

1–2. In Order No. 105, the Commission approved the individual IDE contracts in MC2008–6 as functionally equivalent and added the contracts to the Competitive Product List as one product under the IDE classification.<sup>3</sup>

*The instant contract.* The Postal Service filed the instant contract pursuant to 39 CFR 3015.5. The contract is with New Zealand Post Limited (NZP), the public postal administration for New Zealand.<sup>4</sup> The contract term is one year from the effective date and may be automatically renewed for further periods unless the parties agree otherwise. Notice at 3. The Postal Service will notify the customer of the effective date of the contract within 30 days after receiving all regulatory approvals. *Id.*, Attachment 2, at 10, Article 19.

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

1. *Attachment 1*—an application for non-public treatment of materials to maintain the contract and supporting documents under seal;

2. *Attachment 2*—a redacted copy of the contract;

3. *Attachment 3*—a certified statement required by 39 CFR 3015.5(c)(2); and

4. *Attachment 4*—a redacted copy of Governors' Decision No. 08–6 which establishes prices and classifications for IDE contracts.

*Functional equivalency.* The Postal Service asserts that the instant IDE contract is functionally equivalent to IDE contracts previously submitted because it shares similar cost and market characteristics and therefore, the contracts should be classified as a single product. *Id.* at 3–4.<sup>5</sup> Further, it contends that the contract fits within the Mail Classification Schedule language for IDE contracts included with Governors' Decision 08–6. *Id.* at 2.

Establishment of Prices and Classifications for Inbound Direct Entry Contracts with Foreign Postal Administrations (Governors' Decision No. 08–6), May 6, 2008.

<sup>3</sup> See Docket Nos. MC2008–6, CP2008–14 and CP2008–15, Order Concerning Prices Under Inbound Direct Entry Contract With Certain Foreign Postal Administrations, September 4, 2008, at 8 (Order No. 105).

<sup>4</sup> More specifically, NZP is responsible for New Zealand's compliance with international obligations, such as those relative to Express Mail Service (EMS). *Compare with* Notice, Attachment 2 at 3, Article 6(3) (EMS and Air Parcels may not be commingled in sacks containing items under this Agreement).

<sup>5</sup> The IDE service allows the Postal Service to provide foreign postal administrations with the ability to ship sacks of parcels that are pre-labeled for direct entry into the Postal Service's mail stream in exchange for applicable domestic postage plus a sack handling fee.

In addition, the Postal Service contends that the contract is in accordance with Order No. 105, which established the individual IDE contracts in Docket Nos. CP2008–14 and CP2008–15 as functionally equivalent and added the contracts to the competitive product list as one product under the IDE classification.<sup>6</sup> It further asserts that the “instant IDE Contract is virtually identical to that in Docket No. CP2009–41,” except for differences relating to the term, confidentiality, and payment account methods. *Id.* at 3–4. The Postal Service maintains that the differences do not affect the fundamental service being offered or the essential structure of the contracts. *Id.* at 4.

*Baseline treatment.* The Postal Service requests that the instant contract be considered the baseline contract for future functional equivalency comparisons because future IDE contracts “are likely to resemble this contract in form and substance \* \* \*” *Id.* at 2. The Postal Service has made a similar request in a recent filing.<sup>7</sup> The matter is pending before the Commission on a request for clarification filed by the Postal Service.<sup>8</sup> The Commission intends to address the issue in that proceeding in a subsequent order.

## II. Notice of Filing

The Commission establishes Docket No. CP2009–62 for consideration of the matters related to the contract identified in the Postal Service's Notice.

Interested persons may submit comments on whether the instant contract is consistent with the policies of 39 U.S.C. 3632, 3633, or 3642. Comments are due no later than September 2, 2009.

The public portions of these filings can be accessed via the Commission's Web site (<http://www.prc.gov>).

The Commission appoints Paul L. Harrington to serve as Public Representative in this docket.

## III. Ordering Paragraphs

*It is ordered:*

<sup>6</sup> See Order No. 105, at 8.

<sup>7</sup> Docket No. C2009–50, Notice of the United States Postal Service Filing of Functionally Equivalent Global Expedited Package Services 1 Negotiated Service Agreement, July 15, 2009; see also Docket No. C2009–58, Notice of United States Postal Service Filing of Functionally Equivalent Global Expedited Package Services 1 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal, August 7, 2009.

<sup>8</sup> Docket No. CP2009–50, United States Postal Service Response to Order No. 262 Concerning Termination Date of Additional Global Expedited Package Services 1 Negotiated Service Agreement and Request for Clarification, July 30, 2009.

1. The Commission establishes Docket No. CP2009–62 for consideration of the issues raised in this docket.

2. Comments by interested persons in these proceedings are due no later than September 2, 2009.

3. Pursuant to 39 U.S.C. 505, Paul L. Harrington 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 August 25, 2009.

By the Commission.

**Judith M. Grady,**

*Acting Secretary.*

[FR Doc. E9–20955 Filed 8–28–09; 8:45 am]

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## POSTAL REGULATORY COMMISSION

[Docket Nos. MC2009–40 and CP2009–61; Order No. 288]

### Parcel Select & Parcel Return Service

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recently-filed Postal Service request to add Parcel Select & Parcel Return Service Contract 2 to the Competitive Product List. The Postal Service has also filed a related contract. This notice addresses procedural steps associated with these filings.

**DATES:** Comments are due September 2, 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 202–789–6829 or [stephen.sharfman@prc.gov](mailto:stephen.sharfman@prc.gov).

### SUPPLEMENTARY INFORMATION:

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

### I. Introduction

On August 21, 2009, the Postal Service filed a formal request pursuant to 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.* to add Parcel Select & Parcel Return Service Contract 2 to the Competitive Product List.<sup>1</sup> The Postal

<sup>1</sup> Request of the United States Postal Service to Add Parcel Select & Parcel Return Service Contract 2 to Competitive Product List and Notice of Establishment of Rates and Class Not of General Applicability, August 21, 2009 (Request).

Service asserts that Parcel Select & Parcel Return Service Contract 2 is a competitive product "not of general applicability" within the meaning of 39 U.S.C. 3632(b)(3). The Request has been assigned Docket No. MC2009-40.

The Postal Service contemporaneously filed a contract related to the proposed new product pursuant to 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. The contract has been assigned Docket No. CP2009-61.

*Request.* The Request includes (1) a redacted version of the Governors' Decision authorizing the new product; (2) a redacted version of the contract; (3) requested changes in the Mail Classification Schedule product list; (4) a Statement of Supporting Justification as required by 39 CFR 3020.32; (5) a certification of compliance with 39 U.S.C. 3633(a); and (6) an application for the non-public treatment of materials.<sup>2</sup> Substantively, the Request seeks to add Parcel Select & Parcel Return Service Contract 2 to the Competitive Product List. *Id.* at 1-2.

## II. Notice of Filings

The Commission establishes Docket Nos. MC2009-40 and CP2009-61 for consideration of the Request pertaining to the proposed Parcel Select & Parcel Return Service Contract 2 product and the related contract, respectively. In keeping with practice, these dockets are addressed on a consolidated basis for purposes of this Order; however, future filings should be made in the specific docket to which issues being addressed pertain.

Interested persons may submit comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642 and 39 CFR part 3015 and 39 CFR 3020 subpart B. Comments are due no later than September 2, 2009. The public portions of these filings can be accessed via the Commission's Web site (<http://www.prc.gov>).

The Commission appoints Paul L. Harrington to serve as Public Representative in these dockets.

## III. Supplemental Information

Pursuant to 39 CFR 3015.6, the Commission requests the Postal Service

<sup>2</sup> Attachment A to the Request is a redacted version of the Governors' Decision authorizing the new product; Attachment B to the Request is the redacted version of the contract. Attachment C shows the requested changes to the Mail Classification Schedule product list. Attachment D provides a statement of supporting justification for this Request. Attachment E provides the certification of compliance with 39 U.S.C. 3633(a). Attachment F is the Postal Service's Application for the treatment of Non-Public materials.

to provide the following supplemental information by August 31, 2009:

1. In the Postal Service's Application for Non-Public Treatment of Materials, section (3), the Postal Service states: "However, in a limited number of cases, narrative passages or notes were redacted in their entirety due to the practical difficulties of redacting particular words or numbers within the text as presented in a spreadsheet format." Request, Attachment F, at 3. In accordance with 39 CFR 3007.10(c), please indicate the number of lines or number of pages removed at each redaction; and

2. The cost coverage in the Governors' Decision differs from the calculated cost coverage in the accompanying spreadsheets filed under seal. Please explain this discrepancy.

## IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2009-40 and CP2009-61 for consideration of the matter raised in each docket.

2. Pursuant to 39 U.S.C. 505, Paul L. Harrington is appointed to serve as officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.

3. The Postal Service is to provide the information requested in section III of this Order no later than August 31, 2009.

4. Comments by interested persons in these proceedings are due no later than September 2, 2009.

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

Issued: August 25, 2009.

By the Commission.

**Judith M. Grady,**

*Acting Secretary.*

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**BILLING CODE 7710-FW-P**

## POSTAL SERVICE

### Board of Governors; Sunshine Act Meeting; Board Votes To Close September 2, 2009, Meeting

At its closed session meeting on August 4, 2009, the Board of Governors of the United States Postal Service voted unanimously to close to public observation its meeting to be held on September 2, 2009, in Washington, DC via teleconference. The Board determined that no earlier public notice was possible.

## Items Considered

1. Financial Matters.
2. Strategic Issues.
3. Pricing.
4. Personnel Matters and Compensation Issues.
5. Governors' Executive Session—discussion of prior agenda items and Board Governance.

## General Counsel Certification

The General Counsel of the United States Postal Service has certified that the meeting is properly closed under the Government in the Sunshine Act.

## Contact Person for More Information

Requests for information about the meeting should be addressed to the Secretary of the Board, Julie S. Moore, at (202) 268-4800.

**Julie S. Moore,**

*Secretary.*

[FR Doc. E9-20952 Filed 8-27-09; 11:15 am]

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## SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #11851 and #11852]

### Kentucky Disaster #KY-00028

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the Commonwealth of Kentucky (FEMA-1855-DR), dated 08/24/2009. *Incident:* Severe Storms, Straight-line Winds, and Flooding.

*Incident Period:* 08/04/2009.

*Effective Date:* 08/24/2009.

*Physical Loan Application Deadline Date:* 10/23/2009.

*Economic Injury (EIDL) Loan Application Deadline Date:* 05/24/2010.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

#### FOR FURTHER INFORMATION CONTACT:

**A. ESCOBAR, OFFICE OF DISASTER ASSISTANCE, U.S. SMALL BUSINESS ADMINISTRATION, 409 3RD STREET, SW., SUITE 6050, WASHINGTON, DC 20416.**

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the President's major disaster declaration on 08/24/2009, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.