

## I. Background

On August 9, 2013 (78 FR 48727), the NRC staff issued the previously mentioned proposed revised SRP sections for public comment. The NRC staff received no comments on the proposed revisions. This guidance is being issued as final for use. There were no changes made to the guidance since it was issued for public comment. Details of specific changes between current SRP guidance and the final guidance being issued here are included at the end of each of the revised sections themselves, under the “Description of Changes” subsections.

## II. Backfitting and Issue Finality

These SRP section revisions provide guidance to the staff for reviewing applications for a construction permit and an operating license under part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR) with respect to designs of structures, components, equipment, and systems. The SRP also provides guidance for reviewing an application for a standard design approval, a standard design certification, a combined license, and a manufacturing license under 10 CFR part 52 with respect to those same subject matters.

Issuance of these SRP section revisions does not constitute backfitting as defined in 10 CFR 50.109 (the Backfit 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 Applicant

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.

## III. Congressional Review Act

This action is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

Dated at Rockville, Maryland, this 1st day of May 2014.

For the Nuclear Regulatory Commission.

**Stephen Koenick,**

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

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## POSTAL SERVICE

### Board of Governors; Sunshine Act Meeting; Cancellation of Closed Session

**DATE AND TIME:** On April 22, 2014, the Board of Governors of the U.S. Postal Service filed a public announcement that it would meet in closed session on May 8, 2014, at 12:45 p.m., Eastern Daylight Time. That announcement further stated that the Board would meet in open session the following day, May 9, 2014, at 8:30 a.m., and would reconvene in closed session at 10:30 a.m. if needed to complete its closed session agenda. This announcement was published in the **Federal Register** on April 24, 2014, 79 FR 22837. The purpose of the present announcement is to inform the public that the closed session of the Board’s meeting has been cancelled. The previously announced open session of the Board will begin as scheduled at 8:30 a.m. on May 9, 2014. Following the conclusion of the scheduled public agenda, in accordance with section 7.5(c)(2) of its Bylaws (39 CFR 7.5(c)(2)), the Board may vote to continue the meeting in a closed session to discuss appropriate matters.

### CONTACT PERSON FOR MORE INFORMATION:

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**Julie S. Moore,**

*Secretary.*

[FR Doc. 2014–10865 Filed 5–7–14; 4:15 pm]

**BILLING CODE 7710–12–P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72095; File No. SR–Phlx–2014–29]

### Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Mini Options Pricing

May 5, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b–4 thereunder,<sup>2</sup> notice is hereby given that on April 30, 2014, NASDAQ OMX PHLX LLC (“Phlx” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I and II, below, which Items have been

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b–4.