

ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION IN THIS PROCEEDING

Day	Event/Activity
0	Publication of <b>Federal Register</b> notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: Supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 petitioner/requester reply).
20	Nuclear Regulatory Commission (NRC) staff informs the requester of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).
25	If NRC staff finds no "need" or no likelihood of standing, the deadline for petitioner/requester to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
A	If access granted: Issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 60	Decision on contention admission.

[FR Doc. 2010-7600 Filed 4-2-10; 8:45 am]

BILLING CODE 7590-01-P

**POSTAL REGULATORY COMMISSION**

[Docket No. MT2010-1; Order No. 434]

**Market Test**

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recently-filed Postal Service notice announcing its intent to initiate a market test. This notice addresses procedural steps associated with this filing.

**DATES:** Comments are due: April 20, 2010.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Commenters who cannot submit their views electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section

by telephone for advice on alternatives to electronic filing.

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

**SUPPLEMENTARY INFORMATION:**

**Table of Contents**

- I. Introduction
- II. Notice of Filing
- III. Ordering Paragraphs

**I. Introduction**

On March 29, 2010, the Postal Service filed a formal notice, pursuant to 39 U.S.C. 3641(c)(1), announcing its intent to initiate a market test beginning on or about May 1, 2010, of an experimental competitive product, Samples Co-Op Box.<sup>1</sup> The market research test will consist of one mailing of Samples Co-Op Boxes to consumers in certain test markets. *Id.* at 1.

<sup>1</sup> Notice of the United States Postal Service of Market Test of Experimental Product-Samples Co-Op Box, March 29, 2010 (Notice).

**Statutory authority.** The Postal Service indicates that its proposal satisfies the criteria of section 3641, which imposes certain conditions on experimental products. 39 U.S.C. 3641. For example, the Postal Service asserts that Samples Co-Op Box is significantly different from all products within the meaning of section 3641(b)(1). *Id.* at 5. In addition, it contends that "the introduction or continued offering of the product will not create an unfair or otherwise inappropriate competitive advantage for the Postal Service or any mailer, particularly in regard to small business concerns." *Id.*; see also section 3641(b)(2). Also, it submits that Samples Co-Op Box is correctly classified as a competitive product. *Id.*; see also section 3641(b)(3).

**Product description.** Pursuant to section 3641(c)(1)(B), the Postal Service provides a brief description of the nature and scope of the market test. It explains that consumer packaged goods companies (CPGs) are looking for ways to build brand recognition by way of trial-size samples. *Id.* at 3. The Postal

Service adds its internal research shows that sample distribution is a large and growing industry. The Postal Service notes that the volume of samples mailed in recent years has declined. It attributes this to a rate design adopted in 2005. Through the experiment, the Postal Service is exploring the possibility of increasing its presence in the sample distribution market. *Id.* at 3–4.

Under the proposed market test, the Postal Service will provide a parcel box weighing at least 12.5 ounces that will contain an assortment of samples from multiple CPGs to be delivered to consumers in targeted demographic markets. *Id.* at 4. The Postal Service states that a partner will prepare several hundred thousand Samples Co-Op Boxes, each containing product samples from multiple CPGs. The CPGs will not be charged for inclusion of their samples in the boxes. The Postal Service will deliver the Samples Co-Op Boxes to the test market. *Id.* Postage will not be charged for the mailing. *Id.* at 8.

Following the one-time mailing of the boxes, the Postal Service will conduct research designed to gain information about the proposed product. *Id.* at 1. Depending on the results of that research, the Postal Service may conduct a second market test after providing notice to the Commission. *Id.* at 10.

The Notice also addresses the Postal Service's plans to monitor performance and its data collection plan. *Id.* at 9–10.

## II. Notice of Filing

The Commission establishes Docket No. MT2010–1 for consideration of matters raised by the Notice. Interested persons may submit comments on whether the Postal Service's filing in the captioned docket is consistent with the policies of 39 U.S.C. 3641. Comments are due no later than April 20, 2010. The filing can be accessed via the Commission's Web site (<http://www.prc.gov>).

The Commission appoints Steven Hoffer and Natalie Rea to serve as Public Representatives in this docket.

## III. Ordering Paragraphs

*It is ordered:*

1. The Commission establishes Docket No. MT2010–1 for consideration of the matters raised by the Notice.

2. Pursuant to 39 U.S.C. 505, Steven Hoffer and Natalie Rea are appointed to serve as officers of the Commission (Public Representatives) to represent the interests of the general public in this proceeding.

3. Comments by interested persons are due no later than April 20, 2010.

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

By the Commission.

**Shoshana M. Grove,**  
*Secretary.*

[FR Doc. 2010–7692 Filed 4–2–E8; 8:45 am]

**BILLING CODE 7710–FW–S**

## POSTAL REGULATORY COMMISSION

**[Docket Nos. CP2010–33, CP2010–34 and CP2010–35; Order No. 431]**

### New Postal Product

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recently-filed Postal Service request to add several Global Expedited Package Services 2 (GEPS 2) contracts to the Competitive Product List. This notice addresses related procedural steps.

**DATES:** Comments are due: April 6, 2010.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Commenters who cannot submit their views electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on alternatives to electronic filing.

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

### SUPPLEMENTARY INFORMATION:

#### Table of Contents

- I. Introduction
- II. Notice of Filing
- III. Ordering Paragraphs

#### I. Introduction

On March 26, 2010, the Postal Service filed a notice announcing that it has entered into three additional Global Expedited Package Services 2 (GEPS 2) contracts.<sup>1</sup> The Postal Service believes the instant contracts are functionally equivalent to previously submitted GEPS 2 contracts, and are supported by Governors' Decision No. 08–7, attached to the Notice and originally filed in Docket No. CP2008–4. *Id.* at 1, Attachment 3. The Notice also explains that Order No. 86, which established

<sup>1</sup> Notice of United States Postal Service Filing of Three Functionally Equivalent Global Expedited Package Services 2 Negotiated Service Agreements and Application for Non-Public Treatment of Materials Filed Under Seal, March 26, 2010 (Notice).

GEPS 1 as a product, also authorized functionally equivalent agreements to be included within the product, provided that they meet the requirements of 39 U.S.C. 3633. *Id.* at 1. In Order No. 290, the Commission approved the GEPS 2 product.<sup>2</sup>

*The instant contracts.* The Postal Service filed the instant contracts pursuant to 39 CFR 3015.5. In addition, the Postal Service contends that each contract is in accordance with Order No. 86. The term of each contract is 1 year from the date the Postal Service notifies the customer that all necessary regulatory approvals have been received. Notice at 2–3.

In support of its Notice, the Postal Service filed four attachments as follows:

1. Attachments 1A, 1B and 1C—redacted copies of the three contracts and applicable annexes;

2. Attachments 2A, 2B and 2C—a certified statement required by 39 CFR 3015.5(c)(2) for each of the three contracts;

3. Attachment 3—a redacted copy of Governors' Decision No. 08–7 which establishes prices and classifications for GEPS contracts, a description of applicable GEPS contracts, formulas for prices, an analysis and certification of the formulas and certification of the Governors' vote; and

4. Attachment 4—an application for non-public treatment of materials to maintain redacted portions of the contracts and supporting documents under seal.

The Notice advances reasons why the instant GEPS 2 contracts fit within the Mail Classification Schedule language for GEPS 2. The Postal Service identifies customer specific information, general contract terms and other differences that distinguish the instant contracts from the baseline GEPS 2 agreement, all of which are highlighted in the Notice. *Id.* at 3–6. These modifications as described in the Postal Service's Notice apply to each of the instant contracts.

The Postal Service contends that the instant contracts are functionally equivalent to the GEPS 2 contracts filed previously notwithstanding these differences. *Id.* at 6–7.

The Postal Service asserts that several factors demonstrate the contracts' functional equivalence with previous GEPS 2 contracts, including the product being offered, the market in which it is offered, and its cost characteristics. *Id.* at 3. The Postal Service concludes that

<sup>2</sup> Docket No. CP2009–50, Order Granting Clarification and Adding Global Expedited Package Services 2 to the Competitive Product List, August 28, 2009 (Order No. 290).