

Rule) nor is it inconsistent with the issue finality provisions in 10 CFR part 52. The NRC's position is based upon the following considerations.

1. *The SRP positions would not constitute backfitting, inasmuch as the SRP is internal guidance to NRC staff.*

The SRP provides internal guidance to the NRC staff on how to review an application for NRC regulatory approval in the form of licensing. Changes in internal staff guidance are not matters for which either nuclear power plant applicants or licensees are protected under either the Backfit Rule or the issue finality provisions of 10 CFR part 52.

2. *The NRC staff has no intention to impose the SRP positions on existing licensees either now or in the future.*

The NRC staff does not intend to impose or apply the positions described in the SRP to existing licenses and regulatory approvals. Hence, the issuance of this SRP—even if considered guidance within the purview of the issue finality provisions in 10 CFR part 52—does not need to be evaluated as if it were a backfit or as being inconsistent with issue finality provisions. If, in the future, the NRC staff seeks to impose a position in the SRP on holders of already issued licenses in a manner that does not provide issue finality as described in the applicable issue finality provision, then the staff must make the showing as set forth in the Backfit Rule or address the criteria for avoiding issue finality as described in the applicable issue finality provision.

3. *Backfitting and issue finality do not—with limited exceptions not applicable here—protect current or future applicants.*

Applicants and potential applicants are not, with certain exceptions, protected by either the Backfit Rule or any issue finality provisions under 10 CFR part 52. Neither the Backfit Rule nor the issue finality provisions under 10 CFR part 52—with certain exclusions—were intended to apply to every NRC action that substantially changes the expectations of current and future applicants. The exceptions to the general principle are applicable whenever an applicant references a 10 CFR part 52 license (e.g., an early site permit) or NRC regulatory approval (e.g., a design certification rule) with specified issue finality provisions. The NRC staff does not, at this time, intend to impose the positions represented in the SRP in a manner that is inconsistent with any issue finality provisions. If, in the future, the staff seeks to impose a position in the SRP section in a manner that does not provide issue finality as

described in the applicable issue finality provision, then the staff must address the criteria for avoiding issue finality as described in the applicable issue finality provision.

Congressional Review Act

In accordance with the Congressional Review Act, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of the Office of Management and Budget.

Dated at Rockville, Maryland, this 18th day of September 2013.

For the Nuclear Regulatory Commission.

Joseph Colaccino,

Chief, Policy Branch, Division of Advanced Reactors and Rulemaking, Office of New Reactors.

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POSTAL REGULATORY COMMISSION

[Docket No. MC2013-60; Order No. 1838]

New Postal Product

AGENCY: Postal Regulatory Commission.
ACTION: Notice.

SUMMARY: The Commission is noticing a recently-filed Postal Service request to add Private Address Forwarding service to the market dominant product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* October 16, 2013. *Reply Comments are due:* November 13, 2013.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, at 202-789-6820.

SUPPLEMENTARY INFORMATION: *Notice of filing.* Pursuant to 39 U.S.C. 3642 and 39 CFR 3020.50 *et seq.*, a mail user (Petitioner) has filed a request to add a new product, Private Address Forwarding (PAF) service, to the market dominant product list within the Mail Classification Schedule (MCS).¹ The

¹ Request to the Postal Regulatory Commission under 39 U.S.C. 3642 & 39 CFR 3020.50 to add Private Address Forwarding to the Mail Classification Schedule, September 18, 2013

Request has been assigned Docket No. MC2013-60.

Product description. The proposed service would permit a customer to apply to the Postal Service for a unique, random, nine-character, alphanumeric identifier, known as a PAF ID.² Request at 1-2. The Postal Service would maintain a database linking the PAF ID to the identity and address of the customer who purchased the service. *Id.* at 2. The proposed service would permit a customer to have mail that is addressed to a PAF ID delivered to a physical address that is specified by the customer. *Id.* at 1. This would allow a customer with a PAF ID to receive mail from third parties without disclosing the customer's identity or physical address. *Id.* at 4. The third-party sender would address the mail to the PAF ID. *Id.* at 1. On receipt of the mail, the Postal Service would look up the physical address specified by the owner and forward the mail to that address. *Id.* Customers with PAF IDs could, by visiting a post office and presenting identification, request that mail addressed to a PAF ID that they control be forwarded to a new destination address.³ Petitioner also provides suggested rules regarding conditions for obtaining and using PAF service, for obtaining multiple PAF IDs, on disclosure of customer identity, on the cost of shipping to PAF customers, as well as a suggested pricing structure for the service. *Id.* at 2-4.

Product classification. Petitioner believes that because PAF service would add a new address format option and because the Postal Service would maintain a centralized, private database of PAF ID destination addresses, the Postal Service would have a "de facto monopoly" for this product, and the product would therefore be appropriately classified as a market dominant product of general applicability. *Id.* at 4. However, Petitioner defers to the Postal Service and the Commission regarding the appropriate classification of PAF service. *Id.*

Proceedings. Section 3642 allows for users of the mail to request that the Commission change the list of market dominant products under section 3621 or the list of competitive products under

(Request). The Petitioner proposes to add the product as a Special Service. *Id.* at 1.

² Petitioner provides the following as an example of a PAF ID: "13JS-00EG-C." *Id.* at 2.

³ Petitioner also proposes that the Postal Service, on accepting the customer's initial PAF ID application, issue a user name and password. *Id.* at 2. The user name and password would permit the customer to manage their PAF ID account online, including permitting the customer to designate a new destination address.

section 3631 by adding new products to either list. 39 U.S.C. 3642(a). This is the first Request made by a user of the mails pursuant to section 3642 and the Commission's rules, 39 CFR 3020 subpart B.

The Commission establishes Docket No. MC2013-60 to consider the instant Request. Pursuant to 39 CFR 3020.54, the Postal Service has 28 days from the date of the filing of the Request to provide its preliminary views regarding the Request. Accordingly, its preliminary views are due no later than October 16, 2013.

Interested persons may submit comments on the merits of the Request, including whether it is consistent with the policies of 39 U.S.C. 3642 and 39 CFR 3020.50 *et seq.* no later than October 16, 2013.⁴

Interested persons, including the Postal Service, may submit reply comments no later than November 13, 2013. The public portions of these filings can be accessed via the Commission's Web site (<http://www.prc.gov>). Following receipt of comments, the Commission will take action pursuant to 39 CFR 3020.55.

The Commission appoints James Waclawski to represent the interests of the general public in this proceeding.

It is ordered:

1. The Commission establishes Docket No. MC2013-60 to consider the issues raised by the request to add Private Address Forwarding to the Mail Classification Schedule.

2. The Commission appoints James Waclawski to represent the interests of the general public in this proceeding.

3. The Postal Service shall submit its preliminary views no later than October 16, 2013.

4. Interested persons may submit comments no later than October 16, 2013.

5. Reply comments may be submitted no later than November 13, 2013.

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

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

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⁴ The Commission's rules do not specify the length of the public comment period in proceedings brought pursuant to 39 CFR 3020.50 *et seq.* Petitioner asks that the public comment period extend to one month after the Postal Service provides its preliminary views so to "permit the public to consider both this proposal and the [Postal Service's] response. . . ." Request at 5.

POSTAL REGULATORY COMMISSION

[Docket No. MC2013-62 and CP2013-82;
Order No. 1837]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning the addition of Priority Mail Contract 64 to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* September 30, 2013.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, at 202-789-6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.*, the Postal Service filed a request and associated supporting information to add Priority Mail Contract 64 to the competitive product list.¹ It asserts that Priority Mail Contract 64 is a competitive product "not of general applicability" within the meaning of 39 U.S.C. 3632(b)(3). Request at 1. The Request has been assigned Docket No. MC2013-62.

The Postal Service contemporaneously filed a redacted contract related to the proposed new product. *Id.* Attachment B. The instant contract has been assigned Docket No. CP2013-82.

Request. To support its Request, the Postal Service filed six attachments as follows:

- Attachment A—a redacted copy of Governors' Decision No. 11-6, authorizing the new product;
- Attachment B—a redacted copy of the contract;

¹ Request of the United States Postal Service to Add Priority Mail Contract 64 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, September 20, 2013 (Request).

- Attachment C—proposed changes to the Mail Classification Schedule competitive product list with the addition underlined;

- Attachment D—a Statement of Supporting Justification as required by 39 CFR 3020.32;

- Attachment E—a certification of compliance with 39 U.S.C. 3633(a); and

- Attachment F—an application for non-public treatment of materials to maintain redacted portions of the contract and related financial information under seal.

In the Statement of Supporting Justification, Dennis R. Nicoski, Manager, Field Sales Strategy and Contracts, asserts that the contract will cover its attributable costs and increase contribution toward the requisite 5.5 percent of the Postal Service's total institutional costs. *Id.* Attachment D at 1. Mr. Nicoski contends that there will be no issue of market dominant products subsidizing competitive products as a result of this contract. *Id.*

Related contract. The Postal Service included a redacted version of the related contract with the Request. *Id.* Attachment B. The contract is scheduled to become effective one business day after the Commission issues all necessary regulatory approval. *Id.* at 3. The contract will expire 3 years from the effective date unless, among other things, either party terminates the agreement upon 30 days' written notice to the other party. *Id.* The contract also allows two 90-day extensions of the agreement if the preparation of a successor agreement is active and the Commission is notified.² The Postal Service represents that the contract is consistent with 39 U.S.C. 3633(a).³

The Postal Service filed much of the supporting materials, including the related contract, under seal. *Id.* Attachment F. It maintains that the redacted portions of the Governors' Decision, contract, customer-identifying information, and related financial information should remain confidential.

² *Id.* at 3-4. In Docket Nos. MC2013-54 and CP2013-70, the Postal Service clarified that identical language in Priority Mail Contract 60 "contemplates the Postal Service filing any notices of extension with the Commission at least one week prior to the 3-year expiration date or the extended expiration date." See Docket Nos. MC2013-54 and CP2013-70, Order No. 1773, Order Adding Priority Mail Contract 60 to the Competitive Product List, July 8, 2013, at 3; see also Docket Nos. MC2013-54 and CP2013-70, Response of the United States Postal Service to Chairman's Information Request No. 1, July 1, 2013, at question 2.

³ Although the Request appears to state that the certification only pertains to paragraphs (1) and (3) of 39 U.S.C. 3633(a), the certification itself contains an assertion that the prices are in compliance with 39 U.S.C. 3633(a)(1), (2), and (3). Request at 2; Attachment E.