

SUMMARY: The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Union Pacific Railroad (UPRR) Vertical Lift Span Bridge across the Victoria Barge Canal, mile 29.4 at Bloomington, Victoria County, Texas. The deviation is necessary to allow for joint replacement on the draw span. This deviation provides for the bridge to remain closed to navigation for 8 consecutive hours on October 19 and 20, 2009, from 8 a.m. to 4 p.m. each day.

DATES: This deviation is effective from 8 a.m. on Monday, October 19, 2009 until 4 p.m. on Tuesday, October 20, 2009.

ADDRESSES: Documents mentioned in this preamble as being available in the docket are part of docket USCG-2009-0857 and are available online by going to <http://www.regulations.gov>, inserting USCG-2009-0857 in the "Keyword" box and then clicking "Search." They are also available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or e-mail Phil Johnson, Bridge Administration Branch, Eighth Coast Guard District; telephone 504-671-2128, e-mail Philip.R.Johnson@uscg.mil. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

SUPPLEMENTARY INFORMATION: The Victoria County Navigation District has requested a temporary deviation from the operating schedule of the UPRR Vertical Lift Span Bridge across the Victoria Barge Canal, mile 29.4 at Bloomington, Texas. The vertical lift bridge has a vertical clearance of 22 feet above high water in the closed-to-navigation position and 50 feet above high water in the open-to-navigation position.

Presently, the bridge opens on signal for the passage of vessels. This deviation allows the draw span of the bridge to remain closed to navigation for 8 consecutive hours between 8 a.m. and 4 p.m. each day on October 19 and 20, 2009. Navigation on the waterway consists mainly of tugs with tows. Due to prior experience and coordination with waterway users, it has been determined that this closure will not have a significant effect on these vessels.

The vertical lift bridge has a vertical clearance of 22 feet above high water in the closed-to-navigation position and 50 feet above high water in the open-to-navigation position. No alternate routes are available. The closures are necessary to allow for rail joint replacement on the bridge. As this work is proposed during hurricane season, the work may be postponed and rescheduled, should any tropical storms or hurricanes enter or develop in the Gulf of Mexico. The Coast Guard has coordinated the closures with the commercial users of the waterway.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: September 21, 2009.

David M. Frank,

Bridge Administrator.

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POSTAL REGULATORY COMMISSION

39 CFR Part 3020

[Docket No. CP2009-62; Order No. 296]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is adding Inbound Direct Entry Contracts with Foreign Postal Administrations (MC2008-6) to the Competitive Product List. This action is consistent with changes in a recent law governing postal operations. Republication of the lists of market dominant and competitive products is also consistent with new requirements in the law.

DATES: Effective October 5, 2009 and is applicable beginning September 4, 2009.

FOR FURTHER INFORMATION CONTACT:

Stephen L. Sharfman, General Counsel, 202-789-6820 or stephen.sharfman@prc.gov.

SUPPLEMENTARY INFORMATION: *Regulatory History*, 74 FR 44880 (August 31, 2009).

- I. Introduction
- II. Background
- III. Comments
- IV. Commission Analysis
- V. Ordering Paragraphs

I. Introduction

The Postal Service requests to add a new Inbound Direct Entry (IDE) contract to the Inbound Direct Entry Contracts with Foreign Postal Administrations

product established in Docket No. MC2008-6.¹ In its filing, the Postal Service also requests to have the instant contract designated as the new baseline agreement for purposes of determining the functional equivalence of future IDE contracts. *Id.* at 2. For the reasons discussed below, the Commission approves the addition of the instant contract to the Competitive Product List as a new product, Inbound Direct Entry Contracts with Foreign Postal Administrations 1 (referred to hereinafter as IDE 1).

II. Background

On August 21, 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 an Inbound Direct Entry (IDE) contract with New Zealand Post Limited (NZP), the public postal operator of New Zealand. It states that the NZP agreement is functionally equivalent to previously established IDE contracts filed in Docket Nos. CP2008-14, CP2008-15 and CP2009-41. *Id.* at 1. The IDE product 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 mailstream in exchange for applicable domestic postage plus a sack handling fee. The core of the service is the sack handling and entry as domestic mail.

The Postal Service also publicly filed a redacted version of the contract, an application for non-public treatment of supporting materials, a certified statement required by 39 CFR 3015(c)(2), a redacted version of the Governors' Decision that authorizes IDE contracts, and a redacted version of the supporting financial information. The contract and supporting financial information were filed under seal.

The Notice states that the instant contract is functionally equivalent to the IDE contracts previously submitted, fits within the Mail Classification Schedule (MCS) language included in Attachment A to Governors' Decision No. 08-6, and should be included within the IDE contracts product. *Id.* at 2. In Order No. 105, the Commission approved the individual IDE contracts in Docket No. MC2008-6 as functionally equivalent and added the contracts to the Competitive Product List as one product under the IDE classification.²

¹ Notice of United States Postal Service of Filing Functionally Equivalent Inbound Direct Entry Contracts Negotiated Service Agreement, August 21, 2009 (Notice).

² See Docket Nos. MC2008-6, CP2008-14 and CP2008-15, Order Concerning Prices Under Inbound Direct Entry Contracts With Certain

The Postal Service includes by reference its arguments regarding the functional equivalence to the IDE contracts as indicated in Docket Nos. CP2008–14 and CP2008–15, with three noted exceptions. Notice at 3 (footnote omitted). The instant IDE contract, it claims, resembles the contracts in Docket Nos. CP2008–14 and CP2008–15, except as to the provisions on the term, confidentiality, and payment account details. *Id.* at 3–4.

The Postal Service maintains that some materials should remain under seal including certain portions of the contract and certified statement required by 39 CFR 3015.5(c)(2), related financial information, portions of the certified statement which contain costs and pricing, as well as the accompanying analyses that provide prices, terms, conditions, and financial projections. *Id.* at 2–3.

The Postal Service will notify the customer of the effective date of the contract within 30 days after receiving all regulatory approvals. The contract term is 1 year from the effective date, but will be renewed automatically until terminated by the parties.

In Order No. 289, the Commission gave notice of this docket, appointed a Public Representative, and provided the public with an opportunity to comment.³

III. Comments

Comments were filed by the Public Representative.⁴ No other interested persons submitted comments. The Public Representative states that “[e]ach pertinent element of 39 U.S.C. 3632, 3622, and 3642 appears to be met by this contract.” *Id.* at 1. He also notes that each element of 39 U.S.C. 3633(a) appears to be met by this additional IDE contract. *Id.* at 5. The pricing, in light of supporting documentation filed under seal, appears adequate and compliant.⁵ *Id.* The Public

Representative concludes that the contract appears to be functionally equivalent to the other contracts within the IDE contract product (MC2008–6) classification, and the contract contains pricing incentives and other provisions beneficial to both the Postal Service and the general public.⁶ Without opposing the proposal to treat the NZP agreement as a new baseline, he does question why a functionally equivalent agreement should create a new baseline. *Id.* at 4. He underscores that the MCS must retain precision to preclude erosion of accountability and transparency. *Id.* As a safeguard, he proposes that the Postal Service outline in its future notices of any functionally equivalent agreement material distinctions and similarities. *Id.*

IV. Commission Analysis

The three main issues in this proceeding are whether the agreement satisfies 39 U.S.C. 3633, and the interrelated issue of whether the instant contract is functionally equivalent with previously filed IDE contracts; and whether it should be classified as a baseline for future IDE contracts.⁷ In reaching its conclusions, the Commission has reviewed the Notice, the agreement and the financial analyses provided under seal, and the Public Representative’s comments.

Statutory requirements. The Postal Service contends that the instant agreement and supporting documents filed in this docket establish compliance with the statutory provisions applicable to rates for competitive products (39 U.S.C. 3633). Notice at 2. It asserts that Governors’ Decision No. 08–6 supporting this agreement establishes a pricing formula and classification that ensures each contract meets the criteria of 39 U.S.C. 3633 and the regulations promulgated thereunder. It further states that the previously proposed IDE MCS language requires each contract to cover its attributable costs. *Id.* at 3.

During the review of the Postal Service’s financial supporting documentation, the Commission found discrepancies between (a) the supporting financial material, and (b) the contract rate provisions. The financial supporting documentation uses rates in effect prior to the May 11,

2009 increase in prices for market dominant products.⁸ The contract, however, contains the rates currently in effect. Additionally, the contract is based on Priority Mail commercial rates; however, the financial supporting documentation uses Priority Mail retail rates. These discrepancies did not adversely affect cost coverage for the contract. The Commission found these same discrepancies in Docket No. CP2009–41 and highlighted them in Order No. 248.⁹

Based on the data submitted and its analysis, the Commission finds that the agreement should cover its attributable costs (39 U.S.C. 3633(a)(2)), should not lead to the subsidization of competitive products by market dominant products (39 U.S.C. 3633(a)(1)), and should have a positive effect on competitive products’ contribution to institutional costs (39 U.S.C. 3633(a)(3)). Thus, an initial review of the proposed agreement indicates that it comports with the provisions applicable to rates for competitive products.

Functional equivalence/baseline treatment. The Postal Service asserts that the instant contract is functionally equivalent to the IDE contracts filed previously because it shares similar cost and market characteristics, and therefore the contract should be classified as a single product. Notice at 3. The Postal Service notes, however, that the instant contract includes provisions not contained in the earlier IDE contracts. *Id.* These differences include: (1) Renewal can result automatically, without the parties’ mutual agreement; (2) confidentiality duties that comport with the Commission’s new confidentiality rules, and are governed in the text of the agreement rather than under an annex; and (3) the payment methods that are comparable to the terms in Docket No. CP2008–15, but not other prior IDE contracts.¹⁰ *Id.* at 4.

The Postal Service also requests that the instant contract be considered a new baseline for future functional equivalent comparisons “[b]ecause future IDE Contracts are likely to resemble this contract in form and substance. Notice at 2. The Postal Service also explains

Foreign Postal Administrations, September 4, 2008, at 8 (Order No. 105).

³ PRC Order No. 289, Notice and Order Concerning Filing of Functionally Equivalent Inbound Direct Entry Contracts Negotiated Service Agreement, August 25, 2009 (Order No. 289).

⁴ Public Representative Comments in Response to United States Postal Service Request to Add Inbound Direct Entry Contract to the Competitive Products List, September 3, 2009 (Public Representative Comments). The Public Representative filed an accompanying Motion of the Public Representative for Late Acceptance of Comments in Response to United States Postal Service Request to Add Inbound Direct Entry Contract to the Competitive Product List, September 3, 2009. The motion is granted.

⁵ The Public Representative determines that the Postal Service has provided adequate justification for maintaining confidentiality in this case. *Id.* at 2. He affirms that his review of the materials filed

under seal indicates that the instant contract complies with the pricing formula for IDE contracts.

⁶ *Id.* at 1 and 3. He also concurs that the agreement appears to satisfy costing requirements, but seeks clarity in the process. *Id.* at 4–5, citing 39 CFR 3020.13(b)(3).

⁷ Previously, the Commission found the Inbound Direct Contracts product to be properly classified as a competitive product. See Order No. 105 at 7; see also 36 U.S.C. 3642(d).

⁸ See Docket No. R2009–2, Order Approving Revisions in Amended Notice of Market Dominant Price Adjustment, April 9, 2009. The Postal Service filed rates to become effective May 11, 2009.

⁹ Docket No. CP2009–41, Order Concerning Filing of Functionally Equivalent Inbound Direct Entry Contracts Negotiated Service Agreement, July 15, 2009 (Order No. 248).

¹⁰ The present contract differs from Docket No. CP2008–14, which did not use the Centralized Trust Account payment method, and Docket No. CP2009–41, which included an annex based on foreign financial regulatory requirements.

that the text of the earlier IDE contracts contain different extension terms, confidentiality, and payment account detail provisions, and it intends to incorporate the new provisions into subsequent IDE contracts. Thus, it expects “future IDE Contracts to resemble the instant contract more closely than those in Docket Nos. CP2008–14 and CP2008–15.” *Id.* at 4.

In lieu of ruling on the functional equivalence of the instant contract to those previously filed, the Commission concludes, for reasons of accountability and transparency as suggested by the Public Representative, that the more appropriate outcome is to add the instant contract to the Competitive Product List as a new product, IDE 1. In approving the initial IDE contract, it was the Commission’s expectation that it would be followed by additional IDE contracts that may exhibit sufficient variation from the initial contract to warrant being classified as a new product, *e.g.*, IDE 2, IDE 3, etc. Given the Postal Service’s intent to use the instant contract as a template for future IDE contracts and that it contains provisions not included in the earlier IDE contracts, the Commission will label the instant contract as a new product, IDE 1. To the extent that future IDE contracts with foreign posts are (substantially) based on the instant contract, the Postal Service may seek to have them classified as functionally equivalent. To the extent that such future contracts differ substantially, the Postal Service should file a request, pursuant to 39 CFR 3020.1 *et seq.*, to add a new product to the Competitive Product List.¹¹

Following the current practice, the Postal Service shall identify all significant differences between any new IDE contract and the IDE 1 product. Such differences would include terms and conditions that impose new obligations or new requirements on any party to the contract. In addition, and consistent with the current practice, a redacted copy of Governors’ Decision No. 08–6 should be included in the new filing.

V. Ordering Paragraphs

It is ordered:

1. A new subcategory titled “Inbound Direct Entry Contracts with Foreign

Postal Administrations” shall be created under the Inbound International category appearing in the Competitive Product list. This subcategory will include all individual Inbound Direct Entry Contracts with Foreign Postal Administrations products.

2. The existing product titled “Inbound Direct Entry Contracts with Foreign Postal Administrations (MC2008–6, CP2008–14 and CP2008–15)” shall appear under the subcategory Inbound Direct Entry Contracts with Foreign Postal Administrations until each of the individual contracts within this product has expired.

3. The IDE contract filed in Docket No. CP2009–62 is added to the Competitive Product List as a new product, “Inbound Direct Entry Contracts with Foreign Postal Administrations 1 (MC2008–6, CP2009–62)” and shall appear under the subcategory Inbound Direct Entry Contracts with Foreign Postal Administrations.

4. The Postal Service shall notify the Commission of the scheduled effective date and termination date and update the Commission if the contract terminates at an earlier date.

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

List of Subjects in 39 CFR Part 3020

Administrative practice and procedure; Postal Service.

By the Commission.

Judith M. Grady,

Acting Secretary.

■ For the reasons stated in the preamble, under the authority at 39 U.S.C. 503, the Postal Regulatory Commission amends 39 CFR part 3020 as follows:

PART 3020—PRODUCT LISTS

■ 1. The authority citation for part 3020 continues to read as follows:

Authority: 39 U.S.C. 503; 3622; 3631; 3642; 3682.

■ 2. Revise Appendix A to Subpart A of Part 3020—Mail Classification Schedule to read as follows:

Appendix A to Subpart A of Part 3020—Mail Classification Schedule

Part A—Market Dominant Products

1000 Market Dominant Product List

First-Class Mail

Single-Piece Letters/Postcards

Bulk Letters/Postcards

Flats

Parcels

Outbound Single-Piece First-Class Mail

International

Inbound Single-Piece First-Class Mail
International
Standard Mail (Regular and Nonprofit)
High Density and Saturation Letters
High Density and Saturation Flats/Parcels
Carrier Route
Letters
Flats
Not Flat-Machinables (NFM)/Parcels
Periodicals
Within County Periodicals
Outside County Periodicals
Package Services
Single-Piece Parcel Post
Inbound Surface Parcel Post (at UPU rates)
Bound Printed Matter Flats
Bound Printed Matter Parcels
Media Mail/Library Mail
Special Services
Ancillary Services
International Ancillary Services
Address List Services
Caller Service
Change-of-Address Credit Card
Authentication
Confirm
International Reply Coupon Service
International Business Reply Mail Service
Money Orders
Post Office Box Service
Negotiated Service Agreements
HSBC North America Holdings Inc.
Negotiated Service Agreement
Bookspan Negotiated Service Agreement
Bank of America corporation Negotiated
Service Agreement
The Bradford Group Negotiated Service
Agreement
Inbound International
Canada Post—United States Postal Service
Contractual Bilateral Agreement for
Inbound Market Dominant Services
Market Dominant Product Descriptions
First-Class Mail
[Reserved for Class Description]
Single-Piece Letters/Postcards
[Reserved for Product Description]
Bulk Letters/Postcards
[Reserved for Product Description]
Flats
[Reserved for Product Description]
Parcels
[Reserved for Product Description]
Outbound Single-Piece First-Class Mail
International
[Reserved for Product Description]
Standard Mail (Regular and Nonprofit)
[Reserved for Class Description]
High Density and Saturation Letters
[Reserved for Product Description]
High Density and Saturation Flats/Parcels
[Reserved for Product Description]
Carrier Route
[Reserved for Product Description]
Letters
[Reserved for Product Description]
Flats
[Reserved for Product Description]
Not Flat-Machinables (NFM)/Parcels
[Reserved for Product Description]
Periodicals
[Reserved for Class Description]
Within County Periodicals

¹¹ As the Commission recently noted in Order No. 290, “[f]uture requests to implement a new baseline agreement should be filed as an MC docket since it will result in adding a new product to the product list and may result in removing a product from the product list.” 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).

[Reserved for Product Description]	[Reserved for Product Description]	Express Mail & Priority Mail Contract 5 (MC2009–18 and CP2009–25)
Outside County Periodicals	Change-of-Address Credit Card	Express Mail & Priority Mail Contract 6 (MC2009–31 and CP2009–42)
[Reserved for Product Description]	Authentication	Express Mail & Priority Mail Contract 7 (MC2009–32 and CP2009–43)
Package Services	[Reserved for Product Description]	Express Mail & Priority Mail Contract 8 (MC2009–33 and CP2009–44)
[Reserved for Class Description]	Confirm	Parcel Select & Parcel Return Service Contract 2 (MC2009–40 and CP2009–61)
Single-Piece Parcel Post	[Reserved for Product Description]	Parcel Return Service Contract 1 (MC2009–1 and CP2009–2)
[Reserved for Product Description]	International Reply Coupon Service	Priority Mail Contract 1 (MC2008–8 and CP2008–26)
Inbound Surface Parcel Post (at UPU rates)	[Reserved for Product Description]	Priority Mail Contract 2 (MC2009–2 and CP2009–3)
[Reserved for Product Description]	International Business Reply Mail Service	Priority Mail Contract 3 (MC2009–4 and CP2009–5)
Bound Printed Matter Flats	[Reserved for Product Description]	Priority Mail Contract 4 (MC2009–5 and CP2009–6)
[Reserved for Product Description]	Money Orders	Priority Mail Contract 5 (MC2009–21 and CP2009–26)
Bound Printed Matter Parcels	[Reserved for Product Description]	Priority Mail Contract 6 (MC2009–25 and CP2009–30)
[Reserved for Product Description]	Post Office Box Service	Priority Mail Contract 7 (MC2009–25 and CP2009–31)
Media Mail/Library Mail	[Reserved for Product Description]	Priority Mail Contract 8 (MC2009–25 and CP2009–32)
[Reserved for Product Description]	Negotiated Service Agreements	Priority Mail Contract 9 (MC2009–25 and CP2009–33)
Special Services	[Reserved for Class Description]	Priority Mail Contract 10 (MC2009–25 and CP2009–34)
[Reserved for Class Description]	HSBC North America Holdings Inc.	Priority Mail Contract 11 (MC2009–27 and CP2009–37)
Ancillary Services	Negotiated Service Agreement	Priority Mail Contract 12 (MC2009–28 and CP2009–38)
[Reserved for Product Description]	[Reserved for Product Description]	Priority Mail Contract 13 (MC2009–29 and CP2009–39)
Address Correction Service	Bookspan Negotiated Service Agreement	Priority Mail Contract 14 (MC2009–30 and CP2009–40)
[Reserved for Product Description]	[Reserved for Product Description]	Priority Mail Contract 15 (MC2009–35 and CP2009–54)
Applications and Mailing Permits	Bank of America Corporation Negotiated Service Agreement	Priority Mail Contract 16 (MC2009–36 and CP2009–55)
[Reserved for Product Description]	The Bradford Group Negotiated Service Agreement	Priority Mail Contract 17 (MC2009–37 and CP2009–56)
Business Reply Mail		Outbound International
[Reserved for Product Description]		Direct Entry Parcels Contracts
Bulk Parcel Return Service		Direct Entry Parcels 1 (MC2009–26 and CP2009–36)
[Reserved for Product Description]		Global Direct Contracts (MC2009–9, CP2009–10, and CP2009–11)
Certified Mail		Global Expedited Package Services (GEPS) Contracts
[Reserved for Product Description]		GEPS 1 (CP2008–5, CP2008–11, CP2008–12, and CP2008–13, CP2008–18, CP2008–19, CP2008–20, CP2008–21, CP2008–22, CP2008–23, and CP2008–24)
Certificate of Mailing		Global Expedited Package Services 2 (CP2009–50)
[Reserved for Product Description]		Global Plus Contracts
Collect on Delivery		Global Plus 1 (CP2008–8, CP2008–46 and CP2009–47)
[Reserved for Product Description]		Global Plus 2 (MC2008–7, CP2008–48 and CP2008–49)
Delivery Confirmation		Inbound International
[Reserved for Product Description]		Inbound Direct Entry Contracts with Foreign Postal Administrations
Insurance		Inbound Direct Entry Contracts with Foreign Postal Administrations (MC2008–6, CP2008–14 and MC2008–15)
[Reserved for Product Description]		Inbound Direct Entry Contracts with Foreign Postal Administrations 1 (MC2008–6 and CP2009–62)
Merchandise Return Service		
[Reserved for Product Description]		
Parcel Airlift (PAL)		
[Reserved for Product Description]		
Registered Mail		
[Reserved for Product Description]		
Return Receipt		
[Reserved for Product Description]		
Return Receipt for Merchandise		
[Reserved for Product Description]		
Restricted Delivery		
[Reserved for Product Description]		
Shipper-Paid Forwarding		
[Reserved for Product Description]		
Signature Confirmation		
[Reserved for Product Description]		
Special Handling		
[Reserved for Product Description]		
Stamped Envelopes		
[Reserved for Product Description]		
Stamped Cards		
[Reserved for Product Description]		
Premium Stamped Stationery		
[Reserved for Product Description]		
Premium Stamped Cards		
[Reserved for Product Description]		
International Ancillary Services		
[Reserved for Product Description]		
International Certificate of Mailing		
[Reserved for Product Description]		
International Registered Mail		
[Reserved for Product Description]		
International Return Receipt		
[Reserved for Product Description]		
International Restricted Delivery		
[Reserved for Product Description]		
Address List Services		
[Reserved for Product Description]		
Caller Service		

International Business Reply Service
Competitive Contract 1 (MC2009–14 and
CP2009–20)

Competitive Product Descriptions
Express Mail
[Reserved for Group Description]
Express Mail
[Reserved for Product Description]
Outbound International Expedited Services
[Reserved for Product Description]
Inbound International Expedited Services
[Reserved for Product Description]
Priority
[Reserved for Product Description]
Priority Mail
[Reserved for Product Description]
Outbound Priority Mail International
[Reserved for Product Description]
Inbound Air Parcel Post
[Reserved for Product Description]
Parcel Select
[Reserved for Group Description]
Parcel Return Service
[Reserved for Group Description]
International
[Reserved for Group Description]
International Priority Airlift (IPA)
[Reserved for Product Description]
International Surface Airlift (ISAL)
[Reserved for Product Description]
International Direct Sacks—M—Bags
[Reserved for Product Description]
Global Customized Shipping Services
[Reserved for Product Description]
International Money Transfer Service
[Reserved for Product Description]
Inbound Surface Parcel Post (at non-UPU
rates)
[Reserved for Product Description]
International Ancillary Services
[Reserved for Product Description]
International Certificate of Mailing
[Reserved for Product Description]
International Registered Mail
[Reserved for Product Description]
International Return Receipt
[Reserved for Product Description]
International Restricted Delivery
[Reserved for Product Description]
International Insurance
[Reserved for Product Description]
Negotiated Service Agreements
[Reserved for Group Description]
Domestic
[Reserved for Product Description]
Outbound International
[Reserved for Group Description]

Part C—Glossary of Terms and Conditions
[Reserved]

Part D—Country Price Lists for International
Mail [Reserved]

[FR Doc. E9–23895 Filed 10–2–09; 8:45 am]

BILLING CODE 7710–FW–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2008–0020; Internal
Agency Docket No. FEMA–8097]

Suspension of Community Eligibility

AGENCY: Federal Emergency
Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date.

DATES: *Effective Dates:* The effective date of each community's scheduled suspension is the third date ("Susp.") listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact David Stearrett, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2953.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the NFIP, 42 U.S.C. 4001 *et seq.*; unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance

with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, FEMA has identified the Special Flood Hazard Areas (SFHAs) in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year, on FEMA's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022,