

I. Introduction

Pursuant to 10 CFR 2.106, the Nuclear Regulatory Commission (NRC) is providing notice of the issuance of Early Site Permit (ESP) ESP-004 to Southern Nuclear Operating Company (SNC), Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and the City of Dalton, Georgia, an incorporated municipality in the State of Georgia acting by and through its Board of Water, Light and Sinking Fund Commissioners, for approval of a site located in Burke County, Georgia, 26 miles southeast of Augusta, Georgia for two nuclear power reactors; this action is separate from the filing of an application for a construction permit or combined license for such a facility. The NRC has found that the application for an early site permit (ESP), and accompanying limited work authorization (LWA), filed by Southern Nuclear Operating Company (SNC), on behalf of itself and the other four entities named above, complies with the applicable requirements of the Atomic Energy Act of 1954, as amended, and the applicable rules and regulations of the Commission. All required notifications to other agencies or bodies have been duly made. There is reasonable assurance that the permit holders will comply with the regulations in 10 CFR Chapter I and the health and safety of the public will not be endangered. There is reasonable assurance that the site is in conformity with the provisions of the Act and the Commission's regulations. SNC is technically qualified to engage in the activities authorized. Issuance of the ESP will not be inimical to the common defense and security or to the health and safety of the public. Issuance of the LWA will provide reasonable assurance of adequate protection to public health and safety and will not be inimical to the common defense and security. The proposed complete and integrated emergency plans are in accordance with the applicable standards of 10 CFR 50.47, and the requirements of Appendix E to 10 CFR Part 50, and provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency. The proposed inspections, tests, analyses and acceptance criteria, including those on emergency planning, are necessary and sufficient, within the scope of the ESP and LWA, to provide reasonable assurance that the facility has been constructed and will be operated in conformity with the license, the provisions of the Act, and the

Commission's regulations. The issuance of this ESP, subject to the Environmental Protection Plan (EPP) and the conditions for the protection of the environment set forth in the permit, is in accordance with the National Environmental Policy Act of 1969, as amended, and with the applicable sections of 10 CFR Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions," as referenced by Subpart A, "Early Site Permits," of 10 CFR Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants," and all applicable requirements therein have been satisfied.

Accordingly, this early site permit was issued on August 26, 2009, and is effective immediately.

II. Further Information

The NRC has prepared a Safety Evaluation Report (SER) and Final Environmental Impact Statement (FEIS) that document the information that was reviewed and NRC's conclusion. In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," details with respect to this action, including the SER and accompanying documentation included in the early site permit package, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, persons can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this notice are:

ML092260348 NUREG-1923, "Safety Evaluation Report for an Early Site Permit (ESP) at the Vogtle Electric Generating Plant (VEGP) ESP Site"
ML082260190 NUREG-1872, "Final Environmental Impact Statement for an Early Site Permit (ESP) at the Vogtle Electric Generating Plant Site." (Errata)
ML082550040 Errata to NUREG-1872, "Final Environmental Impact Statement for an Early Site Permit (ESP) at the Vogtle Electric Generating Plant Site." (Errata)
ML091550858 VEGP Early Site Permit Application—Revision 5

Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC Public Document Room (PDR) Reference staff by telephone at 1-800-397-4209, 301-415-4737, or by e-mail to pdr.resource@nrc.gov.

These documents may also be viewed electronically on the public computers

located at the NRC's Public Document Room (PDR), O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, Maryland, this 26th day of August, 2009.

For the Nuclear Regulatory Commission.

Eileen M. McKenna,

Acting Chief, AP1000 Projects Branch, Division of New Reactor Licensing, Office of New Reactors.

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POSTAL REGULATORY COMMISSION

[Docket No. CP2009-62; Order No. 289]

New Competitive Postal Product

AGENCY: Postal Regulatory Commission.
ACTION: Notice.

SUMMARY: The Commission is noticing a recently-filed Postal Service request to add an Inbound Direct Entry Contract with Foreign Postal Administrations contract to the Competitive Product List. This notice addresses procedural steps associated with this filing.

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, 202-789-6820 and stephen.sharfman@prc.gov.

SUPPLEMENTARY INFORMATION:

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

I. Introduction

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 additional Inbound Direct Entry Contract (IDE), which it states fits within the previously established Inbound Direct Entry Contracts.¹ The Postal Service states that the instant contract is functionally equivalent to previously submitted IDE contracts and is supported by Governors' Decision 08-6 filed in Docket No. MC2008-6.² *Id.* at

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 No. MC2008-6, Decision of the Governors of the United States Postal Service on the

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.³

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.⁴ 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 3–4.⁵ 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.

³ 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).

⁴ 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).

⁵ 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.⁶ 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.⁷ The matter is pending before the Commission on a request for clarification filed by the Postal Service.⁸ 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:

⁶ See Order No. 105, at 8.

⁷ 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.

⁸ 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.

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.¹ The Postal

¹ 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).