

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and closed.

**Week of July 20, 2009**

Thursday, July 23, 2009

1:25 p.m.

Affirmation Session (Public Meeting) (Tentative)

a. Southern Nuclear Operating Co. (Vogtle Electric Generating Plant, Units 3 and 4), LBP-09-3 (Ruling on Standing and Contention Admissibility); Virginia Electric and Power Co. (North Anna Unit 3), LBP-08-15 (Ruling on Standing and Contention Admissibility) (Tentative).

b. Draft Notice and Order for Areva Enrichment Services, LLC (Tentative).

Week of July 27, 2009—Tentative

There are no meetings scheduled for the week of July 27, 2009.

Week of August 3, 2009—Tentative

There are no meetings scheduled for the week of August 3, 2009.

Week of August 10, 2009—Tentative

There are no meetings scheduled for the week of August 10, 2009.

Week of August 17, 2009—Tentative

There are no meetings scheduled for the week of August 17, 2009.

Week of August 24, 2009—Tentative

There are no meetings scheduled for the week of August 24, 2009.

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\* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—(301) 415-1292.

Contact person for more information: Rochelle Baval, (301) 415-1651.

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The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/about-nrc/policy-making/schedule.html>.

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The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify the NRC's Disability Program Coordinator, Rohn Brown, at 301-492-2279, TDD: 301-415-2100, or by e-mail at [rohn.brown@nrc.gov](mailto:rohn.brown@nrc.gov). Determinations on

requests for reasonable accommodation will be made on a case-by-case basis.

\* \* \* \* \*

This notice is distributed electronically to subscribers. If you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301-415-1969), or send an email to [darlene.wright@nrc.gov](mailto:darlene.wright@nrc.gov).

Dated: July 16, 2009.

**Rochelle C. Baval,**

*Office of the Secretary.*

[FR Doc. E9-17378 Filed 7-17-09; 4:15 pm]

**BILLING CODE 7590-01-P**

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## POSTAL REGULATORY COMMISSION

[Docket No. CP2009-48 and CP2009-49; Order No. 250]

### New Competitive Postal Product

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recently-filed Postal Service request to add two additional Global Plus 2 contracts to the Competitive Product List. This notice addresses procedural steps associated with these filings.

**DATES:** Comments are due July 23, 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](mailto:stephen.sharfman@prc.gov).

**SUPPLEMENTARY INFORMATION:**

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

#### I. Background

On July 13, 2009, the Postal Service filed a notice, pursuant to 39 U.S.C. 3633 and 39 CFR 3015.5, announcing that it has entered into two additional Global Plus 2 contracts, which it states fit within the previously established Global Plus 2 Contracts product.<sup>1</sup> The Postal Service states that the instant contracts are functionally equivalent to previously submitted Global Plus 2 contracts, are filed in accordance with Order No. 112 and are supported by

<sup>1</sup> Notice of the United States Postal Service of Filing Two Functionally Equivalent Global Plus 2 Negotiated Service Agreements, July 13, 2009 (Notice).

Governors' Decision No. 08-10 filed in Docket No. MC2008-7.<sup>2</sup> Notice at 1.

The Notice also states that in Docket No. MC2008-7, the Governors established prices and classifications for competitive products not of general applicability for Global Plus 2 contracts. The Postal Service relates that the instant contracts are the immediate successor contracts to those in Docket Nos. CP2008-16 and CP2008-17, which will expire soon, and which the Commission found to be functionally equivalent in Order No. 112. The Postal Service contends that the instant contracts should be included within the Global Plus 2 product on the Competitive Product List. *Id.* In support, the Postal Service has filed redacted versions of each contract and related materials as Attachments 1-A and 1-B. Redacted versions of the certified statements required by 39 CFR 3015.5 are included as Attachments 2-A and 2-B, respectively. The Postal Service states that the contracts should be included within the Global Plus 2 product and requests that the instant contracts be considered the "baseline contracts for future functional equivalency analyses concerning this product." *Id.* at 2.

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

The Postal Service maintains that certain portions of each contract and certified statements required by 39 CFR 3015.5(c)(2), names and identifying information of the Global Plus 2 customers, related financial information, portions of the certified statements which contain costs and pricing 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 contracts are functionally equivalent because they share similar cost and market characteristics and should be classified as a single product. *Id.* at 3. It states that while the precursor contracts filed in Docket Nos. CP2008-16 and CP2008-17 exhibited minor distinctions based on differences in customers' negotiations, business needs or relationship with the Postal Service, the new versions of the agreements are identical to one another. *Id.* at 4.

The Postal Service also states that the instant contracts' customers are the

<sup>2</sup> See Docket Nos. MC2008-7, CP2008-16 and CP2008-17, Order Concerning Global Plus 2 Negotiated Service Agreements, October 3, 2008 (Order No. 112).

same Postal Qualified Wholesalers (PQWs) as the parties to the contracts in Docket Nos. CP2008–16 and CP2008–17. Even though some terms and conditions of the contracts have changed, it states the essence of the service to the PQW customers is offering price-based incentives to commit large amounts of mail volume or postage revenue for Global Bulk Economy (GBE) and Global Direct (GD).<sup>3</sup>

The Postal Service indicates that the instant contracts have material differences which include removal of retroactivity provisions, explanations of price modification as a result of currency rate fluctuations or postal administration fees; removal of language on enforcement of mailing requirements; and restructuring of price incentives, commitments, penalties and clarification of continuing contractual obligations in the event of termination.

The Postal Service maintains these differences only add detail or amplify processes included in prior Global Plus 2 contracts. It contends because the contracts have 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 contracts. *Id.* at 8. It states the contracts are substantially similar both to one another and to the precursor Global Plus 2 contracts. Therefore, it asserts these contracts are “functionally equivalent in all pertinent respects.” *Id.* at 8.

## II. Notice of Filing

The Commission establishes Docket Nos. CP2009–48 and CP2009–49 for consideration of the matters related to the contracts identified in the Postal Service’s Notice.

Interested persons may submit comments on whether the instant contracts are consistent with the policies of 39 U.S.C. 3632, 3622, or 3642. Comments are due no later than July 23, 2009. The public portions of these filings can be accessed via the Commission’s Web site (<http://www.prc.gov>).

The Commission appoints Michael J. Ravnitzky to serve as Public Representative in these dockets.

## III. Ordering Paragraphs

*It is Ordered:*

<sup>3</sup> The Postal Service states the commitments also account for International Priority Airmail (IPA), International Surface Air Lift (ISAL), Express Mail International (EMI), and Priority Mail International (PMI) items mailed under a separate but related Global Plus 1 contract with each customer. The Global Plus 1 contracts are the subject of a separate competitive products proceeding.

1. The Commission establishes Docket Nos. CP2009–48 and CP2009–49 for consideration of the issues raised in these dockets.

2. Comments by interested persons on issues in these proceedings are due no later than July 23, 2009.

3. Pursuant to 39 U.S.C. 505, Michael J. Ravnitzky is appointed to serve as officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.

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

Issued: July 16, 2009.

By the Commission.

**Judith M. Grady,**

*Acting Secretary.*

[FR Doc. E9–17420 Filed 7–20–09; 8:45 am]

**BILLING CODE 7710–FW–P**

## POSTAL REGULATORY COMMISSION

[Docket No. RM2009–3; Order No. 243]

### Postal Rates

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice of public forum.

**SUMMARY:** This document announces a public forum to address workshare discount methodologies in First-Class Mail and Standard Mail. It invites public participation in the forum, responses to views expressed at the forum, and replies to comments filed in response to Order No. 192. This document also incorporates revisions identified in a July 10, 2009 errata notice. The revisions affected only the list of commenters presented in Order No. 243.

**DATES:** Public forum: August 11, 2009 at 1 p.m.; responses and reply comments due: August 31, 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, at 202–789–6820 or [stephen.sharfman@prc.gov](mailto:stephen.sharfman@prc.gov).

**SUPPLEMENTARY INFORMATION:** *Regulatory History*, 74 FR 50744 (March 24, 2009).

- I. Introduction
- II. Public Forum Issues
- III. Ordering Paragraphs

### I. Introduction

On March 16, 2009, the Commission issued Order No. 191 in Docket No. R2009–2 approving a set of market dominant rate changes proposed by the

Postal Service. It did so with the awareness that a number of complex issues relating to the proper application of the Postal Accountability and Enhancement Act (PAEA), Public Law 109–435, 120 Stat. 3198 (2006), to those rates could best be resolved in a follow-on docket in which sufficient time and sufficiently flexible procedures would be available to ensure that these issues could be thoroughly examined. To that end, the Commission issued Order No. 192, also on March 16, 2009, soliciting public comment on the “legal, factual, and economic bases” underlying the discounts for First-Class and Standard Mail approved in Docket No. R2009–2, and any alternative workshare discount rate design and cost avoidance methodologies that participants wished to propose.<sup>1</sup>

The comments received on May 26 and 27, 2009 were numerous and wide-ranging.<sup>2</sup> Those comments include legal interpretations of the relevant portions of the PAEA, offered arguments (largely qualitative) concerning the market position of various categories of First-Class and Standard Mail, and advocate both the use or abandonment of certain traditional benchmarks used to quantify the costs avoided by various mail characteristics associated with workshare discounts. Several participants offered classification proposals designed to recognize the unique cost characteristics of various subsets of First-Class Mail. Specifically, *Stamps.com* proposed that a “Qualified PC Postage” mail category be established to reflect the reduced costs that would accompany single-piece First-Class Mail to which the mailer has applied CASS certified software and a full-service Intelligent Mail Barcode. *Stamps.com* Comments at 1. In addition, the officer of the Commission appointed to represent the interests of the general public (Public Representative) proposed that if the link between single-piece First-Class Mail costs and presorted First-Class Mail rates is to be abandoned, that single-piece First-Class Mail be established as a separate class of mail for rate setting purposes. Public Representative’s Comments at 23–27.

It is clear from the comments that resolving some of these issues will be contingent on how others are resolved. For example, if the Commission were to agree with the Postal Service’s view

<sup>1</sup> See Order No. 192, Notice of Proposed Rulemaking on Application of Workshare Discount Rate Design Principles, March 16, 2009, at 3 (Order No. 192).

<sup>2</sup> There were 13 commenters in response to Order No. 192. For convenience, participant comments are identified in Appendix A to this order.