Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have concluded that this action is one of the category of actions which do not individually or cumulatively have significant effect on the human environment. Therefore, this rule is categorically excluded, under section 2.B.2 Figure 2-1, paragraph (34)(g), of the Instruction and neither an environmental assessment nor an environmental impact statement is required. This rule involves the establishing, disestablishing, or changing of a security or safety zone. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under ADDRESSES. The Coast Guard's environmental responsibilities extend only to the creation of a safety and security zone and do not address the application of rotenone. Any questions regarding the rotenone operation should be addressed to Mr. Bill Bolen, U.S. Environmental Protection Agency, Senior Advisor, Great Lakes National Program Office, 77 W. Jackson Blvd., Chicago, IL 60604, at (312) 353-6316.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05-1, 6.04-1, 6.04-6, and 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

§165.923 [Suspended]

■ 2. § 165.923 is suspended from December 10, 2009 until 5 p.m. on December 18, 2009.

■ 3. A new temporary § 165.T09–1052 is added from December 10, 2009 until 5 p.m. on December 18, 2009 as follows:

§165.T09–1052 Safety and Security Zone, Chicago Sanitary and Ship Canal, Romeoville, IL.

(a) Ruby Street Bridge to Lockport Lock Safety and Security Zone.

(1) The following area is a temporary safety and security zone: All waters of the Chicago Sanitary and Ship Canal

located between mile marker 291.0 (Lockport Lock and Dam) and mile marker 288.6 (approximately 500 feet south of the Ruby Street Bridge).

(2) Enforcement Period. The safety and security zone will be enforced from 5 p.m. on November 30, 2009, until 5 p.m. on December 18, 2009. Beginning December 1, 2009, the Coast Guard will use actual notice to enforce this safety and security zone until this rule is published in the Federal Register.

(3) Regulations. (i) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Sector Lake Michigan, or her representative.

(ii) The ''representative'' of the Captain of the Port is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Sector Lake Michigan to act on her behalf. The representative of the Captain of the Port Sector Lake Michigan will be aboard a Coast Guard, Coast Guard Auxiliary, or other designated vessel or will be on shore and will communicate with vessels via VHF–FM radio, loudhailer, or by phone. The Captain of the Port Sector Lake Michigan or her representative may be contacted via VHF-FM radio Channel 16 or the Coast Guard Sector Lake Michigan Command Center at 414-747-7182.

(iii) Vessel operators desiring to enter or operate within the safety and security zone must comply with the provisions of paragraph (b)(4)(iv) of this section or contact the Captain of the Port Sector Lake Michigan or her representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety and security zone must comply with all directions given to them by the Captain of the Port Sector Lake Michigan or her representative.

(iv) Until 8 a.m. on December 2, 2009, vessels are permitted to transit the safety and security zone.

(v) Starting at 8 a.m. on December 2, 2009, this safety and security zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Sector Lake Michigan or her representative. As soon as clean-up efforts from the rotenone application are complete, the Captain of the Port will cause notice of the safety and security zone being open to vessel transits, by all appropriate means to effect the widest publicity among the affected segments of the public. Such means of notification include but are not limited to, Broadcast Notice to Mariners or Local Notice to Mariners.

Dated: November 27, 2009. P.V. Neffenger, Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District. [FR Doc. E9-29417 Filed 12-9-09; 8:45 am] BILLING CODE 9110-04-P

POSTAL REGULATORY COMMISSION

39 CFR Part 3020

[Docket Nos. MC2010-4 and CP2010-4; Order No. 326]

New Postal Product

AGENCY: Postal Regulatory Commission. **ACTION:** Final rule.

SUMMARY: The Commission is adding Priority Mail Contract 22 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 December 10, 2009 and is applicable beginning October 28, 2009.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Regulatory History, 74 FR 54600 (October 22, 2009).

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

I. Introduction

The Postal Service seeks to add a new product identified as Priority Mail Contract 22 to the Competitive Product List. For the reasons discussed below, the Commission approves the Request.

II. Background

On October 14, 2009, the Postal Service filed a formal request pursuant to 39 U.S.C. 3642 and 39 CFR 3020.30 et seq. to add Priority Mail Contract 22 to the Competitive Product List.¹ The Postal Service asserts that the Priority Mail Contract 22 product is a competitive product "not of general applicability" within the meaning of 39

¹Request of the United States Postal Service to Add Priority Mail Contract 22 to Competitive Product List and Notice of Filing (Under Seal) of Contract and Supporting Data, October 14, 2009 (Request).

U.S.C. 3632(b)(3). This Request has been assigned Docket No. MC2010–4. 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. CP2010–4.

In support of its Request, the Postal Service filed the following materials: (1) A redacted version of the Governors' Decision, originally filed in Docket No. MC2009–25, authorizing the Priority Mail Contract Group; ² (2) a redacted version of the contract; ³ (3) a requested change in the Mail Classification Schedule product list; 4 (4) a Statement of Supporting Justification as required by 39 CFR 3020.32; ⁵ (5) a certification of compliance with 39 U.S.C. 3633(a);⁶ and (6) an application for non-public treatment of the materials filed under seal.7 The redacted version of the contract provides that the contract is terminable on 30 days' notice by either party, but could continue for 3 years from the effective date subject to annual price adjustments. Request, Attachment Β.

In the Statement of Supporting Justification, Mary Prince Anderson, Acting Manager, Sales and Communications, Expedited Shipping, asserts that the service to be provided under the contract will cover its attributable costs, make a positive contribution to coverage of institutional costs, and will increase contribution toward the requisite 5.5 percent of the Postal Service's total institutional costs. Request, Attachment D, at 1. W. Ashley Lyons, Manager, Regulatory Reporting and Cost Analysis, Finance Department, certifies that the contract complies with 39 U.S.C. 3633(a). Id., Attachment E.

The Postal Service filed much of the supporting materials, including the supporting data and the unredacted contract, under seal. The Postal Service maintains that the contract and related financial information, including the customer's name and the accompanying analyses that provide prices, certain terms and conditions, and financial projections, should remain confidential. *Id.*, Attachment F, at 2–3.⁸

In Order No. 317, the Commission gave notice of the two dockets, appointed a public representative, and provided the public with an opportunity to comment.⁹

III. Comments

Comments were filed by the Public Representative.¹⁰ No comments were submitted by other interested parties. The Public Representative states that the Postal Service's filing meets the pertinent provisions of title 39 and the relevant Commission rules. *Id.* at 1, 3. He further states that the agreement employs pricing terms favorable to the customer, the Postal Service, and thereby, the public. *Id.* at 3–4. The Public Representative also believes that the Postal Service has provided appropriate justification for maintaining confidentiality in this case. *Id.* at 3.

IV. Commission Analysis

The Commission has reviewed the Request, the contract, the financial analysis provided under seal that accompanies it, and the comments filed by the Public Representative.

Statutory requirements. The Commission's statutory responsibilities in this instance entail assigning Priority Mail Contract 22 to either the Market Dominant Product List or to the Competitive Product List. 39 U.S.C. 3642. As part of this responsibility, the Commission also reviews the proposal for compliance with the Postal Accountability and Enhancement Act (PAEA) requirements. This includes, for proposed competitive products, a review of the provisions applicable to rates for competitive products. 39 U.S.C. 3633.

Product list assignment. In determining whether to assign Priority Mail Contract 22 as a product to the Market Dominant Product List or the Competitive Product List, the Commission must consider whether

the Postal Service exercises sufficient market power that it can effectively set the price of such product substantially above costs, raise prices significantly, decrease quality, or decrease output, without risk of losing a significant level of business to other firms offering similar products. 39 U.S.C. 3642(b)(1). If so, the product will be categorized as market dominant. The competitive category of products consists of all other products.

The Commission is further required to consider the availability and nature of enterprises in the private sector engaged in the delivery of the product, the views of those who use the product, and the likely impact on small business concerns. 39 U.S.C. 3642(b)(3).

The Postal Service asserts that its bargaining position is constrained by the existence of other shippers who can provide similar services, thus precluding it from taking unilateral action to increase prices without the risk of losing volume to private companies. Request, Attachment D, para. (d). The Postal Service also contends that it may not decrease quality or output without risking the loss of business to competitors that offer similar expedited delivery services. Id. It further states that the contract partner supports the addition of the contract to the Competitive Product List to effectuate the negotiated contractual terms. Id., para. (g). Finally, the Postal Service states that the market for expedited delivery services is highly competitive and requires a substantial infrastructure to support a national network. It indicates that large carriers serve this market. Accordingly, the Postal Service states that it is unaware of any small business concerns that could offer comparable service for this customer. Id., para. (h).

No commenter opposes the proposed classification of Priority Mail Contract 22 as competitive. Having considered the statutory requirements and the support offered by the Postal Service, the Commission finds that Priority Mail Contract 22 is appropriately classified as a competitive product and should be added to the Competitive Product List.

Cost considerations. The Postal Service presents a financial analysis showing that Priority Mail Contract 22 results in cost savings while ensuring that the contract covers its attributable costs, does not result in subsidization of competitive products by market dominant products, and increases contribution from competitive products.

Based on the data submitted, the Commission finds that Priority Mail Contract 22 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 proposed Priority Mail Contract 22 indicates that it comports

² Attachment A to the Request, reflecting

Governors' Decision No. 09–6, April 27, 2009. ³ Attachment B to the Request.

⁴ Attachment C to the Request.

⁵ Attachment D to the Request.

⁶ Attachment E to the Request.

⁷ Attachment F to the Request.

⁸ In its application for non-public treatment, the Postal Service requests an indefinite extension of non-public treatment of customer-identifying information. *Id.* at 7. For the reasons discussed in PRC Order No. 323, that request is denied. *See* Docket No. MC2010–1 and CP2010–1, Order

Concerning Priority Mail Contract 19 Negotiated Service Agreement, October 26, 2009.

⁹ PRC Order No. 317, Notice and Order Concerning Priority Mail Contract 22 Negotiated Service Agreement, October 16, 2009 (Order No. 317).

¹⁰ Public Representative Comments in Response to United States Postal Service Request to Add Priority Mail Contract 22 Negotiated Service Agreement to the Competitive Products List, October 26, 2009 (Public Representative Comments).

with the provisions applicable to rates for competitive products.

Other considerations. The Postal Service shall notify the Commission if termination occurs prior to the scheduled termination date. Following the scheduled termination date of the agreement, the Commission will remove the product from the Competitive Product List.

In conclusion, the Commission approves Priority Mail Contract 22 as a new product. The revision to the Competitive Product List is shown below the signature of this order and is effective upon issuance of this order.

V. Ordering Paragraphs

It is ordered:

1. Priority Mail Contract 22 (MC2010– 4 and CP2010–4) is added to the Competitive Product List as a new product under Negotiated Service Agreements, Domestic.

2. The Postal Service shall notify the Commission if termination occurs prior to the scheduled termination date.

3. The Secretary shall arrange for the 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 discussed in the preamble, the Postal Regulatory Commission amends chapter III of title 39 of the Code of Federal Regulations 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 (NFMs)/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] Inbound 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 (NFMs)/Parcels [Reserved for Product Description] Periodicals [Reserved for Class Description] Within County Periodicals [Reserved for Product Description] **Outside County Periodicals** [Reserved for Product Description]

Package Services [Reserved for Class Description] Single-Piece Parcel Post [Reserved for Product Description] Inbound Surface Parcel Post (at UPU rates) [Reserved for Product Description] **Bound Printed Matter Flats** [Reserved for Product Description] Bound Printed Matter Parcels [Reserved for Product Description] Media Mail/Library Mail [Reserved for Product Description] Special Services [Reserved for Class Description] Ancillary Services [Reserved for Product Description] Address Correction Service [Reserved for Product Description] Applications and Mailing Permits [Reserved for Product Description] **Business Reply Mail** [Reserved for Product Description] **Bulk Parcel Return Service** [Reserved for Product Description] Certified Mail [Reserved for Product Description] Certificate of Mailing [Reserved for Product Description] Collect on Delivery [Reserved for Product Description] **Delivery Confirmation** [Reserved for Product Description] Insurance [Reserved for Product Description] 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 [Reserved for Product Description] Change-of-Address Credit Card Authentication

[Reserved for Product Description] Confirm

- [Reserved for Product Description]
- International Reply Coupon Service [Reserved for Product Description]
- International Business Reply Mail Service [Reserved for Product Description]
- Monev Orders

[Reserved for Product Description]

Post Office Box Service

[Reserved for Product Description] Negotiated Service Agreements

- [Reserved for Class Description]
- HSBC North America Holdings Inc. Negotiated Service Agreement [Reserved for Product Description]
- Bookspan Negotiated Service Agreement [Reserved for Product Description] Bank of America Corporation Negotiated
- Service Agreement The Bradford Group Negotiated Service
- Agreement

Part B—Competitive Products

2000 Competitive Product List

- Express Mail
- Êxpress Mail
- Outbound International Expedited Services Inbound International Expedited Services Inbound International Expedited Services 1
- (CP2008-7) Inbound International Expedited Services 2
- (MC2009-10 and CP2009-12) Priority Mail
- Priority Mail
- Outbound Priority Mail International
- Inbound Air Parcel Post
- Royal Mail Group Inbound Air Parcel Post
- Agreement Parcel Select
- Parcel Return Service International
- International Priority Airlift (IPA)
- International Surface Airlift (ISAL)
- International Direct Sacks-M-Bags
- Global Customized Shipping Services
- Inbound Surface Parcel Post (at non-UPU rates)
- Canada Post—United States Postal Service Contractual Bilateral Agreement for Inbound Competitive Services (MC2009-8 and CP2009-9)
- International Money Transfer Service
- International Ancillary Services Special Services
- Premium Forwarding Service Negotiated Service Agreements
- Domestic
- Express Mail Contract 1 (MC2008-5) Express Mail Contract 2 (MC2009–3 and
- CP2009-4)
- Express Mail Contract 3 (MC2009–15 and ĈP2009-21)
- Express Mail Contract 4 (MC2009–34 and CP2009-45)
- Express Mail & Priority Mail Contract 1 (MC2009–6 and CP2009–7)
- Express Mail & Priority Mail Contract 2 (MC2009-12 and CP2009-14)
- Express Mail & Priority Mail Contract 3 (MC2009-13 and CP2009-17)
- Express Mail & Priority Mail Contract 4 (MC2009-17 and CP2009-24)
- Express Mail & Priority Mail Contract 5 (MC2009-18 and CP2009-25)
- Express Mail & Priority Mail Contract 6 (MC2009-31 and CP2009-42)

- Express Mail & Priority Mail Contract 7 (MC2009-32 and CP2009-43)
- Express Mail & Priority Mail Contract 8 (MC2009-33 and CP2009-44) Parcel Select & Parcel Return Service
- Contract 1 (MC2009-11 and CP2009-13) Parcel Select & Parcel Return Service
- Contract 2 (MC2009-40 and CP2009-61)
- Parcel Return Service Contract 1 (MC2009-1 and CP2009-2)
- Priority Mail Contract 1 (MC2008-8 and CP2008-26)
- Priority Mail Contract 2 (MC2009-2 and CP2009-3)
- Priority Mail Contract 3 (MC2009–4 and CP2009-5)
- Priority Mail Contract 4 (MC2009-5 and CP2009-6)
- Priority Mail Contract 5 (MC2009-21 and CP2009-26)
- Priority Mail Contract 6 (MC2009-25 and CP2009-30)
- Priority Mail Contract 7 (MC2009-25 and CP2009-31)
- Priority Mail Contract 8 (MC2009-25 and CP2009-32)
- Priority Mail Contract 9 (MC2009-25 and CP2009-33)
- Priority Mail Contract 10 (MC2009-25 and CP2009-34)
- Priority Mail Contract 11 (MC2009-27 and CP2009-37)
- Priority Mail Contract 12 (MC2009-28 and CP2009-38)
- Priority Mail Contract 13 (MC2009-29 and CP2009-39)
- Priority Mail Contract 14 (MC2009-30 and CP2009-40)
- Priority Mail Contract 15 (MC2009-35 and CP2009-54)
- Priority Mail Contract 16 (MC2009-36 and CP2009-55)
- Priority Mail Contract 17 (MC2009-37 and CP2009-56)
- Priority Mail Contract 18 (MC2009-42 and CP2009-63)
- Priority Mail Contract 19 (MC2010-1 and CP2010-1)
- Priority Mail Contract 20 (MC2010-2 and CP2010-2)
- Priority Mail Contract 21 (MC2010-3 and CP2010-3)
- Priority Mail Contract 22 (MC2010-4 and CP2010-4)
- **Outbound International**
- **Direct Entry Parcels Contracts**
- Direct Entry Parcels 1 (MC2009–26 and CP2009-36)
- Global Direct Contracts (MC2009-9, CP2009–10, and CP2009–11)
- Global Expedited Package Services (GEPS) Contracts
- 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) Global Expedited Package Services 2
 - (CP2009-50)
- **Global Plus Contracts**
- Global Plus 1 (CP2008-8, CP2008-46 and CP2009-47)
- Global Plus 2 (MC2008-7, CP2008-48 and CP2008-49)
- Inbound International
 - Inbound Direct Entry Contracts with Foreign Postal Administrations

- Inbound Direct Entry Contracts with Foreign Postal Administrations (MC2008-6, CP2008-14 and MC2008-15)
- Inbound Direct Entry Contracts with Foreign Postal Administrations 1 (MC2008-6 and CP2009-62)
- 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]

[Reserved for Product Description]

[Reserved for Product Description]

[Reserved for Product Description]

[Reserved for Group Description]

[Reserved for Group Description]

[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]

International Certificate of Mailing

[Reserved for Product Description]

Negotiated Service Agreements

[Reserved for Group Description]

[Reserved for Product Description]

[Reserved for Group Description]

Part C—Glossary of Terms and Conditions

Part D—Country Price Lists for International

[FR Doc. E9-29395 Filed 12-9-09; 8:45 am]

International Restricted Delivery

International Registered Mail

International Return Receipt

International Insurance

Outbound International

International Ancillary Services

Global Customized Shipping Services

International Money Transfer Service

Inbound Surface Parcel Post (at non-UPU

Inbound Air Parcel Post

Parcel Return Service

Outbound Priority Mail International

Priority Mail

Parcel Select

International

rates)

Domestic

[Reserved]

Mail [Reserved]

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