

issue. As required by the Commission rules, if any motions are filed, responses are due 7 days after any such motion is filed. See 39 CFR 3001.21.

It is ordered:

1. The Postal Service shall file the applicable administrative record regarding this appeal no later than August 10, 2011.

2. Any responsive pleading by the Postal Service to this notice is due no later than August 10, 2011.

3. The procedural schedule listed below is hereby adopted.

4. Pursuant to 39 U.S.C. 505, Emmett Rand Costich is designated officer of the Commission (Public Representative) to

represent the interests of the general public.

5. The Secretary shall arrange for publication of this notice and order in the **Federal Register**.

By the Commission.
Shoshana M. Grove,
Secretary.

PROCEDURAL SCHEDULE

July 26, 2011	Filing of Appeal.
August 10, 2011	Deadline for the Postal Service to file the applicable administrative record in this appeal.
August 10, 2011	Deadline for the Postal Service to file any responsive pleading.
August 23, 2011	Deadline for notices to intervene (<i>see</i> 39 CFR 3001.111(b)).
August 30, 2011	Deadline for Petitioners' Form 61 or initial brief in support of petition (<i>see</i> 39 CFR 3001.115(a) and (b)).
September 19, 2011	Deadline for answering brief in support of the Postal Service (<i>see</i> 39 CFR 3001.115(c)).
October 4, 2011	Deadline for reply briefs in response to answering briefs (<i>see</i> 39 CFR 3001.115(d)).
October 11, 2011	Deadline for motions by any party requesting oral argument; the Commission will schedule oral argument only when it is a necessary addition to the written filings (<i>see</i> 39 CFR 3001.116).
November 16, 2011	Expiration of the Commission's 120-day decisional schedule (<i>see</i> 39 U.S.C. 404(d)(5)).

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POSTAL REGULATORY COMMISSION

[Docket No. N2011-1; Order No. 778]

Postal Service Initiative on Retail Postal Locations

AGENCY: Postal Regulatory Commission.
ACTION: Notice.

SUMMARY: The Commission is noticing a recently-filed Postal Service request for an advisory opinion on an initiative involving examination of the continuation of service at postal retail locations. This document invites public comments on the request and addresses several related procedural steps.

DATES: *Notices of intervention are due:* August 19, 2011. See the Procedural Schedule in the **SUPPLEMENTARY INFORMATION** section for other dates of interest.

ADDRESSES: Submit comments electronically by accessing the "Filing Online" link in the banner at the top of the Commission's Web site (<http://www.prc.gov>) or by directly accessing the Commission's Filing Online system at <http://www.prc.gov/prc-pages/filing-online/login.aspx>. Commenters who cannot submit their views electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section as the source for case-related information for advice on alternatives to electronic filing.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, at 202-789-6820 (case-related information) or DocketAdmins@prc.gov (electronic filing assistance).

SUPPLEMENTARY INFORMATION: On July 27, 2011, the United States Postal Service (Postal Service) filed a request with the Postal Regulatory Commission (Commission) for an advisory opinion under 39 U.S.C. 3661 regarding use of a centrally directed Retail Access Optimization (RAO) initiative for examining the continuation of service at approximately 3,650 postal retail locations.¹

Jurisdiction. The Postal Service contends that in its present form, the RAO initiative "could be at least 'substantially nationwide,' within the meaning of 39 U.S.C. 3661(b)." *Id.* at 2. The Postal Service states that if it determines any facilities should be closed, postal patrons would have to obtain services at a different postal facility or alternate access channel. *Id.* The Postal Service asks the Commission to consider whether it has jurisdiction to offer an advisory opinion on the RAO initiative, and if so, to render it. *Id.*

The RAO initiative applies to postal retail facilities across the country, without limit to geography or population, and is driven by Headquarters. The Commission finds that because the Postal Service's RAO initiative appears to encompass a Headquarters' mandated, systemwide review of postal retail facilities, similar to the review of station and branch discontinuation in Docket No. N2009-1, a Commission advisory opinion pursuant to 39 U.S.C. 3661 is appropriate.

Request. The Request is accompanied by testimony from one witness, James J. Boldt (USPS-T-1), and five library

references (two of which are non-public).²

Witness Boldt is identified as the National Manager, Customer Service Operations, in the Office of Delivery and Post Office Operations at Postal Service Headquarters. USPS-T-1 at i. Witness Boldt's office is described as having primary responsibility for developing policies and procedures relating to the day-to-day operations of post offices, opening or closing of those facilities, and improving customer experience. *Id.*

Witness Boldt's testimony describes the current state of the Postal Service's retail network, including alternative access channels and underlying trends. *Id.* at 2-10. The testimony also describes the RAO initiative as a systemwide approach to the decline in demand for retail services and the widespread availability of alternative access channels. *Id.* at 13-14. The testimony indicates that the Postal Service will evaluate postal offices with low workload, stations and branches with insufficient demand and available alternate access, and retail annexes with insufficient demand and available alternate access. *Id.* at 14-16.

The Postal Service intends to make use of the new "USPS Handbook PO-101" that reflects recent rules promulgated by the Postal Service concerning the methods to close or consolidate postal retail facilities.³ *Id.* at 17-18. Finally, the testimony explains how the Postal Service's new rules work

² See Notice of United States Postal Service of Filing of Initial Library References and Application for Non-Public Treatment of Materials, July 27, 2011, identifying and describing the library references filed in support of the Postal Service's direct case.

³ See 39 CFR Part 241.

¹ Request of the United Postal Service for an Advisory Opinion on Changes in the Nature of Postal Services, July 27, 2011 at 1 (Notice).

and how they will be applied in the RAO initiative. *Id.* at 19–23.

The Request and all supporting public materials are on file in the Commission’s docket room for inspection during regular business hours, and are available on the Commission’s Web site at <http://www.prc.gov>.

Timing. The Postal Service believes that its filing satisfies the 39 CFR 3001.72 requirement that a request for an advisory opinion must be filed at least 90 days in advance of the effective date of the proposed changes. The Postal Service indicates that it started discontinuance actions consistent with the RAO initiative beginning July 26, 2011. Notice at 9. The Postal Service contends that these actions are not “implementation” of a service change because the initial action of public notice of discontinuance is only an “information-gathering process.” *Id.* The Postal Service states further that if discontinuation is announced, the facility must remain open for a further 60 days. *Id.* at 10. The Postal Service states that it expects notices announcing discontinuances of particular facilities to be issued starting in late October through late December of 2011. *Id.*

Further procedures. 39 U.S.C. 3661(c) requires that the Commission afford an opportunity for a formal, on-the-record hearing of the Postal Service’s Request under the terms specified in sections 556 and 557 of title 5 of the U. S. Code before issuing its advisory opinion. The Postal Service’s request raises important

issues. Given the Postal Service’s financial position, the Commission finds it appropriate to expedite the proceeding. To facilitate expeditious review of the matter, the Commission expects parties to make judicious use of discovery, discovery objections, and motions’ practice. Every effort should be made to confer to resolve disputes informally.

All interested persons are hereby notified that notices of intervention in this proceeding shall be due on or before August 19, 2011. *See* 39 CFR 3001.20 and 3001.20a. Discovery may be propounded upon filing a notice of intervention. Responses to discovery shall be due within 7 days.

The full procedural schedule shown below the signature of this Order will be followed in this proceeding:

- The hearing to receive the Postal Service’s direct case shall begin September 8, 2011.
- Intervenor evidence must be submitted by September 16, 2011.
- The hearing to receive intervenor evidence shall begin October 3, 2011.
- Unless the Postal Service elects to submit surrebuttal evidence, briefs shall be due October 14, 2011, and reply briefs shall be due October 21, 2011.
- If the Postal Service elects to submit surrebuttal evidence, that evidence is due by October 11, 2011.
- The hearing to receive the surrebuttal evidence shall be October 17, 2011.
- If surrebuttal evidence is submitted, briefs shall be due October 26, 2011,

and reply briefs shall be due November 2, 2011.

Public Representative. Section 3661(c) of title 39 requires the participation of an “officer of the Commission who shall be required to represent the interests of the general public.” Tracy Ferguson is designated to serve as the Public Representative to represent the interests of the general public in this proceeding, assisted by John P. Klingenberg. Neither the Public Representative nor any additional persons assigned to assist her shall participate in or advise as to any Commission decision in this proceeding, other than in their designated capacity.

It is ordered:

1. The Commission establishes Docket No. N2011–1 to consider the Postal Service Request referred to in the body of this Order.
2. The Commission will sit *en banc* in this proceeding.
3. The complete procedural schedule for this proceeding is set forth below the signature of this order.
4. Pursuant to 39 U.S.C. 505 and 3661(c), the Commission appoints Tracy Ferguson to represent the interests of the general public in this proceeding.
5. The Secretary shall arrange for publication of this notice and order in the **Federal Register**.

By the Commission,
Shoshana M. Grove,
Secretary.

PROCEDURAL SCHEDULE

August 19, 2011	Notices of intervention due.
August 20, 2011	Close of discovery on Postal Service direct case.
September 2, 2011	Notice of intent to conduct oral cross-examination.
September 8, 2011	Hearing on the Postal service’s direct case (9:30 AM in the ommission’s hearing room).
September 9, 2011	Close of discovery for developing intervenors’ direct case.
September 16, 2011	Filing of rebuttal testimony.
September 23, 2011	Conclusion of discovery directed towards rebuttal testimony.
September 30, 2011	Notice of intent to conduct oral cross-examination (rebuttal).
October 3, 2011	Hearing to enter rebuttal testimony into the record (9:30 AM in the commission’s hearing room).
October 5, 2011	Notice of intent to file surrebuttal testimony.
October 11, 2011	Filing of surrebuttal testimony (if requested).
October 14, 2011	Filing of briefs if no surebuttal testimony filed.
October 17, 2011	Hearing to enter surrebuttal testimony into the record (9:30 AM in the commission’s hearing room, if necessary).
October 21, 2011	Filing of reply briefs if no surrebutal testimony is filed.
October 26, 2011	Filing of briefs if surrebuttal testimony filed.
November 2, 2011	Filing of reply briefs if surrebuttal testimony filed.

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RECOVERY ACCOUNTABILITY AND TRANSPARENCY BOARD

[Doc. No. 11-004]

Privacy Act of 1974; System of Records**AGENCY:** Recovery Accountability and Transparency Board.**ACTION:** Notice of new Privacy Act system of records.

SUMMARY: The Recovery Accountability and Transparency Board (Board) proposes a new system of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended (Privacy Act or the Act), entitled "Fast Alert System." Under the American Recovery and Reinvestment Act of 2009, Public Law 111-5 (Recovery Act), the Recovery Accountability and Transparency Board (Board) is responsible for coordinating and conducting oversight of covered funds to prevent fraud, waste, and abuse. The Board has determined that, to further its mission of fraud and waste prevention, recipients of Recovery Act funds and those seeking Recovery Act funds should be reviewed against existing public, private, and commercially available information, including but not limited to information regarding past recipients of or those that have sought Federal funds. The Board has further determined that direct participation in such reviews by agency procurement and grant personnel, as well as by Offices of Inspector General and other law enforcement authorities, will improve the efficiency and economy of achieving the Board's mission of preventing and detecting fraud, waste, and abuse of Recovery Act funds.

RATB—13**SYSTEM NAME:**

Fast Alert System.

SECURITY CLASSIFICATION:

Controlled Unclassified Information.

SYSTEM LOCATION:

The principal location for the system is the Recovery Accountability and Transparency Board, located at 1717 Pennsylvania Avenue, NW., Suite 700, Washington, DC 20006.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains records on individuals acting in a personal capacity who relate to official Board efforts

undertaken in support of its mission to coordinate and conduct oversight of Recovery Act funds to prevent fraud, waste, and abuse. These individuals include but are not limited to those that have applied for, sought or received Federal funds, including but not limited to Recovery Act funds.

CATEGORIES OF RECORDS IN THE SYSTEM:

Every possible type of information that contributes to effective oversight of fraud, waste, and abuse of Recovery Act funds may be maintained in this system of records, including but not limited to records on Recovery Act recipients and subrecipients (including vendors) and records on other individuals, corporations, sole proprietors, and other legal entities that have applied for, sought, or received Federal funds, including but not limited to Recovery Act funds.

AUTHORITY FOR MAINTENANCE OF SYSTEM:

The Recovery Act established the Board to coordinate and conduct oversight of Recovery Act funds to prevent fraud, waste, and abuse. Public Law 111-5, 1521, 1523(a)(1).

PURPOSE(S):

The purpose of collecting this information is to assist with the Board's efforts to prevent fraud, waste, and abuse of Recovery Act funds. By collecting data that is relevant to determinations of recipient and potential recipient responsibility and risk, the Board can create an oversight tool to be utilized by the Board and by those agencies responsible for distributing and/or overseeing Recovery Act funds.

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

Records in the Fast Alert System may be used:

A. For auditing or other internal purpose of the Board, including but not limited to: review, analysis, and investigation of possible fraud, waste, abuse, and mismanagement of Recovery Act funds.

B. To provide responses to queries from Federal agencies, including but not limited to regulatory and law enforcement agencies, regarding Recovery Act fund recipients, subrecipients, or vendors, or those seeking Recovery Act funds.

C. To furnish information 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.

D. To disclose information to a Federal, state, local, or tribal or other public authority of the fact that this system of records contains information relevant to the retention of an employee or retention of a security clearance. That entity, authority, or licensing organization may then make a request supported by the written consent of the individual for the entire record if it so chooses.

E. To disclose information to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

F. To disclose information to the Department of Justice (DOJ), or in a proceeding before a court, adjudicative body, or other administrative body before which the Board is authorized to appear, when:

1. The Board, or any component thereof; or
2. Any employee of the Board in his or her official capacity; or
3. Any employee of the Board in his or her individual capacity where the DOJ or the Board has agreed to represent the employee; or
4. The United States, if the Board determines that litigation is likely to affect the Board 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 Board is deemed by the Board 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.

G. To disclose information to the National Archives and Records Administration in records management inspections.

H. To disclose information to contractors, grantees, consultants, or volunteers performing or working on a contract, service, grant, cooperative agreement, job, or other activity for the Board and who have a need to have access to the information in the performance of their duties or activities for the Board.

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

The Fast Alert System records will be stored in digital format on a digital storage device. All record storage procedures are in accordance with current applicable regulations.