

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b) (2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not

require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction. This rule involves the establishment of a safety zone. An environmental analysis checklist and a categorical exclusion determination will be available for review in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, and Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Public Law 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T01–0524 to read as follows:

§ 165.T01–0524 Safety Zone; MS Harborfest Tugboat Races in Casco Bay, ME.

(a) *Location:* all navigable waters of Casco Bay in the vicinity of Fish Point and Diamond Island Ledge that are bounded by a line connecting the following geographic coordinates: Latitude 43°40′24″ N, longitude 070°14′20″ W, to latitude 43°40′36″ N, longitude 070°13′56″ W, to latitude 43°39′58″ N, longitude 070°13′21″ W, to latitude 43°39′46″ N, longitude 070°13′51″ W.

(b) *Effective Period:* This Safety Zone is effective on August 16, 2009, from 11 a.m. to 4 p.m.

(c) *Regulations.*

(1) The general regulations in 33 CFR 165.23 apply.

(2) This safety zone is closed to all vessel traffic. Entry into, transiting, remaining within or anchoring in this safety zone is prohibited unless authorized by the Captain of the Port Sector Northern New England or his designated representatives.

(3) The “designated representative” is any Coast Guard commissioned, warrant, or petty officer who has been designated by the Captain of the Port Sector Northern New England to act on his behalf. The designated representative will be aboard either a Coast Guard or Coast Guard Auxiliary vessel.

(4) Vessel operators desiring to enter or operate within the safety zones shall contact the Captain of the Port Sector Northern New England or his designated representative via VHF Channel 16 to obtain permission to do so.

(5) Vessel operators given permission to enter or operate in the safety zones must comply with all directions given to them by the Captain of the Port Sector Northern New England or his designated representatives.

Dated: August 4, 2009.

J.B. McPherson,

Captain, U.S. Coast Guard, Captain of the Port, Sector Northern New England.

[FR Doc. E9–19549 Filed 8–13–09; 8:45 am]

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POSTAL REGULATORY COMMISSION

39 CFR Part 3020

[Docket No. CP2009–47; Order No. 266]

Global Plus 1 Contract

AGENCY: Postal Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is including a new contract within the Global Plus 1 product in the Competitive Product List. This is action consistent with changes in a recent law governing postal operations. Republication of the lists of market dominant products and competitive products is also consistent with requirements in the law.

DATES: Effective August 14, 2009 and is applicable beginning July 31, 2009.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, 202-789-6820 or stephen.sharfman@prc.gov.

SUPPLEMENTARY INFORMATION: *Regulatory History*, 74 FR 36276 (July 22, 2009).

- I. Introduction
- II. Background
- III. Comments
- IV. Commission Analysis
- V. Ordering Paragraphs

I. Introduction

The Postal Service proposes to add a specific Global Plus 1 contract to the Global Plus Contracts product established in Docket No. CP2008-8. For the reasons discussed below, the Commission approves the Postal Service's proposal.

II. Background

On July 13, 2009, the Postal Service filed a notice, pursuant to 39 CFR 3015.5, announcing that it has entered into two additional Global Plus 1 contracts, which it states fit within the previously established Global Plus Contracts product.¹ The Postal Service states that each contract is functionally equivalent to previously submitted Global Plus 1 contracts, are filed in accordance with Order No. 85, and are supported by Governors' Decision No. 08-8 filed in Docket No. CP2008-8.² Notice at 1.

The Notice also states that in Docket No. CP2008-8, the Governors established prices and classifications for competitive products not of general applicability for Global Plus Contracts.³

¹ Notice of the United States Postal Service of Filing Two Functionally Equivalent Global Plus 1 Contracts Negotiated Service Agreements, July 13, 2009 (Notice). While the Notice was filed jointly in Docket Nos. CP2009-46 and CP2009-47, the Commission will address the issues in these dockets in separate orders. The Postal Service requests that the two contracts be included in the Global Plus 1 product, and "that they be considered the new 'baseline' contracts for future functional equivalency analyses. * * *"*Id.* at 2.

² See Docket Nos. CP 2008-8 through CP2008-10, Order Concerning Global Plus Negotiated Service Agreements, June 27, 2008 (Order No. 85).

³ See Docket No. CP2008-8, Notice of United States Postal Service of Governors' Decision

The Postal Service states that the instant contract is the immediate successor contract to Docket No. CP2008-10 which is to expire soon, which the Commission found to be functionally equivalent in Order No. 85. *Id.* at 2.

The Postal Service contends that the instant contract should be included within the Global Plus 1 product on the Competitive Product List. *Id.* at 1.

In support, the Postal Service has also filed a redacted version of the instant contract and related materials as Attachment 1-B. A redacted version of the certified statement required by 39 CFR 3015.5 is included as Attachment 2-B. The Postal Service requests that the instant contract "be considered the new 'baseline' contract[s] for future functional equivalency analyses concerning this product." *Id.* at 2.

The Postal Service filed the instant contract pursuant to 39 CFR 3015.5. The contract becomes effective August 1, 2009, unless regulatory reviews affect that date, and has a one-year term.

The Postal Service maintains that certain portions of this contract and certified statement required by 39 CFR 3015.5(c)(2), containing names and identifying information of the Global Plus 1 customer, related financial information, as well as the accompanying analyses that provide prices, terms, conditions, and financial projections should remain under seal. *Id.* at 3.

The Postal Service asserts the contract is functionally equivalent with the contract filed in Docket No. CP2009-46 because they share similar cost and market characteristics. It contends that they should be classified as a single product. *Id.* It states that while the existing contracts filed in Docket Nos. CP2008-9 and CP2008-10 exhibited minor distinctions, the new contracts are virtually identical to one another. *Id.* at 4.

The Postal Service maintains these differences only add detail or amplify processes included in prior Global Plus 1 contracts. It contends because the instant contract has the same cost attributes and methodology as well as similar cost and market characteristics the differences do not affect the fundamental service being offered or the essential structure of the contract. *Id.* at 7-8. It states the contract is substantially similar both to the existing contract in Docket No. CP2008-10 and to the existing Global Plus 1 contracts and should be added to the Global Plus 1 product. *Id.* at 8.

Establishing Prices and Classifications for Global Plus Contracts, June 2, 2008, at 1.

In Order No. 249, the Commission gave notice of the docket, appointed a Public Representative, and provided the public with an opportunity to comment.⁴ On July 22, 2009, Chairman's Information Request No. 1 (CHIR No. 1) was issued with responses due by July 27, 2009. On July 24, 2009, the Postal Service provided its responses to CHIR No. 1.

III. Comments

Comments were filed by the Public Representative.⁵ No other interested parties submitted comments. The Public Representative states the individual contracts appear to satisfy the statutory criteria, but because of the timeframe to provide comments and information identified in CHIR No. 1, his response is not an unqualified recommendation in support of each contract's approval. *Id.* at 2. He notes that relevant provisions of 39 U.S.C. 3632, 3633 and 3642 appear to be met by these additional Global Plus 1 contracts. *Id.* The Public Representative states that he believes the contracts are functionally equivalent to the existing Global Plus Contracts product. He also determines that the Postal Service has provided greater transparency and accessibility in its filings. *Id.* at 3.

The Public Representative notes that the general public benefits from the availability of these contracts in several ways: well prepared international mail adds increased efficiency in the mailstream, enhanced volume results in timeliness in outbound shipments to all countries including those with small volume, and the addition of shipping options may result in expansion of mail volumes, particularly with the incentives for Postal Qualified Mailers (PQWs) and increased efficiency in existing postal capacity. *Id.* at 4-5.

Finally, he discusses the need for self-contained docket filings. In particular, he notes that the instant contract relies on data from the most recent International Cost and Revenue Analysis (ICRA), which was filed under seal in another docket. He suggests that the Postal Service should identify the location of the ICRA utilized and cited in that docket. *Id.* at 6.

IV. Commission Analysis

The Postal Service proposes to add an additional contract under the Global

⁴ Notice and Order Concerning Two Functionally Equivalent Global Plus 1 Contracts Negotiated Service Agreements, July 16, 2009 (Order No. 249).

⁵ Public Representative Comments in Response to Order No. 249, July 23, 2009 (Public Representative Comments). The Public Representative's comments jointly address the Postal Service's filings in Docket Nos. CP2009-46 and CP2009-47.

Plus Contracts product that was created in Docket No. CP2008–8. As filed, this docket presents two issues for the Commission to consider: (1) Whether the contract satisfies 39 U.S.C. 3633, and (2) whether the contract is functionally equivalent to previously reviewed Global Plus 1 contracts. In reaching its conclusions, the Commission has reviewed the Notice, the contract and the financial analyses provided under seal, supplemental information, and the Public Representative's comments.

Statutory requirements. The Postal Service contends that the instant contract and supporting documents filed in this docket establish compliance with the statutory provisions applicable to rates for competitive products (39 U.S.C. 3633). Notice at 2. W. Ashley Lyons, Manager, Regulatory Reporting and Cost Analysis, Finance Department asserts Governors' Decision No. 08–8 for Global Plus Contracts establishes price floor and ceiling formulas issued on May 28, 2008. He certifies that the pricing in the instant contract meets the Governors' pricing formula and meets the criteria of 39 U.S.C. 3633(a)(1), (2) and (3). He further states that the prices demonstrate that the contract and the included ancillary services should cover their attributable costs, preclude the subsidization of competitive products by market dominant products, and should not impair the ability of competitive products on the whole to cover an appropriate share of institutional costs. *Id.*, Attachment 2–B.

For his part, the Public Representative indicates that the contract appears to satisfy 39 U.S.C. 3633. Public Representative Comments at 1–3.

Based on the review of the data submitted, including the supplemental information, the Commission finds that the contract should cover its attributable costs (39 U.S.C. 3633(a)(2)), should not lead to the subsidization of competitive products by market dominant products (39 U.S.C. 3633(a)(1)), and should have a positive effect on competitive products' contribution to institutional costs (39 U.S.C. 3633(a)(3)). Thus, an initial review of the proposed contract indicates that it comports with the provisions applicable to rates for competitive products.

Functional equivalence. The Postal Service asserts that the instant contract is functionally equivalent to the contract filed in the companion proceeding, Docket No. CP2009–46, as well as with Global Plus 1 contracts filed previously because they share similar cost and market characteristics. Notice at 4. The Postal Service states that the customers under the existing and proposed

contracts are the same. In addition, it notes that existing contracts exhibited some differences, but the contracts proposed in Docket Nos. CP2009–46 and CP2009–47 are virtually identical. *Id.*

Having reviewed the contracts filed in the instant proceeding and in Docket No. CP2009–46, and the Postal Service's justification, the Commission finds that the two contracts may be treated as functionally equivalent.

New baseline. The Postal Service requests that the contracts filed in Docket Nos. CP2009–46 and 2009–47 be included in the Global Plus 1 product and "considered the new 'baseline' contracts for purposes of future functional equivalency analyses concerning this product." Notice at 2. Currently, the Global Plus 1 product consists of two existing contracts that will be superseded by the contracts in Docket Nos. CP2009–46 and CP2009–47. Under those circumstances, the new contracts need not be designated as a new product. Accordingly, the new contracts in Docket Nos. CP2009–46 and CP2009–47 will be included in the Global Plus 1 product and become the "baseline" for future functional equivalency analyses regarding that product.

Self-contained docket filings. The Public Representative reiterates a point made in Order No. 247 regarding the need for self-contained docket filings. In particular, he points to the difficulty in obtaining ICRA data relied on to support the instant contract but filed under seal in another docket. He suggests that "filings that reference the ICRA should include a pointer to the location of the ICRA utilized and cited in that docket." Public Representative Comments at 6.

The Public Representative point is well taken. The Commission does not wish to burden the Postal Service with extraneous filing requirements, nor does it intend for the process of reviewing Postal Service filings to become labyrinthine. Recognizing that Postal Service filings are electronic, the Commission will adopt the following policy: (1) The redacted Governors' Decision on which the contract is based should be included with the filing; (2) an html link should be provided to the document filed by the Postal Service that notices that the unredacted Governors' Decision is being filed under seal; and (3) all other confidential data relied on to support the specific contract should be filed in the docket in which that specific contract is filed.

Other considerations. If the agreement terminates earlier than anticipated, the Postal Service shall promptly inform the

Commission of the new termination date.

In conclusion, the Commission finds that the negotiated service agreement submitted in Docket No. CP2009–47 is appropriately included within the Global Plus Contracts product.

V. Ordering Paragraphs

It is ordered:

1. The contract filed in Docket No. CP2009–47 is included within the Global Plus 1 product (CP2008–8 and CP2009–47).

2. The existing Global Plus 1 product (CP2008–9 and CP2008–10) is removed from the product list.

3. As discussed in the body of this order, future contract filings which rely on materials filed under seal in other dockets should be self contained.

4. The Postal Service shall notify the Commission if the termination date changes as discussed in this order.

List of Subjects in 39 CFR Part 3020

Administrative practice and procedure, Postal Service.

Issued: July 31, 2009.

By the Commission.

Judith M. Grady,

Acting Secretary.

■ For the reasons stated in the preamble, under the authority at 39 U.S.C. 503, the Postal Regulatory Commission amends 39 CFR part 3020 as follows:

PART 3020—PRODUCT LISTS

■ 1. The authority citation for part 3020 continues to read as follows:

Authority: 39 U.S.C. 503; 3622; 3631; 3642; 3682.

■ 2. Revise Appendix A to Subpart A of Part 3020—Mail Classification Schedule to read as follows:

Appendix A to Subpart A of Part 3020—Mail Classification Schedule

Part A—Market Dominant Products

1000 Market Dominant Product List

First-Class Mail

Single-Piece Letters/Postcards

Bulk Letters/Postcards

Flats

Parcels

Outbound Single-Piece First-Class Mail

International

Inbound Single-Piece First-Class Mail

International

Standard Mail (Regular and Nonprofit)

High Density and Saturation Letters

High Density and Saturation Flats/Parcels

Carrier Route

Letters

Flats

Not Flat-Machinables (NFM)/Parcels

Periodicals

Within County Periodicals

Outside County Periodicals	Bound Printed Matter Parcels	[Reserved for Product Description]
Package Services	[Reserved for Product Description]	Post Office Box Service
Single-Piece Parcel Post	Media Mail/Library Mail	[Reserved for Product Description]
Inbound Surface Parcel Post (at UPU rates)	[Reserved for Product Description]	Negotiated Service Agreements
Bound Printed Matter Flats	Special Services	[Reserved for Class Description]
Bound Printed Matter Parcels	[Reserved for Class Description]	HSBC North America Holdings Inc.
Media Mail/Library Mail	Ancillary Services	Negotiated Service Agreement
Special Services	[Reserved for Product Description]	[Reserved for Product Description]
Ancillary Services	Address Correction Service	Bookspan Negotiated Service Agreement
International Ancillary Services	[Reserved for Product Description]	[Reserved for Product Description]
Address List Services	Applications and Mailing Permits	Bank of America Corporation Negotiated
Caller Service	[Reserved for Product Description]	Service Agreement
Change-of-Address Credit Card	Business Reply Mail	The Bradford Group Negotiated Service
Authentication	[Reserved for Product Description]	Agreement
Confirm	Bulk Parcel Return Service	Part B—Competitive Products
International Reply Coupon Service	[Reserved for Product Description]	2000 Competitive Product List
International Business Reply Mail Service	Certified Mail	Express Mail
Money Orders	[Reserved for Product Description]	Express Mail
Post Office Box Service	Certificate of Mailing	Outbound International Expedited Services
Negotiated Service Agreements	[Reserved for Product Description]	Inbound International Expedited Services
HSBC North America Holdings Inc.	Collect on Delivery	Inbound International Expedited Services 1
Negotiated Service Agreement	[Reserved for Product Description]	(CP2008–7)
Bookspan Negotiated Service Agreement	Delivery Confirmation	Inbound International Expedited Services 2
Bank of America Corporation Negotiated	[Reserved for Product Description]	(MC2009–10 and CP2009–12)
Service Agreement	Insurance	Priority Mail
The Bradford Group Negotiated Service	[Reserved for Product Description]	Priority Mail
Agreement	Merchandise Return Service	Outbound Priority Mail International
Inbound International	[Reserved for Product Description]	Inbound Air Parcel Post
Canada Post—United States Postal Service	Parcel Airlift (PAL)	Royal Mail Group Inbound Air Parcel Post
Contractual Bilateral Agreement for	[Reserved for Product Description]	Agreement
Inbound Market Dominant Services	Registered Mail	Parcel Select
Market Dominant Product Descriptions	[Reserved for Product Description]	Parcel Return Service
First-Class Mail	Return Receipt	International
[Reserved for Class Description]	[Reserved for Product Description]	International Priority Airlift (IPA)
Single-Piece Letters/Postcards	Return Receipt for Merchandise	International Surface Airlift (ISAL)
[Reserved for Product Description]	[Reserved for Product Description]	International Direct Sacks—M-Bags
Bulk Letters/Postcards	Restricted Delivery	Global Customized Shipping Services
[Reserved for Product Description]	[Reserved for Product Description]	Inbound Surface Parcel Post (at non-UPU
Flats	Shipper-Paid Forwarding	rates)
[Reserved for Product Description]	[Reserved for Product Description]	Canada Post—United States Postal service
Parcels	Signature Confirmation	Contractual Bilateral Agreement for
[Reserved for Product Description]	[Reserved for Product Description]	Inbound Competitive Services (MC2009–
Outbound Single-Piece First-Class Mail	Special Handling	8 and CP2009–9)
International	[Reserved for Product Description]	International Money Transfer Service
[Reserved for Product Description]	Stamped Envelopes	International Ancillary Services
Inbound Single-Piece First-Class Mail	[Reserved for Product Description]	Special Services
International	Stamped Cards	Premium Forwarding Service
[Reserved for Product Description]	[Reserved for Product Description]	Negotiated Service Agreements
Standard Mail (Regular and Nonprofit)	Premium Stamped Stationery	Domestic
[Reserved for Class Description]	[Reserved for Product Description]	Express Mail Contract 1 (MC2008–5)
High Density and Saturation Letters	Premium Stamped Cards	Express Mail Contract 2 (MC2009–3 and
[Reserved for Product Description]	[Reserved for Product Description]	CP2009–4)
High Density and Saturation Flats/Parcels	International Ancillary Services	Express Mail Contract 3 (MC2009–15 and
[Reserved for Product Description]	[Reserved for Product Description]	CP2009–21)
Carrier Route	International Certificate of Mailing	Express Mail Contract 4 (MC2009–34 and
[Reserved for Product Description]	[Reserved for Product Description]	CP2009–45)
Letters	International Registered Mail	Express Mail & Priority Mail Contract 1
[Reserved for Product Description]	[Reserved for Product Description]	(MC2009–6 and CP2009–7)
Flats	International Return Receipt	Express Mail & Priority Mail Contract 2
[Reserved for Product Description]	[Reserved for Product Description]	(MC2009–12 and CP2009–14)
Not Flat-Machinables (NFM)s/Parcels	International Restricted Delivery	Express Mail & Priority Mail Contract 3
[Reserved for Product Description]	[Reserved for Product Description]	(MC2009–13 and CP2009–17)
Periodicals	Address List Services	Express Mail & Priority Mail Contract 4
[Reserved for Class Description]	[Reserved for Product Description]	(MC2009–17 and CP2009–24)
Within County Periodicals	Caller Service	Express Mail & Priority Mail Contract 5
[Reserved for Product Description]	[Reserved for Product Description]	(MC2009–18 and CP2009–25)
Outside County Periodicals	Change-of-Address Credit Card	Express Mail & Priority Mail Contract 6
[Reserved for Product Description]	Authentication	(MC2009–31 and CP2009–42)
Package Services	[Reserved for Product Description]	Express Mail & Priority Mail Contract 7
[Reserved for Class Description]	Confirm	(MC2009–32 and CP2009–43)
Single-Piece Parcel Post	[Reserved for Product Description]	Express Mail & Priority Mail Contract 8
[Reserved for Product Description]	International Reply Coupon Service	(MC2009–33 and CP2009–44)
Inbound Surface Parcel Post (at UPU rates)	[Reserved for Product Description]	Parcel Return Service Contract 1 (MC2009–
[Reserved for Product Description]	International Business Reply Mail Service	1 and CP2009–2)
Bound Printed Matter Flats	[Reserved for Product Description]	Priority Mail Contract 1 (MC2008–8 and
[Reserved for Product Description]	Money Orders	CP2008–26)

Priority Mail Contract 2 (MC2009–2 and CP2009–3)
 Priority Mail Contract 3 (MC2009–4 and CP2009–5)
 Priority Mail Contract 4 (MC2009–5 and CP2009–6)
 Priority Mail Contract 5 (MC2009–21 and CP2009–26)
 Priority Mail Contract 6 (MC2009–25 and CP2009–30)
 Priority Mail Contract 7 (MC2009–25 and CP2009–31)
 Priority Mail Contract 8 (MC2009–25 and CP2009–32)
 Priority Mail Contract 9 (MC2009–25 and CP2009–33)
 Priority Mail Contract 10 (MC2009–25 and CP2009–34)
 Priority Mail Contract 11 (MC2009–27 and CP2009–37)
 Priority Mail Contract 12 (MC2009–28 and CP2009–38)
 Priority Mail Contract 13 (MC2009–29 and CP2009–39)
 Priority Mail Contract 14 (MC2009–30 and CP2009–40)
 Outbound International
 Direct Entry Parcels Contracts
 Direct Entry Parcels 1 (MC2009–26 and CP2009–36)
 Global Direct Contracts (MC2009–9, CP2009–10, and CP2009–11)
 Global Expedited Package Services (GEPS) Contracts
 GEPS 1 (CP2008–5, CP2008–11, CP2008–12, and CP2008–13, CP2008–18, CP2008–19, CP2008–20, CP2008–21, CP2008–22, CP2008–23, and CP2008–24)
 Global Plus Contracts
 Global Plus 1 (CP2008–8, CP2008–46 and CP2009–47)
 Global Plus 2 (MC2008–7, CP2008–16 and CP2008–17)
 Inbound International
 Inbound Direct Entry Contracts with Foreign Postal Administrations (MC2008–6, CP2008–14 and CP2008–15)
 International Business Reply Service
 Competitive Contract 1 (MC2009–14 and CP2009–20)
 Competitive Product Descriptions
 Express Mail
 [Reserved for Group Description]
 Express Mail
 [Reserved for Product Description]
 Outbound International Expedited Services
 [Reserved for Product Description]
 Inbound International Expedited Services
 [Reserved for Product Description]
 Priority
 [Reserved for Product Description]
 Priority Mail
 [Reserved for Product Description]
 Outbound Priority Mail International
 [Reserved for Product Description]
 Inbound Air Parcel Post
 [Reserved for Product Description]
 Parcel Select
 [Reserved for Group Description]
 Parcel Return Service
 [Reserved for Group Description]
 International
 [Reserved for Group Description]
 International Priority Airlift (IPA)
 [Reserved for Product Description]
 International Surface Airlift (ISAL)

[Reserved for Product Description]
 International Direct Sacks—M-Bags
 [Reserved for Product Description]
 Global Customized Shipping Services
 [Reserved for Product Description]
 International Money Transfer Service
 [Reserved for Product Description]
 Inbound Surface Parcel Post (at non-UPU rates)
 [Reserved for Product Description]
 International Ancillary Services
 [Reserved for Product Description]
 International Certificate of Mailing
 [Reserved for Product Description]
 International Registered Mail
 [Reserved for Product Description]
 International Return Receipt
 [Reserved for Product Description]
 International Restricted Delivery
 [Reserved for Product Description]
 International Insurance
 [Reserved for Product Description]
 Negotiated Service Agreements
 [Reserved for Group Description]
 Domestic
 [Reserved for Product Description]
 Outbound International
 [Reserved for Group Description]

Part C—Glossary of Terms and Conditions
 [Reserved]

Part D—Country Price Lists for International Mail [Reserved]

[FR Doc. E9–19504 Filed 8–13–09; 8:45 am]

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POSTAL REGULATORY COMMISSION

39 CFR Part 3020

[Docket Nos. MC2009–26 and CP2009–36; Order No. 264]

International Mail Products and Special Services

AGENCY: Postal Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is adding Direct Entry Parcels Contracts and two related special services to the Competitive Product List. The two special services are categorized within International Ancillary Services. This action is consistent with changes in a recent law governing postal operations.

Republication of the lists of market dominant and competitive products is also consistent with requirements in the new law.

DATES: Effective August 14, 2009 and is applicable beginning July 31, 2009.

FOR FURTHER INFORMATION CONTACT:

Stephen L. Sharfman at 202–789–6820 or stephen.sharfman@prc.gov.

SUPPLEMENTARY INFORMATION: *Regulatory History*, 74 FR 30646 (June 29, 2009).

I. Introduction
 II. Background
 III. Comments

IV. Commission Analysis
 V. Ordering Paragraphs

I. Introduction

The Postal Service seeks to add Direct Entry Parcels (DEP) Contracts, International Return Service, and Harmonization Service to the Competitive Product List. For the reasons discussed below, the Commission approves adding the specific DEP contract (DEP 1) as a new product, along with International Return Service and Harmonization Service as ancillary (or special) services.

II. Background

On June 11, 2009, the Postal Service filed a formal request pursuant to 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.* to add Direct Entry Parcels Contracts, International Return Service, and Harmonization Service to the Competitive Products List.¹ The Postal Service indicates that Governors' Decision No. 09–7, dated June 10, 2009, establishes prices and classifications not of general applicability for DEP contracts and the ancillary services of International Return Service and Harmonization Service.² The Request has been assigned Docket No. MC2009–26.

The Postal Service contemporaneously filed a DEP contract pursuant to 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. Request at 1. The contract has been assigned Docket No. CP2009–36.

The Request incorporates (1) A Statement of Supporting Justification as required by 39 CFR 3020.32;³ (2) Governors' Decision No. 09–7 authorizing the new product and services;⁴ (3) proposed changes to the Mail Classification Schedule (MCS);⁵ (4) the pricing formulas applicable to DEP contracts, International Return Service and Harmonization Service;⁶ (5) an analysis of those pricing formulas;⁷ (6) certification of

¹ Request of the United States Postal Service to Add Direct Entry Parcels Contracts, International Return Service, and Harmonization Service to the Competitive Products List, and Notice of Filing (Under Seal) of Contract and Enabling Governors' Decision, June 11, 2009 (Request).

² Governors' Decision No. 09–7, filed June 11, 2009, establishes prices and classifications not of general applicability for Direct Entry Parcels Contracts, International Return Service, and Harmonization Service Offered with Customized Agreements. *Id.* at 1.

³ Attachment 1 to the Request.

⁴ Attachment 2 to the Request.

⁵ Attachment 2, Attachments A–1, A–2, and A–3 to the Request.

⁶ Attachment 2, Attachments B–1, B–2, and B–3 to the Request.

⁷ Attachment 2, Attachments C–1, C–2, and C–3 to the Request.