

significantly or uniquely affect the communities of the Indian tribal governments and does not impose substantial direct compliance costs, the funding and consultation requirements of Executive Order 13175 do not apply.

E. Paperwork Reduction Act

This rule contains no information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

F. Unfunded Mandates Reform Act

The Department of Transportation has determined that the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply to this rulemaking.

List of Subjects in 14 CFR Part 331

Air carriers.

Authority: Section 185, Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriation Act, 2006, Public Law 109–115, 119 Stat. 2396 (2005); 49 U.S.C. 322(a).

■ Accordingly, under the authority of 119 Stat. 2396 (2005) and 49 U.S.C. 322(a), the Department of Transportation amends 14 CFR chapter 2 by removing part 331:

PART 331—PROCEDURES FOR REIMBURSEMENT OF GENERAL AVIATION OPERATORS AND SERVICE PROVIDERS IN THE WASHINGTON, DC AREA

PART 331—[REMOVED AND RESERVED]

■ Remove and reserve Part 331, consisting of subparts A through C.

Issued in Washington, DC, on January 25, 2010.

Susan Kurland,

Assistant Secretary for Aviation and International Affairs.

[FR Doc. 2010–2134 Filed 2–1–10; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DoD.
ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty and Maritime Law) has determined that USS BUNKER HILL (CG 52)) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

DATES: This rule is effective February 2, 2010 and is applicable beginning January 21, 2010.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Ted Cook, JAGC, U.S. Navy, Admiralty Attorney, (Admiralty and Maritime Law), Office of the Judge Advocate General, Department of the Navy, 1322 Patterson Ave., SE., Suite 3000, Washington Navy Yard, DC 20374–5066, telephone number: 202–685–5040.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706.

This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that USS BUNKER HILL (CG 52)) is a vessel of the Navy which, due to its special construction and purpose, cannot fully

comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I, paragraph 3(a), pertaining to the horizontal distance between the forward and after masthead lights. The Deputy Assistant Judge Advocate General (Admiralty and Maritime Law) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

■ For the reasons set forth in the preamble, the Navy amends part 706 of title 32 of the Code of Federal Regulations as follows:

PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

■ 1. The authority citation for part 706 continues to read as follows:

Authority: 33 U.S.C. 1605.

■ 2. Section 706.2 is amended in Table Five by revising the entry for USS BUNKER HILL (CG 52) to read as follows:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

* * * * *

TABLE FIVE

Vessel	No.	Masthead light not over all other lights and obstructions Annex I, section 2(f)	Forward mast-head light not in forward quarter of ship. Annex I, section 3(a)	After masthead light less than ½ ship's length aft of forward mast-head light Annex I, section 3(a)	Percentage horizontal separation attained
USS BUNKER HILL	CG 52		X	X	36.8
* * * * *					

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Approved: January 21, 2010.

M. Robb Hyde,

Commander, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law).

Certified to be a true copy of the original document.

Dated: January 22, 2010.

A.M. Vallandigham,

Lieutenant Commander, Office of the Judge Advocate General, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 2010-2121 Filed 2-1-10; 8:45 am]

BILLING CODE 3810-FF-P

POSTAL REGULATORY COMMISSION

39 CFR Part 3020

[Docket Nos. MC2010-12 and R2010-2; Order No. 375]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is adding a bilateral agreement between the U.S. Postal Service and Canada Post for inbound market dominant services. This action is consistent with a postal reform law. Republication of the Market Dominant List and Competitive Product List is also consistent with statutory provisions.

DATES: Effective February 2, 2010 and is applicable beginning December 30, 2009.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: *Regulatory History*, 74 FR 64771 (December 8, 2009).

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I. Introduction

The Postal Service seeks to add a new product identified as Canada Post-United States Postal Service Contractual Bilateral Agreement for Inbound Market Dominant Services to the Market Dominant Product List. For the reasons discussed below, the Commission approves the Request.

II. Background

On November 19, 2009, the Postal Service filed a request pursuant to

39 U.S.C. 3622(c)(10) and 3642, and 39 CFR 3010.40 *et seq.* and 3020.30 *et seq.* to add the Canada Post-United States Postal Service Contractual Bilateral Agreement for Inbound Market Dominant Services (Bilateral Agreement or Agreement) to the Market Dominant Product List.¹ This Request has been assigned Docket No. MC2010-12.

The Postal Service contemporaneously filed notice that the Governors have authorized a Type 2 rate adjustment to establish rates for inbound market dominant services as reflected in the Bilateral Agreement.² More specifically, the Bilateral Agreement, which has been assigned Docket No. R2010-2, governs the exchange of inbound air and surface letter post (LC/AO).³

Request. In support of its Request, the Postal Service filed the following materials: (1) Proposed Mail Classification Schedule (MCS) language;⁴ (2) a Statement of Supporting Justification as required by 39 CFR 3020.32;⁵ (3) a redacted version of the agreement;⁶ and (4) an application for non-public treatment of pricing and supporting documents filed under seal.⁷ Request at 2.

In the Statement of Supporting Justification, Lea Emerson, Executive Director, International Postal Affairs, reviews the factors of section 3622 and concludes, *inter alia*, that the revenues generated will cover the attributable costs of the services offered under the Bilateral Agreement; that the rates are preferable to default rates set by the Universal Postal Union; and that the rates represent a modest increase over those reflected in the existing bilateral agreement with Canada Post. *Id.*, Attachment 2, at 2-3.

In its Request, the Postal Service provides information responsive to part

3010, subpart D, of the Commission's rules. To that end, it addresses the requirements of section 3622(c)(10) as well as certain details of the negotiated service agreement. *Id.* at 2-7. The Postal Service asserts that the Bilateral Agreement satisfies all applicable statutory criteria. *Id.* at 6-8.

The Postal Service filed much of the supporting materials, financial analysis, and the Bilateral Agreement under seal. *Id.* at 2. In its Request, the Postal Service maintains that the Bilateral Agreement and related financial information should remain under seal. *Id.*

The Postal Service has an existing bilateral agreement with Canada Post, which is set to expire December 31, 2009.⁸ *Id.*, Attachment 3, at 7. The instant Bilateral Agreement is a two-year agreement comparable to the existing agreement, with some modifications. The modifications include differences in specific operational details and the Postal Service's decision to classify Canada Post's "Xpresspost-USA" as a competitive product instead of a market dominant product as in the existing bilateral agreement.⁹ The Agreement states it has an effective date of January 1, 2010. *Id.* at 3. The Request states that the inbound market dominant rates are scheduled to become effective on January 4, 2010. *Id.*

The Postal Service urges the Commission to act promptly to add this product to the Market Dominant Product List to allow rates to be implemented under 39 CFR 3010.40. *Id.* at 7.

In Order No. 346, the Commission gave notice of the docket, appointed a Public Representative, and provided the public with an opportunity to comment.¹⁰

On December 4, 2009, Chairman's Information Request No. 1 (CHIR No. 1) was issued, which sought clarification of various elements related to the proposed Bilateral Agreement. A response was due from the Postal Service by December 10, 2009. The Postal Service filed its responses to

¹ Request of United States Postal Service to Add Canada Post-United States Postal Service Contractual Bilateral Agreement for Inbound Market Dominant Services to the Market Dominant Product List, Notice of Type 2 Rate Adjustment, and Notice of Filing Agreement (Under Seal), November 19, 2009; and United States Postal Service Notice of Erratum to Application for Non-Public Treatment, November 20, 2009 (Request).

² Type 2 rate adjustments involve negotiated service agreements. See 39 CFR 3010.5.

³ To elaborate, the Bilateral Agreement covers Letter Post, including letters, flats, packets, bags, containers, and International Registered Mail service ancillary thereto. Request at 3-4.

⁴ Attachment 1 to the Request.

⁵ Attachment 2 to the Request.

⁶ Attachment 3 to the Request.

⁷ Attachment 4 to the Request. The Postal Service filed United States Postal Service Notice of Erratum to Application for Non-Public Treatment, November 20, 2009 (Erratum). It explained that due to a drafting error, the application contained an erroneous reference to a nonexistent page of the Agreement and provided a corrected page.

⁸ The Postal Service maintains that the instant Bilateral Agreement is functionally comparable to the agreement in Docket Nos. MC2009-7 and R2009-1. *Id.*

⁹ The Postal Service included Xpresspost in its Request to Add Canada Post-United States Postal Service Contractual Bilateral Agreement for Inbound Competitive Services to the Competitive Product List. See Docket Nos. CP2010-13 and MC2010-14.

¹⁰ See PRC Order No. 346, Notice and Order Concerning Bilateral Agreement with Canada Post for Inbound Market Dominant Services, November 25, 2009 (Order No. 346).