

electronic message to wmh@nrc.gov or dkw@nrc.gov.

Dated: June 13, 1997.

William M. Hill, Jr.,
SECY Tracking Officer, Office of the
Secretary.

[FR Doc. 97-15988 Filed 6-13-97; 2:14 pm]

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OFFICE OF PERSONNEL MANAGEMENT

Federal Prevailing Rate Advisory Committee; Cancellation of Open Committee Meeting

According to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the meeting of the Federal Prevailing Rate Advisory Committee scheduled for Thursday, June 19, 1997, has been canceled.

Information on other meetings can be obtained by contacting the Committee's Secretary, Office of Personnel Management, Federal Prevailing Rate Advisory Committee, Room 5559, 1900 E Street, NW., Washington, DC 20415, (202) 606-1500.

Dated: June 11, 1997.

Phyllis G. Foley,
Chair, Federal Prevailing Rate, Advisory
Committee.

[FR Doc. 97-15822 Filed 6-16-97; 8:45 am]

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POSTAL RATE COMMISSION

[Order No. 1184; Docket Nos. MC97-4 and C97-1]

Bulk Parcel Return Service and Shipper-Paid Forwarding Classifications and Fees; and Complaint of the Advertising Mail Marketing Association Regarding Charges for Standard (A) Merchandise Returns; Notice of Request for Changes in Domestic Mail Classification Schedule Provisions and Rates Affecting Forwarding and Return of Standard (A) Parcels and Order Instituting Proceedings

Issued June 11, 1997.

Before Commissioners: Edward J. Gleiman, Chairman; H. Edward Quick, Jr., Vice Chairman; George W. Haley; W.H. "Trey" LeBlanc III.

Notice is hereby given that on June 6, 1997, the United States Postal Service filed a Request with the Postal Rate Commission pursuant to section 3623 of the Postal Reorganization Act, 39 U.S.C. 101 et seq., for a recommended decision

on proposed changes in the Domestic Mail Classification Schedule (DMCS). The proposed revisions also include proposed new rates and fees. The Request includes attachments and is supported by the testimony of two witnesses and two library references. It is on file in the Commission Docket Room and is available for inspection during the Commission's regular business hours.

Contents of the filing. The Postal Service requests that the Commission consider two changes affecting the forwarding and return of Standard (A) parcels that were initially considered in Docket No. MC97-2. It requests that Bulk Parcel Return Service (BPRS) and Shipper Paid Forwarding (SPF) be established. Under current practice, forwarding and return of bulk Standard (A) parcels is obtained by endorsing mailpieces "Forwarding and Return Postage Guaranteed" or "Forwarding and Return Postage Guaranteed, Address Correction Requested." At the time that a parcel is returned, postage is paid for return service and indirectly paid for forwarding service, through a weighted fee that is 2.472 times the applicable single piece rate. The 2.472 weighting factor is the sum of one and 1.472. One, multiplied by the single piece rate, is intended to directly cover the cost of return service. 1.472 is the average number of pieces that are forwarded for every piece that is returned. Multiplying 1.472 times the single piece rate is intended to cover the cost of return service. This weighted fee can result in a charge for forwarding and return that is prohibitively high, according to the Postal Service. To provide continuity mailers other options, the Postal Service proposes to establish SPF and BPRS.

SPF would allow mailers to pay forwarding fees (the applicable single piece rate) directly, through the use of the tracking capabilities of the existing electronic Address Change Service (ACS). Only machinable parcels with the required endorsements would be eligible. An advance deposit would be required.

BPRS, through bulk handling of returned parcels, would lower the average cost of return service. BPRS mailers would arrange to pick up their returned parcels at a specified frequency, at a designated postal facility, or would have their returned parcels delivered to them in bulk by the Postal Service. Only machinable parcels weighing less than one pound, with the required endorsements, would be eligible for BPRS. A minimum of 50,000 returned parcels per year would be required. BPRS mailers would be

required to document their returned parcel volume, and to maintain an advance deposit account. A flat \$1.75 per-piece fee and an annual permit fee of \$85 is proposed. SPF and BPRS service could be combined.

The Postal Service's request is supported by the testimony of Postal Service witness Pham (USPS-T-1), which analyzes the costs of BPRS, and the testimony of Postal Service witness Adra (USPS-T-2), which addresses the consistency of the proposed changes in classifications and fees for SPF and BPRS with the applicable standards of the Postal Reorganization Act. The Postal Service asserts that neither SPF nor BPRS would alter existing forwarding or return services or rates for Standard (A) parcels. It also asserts that establishing BPRS would have little financial impact on postal costs and revenues. It contends that it would reduce overall postal costs by approximately \$4 million, and Standard (A) mail's contribution to institutional costs by less than \$1 million. See USPS-T-2, Exhibit USPS-2A.

The Postal Service's request is accompanied by two library references. The first (USPS-LR-1/MC97-4) is the FY 1996 Cost & Revenue Analysis Report. The second (USPS-LR-2/MC97-4) is a mailer survey designed to estimate the volume impact of BPRS.

Proposed DMCS provisions. The Postal Service's Request proposes changes in the current Domestic Mail Classification Schedule (DMCS). It proposes establishing separate Special Service Schedules SS-21, for Bulk Parcel Return Service, and SS-22, for Shipper-Paid Forwarding. The DMCS is codified at 39 CFR part 3001, subpart C, Appendix A. In Attachment A to its Request, the Postal Service displays the changes it proposes in the version of the DMCS currently in effect. These proposed revisions accompany this Notice as Attachment A.

Proposed rate and fee schedules. In Attachment B to its Request, the Postal Service displays changes it proposes to the various rate and fee schedules currently in effect. It proposes to establish Schedule SS-21, which would specify a flat fee for BPRS of \$1.75 per piece; and to specify a BPRS permit fee of \$85, under existing Schedule 1000. The Postal Service's requested changes in rates and fees accompany this Notice as Attachment B.

Procedural proposals. The Postal Service's Request is accompanied by a Motion of the United States Postal Service to Establish Procedural Mechanisms Concerning Settlement. In it, the Postal Service observes that the SPF and BPRS proposals in this docket

are identical to those that were included in the Postal Service's Request in Docket No. MC97-2. It notes that before that docket was withdrawn, intervenors had approximately seven weeks in which to conduct discovery. It expresses a hope that any additional discovery will be begun quickly after intervention, limited in duration and scope, and designed to determine whether intervenors can join, in whole or in part, in the proposed Stipulation and Agreement that accompanies its Request.

The proposed Stipulation and Agreement recites that Advertising Mail Marketing Association (AMMA) filed a section 3662 complaint in October of 1996 alleging that the Standard (A) single piece rate charged to the recipients of returned Standard (A) parcels violates the policies of the Postal Reorganization Act, that AMMA withdrew its complaint in anticipation that MC97-2 would address this issue, that AMMA asked that the Commission revive its complaint after the Postal Service withdrew its Request in MC97-2, and that the Postal Service filed its Request in this docket, again proposing SPF and BPRS.

The proposed Stipulation and Agreement would stipulate that the Request, attachments, and accompanying testimony and exhibits constitute substantial and sufficient evidence in support of the SPF and BPRS proposals, and that those proposals are consistent with the policies of 39 U.S.C. 3622 and 3623. It provides that the methods of classification or ratemaking, or determination of cost of service, are stipulated to only for purposes of this docket. The proposed Stipulation and Agreement is signed by the Postal Service and AMMA.

The Postal Service proposes that the Order that institutes this proceeding enter the proffered testimony and the Stipulation and Agreement in the record. It also proposes that the Order allow intervention until June 27, 1997, require statements of intent to contest specific issues from intervenors by July 8, 1997, require that any discovery undertaken be completed by July 18, 1997, that any testimony or pleadings opposing the Stipulation and Agreement be filed by August 4, 1997, and that any responses be required by August 11, 1997.

The Postal Service accompanies its Request by a motion for waiver of many of the filing requirements of Rules 64 and 54, on the ground that these proposals are narrow in scope and limited in their effect on other classes and services. The Postal Service also

includes a motion for consolidation of this docket with Docket No. C97-1.

Ruling on motion to establish settlement procedures. It is Commission policy to facilitate settlement of issues. In view of the very limited scope and effect of these proposals, and the willingness of the complainant in Docket No. C97-1 to settle, the Commission recognizes the potential for expeditious settlement of this docket. In view of the active litigation of these proposals in Docket No. MC97-2 by others, however, it appears that the optimal approach is one that will accommodate either settlement, or such litigation as the intervenors choose to pursue, with the utmost expedition. The Commission, therefore, will adopt a two-track approach, designed to simultaneously encourage settlement, and speed any litigation that intervenors deem necessary. The Commission will schedule a settlement conference for Monday, July 14, 1997, in the Commission hearing room at 1333 H Street, NW, Washington, DC beginning at 9:30 a.m. The Postal Service will serve as settlement coordinator.

Participants will have until July 1, 1997, to intervene. Intervenors may commence any desired discovery immediately upon filing a Notice of Intervention. The Commission will schedule a prehearing conference for the afternoon of July 14, 1997, at 1:30 p.m., following the morning settlement conference. At the prehearing conference, the Postal Service will be asked to report on the results of the settlement conference. At that time, if intervenors believe that there are legal or factual issues that are an obstacle to settlement, they will be asked to identify them, and indicate whether they wish to present evidence on those issues. Further procedural scheduling will depend on the results of the prehearing conference.

Rulings on remaining motions. In its Motion of United States Postal Service for Waiver of Certain Filing Requirements Incorporated in the Commission's Rules of Practice and Procedure, accompanying its Request, the Postal Service seeks waiver of the requirement to provide the information specified in Rules 64(b)(3), 64(d), and 64(h), and Rules 54(b)(3), 54(f)-(h), 54(j), and 54(l), to the extent that they apply, and a blanket waiver of other filing requirements that its Request does not fully satisfy. Rule 64(h)(3) provides that these requirements may be waived if the Commission determines that it has been demonstrated that the proposed changes in the classification schedule do not significantly change rates and fees or

cost-revenue relationships referred to in the rule.

The SPF and BPRS proposals would not change current rates and fees for any existing category of mail or special service, including Standard (A) mail. Because they would alter total costs by only about \$4 million out of more than \$55 billion, and reduce the Standard (A) single-piece contribution to institutional costs by less than one percent, these proposals would not appear to have a significant impact on cost and revenue relationships of the various subclasses. Therefore, a waiver of these requirements appears to be warranted under the Commission Rules of practice, including Rules 64(h)(3) and 54(r). Accordingly, it will be granted.

In its Motion of the United States Postal Service to Consolidate Proceedings, filed with its Request, the Postal Service argues that the filing of its Request in this docket Docket No. C97-1 returns to the status that it held just prior to the withdrawal of the Request in Docket No. MC97-2. At that time Docket No. C97-1 was being held in abeyance. It argues that resolution of the issues in the current docket would resolve the identical issues in C97-1, and therefore it is appropriate to consolidate Docket No. C97-1 with the current docket. The apparent agreement by the complainant in C97-1 with the resolution of those issues proposed by the Postal Service in the current docket confirms the appropriateness of the Postal Service's request. Therefore, it will be granted.

Also filed with the Postal Service's Request is a Motion of the United States Postal Service Seeking Leave to File Facsimile Copy of Signature Page as Attachment to Stipulation and Agreement. The Motion alleges sufficient grounds for granting the leave that it requests.

Intervention. Participation in Commission proceedings generally takes the form of either full intervention or limited participation. See sections 20 and 20a of the Commission rules of practice (39 CFR 3001.20 and .20a). For those wishing to express their views informally, without incurring the obligations that attach to the other two forms of participation, commenter status is available. See section 20b (39 CFR 3001.20b). Those wishing to be heard in this matter as either a full intervenor or limited participant are directed to file a written notice of intervention in conformance with section 20(b) or 20a(a), identifying the status they intend to assume and affirmatively stating how actively they expect to participate. In addition, intervenors are requested to

provide a telephone number, facsimile number, and e-mail address if available.

Notices of intervention should be sent to the attention of Margaret P. Crenshaw, Secretary of the Commission, 1333 H Street, NW, Suite 300, Washington, DC 20268-0001, and are to be filed on or before July 1, 1997. Commenter status does not require a notice of intervention.

Representation of the general public. In conformance with section 3624(a) of title 39, the Commission designates W. Gail Willette, Director of the Office of the Consumer Advocate (OCA), to represent the interests of the general public in this proceeding. Pursuant to this designation, Ms. Willette will direct the activities of Commission personnel assigned to assist her and, when requested, will supply their names for the record. Neither Ms. Willette nor any of the assigned personnel will participate in or provide advice on any Commission decision in this proceeding.

Special rules of practice. Special Rules of Practice are set forth in Attachment C. These Special Rules are an amalgam of the non-controversial portions of the Special Rules used Docket Nos. MC97-2, and MC96-3. Participants are to follow these Special Rules during this proceeding or to submit requests for waiver or modification of any of these rules.

Docket Room operations. Documents may be filed with the Commission's docket section Monday through Friday between 8 a.m. and 5 p.m. Questions about docket room operations should be directed to Ms. Peggie Brown (at 202-789-6847) or Ms. Joyce Taylor (at 202-789-6846).

It is ordered:

1. The Commission will sit en banc in this proceeding.

2. Notices of intervention shall be filed no later than July 1, 1997.

3. A settlement conference will be held on July 14, 1997, beginning at 9:30 a.m. in the Postal Rate Commission hearing room, 1333 H Street, NW., Suite 300, Washington, DC 20268-0001.

4. A prehearing conference will be held on July 14, 1997, beginning at 1:30 p.m., in the Postal Rate Commission hearing room, 1333 H Street, N.W., Suite 300, Washington, D.C., 20269-0001.

5. W. Gail Willette, Director of the Commission's Office of the Consumer Advocate, is designated to represent the interest of the general public in this proceeding.

6. The Motion of the United States Postal Service to Establish Procedural Mechanisms Concerning Settlement, filed June 6, 1997, is granted to the

extent described in the body of this order.

7. The Motion of the United States Postal Service to Consolidate Proceedings, filed June 6, 1997, is granted.

8. The Motion of the United States Postal Service Seeking Leave to File Facsimile Copy of Signature Page as Attachment to Stipulation and Agreement, filed June 6, 1997, is granted.

9. The Motion of the United States Postal Service for Waiver of Certain Filing Requirements Incorporated in the Commission's Rules of Practice and Procedure, filed June 6, 1997, is granted.

10. The Secretary shall cause this Notice and Order to be published in the **Federal Register**.

By the Commission,
Margaret P. Crenshaw,
Secretary.

Attachment A—Requested Changes in the Domestic Mail Classification Schedule

In this Request, the Postal Service asks the Commission to recommend certain changes in the Domestic Mail Classification Schedule (DMCS). The changes requested herein alter the DMCS recommended by the Commission on November 29, 1978, adopted by decision of the Governors and implemented by resolution of the Board of Governors on April 3, 1979, effective April 15, 1979, and as amended from time-to-time, most recently by the Decision of the Governors on the Recommended Decision of the Postal Rate Commission on Special Services Fees and Classifications, Docket No. MC96-3, (Special Services Decision) as implemented by Resolution 97-7 of the Board of Governors, and the Decision of the Governors on the Recommended Decision of the Postal Rate Commission on the Experimental Nonletter-Size Business Reply Mail Categories and Fees, Docket No. MC97-1 (BRM Decision), as implemented by Resolution 97-8 of the Board of Governors. The current DMCS (which is published in part at 39 CFR part 3001, subpart C, appendix A, in part as Attachment A to the Special Services Decision (62 FR 26,099), in part as Attachment A to the BRM Decision (62 FR 25,756), and in part as Attachment B to the Decision of the Governors of the United States Postal Service on the Recommended Decision of the Postal Rate Commission on Nonprofit Standard Mail, Nonprofit Enhanced Carrier Route Standard Mail, Nonprofit Periodicals, and Within County Periodicals, Docket

No. MC96-2 (61 FR 42,464)), is the basis for the proposed changes in this Request.

Proposed additions to text of the classification schedule are in italics; proposed deletions are in brackets. The changes in the DMCS requested by the Postal Service are as follows:

350 DEPOSIT AND DELIVERY
* * * * *

353 Forwarding and Return

353.1 Single Piece, Regular, Enhanced Carrier Route, Nonprofit and Nonprofit Enhanced Carrier Route Subclasses (Section 321)

Undeliverable-as-addressed Standard Mail mailed under section 321 will be returned on request of the mailer, or forwarded and returned on request of the mailer. Undeliverable-as-addressed combined First-Class and Standard pieces will be returned as prescribed by the Postal Service. Except as provided in Schedule SS-21, [T]the Single Piece Standard rate is charged for each piece receiving return only service. Except as provided in Schedule SS-22, [C]charges for forwarding-and-return service are assessed only on those pieces which cannot be forwarded and are returned. Except as provided in Schedules SS-21 and SS-22, [T]the charge for those returned pieces is the appropriate Single Piece Standard rate for the piece plus that rate multiplied by a factor equal to the number of section 321 Standard pieces nationwide that are successfully forwarded for every one piece that cannot be forwarded and must be returned.

* * * * *

360 ANCILLARY SERVICES

* * * * *

363 Regular and Nonprofit

Regular and Nonprofit subclass mail will receive the following additional services upon payment of the appropriate fees:

Service	Schedule
a. Bulk Parcel Return Service	SS-21
b. Shipper-Paid Forwarding	SS-22

* * * * *

CLASSIFICATION SCHEDULE SS-21—BULK PARCEL RETURN SERVICE

21.01 Definition

21.010 Bulk Parcel Return Service provides a method whereby high-volume parcel mailers may have undeliverable-as-addressed machinable parcels returned to designated postal

facilities for pickup by the mailer at a predetermined frequency prescribed by the Postal Service or delivered by the Postal Service in bulk in a manner and frequency prescribed by the Postal Service.

21.02 Description of Service

21.020 Bulk Parcel Return Service is available only for the return of machinable parcels, as defined by the Postal Service, initially mailed under the following Standard Mail subclasses: Regular and Nonprofit.

21.03 Requirements of the Mailer

21.030 Mailers must receive authorization from the Postal Service to use Bulk Parcel Return Service.

21.031 To claim eligibility for Bulk Parcel Return Service at each facility through which the mailer requests Bulk Parcel Return Service, the mailer must demonstrate receipt of a prescribed minimum number of returned machinable parcels at a given delivery point in the previous postal fiscal year or must demonstrate a high likelihood of receiving the prescribed minimum number of returned parcels in the postal fiscal year for which the service is requested.

21.032 Payment for Bulk Parcel Return Service is made through advance deposit account, or as otherwise specified by the Postal Service.

21.033 Mail for which Bulk Parcel Return Service is requested must bear endorsements prescribed by the Postal Service.

21.034 Bulk Parcel Return Service mailers must meet the documentation and audit requirements of the Postal Service.

21.04 Other Services

21.040 The following services may be purchased in conjunction with Bulk Parcel Return Service:

	Classification schedule
a. Address Correction Service	SS-1
b. Certificate of Mailing	SS-4
c. Shipper-Paid Forwarding	SS-22

21.05 Fee

21.050 The fee for Bulk Parcel Return Service is set forth in Fee Schedule SS-21.

21.06 Authorizations and Licenses

21.060 A permit fee as set forth in Fee Schedule 1000 must be paid once each calendar year by mailers utilizing Bulk Parcel Return Service.

21.061 The Bulk Parcel Return Service permit may be canceled for

failure to maintain sufficient funds in an advance deposit account to cover postage and fees on returned parcels or for failure to meet the specifications of the Postal Service.

CLASSIFICATION SCHEDULE SS-22—SHIPPER-PAID FORWARDING

22.01 Definition

22.010 Shipper-Paid Forwarding provides a method whereby mailers may have undeliverable-as-addressed machinable parcels forwarded at Standard Mail Single Piece rates for up to one year from the date that the addressee filed a change-of-address order. If the parcel, for which Shipper-Paid Forwarding is elected, is returned, the mailer will pay the appropriate Standard Mail Single Piece rate, or the Bulk Parcel Return Service fee, if that service was elected.

22.02 Description of Service

22.020 Shipper-Paid Forwarding is available only for the forwarding of machinable parcels, as defined by the Postal Service, initially mailed under the following Standard Mail subclasses: Regular and Nonprofit.

22.03 Requirements of the Mailer

22.030 Shipper-Paid Forwarding is available only in conjunction with automated Address Correction Service in Schedule SS-1.

22.031 Mail for which Shipper-Paid Forwarding is purchased must meet the preparation requirements of the Postal Service.

22.032 Payment for Shipper-Paid Forwarding is made through advance deposit account, or as otherwise specified by the Postal Service.

22.033 Mail for which Shipper-Paid Forwarding is requested must bear endorsements prescribed by the Postal Service.

22.04 Other Services

22.040 The following services may be purchased in conjunction with Shipper-Paid Forwarding:

	Classification schedule
a. Certificate of Mailing	SS-4
b. Bulk Parcel Return Service	SS-21

22.05 Applicable Rates

22.050 Except as provided in Schedule SS-21, Standard Mail Single Piece rates, set forth in Rate Schedule 321.1, apply to pieces forwarded or returned in connection with Shipper-Paid Forwarding.

GENERAL DEFINITIONS, TERMS AND CONDITIONS

* * * * *

2000 Delivery of Mail

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2030 Forwarding and Return

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2033 Applicable Provisions. The provisions of sections 150, 250, 350 and 450 and schedules SS-21 and SS-22 apply to forwarding and return.

Attachment B—Requested Changes in the Fee Schedules

In conjunction with the requested changes in the Domestic Mail Classification Schedule (DMCS) set forth in Attachment A, the Postal Service also is requesting that the Commission recommend corresponding changes in the attendant special service fee schedules.

Rate and fee schedules were last amended in part by the Decision of the Governors on the Recommended Decision of the Postal Rate Commission on Classroom Mail, Docket No. MC96-2 (Classroom Decision), as implemented by Resolution 97-9 of the Board of Governors; the Decision of the Governors on the Recommended Decision of the Postal Rate Commission on Special Services Fees and Classifications, Docket No. MC96-3 (Special Services Decision), as implemented by Resolution 97-7 of the Board of Governors; and the Decision of the Governors on the Recommended Decision of the Postal Rate Commission on the Experimental Nonletter-Size Business Reply Mail Categories and Fees, Docket No. MC97-1 (BRM Decision), as implemented by resolution 97-8 of the Board of Governors. The current rate and fee schedules (which are published in part at 39 CFR part 3001, subpart C, appendix A, and in part as the Attachment to the Classroom Decision, in part as Attachment B to the Special Services Decision (62 FR 26,099), in part as Attachment B to the BRM Decision (26 FR 25,756), and in part as Attachment B to the Decision of the Governors of the United States Postal Service on the Recommended Decision of the Postal Rate Commission on Nonprofit Standard Mail, Nonprofit Enhanced Carrier Route Standard Mail, Nonprofit Periodicals, and Within County Periodicals, Docket No. MC96-2 (61 FR 42,464)) are the basis for the proposed changes in this Request.

Unless otherwise indicated, proposed additions to the text of the schedules are

in italics. The requested changes in the fee schedules are as follows:

* * * * *	
SPECIAL SERVICES	
* * * * *	
	Fee
<hr/>	
Schedule SS-21—Bulk Parcel Return Service	
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Per Returned Piece	\$1.75
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Schedule 1000—Fees	
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* * * * *	
Authorization to Use Bulk Parcel Return Service	85.00

Attachment C—Special Rules of Practice

1. Evidence

A. *Case-in-chief.* A participant's case-in-chief shall be in writing and shall include the participant's direct case and rebuttal, if any, to the United States Postal Service's case-in-chief. It may be accompanied by a trial brief or legal memoranda. There will be a stage providing an opportunity to rebut presentations of other participants and for the Postal Service to present surrebuttal evidence.

B. *Exhibits.* Exhibits should be self-explanatory. They should contain appropriate footnotes or narrative explaining the source of each item of information used and the methods employed in statistical compilations. The principal title of each exhibit should state what it contains or represents. The title may also contain a statement of the purpose for which the exhibit is offered; however, this statement will not be considered part of the evidentiary record. Where one part of a multi-part exhibit is based on another part or on another exhibit, appropriate cross-references should be made. Relevant exposition should be included in the exhibits or provided in accompanying testimony.

C. *Motions to Strike.* Motions to strike are requests for extraordinary relief and are not substitutes for briefs or rebuttal evidence. All motions to strike testimony or exhibit materials are to be submitted in writing at least 14 days before the scheduled appearance of the witness, unless good cause is shown. Responses to motions to strike are due within seven days.

D. *Designation of Evidence from Other Commission Dockets.* Participants may request that evidence received in other Commission proceedings be entered into the record of this proceeding. These

requests should be made by motion, should explain the purpose of the designation, and should identify material by page and line or paragraph number. Absent extraordinary justification, these requests must be made at least 28 days before the date for filing the participant's direct case. If requests for designations and counter-designations are granted, the moving participant must submit two copies of the approved material to the Secretary of the Commission for inclusion in the record.

Oppositions to motions for designation and/or requests for counter-designations shall be filed within 14 days.

2. Discovery

A. *General.* Sections 25, 26 and 27 of the rules of practice apply during the discovery stage of this proceeding except when specifically overtaken by these special rules. Questions from each participant should be numbered sequentially, by witness.

The discovery procedures set forth in the rules are not exclusive. Parties are encouraged to engage in informal discovery whenever possible to clarify exhibits and testimony. The results of these efforts may be introduced into the record by stipulation, by supplementary testimony or exhibit, by presenting selected written interrogatories and answers for adoption by a witness at the hearing, or by other appropriate means.

In the interest of reducing motion practice, parties also are encouraged to use informal means to clarify questions and to identify portions of discovery requests considered overbroad or burdensome.

B. *Objections and Motions to Compel Responses to Discovery.* Upon motion of any participant in the proceeding, the Commission or the presiding officer may compel an answer to an interrogatory or request for admissions if the objection is overruled. Motions to compel should be filed within 14 days of an objection to the discovery request.

Parties who have objected to interrogatories or requests for production of documents or items which are the subject of a motion to compel shall have seven days to answer. Answers will be considered supplements to the arguments presented in the initial objection.

C. *Answers to Interrogatories.* Answers to discovery are to be filed within 14 days of the service of the discovery request. Answers to discovery requests shall be prepared so that they can be incorporated as written cross-examination. Each answer shall begin on a separate page, identify the

individual responding, the participant who asked the question, and the number and text of the question.

Participants are expected to serve supplemental answers to update or to correct responses whenever necessary, up until the date that answers are accepted into evidence as written cross-examination. Participants filing supplemental answers shall indicate whether the answer merely supplements the previous answer to make it current or whether it is a complete replacement for the previous answer.

Participants may submit responses with a declaration of accuracy from the respondent in lieu of a sworn affidavit.

D. *Follow-up Interrogatories.* Follow-up interrogatories to clarify or elaborate on the answer to an earlier discovery request may be filed after the initial discovery period ends. They must be served within seven days of receipt of the answer to the previous interrogatory unless extraordinary circumstances are shown.

E. *Discovery to Obtain Information Available Only from the Postal Service.* Sections 25 through 27 of the rules of practice allow discovery reasonably calculated to lead to admissible evidence during a noticed proceeding with no time limitations. Generally, through actions by the presiding officer, discovery against a participant is scheduled to end prior to the receipt into evidence of that participant's direct case. An exception to this procedure shall operate when a participant needs to obtain information (such as operating procedures or data) available only from the Postal Service. Discovery requests of this nature are permissible up to 20 days prior to the filing date for final rebuttal testimony.

3. Service

A. *Receipt of Documents.* The Service List shall contain the name and address of up to two individuals entitled to receive copies of documents for each participant. If possible that entry will also include a telephone number and facsimile number.

B. *Service of Documents.* Documents shall be filed with the Commission and served upon parties in accordance with sections 9 through 12 of the Commission's rules of practice. As provided in the Secretary's Notice to Intervenors, issued February 4, 1997, participants capable of submitting documents stored on computer diskettes may use an alternative procedure for filing documents with the Commission. Provided that the stored document is a file generated in either Word Perfect 5.1 or any version of Microsoft Word, and is formatted in Arial 12 font, in lieu of

the requirements of section 10 of the rules, a participant may submit a diskette containing the text of each filing simultaneously with the filing of 1 (one) printed original and 3 (three) hard copies.

C. Exceptions to general service requirements for certain documents. Designations of written cross-examination, notices of intent to conduct oral cross-examination, and notices of intent to participate in oral argument need to be served only on the Commission, the OCA, the Postal Service, and the complementary party (as applicable), as well as on participants filing a special request for service.

Discovery requests, objections and answers thereto need to be served on the Commission, the OCA, the Postal Service, and the complementary party, and on any other participant so requesting, as provided in sections 25–27 of the rules of practice. Special requests relating to discovery must be served individually upon the party conducting discovery and state the witness who is the subject of the special request.

D. Document titles. Parties should include titles that effectively describe the basic content of any filed documents. Where applicable, titles should identify the issue addressed and the relief requested. Transmittal documents should identify the answers or other materials being provided.

4. Cross-examination

A. Written cross-examination. Written cross-examination will be utilized as a substitute for oral cross-examination whenever possible, particularly to introduce factual or statistical evidence.

Designations of written cross-examination should be served no later than three working days before the scheduled appearance of a witness. Designations shall identify every item to be offered as evidence, listing the participant who initially posed the discovery request, the witness and/or party to whom the question was addressed (if different from the witness answering), the number of the request and, if more than one answer is provided, the dates of all answers to be included in the record. (For example, "OCA-T1-17 to USPS witness Jones, answered by USPS witness Smith (March 1, 1997) as updated (March 21, 1997).") When a participant designates written cross-examination, two copies of the documents to be included shall simultaneously be submitted to the Secretary of the Commission.

The Secretary of the Commission shall prepare for the record a packet

containing all materials designated for written cross-examination in a format that facilitates review by the witness and counsel. The witness will verify the answers and materials in the packet, and they will be entered into the transcript by the presiding officer. Counsel for a witness may object to written cross-examination at that time, and any designated answers or materials ruled objectionable will be stricken from the record.

B. Oral cross-examination. Oral cross-examination will be permitted for clarifying written cross-examination and for testing assumptions, conclusions or other opinion evidence. Requests for permission to conduct oral cross-examination should be served three or more working days before the announced appearance of a witness and should include (1) specific references to the subject matter to be examined and (2) page references to the relevant direct testimony and exhibits.

Participants intending to use complex numerical hypotheticals or to question using intricate or extensive cross-references, shall provide adequately documented cross-examination exhibits for the record. Copies of these exhibits should be provided to counsel for the witness at least two calendar days (including one working day) before the witness's scheduled appearance.

5. General

Argument will not be received in evidence. It is the province of the lawyer, not the witness. It should be presented in brief or memoranda. Legal memoranda on matters at issue will be welcome at any stage of the proceeding.

New affirmative matter (not in reply to another party's direct case) should not be included in rebuttal testimony or exhibits.

Cross-examination will be limited to testimony adverse to the participant conducting the cross-examination.

Library references may be submitted when documentation or materials are too voluminous reasonably to be distributed. Each party should sequentially number items submitted as library references and provide each item with an informative title. Parties are to file and serve a separate Notice of Filing of Library Reference(s). Library material is not evidence unless and until it is designated and sponsored by a witness.

[FR Doc. 97-15810 Filed 6-16-97; 8:45 am]

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UNITED STATES POSTAL SERVICE BOARD OF GOVERNORS

Sunshine Act Meeting; Notification of Item Added to Meeting Agenda

DATE OF MEETING: June 2, 1997.

STATUS: Closed.

PREVIOUS ANNOUNCEMENT: 62 FR 28074, May 22, 1997.

CHANGE: At its meeting on June 2, 1997, the Board of Governors of the United States Postal Service voted unanimously to add an item to the agenda of its closed meeting held on that date: Consideration of an Expedited Filing with the Postal Rate Commission for Bulk Parcel Return Service (BPRS) and Shipper Paid Forwarding (SPF) for Standard (A) Parcels.

CONTACT PERSON FOR MORE INFORMATION: Thomas J. Koerber, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza SW., Washington, DC 20260-1000. Telephone (202) 268-4800.

Thomas J. Koerber,
Secretary.

[FR Doc. 97-15956 Filed 6-13-97; 12:43 pm]

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UNITED STATES POSTAL SERVICE BOARD OF GOVERNORS

Sunshine Act Meeting

TIMES AND DATES: 1:00 p.m., Monday, June 30, 1997; 8:30 a.m., Tuesday, July 1, 1997.

PLACE: Washington, D. C., at Post Service Headquarters, 475 L'Enfant Plaza, S.W., in the Benjamin Franklin Room.

STATUS: June 30 (Closed); July 1 (Open)

MATTERS TO BE CONSIDERED:

Monday, June 30—1:00 p.m. (Closed)

1. Status Report on the Tray Management System.
2. Filing with the Postal Rate Commission for Rate Case.
3. Developmental Real Estate.
4. Mail Transport Equipment Service Center (MTEC) Network.
5. Status Report on the Five-Year Strategic Plan.

Tuesday, July 1—8:30 a.m. (Open)

1. Minutes of the Previous Meeting, June 2-3, 1997.
2. Remarks of the Postmaster General/Chief Executive Officer.
3. Consideration of Amendments to BOG Bylaws.
4. Environmental Update.
5. Capital Investment.
 - a. 2,000 Trailers.
6. Briefing on Integrated Processing Facility Concept.