

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–034–COL, ASLBP No. 09–886–09–COL–BD01, and 52–035–COL]

Luminant Generation Company, LLC; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the *Federal Register*, 37 FR 28,710 (1972), and the Commission's regulations, see 10 CFR 2.104, 2.300, 2.303, 2.309, 2.311, 2.318, and 2.321, notice is hereby given that an Atomic Safety and Licensing Board (Board) is being established to preside over the following proceeding:

Luminant Generation Company, LLC

(Comanche Peak Nuclear Power Plant, Units 3 and 4)

This proceeding concerns a Petition to Intervene and Request for Hearing dated April 6, 2009 from the Sustainable Energy and Economic Development Coalition, *et al.*, that was submitted in response to a February 5, 2009 Notice of Order, Hearing, and Opportunity To Petition for Leave To Intervene (74 FR 6177). Petitioners challenge the application filed by Luminant Generation Company LLC pursuant to subpart C of 10 CFR part 52 for a combined license for Comanche Peak Nuclear Power Plant, Units 3 and 4, to be located in Somervell County, Texas.

The Board is comprised of the following administrative judges:

Ann Marshall Young, Chair, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001,

Gary S. Arnold, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001,

Alice C. Mignerey, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

All correspondence, documents, and other materials shall be filed in accordance with the NRC E–Filing rule, which the NRC promulgated in August 2007 (72 FR 49,139).

Issued at Rockville, Maryland, this 4th day of May 2009.

E. Roy Hawkens,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. E9–10930 Filed 5–8–09; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. R2009–3; Order No. 209]

Postal Service Price Changes

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is conducting a review of the Postal Service's planned Standard Mail Volume Incentive Pricing Program (Summer Sale). This document invites public comment.

DATES: Comments are due May 21, 2009.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>.

FOR FURTHER INFORMATION CONTACT:

Stephen L. Sharfman, General Counsel, 202–789–6820 and stephen.sharfman@prc.gov.

SUPPLEMENTARY INFORMATION:**I. Overview**

On May 1, 2009, the Postal Service filed with the Commission a notice announcing its intention to adjust prices for Standard Mail letters and flats pursuant to 39 U.S.C. 3622 and 39 CFR part 3010.¹ The proposed adjustment is in the form of a “Standard Mail Volume Incentive Pricing Program” (also known as the Summer Sale program) with a planned implementation date of July 1, 2009 and a planned expiration date of September 30, 2009. This proposal represents an innovative approach by the Postal Service to utilize greater pricing flexibility for market dominant products under the Postal Accountability and Enhancement Act (PAEA), Public Law 109–435, 120 Stat. 3218 (2006).

II. Postal Service Filing

Summer Sale Program. The proposed Summer Sale program will provide a 30 percent rebate to eligible mailers on Standard Mail letters and flats volumes above a mailer specific threshold. *Id.* at 3. The threshold is calculated based on the percentage change between the mailer's volume during the current fiscal year (through March 2009) and the volume for the same period last year (trend), and applying that percentage to the volume mailed during the summer months the previous year (July 1, 2008 and September 30, 2008). *Id.* at 3–4. To discourage mailers from shifting planned October 2009 mailings into the Summer Sale program, the Postal Service will measure each mailer's

October 2009 volume against the prior year's volume for that month and reduce the rebate if the mailer is found to have mailed less in October 2009. *Id.* at 4.

Eligibility for the Summer Sale program is limited to mailers who are permit holders, *i.e.*, owners of a permit imprint advance deposit account and who have a demonstrable volume of at least 1 million Standard Mail letters and flats between October 1, 2007 and March 31, 2008 for one or more permit imprint advance deposit accounts, pre-canceled stamp permits, or postage meter permits. *Id.* at 4. Mail service providers are not eligible for the program due to the significant administrative cost to the Postal Service. *Id.* at 5. However, applicants may qualify for the program with volume mailed through an account owned by a mail service provider if the applicant can adequately demonstrate that it is the owner of the mail. *Id.* at 4.

In support of the proposal, the Postal Service notes that the economy has adversely affected many postal customers, resulting in a precipitous decline in Standard Mail volume. *Id.* at 2. The Postal Service believes the Summer Sale program may help its customers increase use of Standard Mail during what is typically a low volume period for Standard Mail. *Id.* at 2–3. The Postal Service also believes it will receive intangible benefits from the proposed program, including learning information which may improve postal data systems, gathering feedback from customers, which may help fine tune future programs, and improving customer relations. *Id.* at 3.

Conformance with 39 CFR 3010. The Postal Service's proposed schedule of prices appears in Appendix A, attached to the Notice. *Id.* at 1. It also represents, in conformance with the notice requirements of 39 CFR 3010.14(a)(3), that it will issue public notice of the price changes at least 45 days before the effective date via several additional means, including issuing notice of the price changes on the Postal Service's Web site (<http://www.usps.com>), the Postal Explorer Web site (<http://www.pe.usps.com>), the *DMM [Domestic Mail Manual] Advisory*, and the *P&C [Producers and Consumers] Weekly*, and a press release announcing the changes. The Postal Service also states that it plans to provide public notice of the price changes in future issues of the *PCC [Postal Customer Council] Insider*, *MailPro*, the *Postal Bulletin*, and the *Federal Register*. *Id.* at 1–2. The Postal Service identifies Greg Dawson, Manager, Pricing Strategy, as the official available to provide prompt responses

¹ United States Postal Service Notice of Market-Dominant Price Adjustment, May 1, 2009 (Notice).

to requests for clarification from the Commission.

Impact on the Price Cap. The Postal Service proposes to treat the program, for purposes of the price cap, as if it were a negotiated service agreement subject to 39 CFR 3010.24. *Id.* at 8. The Postal Service signals its intent to ignore the net price decrease resulting from the program, and for purposes of the price cap, calculate revenues for the volumes as though they paid the appropriate non-discounted rates. *Id.* at 8; 39 CFR 3010.24(a). Therefore, the Postal Service makes no calculation of cap or price changes as described in 39 CFR 3010.14(b)(1) through (4). Notice at 8.

Objectives and Factors, Workshare Discounts, and Preferred Rates. The Postal Service lists the relevant objectives and factors of 39 U.S.C. 3622, and claims that the program supports several factors and is unlikely to impact the ability of Standard Mail (as a class) to cover its costs. *Id.* at 8–13. The Postal Service also asserts that, to the extent it affects workshare discounts, the program will shrink them, keeping discounts with a passthrough of 100 percent or less in compliance, and bringing passthroughs over 100 percent closer to compliance. *Id.* at 13. The Postal Service also indicates that Standard Mail letters and flats entered at nonprofit prices will be eligible for the same rebate, and since the rebate is a fixed percentage, the 60 percent differential between regular and nonprofit prices will remain unchanged. *Id.*

Mail Classification Schedule (MCS) Language. The Postal Service addresses 39 CFR 3010.14(b)(9) in Appendix A of its Notice. *Id.* at 1. This rule requires that the notice include all the changes to the product descriptions within the MCS that are necessitated by the planned price adjustments. These changes are presented based on draft MCS language being developed by the Commission in cooperation with the Postal Service. The draft MCS will be the subject of a future rulemaking, which will include the opportunity for public comment. The Postal Service provides the proposed MCS revisions in Appendix A.

III. Commission Action

The Commission establishes Docket No. R2009–3 to consider all matters related to the Notice as required by 39 U.S.C. 3622. The Commission's rules provide for a 20 day comment period starting from the date of the filing of the Notice. See 39 CFR 3010.13(a)(5). Interested persons may express views and offer comments on whether the planned changes are consistent with the

policies of 39 U.S.C. 3622 and 39 CFR part 3010. Comments are due no later than May 21, 2009.

The Commission appoints Richard A. Oliver and Kenneth R. Moeller to represent the interests of the general public in this proceeding. See 39 U.S.C. 505. Pursuant to rule 3010.13(c), the Commission will issue its determination in this proceeding by June 4, 2009.

IV. Ordering Paragraphs

It is Ordered:

1. The Commission establishes Docket No. R2009–3 to consider matters raised by the Postal Service's May 1, 2009 filing.

2. Interested persons may submit comments on the planned price adjustments. Comments are due May 21, 2009.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Richard A. Oliver and Kenneth R. Moeller to represent the interests of the general public in this proceeding.

4. The Commission directs the Secretary of the Commission to arrange for prompt publication of this Notice in the **Federal Register**.

By the Commission.

Steven W. Williams,

Secretary.

[FR Doc. E9–10862 Filed 5–8–09; 8:45 am]

BILLING CODE 7710–FW–P

SMALL BUSINESS ADMINISTRATION

Small Business Size Standards: Waiver of the Nonmanufacturer Rule

AGENCY: U.S. Small Business Administration.

ACTION: Notice of intent to waive the Nonmanufacturer Rule for Product Service Code (PSC) 9130—Liquid Propellants—Petroleum Base.

SUMMARY: The U. S. Small Business Administration (SBA) is considering granting a waiver of the Nonmanufacturer Rule for PSC 9130—Liquid Propellants—Petroleum Base. According to a request, no small business manufacturers supply these classes of products to the Federal government. If granted, the waiver would allow otherwise qualified nonmanufacturer to supply the products of any manufacturer on a Federal contract set aside for small businesses, service-disabled veteran-owned small businesses, or participants in the SBA's 8(a) Business Development Program.

DATES: Comments and source information must be submitted May 26, 2009.

ADDRESSES: You may submit comments and source information to Pamela M. McClam, Program Analyst, Small Business Administration, Office of Government Contracting, 409 3rd Street, SW., Suite 8800, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Ms. Pamela M. McClam, by telephone at (202) 205–7408; by FAX at (202) 481–4783, or by e-mail at Pamela.mcclam@sba.gov.

SUPPLEMENTARY INFORMATION: Section 8(a)(17) of the Small Business Act (Act), 15 U.S.C. 637(a)(17), and SBA's implementing regulations provide that recipients of Federal contracts set aside for small businesses, service-disabled veteran-owned small businesses, or participants in the SBA's 8(a) Business Development Program must provide the product of a small business manufacturer or processor, if the recipient is other than the actual manufacturer or processor of the product. This requirement is commonly referred to as the Nonmanufacturer Rule. 13 CFR 121.406(b), 125.15(c). Section 8(a)(17)(b)(iv) of the Act authorizes SBA to waive the Nonmanufacturer Rule for any "class of products" for which there are no small business manufacturers or processors available to participate in the Federal market.

In order to be considered available to participate in the Federal market for a class of products, a small business manufacturer must have submitted a proposal for a contract solicitation or received a contract from the Federal government within the last 24 months. 13 CFR 121.1202(1). The SBA defines "class of products" based on a six digit coding system. The coding system is the Office of Management and Budget North American Industry Classification System (NAICS). In addition, SBA uses product service codes to identify particular products within the NAICS code to which a waiver would apply.

The SBA is currently processing a request to waive the Nonmanufacturer Rule under NAICS code 324110, for Petroleum Refineries, PSC 9130—Liquid Propellants—Petroleum Base.

The public is invited to comment or provide source information to SBA on the proposed waivers of the Nonmanufacturer Rule for this class of products within 15 days after date of publication in the **Federal Register**.

Karen C. Hontz,

Director for Government Contracting.

[FR Doc. E9–10926 Filed 5–8–09; 8:45 am]

BILLING CODE 8025–01–P