

bridge, located on the Franklin Canal at mile 4.8 in Franklin, St. Mary Parish, Louisiana, be changed in order for the bridge not to have to be continuously manned by a draw tender. Currently, the bridge opens on signal from 5 a.m. to 9 p.m. Because of the relocation of a public boat landing downstream of the bridge, vessel traffic has become infrequent, and it is no longer necessary to have a bridge tender continuously man the bridge.

Currently, the bridge operates as follows: The draw of the Chatsworth Road Bridge, mile 4.8 at Franklin, shall open on signal from 5 a.m. to 9 p.m. From October 1 through January 31 from 9 p.m. to 5 a.m., the draw shall open on signal if at least three hours notice is given. From February 1 through September 30 from 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

This Temporary Deviation from Drawbridge Operating Regulations allows the bridge to operate as follows: The draw of the Chatsworth Road Bridge, mile 4.8 at Franklin, shall open on signal from 5 a.m. to 9 p.m. if at least one hour notice is given. From October 1 through January 31 from 9 p.m. to 5 a.m., the draw shall open on signal if at least three hours notice is given. From February 1 through September 30 from 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

While some commercial vessels use the waterway to access commercial facilities upstream of the bridge, they are able to schedule operations around the advance notices required for an opening. The majority of waterway usage consists of small recreational fishing craft that now utilize the boat launch that has been relocated downstream of the bridge. The bridge provides a vertical clearance of 7 feet above mean high water in the closed-to-navigation position and unlimited in the open-to-navigation position. Thus, the majority of recreational fishing craft that may wish to transit through the bridge will be able to do so without requesting an opening of the draw.

A Notice of Proposed Rule Making [USCG-2009-0672] is being issued in conjunction with this Temporary Deviation to obtain public comments. The St. Mary Parish Government states that the decrease in vessel traffic, due to the relocation of the boat ramp downstream of the bridge, has resulted in such infrequency of drawbridge openings that it is impractical to man the bridge full time from 5 a.m. to 9 p.m. daily. A bridge tender will be on call to open the bridge with a one-hour notice by calling the telephone number that will be posted on the bridge. The Coast

Guard will evaluate public comments from this Temporary Deviation and the above referenced Notice of Proposed Rule Making to determine if a change to the permanent special drawbridge operating regulation is warranted.

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

Dated: August 4, 2009.

**David M. Frank,**

*Bridge Administrator.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[USCG-2009-0699]

#### Drawbridge Operation Regulations; Gowanus Canal, Brooklyn, NY, Maintenance

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Hamilton Avenue Bridge across the Gowanus Canal, mile 1.2, at Brooklyn, New York. Under this temporary deviation the bridge shall require a four-hour advance notice for bridge openings for three months to facilitate bridge maintenance. Vessels that can pass under the draw without a bridge opening may do so at all times.

**DATES:** This deviation is effective from August 17, 2009, through October 31, 2009.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2009-0699 and are available online at [www.regulations.gov](http://www.regulations.gov), inserting USCG-2009-0699 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 Ms. Judy Leung-Yee, Project

Officer, First Coast Guard District, telephone (212) 668-7165. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

**SUPPLEMENTARY INFORMATION:** The Hamilton Avenue Bridge, across the Gowanus Canal, mile 1.2, at Brooklyn, New York, has a vertical clearance in the closed position of 19 feet at mean high water and 23 feet at mean low water. The Drawbridge Operation Regulations are listed at 33 CFR 117.5.

The waterway has seasonal recreational vessels, and commercial vessels of various sizes.

The owner of the bridge, New York City Department of Transportation, requested a temporary deviation to facilitate the training of bridge personnel, mechanical and electrical testing at the bridge.

Under this temporary deviation the Hamilton Avenue Bridge shall require at least a four-hour advance notice for bridge openings from August 17, 2009 through October 31, 2009.

Vessels that can pass under the bridge without a bridge opening may do so at all times. Notice may be provided by calling (201) 400-5243.

In accordance with 33 CFR 117.35(e), the bridge 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: August 4, 2009.

**Gary Kassof,**

*Bridge Program Manager, First Coast Guard District.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2009-0689]

#### Drawbridge Operation Regulation; Gulf Intracoastal Waterway, Sargent, TX

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the FM 457 pontoon drawbridge across the Gulf Intracoastal Waterway, mile 418.0, west of Harvey Locks, near Sargent,

Matagorda County, Texas. The deviation is necessary for continued maintenance of the bridge. This deviation allows the bridge to remain closed to navigation.

**DATES:** This deviation is effective from 6 a.m. through 5 p.m. on September 2, 2009.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of docket USCG–2009–0689 and are available online by going to <http://www.regulations.gov>, inserting USCG–2009–0689 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 Lindsey Middleton, Bridge Administration Branch, Coast Guard; telephone 504–671–2128, e-mail [Lindsey.R.Middleton@uscg.mil](mailto:Lindsey.R.Middleton@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 Texas Department of Transportation has requested a temporary deviation for the FM 457 pontoon drawbridge across the Gulf Intracoastal Waterway, mile 418.0, west of Harvey Locks, near Sargent, Matagorda County, Texas. They requested the temporary deviation for scheduled maintenance on the bridge. Currently, according to 33 CFR 117.5, the drawbridge opens on signal for the passage of vessels. The temporary deviation would allow the bridge to remain closed to navigation from 9 a.m. until 6 p.m. on Wednesday, September 2, 2009. The bridge has no vertical clearance in the closed-to-navigation position and has unlimited clearance in the open-to-navigation position. Navigation on the waterway consists of tugs with tows, fishing vessels, sailing vessels, and other recreational craft. This work is essential for the continued operation of the draw span. This request has been coordinated with waterway user groups and the local Coast Guard office.

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: August 9, 2009.

**David M. Frank,**

*Bridge Administrator.*

[FR Doc. E9–19823 Filed 8–18–09; 8:45 am]

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## POSTAL REGULATORY COMMISSION

### 39 CFR Part 3020

[Docket No. CP2009–49; Order No. 268]

#### International Mail

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission is making changes to the Competitive Product List, including adding a Global Plus 2 contract. This 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 requirements in the new law.

**DATES:** Effective August 19, 2009 and is applicable beginning July 31, 2009.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman at 202–789–6820 or [stephen.sharfman@prc.gov](mailto:stephen.sharfman@prc.gov).

**SUPPLEMENTARY INFORMATION:** *Regulatory History*, 74 FR 35898 (July 21, 2009).

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

#### I. Introduction

The Postal Service proposes to add a specific Global Plus 2 contract to the Global Plus Contract product established in Docket No. MC2008–7. For the reasons discussed below, the Commission approves the Postal Service’s proposal.

#### II. Background

On July 13, 2009, the Postal Service filed a notice, pursuant to 39 CFR 3015.5, announcing that it has entered into two additional Global Plus 2 contracts, which it states fit within the previously established Global Plus 2 Contracts product.<sup>1</sup> The Postal Service states that each contract is functionally equivalent to previously submitted

Global Plus 2 contracts, are filed in accordance with Order No. 112<sup>2</sup> and are supported by Governors’ Decision No. 08–10 filed in Docket No. MC2008–7.<sup>3</sup> Notice at 1.

The Notice also states that in Docket No. MC2008–7, the Governors established prices and classifications for competitive products not of general applicability for Global Plus Contracts. The Postal Service relates that the instant contract is the immediate successor contract to the contract in Docket No. CP2008–17, which will expire soon, and which the Commission found to be functionally equivalent in Order No. 112.

The Postal Service contends that the instant contract should be included within the Global Plus 2 product on the Competitive Product List. *Id.*

In support, the Postal Service has filed a redacted version of the contract and related materials as Attachment 1–A. A redacted version of the certified statement required by 39 CFR 3015.5 is included as Attachment 2–A. The Postal Service states that the contract should be included within the Global Plus 2 product and requests that the instant contract be considered the “baseline contract[s] for future functional equivalency analyses concerning this product.” *Id.* at 2.

The Postal Service filed the instant contract pursuant to 39 CFR 3015.5. The contract becomes effective August 1, 2009, unless regulatory reviews affect that date, and have a one-year term.

The Postal Service maintains that certain portions of each contract and certified statement required by 39 CFR 3015.5(c)(2), containing names and identifying information of the Global Plus 2 customer, 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 should remain under seal. *Id.* at 3.

The Postal Service asserts the contract is functionally equivalent with the contract filed in Docket No. CP2009–49 because they share similar cost and market characteristics. It contends that they should be classified as a single product. *Id.* It states that while the existing contracts filed in Docket Nos.

<sup>1</sup> Notice of the United States Postal Service of Filing Two Functionally Equivalent Global Plus 2 Negotiated Service Agreements, July 13, 2009 (Notice). While the Notice was filed jointly in Docket Nos. CP2009–48 and CP2009–49, the Commission will address the issues in these dockets in separate orders. The Postal Service requests that the two contracts be included in the Global Plus 2 product, and “that they be considered the new ‘baseline’ contracts for future functional equivalency analyses....” *Id.* at 2.

<sup>2</sup> See Docket Nos. MC2008–7, CP2008–16 and CP2008–17, Order Concerning Global Plus 2 Negotiated Service Agreements, October 3, 2008 (Order No. 112).

<sup>3</sup> See Docket Nos. MC2008–7, CP2008–16 and CP2008–17, Decision of the Governors of the United States Postal Service on the Establishment of Prices and Classification for Global Direct, Global Bulk Economy, and Global Plus Contracts, July 16, 2008 (Governors’ Decision 08–10).