NUCLEAR REGULATORY COMMISSION


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:


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. E0–10930 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 310.1 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.

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.

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

ADDITIONAL INFORMATION:
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]