

**SUPPLEMENTARY INFORMATION:**

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**I. Introduction**

On November 12, 2009, the Postal Service filed a notice announcing that it has entered into an additional Global Expedited Package Services 2 (GEPS 2) contract.<sup>1</sup>

GEPS 2 provides volume-based incentives for mailers that send large volumes of Express Mail International (EMI) and/or Priority Mail International (PMI). The Postal Service believes the instant contract is functionally equivalent to the previously submitted GEPS 2 contracts and is supported by the Governors' Decision filed in Docket No. CP2008–4.<sup>2</sup> *Id.* at 1.

*The instant contract.* The Postal Service filed the instant contract pursuant to 39 CFR 3015.5. In addition, the Postal Service contends that the contract is in accordance with Order No. 290.<sup>3</sup> In Order No. 328, the Commission approved an extension of the current contract with this customer in order for the Postal Service to complete its internal procedures and file the instant contract for regulatory review.<sup>4</sup> The term of the instant contract is 1 year from the completion of the regulatory review. Notice at 2–3.

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 Governors' Decision No. 08–7 which establishes prices and classifications for GEPS contracts, a description of applicable GEPS contracts, formulas for prices, an analysis and certification of the formulas and certification of the Governors' vote;
3. Attachment 3—a redacted copy of the contract and applicable annexes; and

<sup>1</sup> Notice of United States Postal Service Filing of Functionally Equivalent Global Expedited Package Services 2 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal, November 12, 2009 (Notice).

<sup>2</sup> See Docket No. CP2008–4, Notice of United States Postal Service of Governors' Decision Establishing Prices and Classifications for Global Expedited Package Services Contracts, May 20, 2008.

<sup>3</sup> See 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).

<sup>4</sup> See Docket No. CP2008–23, Order Granting Motion for Temporary Relief, October 29, 2009 (Order No. 328).

4. Attachment 4—a certified statement required by 39 CFR 3015.5(c)(2).

*Functional equivalency.* The Postal Service asserts that the instant contract is functionally equivalent to the contract in Docket No. CP2009–50 and prior GEPS 2 contracts. *Id.* at 3–4. It also contends that the instant contract meets the requirements of Governors' Decision No. 08–7 for rates for GEPS contracts. *Id.* at 3. The Postal Service states that the basic difference between the contract in Docket No. CP2009–50 and the instant contract is customer-specific information including the customer's name, address, representative to receive notices, identity of the signatory, and provisions clarifying tender locations, minimum revenue and/or volume requirements, and liquidated damages. *Id.* at 3–4. It asserts that the instant contract and all GEPS 2 contracts have similar cost and market characteristics and is functionally equivalent in all relevant aspects. *Id.* at 4. The Postal Service concludes that this contract is in compliance with 39 U.S.C. 3633, and requests that this contract be included within the GEPS 2 product. *Id.*

**II. Notice of Filing**

The Commission establishes Docket No. CP2010–10 for consideration of matters related to the contract identified in the Postal Service's Notice.

Interested persons may submit comments on whether the Postal Service's contract is consistent with the policies of 39 U.S.C. 3632, 3633 or 3642. Comments are due no later than November 23, 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 proceeding.

**III. Ordering Paragraphs**

*It is ordered:*

1. The Commission establishes Docket No. CP2010–10 for consideration of the issues raised in this docket.
2. Comments by interested persons in these proceedings are due no later than November 23, 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 this proceeding.

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

By the Commission.

**Judith M. Grady,**  
*Acting Secretary.*

[FR Doc. E9–27936 Filed 11–19–09; 8:45 am]

**BILLING CODE 7710–FW–S**

**RECOVERY ACCOUNTABILITY AND TRANSPARENCY BOARD****Privacy Act of 1974; System of Records**

**AGENCY:** Recovery Accountability and Transparency Board

**ACTION:** Notice of new Privacy Act systems of records.

**SUMMARY:** The Recovery Accountability and Transparency Board (Board or RATB) proposes two new systems of records subject to the Privacy Act of 1974, as amended (Privacy Act or the Act), entitled “RATB Investigative Files” and “RATB Fraud Hotline Program Files.”

**ADDRESSES:** Comments may be submitted:

*By Mail or Hand Delivery:* Jennifer Dure, Office of General Counsel, Recovery Accountability and Transparency Board, 1717 Pennsylvania Avenue, NW., Suite 700, Washington, DC 20006;

*By Fax:* (202) 254–7970; or

*By E-mail to the Board:*  
[comments@ratb.gov](mailto:comments@ratb.gov).

All comments on the proposed new systems of records should be clearly identified as such.

**FOR FURTHER INFORMATION CONTACT:**

Jennifer Dure, General Counsel, Recovery Accountability and Transparency Board, 1717 Pennsylvania Avenue, NW., Suite 700, Washington, DC 20006, (202) 254–7900.

**SUPPLEMENTARY INFORMATION:** Title 5 U.S.C. 552a(e)(4) and (11) provide that the public be given a 30-day period in which to comment on any new routine use of a system of records. The Office of Management and Budget (OMB), which has oversight responsibilities under the Act, requires a 40-day period in which to conclude its review of the new systems. Therefore, please submit any comments by December 30, 2009.

In accordance with 5 U.S.C. 552a(r), the Board has provided a report to OMB and the Congress on the proposed systems of records.

**Recovery Accountability and Transparency Board****Table of Contents**

RATB—11—RATB Investigative Files.  
RATB—12—RATB Fraud Hotline Program Files.

**RATB—11****SYSTEM NAME:**

RATB Investigative Files.

**SECURITY CLASSIFICATION:**

The majority of the information in the system is Sensitive but Unclassified.

**SYSTEM LOCATION:**

Recovery Accountability and Transparency Board, located at 1717 Pennsylvania Avenue, NW., Suite 700, Washington, DC 20006.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

In connection with its investigative duties, the RATB maintains records on the following categories of individuals:

(a) Individuals or entities who are or have been the subject of investigations identified by the RATB;

(b) Individuals who are or have been witnesses, complainants, or informants in investigations identified by the RATB; and

(c) Individuals or entities that have been identified as potential subjects or parties to an RATB investigation.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Information relating to investigation, including:

(a) Letters, memoranda, and other documents describing complaints or alleged criminal, civil, or administrative misconduct.

(b) Investigative files which include general intelligence and relevant data, leads for Inspectors General (or other applicable oversight and law enforcement entities), reports of investigations and related exhibits, statements, affidavits, and records obtained during an investigation.

**AUTHORITY FOR MAINTENANCE OF SYSTEM:**

The RATB's enabling legislation, the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) (Recovery Act), sections 1521 *et seq.*

**PURPOSE(S):**

The purpose of this system of records is to enable the RATB to carry out its responsibilities under its enabling legislation, the Recovery Act. The RATB is statutorily directed to coordinate and conduct oversight of covered funds to prevent fraud, waste, and abuse.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the RATB as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the appropriate federal, state, local, or tribal agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, if the information is relevant to a violation or potential violation of civil or criminal law or regulation within the jurisdiction of the receiving entity.

B. To any individual or entity when necessary to elicit information that will assist an RATB review or audit.

C. To appropriate officials and employees of a federal agency or entity which requires information relevant to a decision concerning the hiring, appointment, or retention of an individual; the issuance, renewal, suspension, or revocation of a security clearance; the execution of a security or suitability investigation; the letting of a contract; or the issuance or revocation of a grant or other benefit.

D. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

E. Information may be disclosed to the Department of Justice (DOJ), or in a proceeding before a court, adjudicative body, or other administrative body before which the RATB is authorized to appear, when:

1. The RATB, or any component thereof; or
2. Any employee of the RATB in his or her official capacity; or
3. Any employee of the RATB in his or her individual capacity where the DOJ or the RATB has agreed to represent the employee; or
4. The United States, if the RATB determines that litigation is likely to affect the RATB or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the DOJ or the RATB is deemed by the RATB to be relevant and necessary to the litigation, provided, however, that in each case it has been determined that the disclosure is compatible with the purpose for which the records were collected.

F. Information may be disclosed to the National Archives and Records Administration in records management inspections.

G. Information may be disclosed to contractors, grantees, consultants, or volunteers performing or working on a contract, service, grant, cooperative agreement, job, or other activity for the RATB and who have a need to have access to the information in the performance of their duties or activities for the RATB.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Not applicable.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:**

Information in this system is stored electronically in office automation equipment.

**RETRIEVABILITY:**

Each lead or investigation is assigned a file number and all records relating to a particular investigation are filed and retrieved by that number. Records may also be retrievable by the names of subjects.

**SAFEGUARDS:**

Computer records are maintained in a secure, password-protected computer system. Paper records are maintained in lockable file cabinets. All records are maintained in secure, access-controlled areas.

**RETENTION AND DISPOSAL:**

Records will be retained and disposed of in accordance with RATB Records Control Schedules approved by the National Archives and Records Administration.

**SYSTEM MANAGER AND ADDRESS:**

Assistant Director, Investigations, Recovery Accountability and Transparency Board, 1717 Pennsylvania Avenue, NW., Suite 700, Washington, DC 20006.

**NOTIFICATION PROCEDURE:**

Address inquiries to the System Manager listed above.

**RECORD ACCESS PROCEDURES:**

The major part of this system is exempt from this requirement pursuant to 5 U.S.C. 552a(j)(2) and (k)(2). To the extent that this system is not subject to exemption, it is subject to access. A determination as to exemption shall be made at the time a request for access is received. A request for access to records contained in this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the full name of the individual involved, his or her current address, date and place of birth, notarized signature (or submitted with date and signature under penalty of perjury), and any other identifying number or information which may be of assistance in locating the record. The requester shall also provide a return address for transmitting the information. Access requests shall be directed to the System Manager listed above.

**CONTESTING RECORDS PROCEDURES:**

Requesters shall direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reason for contesting it, and the proposed amendment to the information.

**RECORD SOURCE CATEGORIES:**

The subjects of investigations; individuals with whom the subjects of investigations are associated; federal, state, local, and foreign law enforcement and non-law enforcement agencies; private citizens; witnesses; informants; and public source materials.

**RATB—12****SYSTEM NAME:**

RATB Fraud Hotline Program Files

**SECURITY CLASSIFICATION:**

The majority of the information in the system is Sensitive but Unclassified.

**SYSTEM LOCATION:**

Recovery Accountability and Transparency Board, located at 1717 Pennsylvania Avenue, NW., Suite 700, Washington, DC 20006.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons who report information to the RATB concerning the possible existence of activities constituting a violation of law, rules, or regulations, fraud, abuse, mismanagement, or gross waste of funds, and the subject of the complaints.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Letters, memoranda, other communications and documents describing complaints of alleged criminal, civil, or administrative misconduct relating to covered funds.

**AUTHORITY FOR MAINTENANCE OF SYSTEM:**

The RATB's enabling legislation, the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) (Recovery Act), sections 1521 *et seq.*

**PURPOSE(S):**

The purpose of this system of records is to enable the RATB to carry out its responsibilities under its enabling legislation, the Recovery Act. The RATB is statutorily directed to coordinate and conduct oversight of covered funds to prevent fraud, waste, and abuse.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the

RATB as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the appropriate federal, state, local, or tribal agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, if the information is relevant to a violation or potential violation of civil or criminal law or regulation within the jurisdiction of the receiving entity.

B. To any individual or entity when necessary to elicit information that will assist an RATB review or audit.

C. To appropriate officials and employees of a federal agency or entity which requires information relevant to a decision concerning the hiring, appointment, or retention of an individual; the issuance, renewal, suspension, or revocation of a security clearance; the execution of a security or suitability investigation; the letting of a contract; or the issuance or revocation of a grant or other benefit.

D. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

E. Information may be disclosed to the Department of Justice (DOJ), or in a proceeding before a court, adjudicative body, or other administrative body before which the RATB is authorized to appear, when:

1. The RATB, or any component thereof; or
2. Any employee of the RATB in his or her official capacity; or
3. Any employee of the RATB in his or her individual capacity where the DOJ or the RATB has agreed to represent the employee; or
4. The United States, if the RATB determines that litigation is likely to affect the RATB or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the DOJ or the RATB is deemed by the RATB to be relevant and necessary to the litigation, provided, however, that in each case it has been determined that the disclosure is compatible with the purpose for which the records were collected.

F. Information may be disclosed to the National Archives and Records Administration in records management inspections.

G. Information may be disclosed to contractors, grantees, consultants, or volunteers performing or working on a contract, service, grant, cooperative agreement, job, or other activity for the RATB and who have a need to have access to the information in the

performance of their duties or activities for the RATB.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Hard copy files and a computer database.

**RETRIEVABILITY:**

Records are retrievable by case number or subject name.

**SAFEGUARDS:**

Computer records are maintained in a secure, password protected computer system. Paper records are maintained in lockable file cabinets. All records are maintained in secure, access-controlled areas or buildings.

**RETENTION AND DISPOSAL:**

Records will be retained and disposed of in accordance with RATB Records Control Schedules approved by the National Archives and Records Administration.

**SYSTEM MANAGER AND ADDRESS:**

Assistant Director, Investigations, Recovery Accountability and Transparency Board, 1717 Pennsylvania Avenue, NW., Suite 700, Washington, DC 20006.

**NOTIFICATION PROCEDURE:**

Address inquiries to the System Manager listed above.

**RECORD ACCESS PROCEDURES:**

The major part of this system is exempt from this requirement pursuant to 5 U.S.C. 552a(k)(2) and (k)(5). To the extent that this system is not subject to exemption, it is subject to access. A determination as to exemption shall be made at the time a request for access is received. A request for access to records contained in this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the full name of the individual involved, his or her current address, date and place of birth, notarized signature (or submitted with date and signature under penalty of perjury), and any other identifying number or information which may be of assistance in locating the record. The requester shall also provide a return address for transmitting the information. Access requests shall be directed to the System Manager listed above.

**CONTESTING RECORDS PROCEDURES:**

Requesters shall direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reason for

contesting it, and the proposed amendment to the information.

#### RECORD SOURCE CATEGORIES:

Complainants who are employees of federal, state, and local agencies, and private citizens. Records in the system come from complainants through the telephone, mail, electronic mail, facsimile, and the web site <http://www.recovery.gov>.

Ivan J. Flores,

Paralegal Specialist, Recovery Accountability and Transparency Board.

[FR Doc. E9-27899 Filed 11-19-09; 8:45 am]

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## DEPARTMENT OF STATE

[Public Notice 6815]

### Notice of Information Collection Under Emergency Review: Forms DS-2053, DS-2054; Medical Examination for Immigrant or Refugee Applicant; DS-3030, Chest X-Ray and Classification Worksheet; OMB Control Number 1405-0113

**AGENCY:** Department of State.

**ACTION:** Notice of request for emergency OMB approval.

**SUMMARY:** The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the emergency review procedures of the Paperwork Reduction Act of 1995.

- *Title of Information Collection:* Medical Examination for Immigrant or Refugee Applicant.
- *OMB Control Number:* 1405-0113.
- *Type of Request:* Emergency Review.
- *Originating Office:* Bureau of Consular Affairs, Office of Visa Services (CA/VO)
- *Form Number:* DS-2053, DS-2054, DS-3030.
- *Respondents:* Immigrant visa and refugee applicants.
- *Estimated Number of Respondents:* 630,000 per year.
- *Estimated Number of Responses:* 630,000 per year.
- *Average Hours Per Response:* 1 hour.
- *Total Estimated Burden:* 630,000 hours annually.
- *Frequency:* Once per application.
- *Obligation To Respond:* Required to Obtain Benefit.

The proposed information collection is published to obtain comments from the public and affected agencies. Emergency review and approval of this

collection has been requested from OMB by January 4, 2010. If granted, the emergency approval is only valid for 180 days. Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB).

You may submit comments by the following methods:

- *E-mail:* [omb\\_submission@omb.eop.gov](mailto:omb_submission@omb.eop.gov). You must include the DS form number, information collection title, and OMB control number in the subject line of your message.
- *Fax:* 202-395-5806. *Attention:* Desk Officer for Department of State.

During the first 60 days of the emergency approval period, a regular review of this information collection is also being undertaken. The submitting agency requests written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Comments will be accepted until 60 days from the date that this notice is published in the **Federal Register**.

You may submit comments by any of the following methods:

- *E-mail:* [VisaRegs@state.gov](mailto:VisaRegs@state.gov) (Subject line must read OMB 1405-0113 Reauthorization).

- *Mail (paper, disk, or CD-ROM submissions):* Chief, Legislation and Regulations Division, Visa Services—OMB 1405-0113 Reauthorization, 2401 E Street, NW., Washington, DC 20520-30106.

- *Fax:* (202) 663-3898.

You must include the DS form number (if applicable), information collection title, and OMB control number in any correspondence.

#### FOR FURTHER INFORMATION CONTACT:

Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed information collection and supporting documents, to Lauren Prosnik of the Office of Visa Services, U.S. Department of State, 2401 E Street, NW., L-603, Washington, DC 20522, who may be reached at (202) 663-2951.

**SUPPLEMENTARY INFORMATION:** We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper performance of our functions.
- Evaluate the accuracy of our estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.

- Enhance the quality, utility, and clarity of the information to be collected.

- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of technology.

#### Abstract of proposed collection:

INA Section 221(d) requires that prior to the issuance of an immigrant visa the applicant undergo a physical and mental examination. INA Section 412(b)(4)(B) requires that the United States Government “provide for the identification of refugees who have been determined to have medical conditions affecting the public health and requiring treatment.” Form DS-2053, Medical Examination for Immigrant or Refugee Applicant (1991 Technical Instructions); Form DS-2054, Medical Examination for Immigrant or Refugee Applicant (2007 Technical Instructions); and DS-3030, Chest X-Ray and Classification Worksheet (2007 Technical Instructions) are designed to record the results of the medical examination. A panel physician performs the medical examination of the applicant and completes the forms.

A final rule was published by the Department of Health and Human Services (HHS) in the **Federal Register** on November 2, 2009 that amends HHS regulations to remove the Human Immunodeficiency Virus (HIV) from the definition of *communicable disease of public health significance* and to remove references to HIV from medical examinations for aliens. In order to comply with this rule, effective January 4, 2010, an emergency approval review has been requested from OMB.

The Department must make available to panel physicians conducting medical exams for visa applicants revised medical exam forms. Forms DS-2053, DS-2054 and DS-3030 are being revised to remove references to HIV.

#### Methodology:

The medical forms are sent to the applicant in the applicant's package. The applicant takes the forms to the panel physician to use during the medical examination. The panel physician completes the medical examination and fills out the forms. The forms are then submitted in hard copy to the consular officer for processing.

November 16, 2009.

**Edward Ramotowski,**

Acting Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.

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