June 30, 2008;
5. The pooled credit ratio for calendar year 2009 is zero;
6. The pooled charged ratio for calendar year 2009 is zero;
7. The surcharge rate for calendar year 2009 is 1.5 percent;
8. The monthly compensation base under section 1(i) of the Act is \$1,330 for months in calendar year 2009;
9. The amount described in sections 1(k) and 3 of the Act as “2.5 times the monthly compensation base” is \$3,325 for base year (calendar year) 2009;
10. The amount described in section 4(a-2)(i)(A) of the Act as “2.5 times the monthly compensation base” is \$3,325 with respect to disqualifications ending in calendar year 2009;
11. The amount described in section 2(c) of the Act as “an amount that bears the same ratio to \$775 as the monthly compensation base for that year as computed under section 1(i) of this Act bears to \$600” is \$1,718 for months in calendar year 2009;
12. The maximum daily benefit rate under section 2(a)(3) of the Act is \$64 with respect to days of unemployment and days of sickness in registration periods beginning after June 30, 2009.

DATES: The balance in notice (1) and the determinations made in notices (3) through (7) are based on data as of June 30, 2008. The balance in notice (2) is based on data as of September 30, 2008. The determinations made in notices (5) through (7) apply to the calculation, under section 8(a)(1)(C) of the Act, of employer contribution rates for 2009. The determinations made in notices (8) through (12) are effective January 1, 2009. The determination made in notice (13) is effective for registration periods beginning after June 30, 2009.

ADDRESSES: Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611-2092.

FOR FURTHER INFORMATION CONTACT: Marla L. Huddleston, Bureau of the Actuary, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611-2092, telephone (312) 751-4779.

SUPPLEMENTARY INFORMATION: The RRB is required by section 8(c)(1) of the Railroad Unemployment Insurance Act (Act) (45 U.S.C. 358(c)(1)) as amended by Public Law 100-647, to proclaim by October 15 of each year certain system-wide factors used in calculating experience-based employer contribution rates for the following year. The RRB is further required by section 8(c)(2) of the Act (45 U.S.C. 358(c)(2)) to publish the amounts so determined and proclaimed. The RRB is required by section 12(r)(3) of the Act (45 U.S.C. 362(r)(3)) to publish by December 11, 2008, the computation of the calendar year 2009 monthly compensation base (section 1(i) of the Act) and amounts described in sections 1(k), 2(c), 3 and 4(a-2)(i)(A) of the Act which are related to changes in the monthly compensation base. Also, the RRB is required to publish, by June 11, 2009, the maximum daily benefit rate under section 2(a)(3) of the Act for days of unemployment and days of sickness in registration periods beginning after June 30, 2009.

Surcharge Rate

A surcharge is added in the calculation of each employer's contribution rate, subject to the applicable maximum rate, for a calendar year whenever the balance to the credit of the RUI Account on the preceding June 30 is less than the greater of \$100 million or the amount that bears the same ratio to \$100 million as the system compensation base for that June 30 bears to the system compensation base as of June 30, 1991. If the RUI Account balance is less than \$100 million (as indexed), but at least \$50 million (as indexed), the surcharge will be 1.5 percent. If the RUI Account balance is less than \$50 million (as indexed), but