

(3) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated representative.

(4) Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(5) The Coast Guard may be assisted by other federal, state, or local agencies.

Dated: June 16, 2009.

**T.H. Farris,**

*Captain, U.S. Coast Guard, Captain of the Port San Diego.*

[FR Doc. E9-23441 Filed 9-28-09; 8:45 am]

BILLING CODE 4910-15-P

## POSTAL REGULATORY COMMISSION

### 39 CFR Part 3020

[Docket No. CP2009-50; Order No. 290]

#### New Postal Product

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission is adding Global Expedited Package Services 1 (CP2008-4) to the Competitive Product List. In addition, Global Expedited Package Services 2 will also be included as a new category. 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 new requirements in the law.

**DATES:** Effective September 29, 2009 and is applicable beginning August 28, 2009.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, 202-789-6820 or [stephen.sharfman@prc.gov](mailto:stephen.sharfman@prc.gov).

**SUPPLEMENTARY INFORMATION:** *Regulatory History*, 74 FR 36538 (July 23, 2009).

#### I. Introduction

#### II. Discussion

#### III. Ordering Paragraphs

#### I. Introduction

In Order No. 262, the Commission authorized the inclusion of an additional Global Expedited Package Service (GEPS) contract within the Global Expedited Package Services 1 (GEPS 1) product.<sup>1</sup> The Postal Service seeks clarification of that order.<sup>2</sup> In its

<sup>1</sup> See PRC Order No. 262, Order Concerning Filing of Additional Global Expedited Package Services 1 Negotiated Services Agreement, July 29, 2009 (Order No. 262).

<sup>2</sup> United States Postal Service Response to Order No. 262 Concerning Termination Date of Additional

initial filing in this docket, the Postal Service sought to have the instant contract designated as the new baseline agreement for purposes of determining the functional equivalence of future GEPS contracts.<sup>3</sup> The issue was not addressed substantively in Order No. 262. Noting that the GEPS 1 contract currently serving as the baseline will terminate and be removed from the Competitive Product List, the Postal Service requests clarification “concerning the contract and docket number that it should use for future filings of additional contracts to be added to the GEPS 1 product.” Request at 2. By this order, the Commission grants clarification.

#### II. Discussion

In its initial Notice, the Postal Service asserts the new GEPS 1 contract is functionally equivalent to previous GEPS contracts, that it should be included within the GEPS 1 product, “and it should become the new baseline agreement for determining whether future contracts are functionally equivalent.” Notice at 2. In support of its contention that the instant contract is functionally equivalent, the Postal Service states that it shares similar cost and market characteristics with previously filed GEPS 1 contracts. *Id.* at 4. It also contends that the contract meets the criteria established in Governors’ Decision 08-7. Furthermore, the Postal Service identifies various similarities with other GEPS 1 contracts, *e.g.*, mailers are small and medium-sized businesses, the contract is for one year, and payment by permit imprint, as well as various differences, *e.g.*, volume or postage commitments. *Id.* at 4-5. In addition, the Postal Service identifies various provisions, which it characterizes as minor or incidental, which differ from those contained in the initial GEPS 1 contract. These include, for example, clarifying the availability of other postal products, simplifying notice of mailing requirements, and changes not related to either party’s obligation under the agreement. *Id.* at 5-7.

In its Notice, the Postal Service does not expand on its request that the instant contract “be considered the baseline agreement for determining functional equivalence for additional

Global Expedited Package Services 1 Negotiated Service Agreement and Request for Clarification, July 30, 2009, at 2 (Request). No party filed a response to the Request.

<sup>3</sup> Notice of United States Postal Service Filing of Functionally Equivalent Global Expedited Package Services 1 Negotiated Service Agreement, July 16, 2009, at 2, 7 (Notice).

agreements.” *Id.* at 7.<sup>4</sup> Apparently, because the initial GEPS 1 contract is terminating and provisions have been added to subsequent GEPS 1 contracts, the Postal Service suggests that the instant GEPS 1 contract be designated as the baseline for purposes of determining the functional equivalence of future GEPS contracts.

The Commission’s expectation in labeling the initial GEPS contract (in Docket No. CP2008-5) as GEPS 1 was that it would be followed sequentially by additional GEPS contracts, *e.g.*, GEPS 2, GEPS 3, etc., that exhibited sufficient variation from the initial contract to warrant being classified as a new product. Given that the initial GEPS 1 contract is expiring and that the instant contract contains additional provisions, the Commission will label the latter as GEPS 2.<sup>5</sup> Following the current practice, the Postal Service shall identify all significant differences between any new GEPS contract and the GEPS 2 product. Such differences would include terms and conditions that impose new obligations or new requirements on any party to the contract. The docket referenced in the caption should be Docket No. CP2009-50, in lieu of Docket No. CP2008-4. Following the current practice, a redacted copy of Governors’ Decision 08-7 should be included in the new filing along with an electronic link to it.<sup>6</sup>

Future requests to implement a new baseline agreement should be filed as an MC docket since it will result in adding a new product to the product list and may result in removing a product from the product list.<sup>7</sup>

#### III. Ordering Paragraphs

##### *It is ordered:*

1. The GEPS contract filed in Docket No. CP2009-50 is added to the Competitive Product List as a new product, Global Expedited Package

<sup>4</sup> The Postal Service references PRC Order No. 227 issued in Docket No. CP2009-35 and states that “[t]he only additional difference between the agreement currently presented in this instant docket and the one presented in Docket No. CP2009-35 is the tender provision, which is described further below. *Id.* at 4, n.6.

<sup>5</sup> This designation would also apply to GEPS contracts filed subsequent to the one in Docket No. CP2009-50, namely Docket Nos. CP2009-51, CP2009-52, CP2009-53, CP2009-58, and CP2009-59.

<sup>6</sup> The Postal Service requests that the Inbound Direct Entry (IDE) contract filed in Docket No. CP2009-62 be considered the new baseline agreement for future IDE contracts. Absent a showing otherwise, the Commission intends to act on this request in a similar manner.

<sup>7</sup> See *e.g.*, Docket Nos. MC2009-34 and CP2009-24, Request of the United States Postal Service to Add Express Mail Contract 4 to Competitive Product List and Notice of Establishment of Rates and Class Not of General Applicability, July 6, 2009.

Services 2 (Docket No. CP2009–50) under Negotiated Service Agreements, International.

2. The additional GEPS contracts filed in Docket Nos. CP2009–51, CP2009–52, CP2009–53, CP2009–58, and CP2009–59 will be classified as GEPS 2 contracts and be included within the Global Expedited Package Services 2 product (Docket No. CP2009–50).

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

**List of Subjects in 39 CFR Part 3020**

Administrative practice and procedure; Postal Service.

By the Commission.

**Shoshana M. Grove**,  
*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

Package Services

Single-Piece Parcel Post

Inbound Surface Parcel Post (at UPU rates)

Bound Printed Matter Flats

Bound Printed Matter Parcels

Media Mail/Library Mail

Special Services

Ancillary Services

International Ancillary Services

Address List Services

Caller Service

Change-of-Address Credit Card

Authentication

Confirm

International Reply Coupon Service

International Business Reply Mail Service

Money Orders

Post Office Box Service

Negotiated Service Agreements

HSBC North America Holdings Inc.

Negotiated Service Agreement

Bookspan Negotiated Service Agreement

Bank of America Corporation Negotiated

Service Agreement

The Bradford Group Negotiated Service

Agreement

Inbound International

Canada Post—United States Postal Service

Contractual Bilateral Agreement for

Inbound Market Dominant Services

Market Dominant Product Descriptions

First-Class Mail

[Reserved for Class Description]

Single-Piece Letters/Postcards

[Reserved for Product Description]

Bulk Letters/Postcards

[Reserved for Product Description] Flats

[Reserved for Product Description] Parcels

[Reserved for Product Description]

Outbound Single-Piece First-Class Mail

International

[Reserved for Product Description]

Inbound Single-Piece First-Class Mail

International

[Reserved for Product Description]

Standard Mail (Regular and Nonprofit)

[Reserved for Class Description]

High Density and Saturation Letters

[Reserved for Product Description]

High Density and Saturation Flats/Parcels

[Reserved for Product Description]

Carrier Route

[Reserved for Product Description] Letters

[Reserved for Product Description] Flats

[Reserved for Product Description]

Not Flat-Machinables (NFM)/Parcels

[Reserved for Product Description]

Periodicals

[Reserved for Class Description]

Within County Periodicals

[Reserved for Product Description]

Outside County Periodicals

[Reserved for Product Description]

Package Services

[Reserved for Class Description]

Single-Piece Parcel Post

[Reserved for Product Description]

Inbound Surface Parcel Post (at UPU rates)

[Reserved for Product Description]

Bound Printed Matter Flats

[Reserved for Product Description]

Bound Printed Matter Parcels

[Reserved for Product Description]

Media Mail/Library Mail

[Reserved for Product Description]

Special Services

[Reserved for Class Description]

Ancillary Services

[Reserved for Product Description]

Address Correction Service

[Reserved for Product Description]

Applications and Mailing Permits

[Reserved for Product Description]

Business Reply Mail

[Reserved for Product Description]

Bulk Parcel Return Service

[Reserved for Product Description]

Certified Mail

[Reserved for Product Description]

Certificate of Mailing

[Reserved for Product Description]

Collect on Delivery

[Reserved for Product Description]

Delivery Confirmation

[Reserved for Product Description]

Insurance

[Reserved for Product Description]

Merchandise Return Service

[Reserved for Product Description]

Parcel Airlift (PAL)

[Reserved for Product Description]

Registered Mail

[Reserved for Product Description]

Return Receipt

[Reserved for Product Description]

Return Receipt for Merchandise

[Reserved for Product Description]

Restricted Delivery

[Reserved for Product Description]

Shipper-Paid Forwarding

[Reserved for Product Description]

Signature Confirmation

[Reserved for Product Description]

Special Handling

[Reserved for Product Description]

Stamped Envelopes

[Reserved for Product Description]

Stamped Cards

[Reserved for Product Description]

Premium Stamped Stationery

[Reserved for Product Description]

Premium Stamped Cards

[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]

Address List Services

[Reserved for Product Description]

Caller Service

[Reserved for Product Description]

Change-of-Address Credit Card

Authentication

[Reserved for Product Description]

Confirm

[Reserved for Product Description]

International Reply Coupon Service

[Reserved for Product Description]

International Business Reply Mail Service

[Reserved for Product Description]

Money Orders

[Reserved for Product Description]

Post Office Box Service

[Reserved for Product Description]

Negotiated Service Agreements

[Reserved for Class Description]

HSBC North America Holdings Inc.

Negotiated Service Agreement

[Reserved for Product Description]

Bookspan Negotiated Service Agreement

[Reserved for Product Description]

Bank of America Corporation Negotiated

Service Agreement

The Bradford Group Negotiated Service

Agreement

Part B—Competitive Products

2000 Competitive Product List

Express Mail

Express Mail  
 Outbound International Expedited Services  
 Inbound International Expedited Services  
 Inbound International Expedited Services 1 (CP2008-7)  
 Inbound International Expedited Services 2 (MC2009-10 and CP2009-12)  
 Priority Mail  
 Priority Mail  
 Outbound Priority Mail International  
 Inbound Air Parcel Post  
 Royal Mail Group Inbound Air Parcel Post Agreement  
 Parcel Select  
 Parcel Return Service  
 International  
 International Priority Airlift (IPA)  
 International Surface Airlift (ISAL)  
 International Direct Sacks—M-Bags  
 Global Customized Shipping Services  
 Inbound Surface Parcel Post (at non-UPU rates)  
 Canada Post—United States Postal Service Contractual Bilateral Agreement for Inbound Competitive Services (MC2009-8 and CP2009-9)  
 International Money Transfer Service  
 International Ancillary Services  
 Special Services  
 Premium Forwarding Service  
 Negotiated Service Agreements  
 Domestic  
 Express Mail Contract 1 (MC2008-5)  
 Express Mail Contract 2 (MC2009-3 and CP2009-4)  
 Express Mail Contract 3 (MC2009-15 and CP2009-21)  
 Express Mail Contract 4 (MC2009-34 and CP2009-45)  
 Express Mail & Priority Mail Contract 1 (MC2009-6 and CP2009-7)  
 Express Mail & Priority Mail Contract 2 (MC2009-12 and CP2009-14)  
 Express Mail & Priority Mail Contract 3 (MC2009-13 and CP2009-17)  
 Express Mail & Priority Mail Contract 4 (MC2009-17 and CP2009-24)  
 Express Mail & Priority Mail Contract 5 (MC2009-18 and CP2009-25)  
 Express Mail & Priority Mail Contract 6 (MC2009-31 and CP2009-42)  
 Express Mail & Priority Mail Contract 7 (MC2009-32 and CP2009-43)  
 Express Mail & Priority Mail Contract 8 (MC2009-33 and CP2009-44)  
 Parcel Return Service Contract 1 (MC2009-1 and CP2009-2)  
 Priority Mail Contract 1 (MC2008-8 and 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)  
 Priority Mail Contract 15 (MC2009-35 and CP2009-54)  
 Priority Mail Contract 16 (MC2009-36 and CP2009-55)  
 Priority Mail Contract 17 (MC2009-37 and CP2009-56)  
 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 Expedited Package Services 2 (CP2009-50)  
 Global Plus Contracts  
 Global Plus 1 (CP2008-8, CP2008-46 and CP2009-47)  
 Global Plus 2 (MC2008-7, CP2008-48 and CP2008-49)  
 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. E9-23488 Filed 9-28-09; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 0

#### Commission Organization

##### CFR Correction

In Title 47 of the Code of Federal Regulations, Parts 0 to 19, revised as of October 1, 2008, on page 93, in § 0.607, reinstate paragraph (d) to read as follows:

#### § 0.607 Transcript, recording or minutes; availability to the public.

\* \* \* \* \*

(d) The Commissioner presiding at the meeting will prepare a statement setting out the time and place of the meeting, the names of persons other than Commission personnel who were present at the meeting, and the names of Commission personnel who participated in the discussion. These statements will be retained in a public file in the Minute and Rules Branch, Office of the Secretary.

[FR Doc. E9-23479 Filed 9-28-09; 8:45 am]

BILLING CODE 1505-01-D

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 11

#### Emergency Alert System (EAS)

##### CFR Correction

In Title 47 of the Code of Federal Regulations, Parts 0 to 19, revised as of October 1, 2008, on page 719, in § 11.31, in paragraph (b), before the last sentence, reinstate the following sentence: