

201101-1205-001. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Agency:* Employment and Training Administration (ETA).

*Type of Review:* New Collection (Request for a new OMB Control Number).

*Title of Collection:* Evaluation of the Adult and Dislocated Worker Program in the Workforce Investment Act.

*OMB Reference Number:* 201101-1205-001.

*Affected Public:* Individuals or Households; State, Local, and Tribal Governments.

*Total Estimated Number of Respondents:* 69,350.

*Total Estimated Number of Responses:* 70,430.

*Total Estimated Annual Burden Hours:* 34,133.

*Total Estimated Annual Other Costs Burden:* \$0.

Dated: July 12, 2011.

**Michel Smyth,**

*Departmental Clearance Officer.*

[FR Doc. 2011-18008 Filed 7-15-11; 8:45 am]

**BILLING CODE 4510-FN-P**

## MERIT SYSTEMS PROTECTION BOARD

### Public Availability of the Merit Systems Protection Board's FY 2010 Service Contract Inventory

**AGENCY:** Merit Systems Protection Board.

**ACTION:** Notice.

**SUMMARY:** The Merit Systems Protection Board (MSPB) is publishing this notice to advise the public of the availability

of its FY 2010 Service Contract Inventory as required by Section 743 of Division C of the Consolidated Appropriations Act of 2010 (Pub. L. 111-117). This inventory provides information on service contract actions over \$25,000 awarded in FY 2010. The inventory was developed in accordance with guidance issued on November 5, 2010 by the Office of Management and Budget's Office of Federal Procurement Policy (OFPP). The OFPP's guidance is available at: <http://www.whitehouse.gov/sites/default/files/omb/procurement/memo/service-contract-inventories-guidance-11052010.pdf>. The MSPB's inventory is posted on its Web site at <http://www.mspb.gov/contact/contracting.htm>.

**FOR FURTHER INFORMATION CONTACT:**

Veronica Bullock, Merit Systems Protection Board, Office of Financial and Administrative Management, 1615 M Street, NW., Washington, DC 20419; telephone 202-254-4406; e-mail [veronica.bullock@mspb.gov](mailto:veronica.bullock@mspb.gov).

**William D. Spencer,**

*Clerk of the Board.*

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**BILLING CODE 7400-01-P**

## POSTAL REGULATORY COMMISSION

[Docket No. R2010-4R; Order No. 757]

### Rate Adjustment Remand

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a proceeding to address the causation standard in exigent rate adjustments. This notice provides information on legal developments associated with this proceeding, addresses preliminary procedural matters, and invites public comment.

**DATES:** *Comments are due:* July 25, 2011; *reply comments are due:* August 1, 2011.

**ADDRESSES:** Submit comments electronically by accessing the "Filing Online" link in the banner at the top of the Commission's Web site (<http://www.prc.gov>) or by directly accessing the Commission's Filing Online system at <https://www.prc.gov/prc-pages/filing-online/login.aspx>. Commenters who cannot submit their views electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section as the source for case-related information for advice on alternatives to electronic filing.

**FOR FURTHER INFORMATION CONTACT:**

Stephen L. Sharfman, General Counsel,

at 202-789-6820 (case-related information) or [DocketAdmins@prc.gov](mailto:DocketAdmins@prc.gov) (electronic filing assistance).

**SUPPLEMENTARY INFORMATION:**

*Regulatory History:* 75 FR 40853 (July 14, 2010).

On May 24, 2011, the United States Court of Appeals for the District of Columbia Circuit issued its opinion in *United States Postal Service v. Postal Regulatory Commission*, 640 F.3d 1263 (D.C. Cir. 2011). The court denied in part and granted in part a Postal Service petition for review of the Commission's September 30, 2010 order denying a Postal Service request for an exigent rate adjustment under 39 U.S.C. 3622(d)(1)(E).<sup>1</sup> 640 F.3d at 1268.

On July 11, 2011, the court issued its mandate remanding the case to the Commission. The Commission is issuing this order to promptly establish procedures for receiving initial and reply comments that address the causation standard applicable to exigent rate adjustment requests submitted under 39 U.S.C. 3622(d)(1)(E).<sup>2</sup>

*Background.* On July 6, 2010, the Postal Service filed a request for an exigent rate adjustment pursuant to 39 U.S.C. 3622(d)(1)(E).<sup>3</sup> This was the first such request filed by the Postal Service. The Exigent Request alleged that "extraordinary or exceptional circumstances" had occurred—namely, the recent recession and related declines in mail volume—and that the Postal Service was entitled to an exigent rate adjustment. *Id.* at 6.

After holding public hearings and considering initial and reply comments filed by the Postal Service and other interested persons, the Commission issued Order No. 547 denying the Postal Service's Exigent Request. The Commission analyzed the plain meaning of "due to" in section 3622(d)(1)(E), interpreting the phrase as requiring that a "proposed adjustment \* \* \* be causally related to the alleged extraordinary or exceptional circumstance." Order No. 547 at 54. The Commission found that the recent recession and its impact on postal

<sup>1</sup> Order Denying Request for Exigent Rate Adjustments, September 30, 2010 (Order No. 547).

<sup>2</sup> Section 3622(d)(1)(E) provides in relevant part as follows:

"[R]ates may be adjusted on an expedited basis due to either extraordinary or exceptional circumstances, provided that the Commission determines \* \* \* that such adjustment is reasonable and equitable and necessary to enable the Postal Service, under best practices of honest, efficient, and economical management, to maintain and continue the development of postal services of the kind and quality adapted to the needs of the United States." (emphasis added).

<sup>3</sup> Exigent Request of the United States Postal Service, July 6, 2010 (Exigent Request).