

46°11'52" N 123°48'19" W, thence to the southern shore of the Columbia River at 46°11'39" N, 123°48'13" W.

(ii) *Enforcement period.* This safety zone is enforced from approximately 8:30 p.m. to approximately 11:30 p.m. one day during the second weekend of August each year.

(19) *City of Washougal July 4th Fireworks Display, Washougal, WA:*

(i) *Location.* All waters of the Columbia River encompassed by lines connecting the following points in the vicinity of Washougal, Washington: From the northern shore of the Columbia River at 45°33'50" N 122°20'16" W, thence to 45°33'42" N 122°20'29" W, thence to 45°33'53" N 122°20'39" W, thence to the northern shore of the Columbia River at 45°35'04" N 122°20'35" W.

(ii) *Enforcement period.* This safety zone is enforced from approximately 8:30 p.m. to approximately 11:30 p.m. one day during the first week of July each year.

(20) *City of St. Helens 4th of July Fireworks Display, St. Helens, OR:*

(i) *Location.* All waters of the Columbia River encompassed in a 1200 foot radius around position 45°51'51" N 122°47'22" W.

(ii) *Enforcement period.* This safety zone is enforced from approximately 8:30 p.m. to approximately 11:30 p.m. one day during the first week of July each year.

(21) *Waverly Country Club 4th of July Fireworks Display, Milwaukie, OR:*

(i) *Location.* All waters of the Willamette River encompassed by lines connecting the following points in the vicinity of Milwaukie, Oregon: From 45°27'10" N 122°29'35" W, thence to 45°27'12" N 122°39'25" W, thence to 45°26'56" N 122°39'15" W, thence to 45°26'52" N 122°39'25" W.

(ii) *Enforcement period.* This safety zone is enforced from approximately 8:30 p.m. to approximately 11:30 p.m. one day during the first week of July each year.

(22) *Booming Bay Fireworks, Westport, WA:*

(i) *Location.* All waters of Grays Harbor encompassed in a 600 foot radius around position 46°54'14" N 124°06'08" W.

(ii) *Enforcement period.* This safety zone is enforced from approximately 8:30 p.m. to approximately 11:30 p.m. one day during the last week of June or the first week of July each year.

(23) *Hood River 4th of July, Hood River, OR:*

(i) *Location.* All waters of the Columbia River encompassed in a 1000 foot radius around position 45°42'58" N 121°30'31" W.

(ii) *Enforcement period.* This safety zone is enforced from 8:30 p.m. to 11:30 p.m. one day during the last week of June or the first week of July each year.

(24) *Rufus 4th of July Fireworks, Rufus, OR:*

(i) *Location.* All waters of the Columbia River encompassed in a 500 foot radius around position 45°41'30" N 120°45'47" W.

(ii) *Enforcement period.* This safety zone is enforced from approximately 8:30 p.m. to approximately 11:30 p.m. for one day during the last week of June or the first week of July each year.

(b) *Regulations.* In accordance with § 165.23 of this part, no person may enter or remain in these safety zones unless authorized by the Captain of the Port, Portland or his/her designated representative. Also in accordance with § 165.23 of this part, no person may bring into, cause to be brought into, or allow to remain in these safety zones any vehicle, vessel, or object unless authorized by the Captain of the Port, Portland or his/her designated representative.

(c) *Notice.* In accordance with § 165.7 of this part, notification of the specific period of enforcement for each of these safety zones may be made by marine broadcast, local notice to mariners, local news media, distribution in leaflet form, on-scene oral notice, and/or publication in the **Federal Register**.

Dated: March 3, 2009.

F.G. Myer,

Captain, U.S. Coast Guard, Captain of the Port Portland, Oregon.

[FR Doc. E9-6334 Filed 3-23-09; 8:45 am]

BILLING CODE 4910-15-P

POSTAL REGULATORY COMMISSION

39 CFR Part 3020

[Docket No. RM2009-3; Order No. 192]

Postal Rates

AGENCY: Postal Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission announces a new proceeding to address workshare discount methodologies in First-Class Mail and Standard Mail. The proceeding will allow certain issues raised in Docket No. R2009-2 to be fully addressed.

DATES: Comments due May 26, 2009.

ADDRESSES: Submit comments electronically via the Commission's 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: In a concurrently issued order in Docket No. R2009-2, the Commission largely approves the Postal Service's planned market dominant price changes scheduled to take effect May 11, 2009. That approval includes a commitment to institute a rulemaking proceeding to examine methodologies underlying the calculation of workshare discounts. By this order, the Commission fulfills that commitment.

In Docket No. R2009-2, the Postal Service proposes workshare discounts for First-Class Mail and Standard Mail that are not based on established workshare cost avoidance methodologies. In First-Class, the Postal Service did not use the existing benchmark, bulk metered mail, for calculating workshare discounts and instead based the discounts on presort First-Class Mail delinked from single-piece First-Class Mail. In Standard Mail, the Postal Service did not use the existing methodology based on costs avoided by shape between Basic and High Density, and High Density and Saturation.

In each instance, the Postal Service offers a legal rationale for its approach. It notes First-Class Mail Presort and Single-Piece Letters are separate products and contends that the reference to "each market-dominant product" in the reporting language of U.S.C. 3652(b) therefore excludes the inter-product automation Mixed AADC presort letter discount from the limitations of U.S.C. 3622(e).¹ With respect to Standard Mail, the Postal Service argues that density differences between Carrier Route Basic and High Density, and between High Density and Saturation are not the result of "presorting, prebarcoding, handling, or transportation" as worksharing is defined under 39 U.S.C. 3622(e)(1).²

Numerous parties in both Docket Nos. R2009-2 and ACR2008 contest the Postal Service's rationales.³ Some

¹ See Docket No. R2009-2, Response of the United States Postal Service to Chairman's Information Request No. 1, February 20, 2009; and Docket No. ACR2008, Responses of the United States Postal Service to Commission Order No. 169, January 21, 2009, at 17-18 (Response to Order No. 169).

² See Docket No. R2009-2, Responses of the United States Postal Service to Questions 1-12 of Chairman's Information Request No. 4, March 4, 2009, at 12-13; and Response to Order No. 169 at 17-18.

³ See, e.g., Docket No. R2009-2, Public Representative Comments in Response to Notice of Price Adjustment for Market-Dominant Price Adjustment, March 2, 2009, at 9-12; Initial

support the Postal Service's methodologies.⁴ As the Commission explained in Order No. 191, also issued today, the expedited pre-implementation review of proposed market dominant rate adjustments under section 3622 precludes any meaningful examination of departures from established rate methodologies and analytical principles.

In Docket Nos. R2008-1 and ACR2007, various parties suggested changes to the existing workshare discount methodologies and methods for measuring cost avoidance, which, given the expedited nature of those proceedings, the Commission declined to hear. See Docket No. ACR2007, Annual Compliance Determination FY2007, March 27, 2008, at 18; Docket No. R2008-1, Review of Postal Service Notice of Market Dominant Price Adjustment, March 17, 2008, at 19.

Consequently, pursuant to 39 U.S.C. 503, 3622(a), and 3652(e), the Commission is initiating this proceeding to afford the Postal Service (and interested persons supporting its rationales) an opportunity to address the legal, factual, and economic underpinnings of the methodologies used by the Postal Service to develop its proposed First-Class Mail and Standard Mail discount rates in Docket No. R2009-2. In addition, interested persons, including the Postal Service, may submit alternative workshare discount rate design and cost avoidance calculation methodologies. Alternative methodologies must address the legal, factual, and economic bases underlying them.⁵ The foregoing presentations are due no later than 60 days after publication of this order in the **Federal Register**.

After an opportunity to review those presentations, the Commission will issue a procedural schedule to provide interested persons an opportunity to submit responsive presentations. Depending on the breadth and complexity of issues presented, the Commission may provide an opportunity for hearings and may find

Comments of American Postal Workers Union, AFL-CIO, March 2, 2009, at 1-5; Comments of the Greeting Card Association, March 2, 2009, at 2; Comments of Newspaper Association of America on Notice of Market-Dominant Price Adjustment, March 2, 2009, at 10-11; Docket No. ACR2008, Initial Comments of the Major Mailers Association on the Annual Compliance Report of the United States Postal Service, January 30, 2009, at 1; and Initial Comments of American Postal Workers Union, AFL-CIO, January 30, 2009, at 3-4.

⁴ See, e.g., Docket No. R2009-2, Comments of Valassis Direct Mail Inc. and the Saturation Mailers Coalition, March 2, 2009, at 5.

⁵ Statements, if any, submitted in support of a party's position must comply with rule 3001.31 of the Commission's Rules of Practice and Procedure.

it appropriate to bifurcate the proceeding.

Based on the record developed in this proceeding, the Commission will evaluate whether any change in the established workshare discount methodologies, including methods to calculate avoided costs, is warranted. While the established methodologies will continue to be employed until (and if) changed, the Commission emphasizes that the intent of this proceeding is to provide a forum for a thorough examination of these important issues.

Pursuant to 39 U.S.C. 505, the Commission designates Emmett Rand Costich and James Callow to serve as Public Representative to represent the interests of the general public in this proceeding.

It is Ordered:

1. As discussed in the body of this order, initial presentations may be filed by any interested person no later than 60 days after publication of this order in the **Federal Register**.

2. Following receipt of the initial presentations, the Commission will issue a further procedural schedule in this proceeding.

3. Pursuant to 39 U.S.C. 505, Emmitt Rand Costich and James Callow are designated as the Public Representative in this proceeding to represent the interests of the general public.

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

By the Commission.

Steven W. Williams,
Secretary.

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BILLING CODE 7710-FW-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA-HQ-SFUND-1986-0005; FRL-8784-6]

National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of Intent for Partial Deletion of the Mouat Industries Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region 8 is issuing a Notice of Intent for Partial Deletion of the surface and subsurface soils component of the Mouat Industries

Superfund Site (Site) located in Columbus, Montana, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is found at Appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of Montana, through the Montana Department of Environmental Quality (MDEQ), have determined that all appropriate response actions at these identified parcels under CERCLA, other than five-year reviews and operation and maintenance, have been completed. However, this deletion does not preclude future actions under Superfund. This partial deletion pertains to the surface and subsurface soils component of the Mouat Industries Superfund Site. The groundwater component will remain on the NPL and is not being considered for deletion as part of this action.

DATES: Comments must be received by April 23, 2009.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-SFUND-1986-0005, by one of the following methods:

- *http://www.regulations.gov.* Follow on-line instructions for submitting comments.
- *E-mail:* hoogerheide.roger@epa.gov.
- *Fax:* (406) 457-5056.
- *Mail:* Roger Hoogerheide, Remedial Project Manager; U.S. EPA Montana Office; Federal Building, Suite 3200; 10 West 15th Street; Helena, MT 59626.
- *Hand delivery:* U.S. EPA Montana Office; Federal Building, Suite 3200; 10 West 15th Street; Helena, MT 59626. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID no. EPA-HQ-SFUND-1986-0005. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The