

that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated July 7, 2008.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 17th day of July 2008.

For the Nuclear Regulatory Commission.

**Joseph G. Giitter,**

*Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. E8-17102 Filed 7-28-08; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### Sunshine Federal Register Notice

**DATES:** Weeks of July 28, August 4, 11, 18, 25, September 1, 2008.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and Closed.

#### Week of July 28, 2008

*Wednesday, July 30, 2008.*

1:30 p.m.

Discussion of Management Issues (Closed—Ex. 2).

#### Week of August 4, 2008—Tentative

There are no meetings scheduled for the week of August 4, 2008.

#### Week of August 11, 2008—Tentative

*Tuesday, August 12, 2008.*

1:30 p.m.

Meeting with FEMA and State and Local Representatives on Offsite Emergency Preparedness Issues (Public Meeting) (Contact: Lisa Gibney, 301-415-8376).

This meeting will be webcast live at the Web address—<http://www.nrc.gov>.

*Thursday, August 14, 2008.*

1:30 p.m.

Meeting with Organization of Agreement States (OAS) and Conference of Radiation Control Program Directors (CRCPD) (Public Meeting) (Contact: Andrea Jones, 301-415-2309).

This meeting will be webcast live at the Web address—<http://www.nrc.gov>.

#### Week of August 18, 2008—Tentative

There are no meetings scheduled for the week of August 18, 2008.

#### Week of August 25, 2008—Tentative

There are no meetings scheduled for the week of August 25, 2008.

#### Week of September 1, 2008—Tentative

There are no meetings scheduled for the week of September 1, 2008.

The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—(301) 415-1292.

Contact person for more information: Michelle Schroll, (301) 415-1662.

The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/about-nrc/policy-making/schedule.html>.

\* \* \* \* \*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify the NRC's Disability Program Coordinator, Rohn Brown, at 301-492-2279, TDD: 301-415-2100, or by e-mail at [REB3@nrc.gov](mailto:REB3@nrc.gov). Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301-415-1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to [dkw@nrc.gov](mailto:dkw@nrc.gov).

Dated: July 24, 2008.

**Rochelle C. Baval,**

*Office of the Secretary.*

[FR Doc. 08-1473 Filed 7-25-08; 11:12 am]

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## NUCLEAR REGULATORY COMMISSION

[NRC-2008-0413]

### Possible Improvements to the Level of Openness and Transparency of Information Associated With NRC Security Inspection and Security Performance Assessment of NRC Licensees

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Request for comments.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is seeking comment from all interested persons on options for improving the level of openness and transparency associated with security-related information obtained from the conduct of NRC inspection and licensee performance assessments.

**DATES:** Submit comments by September 5, 2008. Comments received after this date will be considered only if it is practical to do so.

**ADDRESSES:** Comments may be submitted electronically through <http://www.regulations.gov> or mailed to Michael T. Lesar, Chief, Rulemaking, Directives and Editing Branch, Office of Administration (Mail Stop: T6-D59), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Comments may also be hand delivered to Mr. Lesar at 11545 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

Publicly-available documents referenced for this action are available electronically through the NRC's Electronic Reading Room on the Internet at <http://www.nrc.gov/reading-rm.html>. From this site the public can also access the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of the NRC's public documents. For more information, contact the NRC's Public Document Room (PDR) reference staff at 301-415-4737 or 800-397-4209, or by e-mail at [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

**FOR FURTHER INFORMATION CONTACT:** Paul W. Harris, Senior Program Manager, Reactor Security Oversight Branch, Division of Security Operations, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone: (301) 415-1169; fax number (301) 415-6077; e-mail: [Paul.Harris@NRC.gov](mailto:Paul.Harris@NRC.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

The NRC views nuclear regulation as the public's business and, as such, believes it should be transacted as openly and candidly as possible to maintain and enhance the public's confidence in the regulatory process. Ensuring appropriate openness explicitly recognizes that the public must be informed about, and have a reasonable opportunity to participate meaningfully in the NRC's regulatory processes. At the same time, the NRC must also control sensitive information so that security goals are met. This vision is described in the NRC's Strategic Plan for Fiscal Years 2008-

2013, NUREG-1614, Volume 4, February 2008 (<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1614/v4/>).

The NRC has traditionally given the public access to a significant amount of information about facilities and materials the agency regulates. This information has included, but has not been limited to, licensee performance assessments, inspection findings, and details regarding escalated enforcement actions. To help ensure openness, the agency provides accurate and timely information to the public about the risks associated with radioactive material and the safety performance of the licensees regulated by the NRC. This strategy enables a fair, timely, and meaningful stakeholder involvement in NRC regulated activities without disclosing classified, safeguards, proprietary, and sensitive unclassified information, and results in early communications with stakeholders on issues of substantial interest.

#### **Recent Changes to the Publicly-Available Security-Related Information**

Prior to the terrorist events of September 11, 2001, almost all information regarding the inspection and assessment of security activities at NRC licensees was publicly available. Only information specifically requiring protection, such as that described in the background information under "Security Inspection and Licensee Performance Assessment Openness Initiative" located at <http://www.nrc.gov/public-involve/doc-comment.html#3>, was withheld from the public. Therefore, most security-related licensee performance information was documented in NRC inspection reports, reviews of licensee performance, and enforcement determinations. Most of these documents (that were designated as non-sensitive or non-safeguards information) were made available for public inspection at the NRC's PDR accessible locally in Rockville, Maryland or through the Internet via the NRC's electronic reading room at <http://www.nrc.gov/reading-rm.html>. Furthermore, specific commercial power reactor licensee performance information, such as descriptions of violations, inspection findings, NRC annual assessments of licensee performance, and performance indicators for individual power facilities was publicly accessible at <http://www.nrc.gov/reactors/ql-reactors.html#over>.

At the preceding NRC Web site, non-safeguards information, summaries of all security and non-security inspection

findings, and performance assessments for nuclear power plants used to be available for public review. This allowed a member of the public to ascertain specific licensee performance information and compare that performance to other similar facilities. The inspection process also made available NRC inspection schedules and its meetings with licensees involving NRC-regulated activities. Although some security-related information was publicly available, the preponderance of all information that the NRC made available to the public dealt with the design and operation of NRC-regulated facilities, and not with the physical security of these facilities or radioactive materials.

In the aftermath of September 11, 2001, the NRC assessed and revised controls on withholding from public disclosure security-related NRC inspection and licensee performance information that might be useful to persons planning hostile acts against licensees. As a result, the amount of publicly-available security-related information was reduced. Currently, the cover letters to security inspection reports are publicly available providing general information without revealing any specifics regarding any particular inspection finding. This information includes, but is not limited to: the dates of the inspection, whether there was a finding, and whether the finding involved a cross cutting aspect (human performance, problem identification and resolution, and safety conscious working environment). The security-related inspection information that is currently available for public review can be viewed at <http://www.nrc.gov/reactors/ql-reactors.html#over>.

#### **Staff Options To Enhance Openness and Transparency of Security Inspection Information**

To improve stakeholder satisfaction with the way NRC communicates security inspection information, the staff is considering a number of approaches that would increase the public awareness and openness of the NRC's security inspection findings and licensee performance assessment, such as adding additional detail to: (1) The annual public report to Congress on security oversight of operating power reactors and fuel cycle facilities by providing a brief description and significance of security inspection findings; (2) the public cover letters for security inspection reports by providing more details, including significance of security inspection findings; and, (3) the NRC public Web site by making more information available, such as some

security inspection procedures and inspection manual chapters. Further, similar to that done for NRC safety assessments of licensee performance, the staff is considering whether to conduct public meetings in the vicinity of commercial power reactors, fuel facilities, and any NRC-regulated facility that had a significant<sup>1</sup> security-related performance problem during the performance review period. These meetings would be held to present NRC's assessment of that particular licensee's security performance (without divulging sensitive information) and respond to public questions regarding licensee performance and regulatory oversight. In other words, the NRC is assessing whether to conduct public meetings on a periodicity commensurate with licensee performance.

Regarding material licensees<sup>2</sup>, Agreement States and the Commission cooperated in the development of enhanced security measures and the adoption of a policy in which these licensees would protect certain sensitive information. Agreement States and the Commission have also agreed to withhold the names of the licensees that are implementing these enhanced security requirements—publishing a licensee name could potentially make that entity a target for hostile action. Furthermore, some security inspection results, licensee performance assessments, inspection procedures, and inspection manual chapters will not be available to the public because of special considerations associated with the particular facility; however, the staff endeavors to apply a consistent level of openness to these inspection results as well.

#### **Availability of Inspection-Related Information on NRC Web Site**

The NRC places a large amount of inspection and licensee performance information on its external Web site to inform stakeholders and to enable public participation in the regulatory process. Program descriptions detailing how the NRC staff implements its inspection programs are described at <http://www.nrc.gov/reading-rm/doc-collections/insp-manual/manual-chapter/index.html>. For power reactors, inspection-related information is posted

<sup>1</sup> As used in this document, the term "significant" means a deficiency or a combination of deficiencies that results in a programmatic increase in NRC regulatory oversight of a facility.

<sup>2</sup> Material licensees are, for examples, large panoramic irradiators, manufacturer and distributor licensees, licensees that transfer large quantities of radioactive material, and materials licensees that possess risk-significant quantities of radioactive material (i.e., hospitals, universities, radiographers, and well loggers).

at [http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/pim\\_summary.html](http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/pim_summary.html), with cover letters for security inspection reports found at [http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/listofrpts\\_body\\_security.html](http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/listofrpts_body_security.html). The information on these web links is updated every quarter, however, the actual safety report or security cover letter is publicly available in ADAMS shortly after the reports are approved and signed. For NRC inspection and licensee performance assessment of fuel cycle facilities see <http://www.nrc.gov/reading-rm.html>. Lastly, the NRC continues to enable public access to various reports produced by the NRC staff, public meeting and workshop summaries, and media-type information in ADAMS and may release other information to the public in response to formal or informal requests.

#### Summary

Considering the various reviews, legislation, and other changes since September 11, 2001, the NRC staff believes that enhancement of its current procedures and policies regarding publicly-available information summarizing security inspection, enforcement results, and licensee performance assessment could serve in the public interest. Therefore, the NRC seeks public comments on ways to improve regulatory openness and transparency of its security oversight activities. Improving openness and transparency will enhance public satisfaction by: (1) Enhancing public awareness of the NRC's independent role in protecting public health and safety, the environment, and the common defense and security; (2) providing accurate and timely information to the public about regulatory activities at NRC licensees; (3) providing fair, timely, and meaningful stakeholder involvement in NRC regulated activities without disclosing classified, safeguards, proprietary, or sensitive information; and (4) initiating early communication with stakeholders on issues of substantial interest. To support this endeavor and to better understand public satisfaction in how the NRC communicates security-related information, comments are requested on, but need not be limited to, the topics below:

(1) In addition to the information currently in publicly-available cover letters for the majority of NRC security inspections, what additional information would be effective in informing the public about licensee security performance? For example, what specific details would increase the

public's level of satisfaction in NRC regulatory oversight of licensed facilities?

(2)(a) At what stage in the inspection process is interaction with the public most effective and beneficial? For example, immediately upon closure of an inspection when a finding is identified, but may be withheld from public disclosure or some time after licensee correction of the finding, when it may be possible to release additional security-related inspection information?

(b) At what stage in the NRC's licensee performance assessment process is interaction with the public most effective and beneficial? For example, upon NRC determination that licensee performance changed from one Action Matrix column<sup>3</sup> to another or during NRC's mid-cycle or end-of-cycle licensee performance reviews.

(3) What method of public interaction is most preferred? For example, is the conduct of a public meeting, a redacted inspection report, additional information in NRC's annual report to Congress regarding security inspections, or additional information posted on the NRC Web site the most beneficial (efficient, effective, or informative) method of informing the public?

(4) How useful are the above methods for communicating NRC security-related inspection and licensee performance information to all stakeholders?

(5) What are the reasons why various stakeholders desire security-related information? For example, is this information necessary to build confidence in NRC regulatory oversight or understand current licensee performance?

(6) What level of public participation in any substantial and future revision of the security oversight process (e.g., changes made to performance indicators, significance determination process, etc.) would be beneficial? What constraints and considerations on such participation would be necessary to protect the details of sensitive security information?

The public may view background information, express additional thought, comment, and describe other means and methods to enhance openness and transparency at "Security Inspection and Licensee Performance Assessment Openness Initiative" located at <http://www.nrc.gov/public-involve/doc-comment.html#3>.

Dated this 22nd day of July 2008, at Rockville, Maryland.

<sup>3</sup> See NRC Inspection Manual Chapter 0320, "Operating Reactor Security Assessment Program," page E2-1, located at <http://www.nrc.gov/reading-rm/doc-collections/insp-manual/>.

For the Nuclear Regulatory Commission.

**Roy P. Zimmerman,**

*Director, Office of Nuclear Security and Incident Response.*

[FR Doc. E8-17324 Filed 7-28-08; 8:45 am]

**BILLING CODE 7590-01-P**

## POSTAL REGULATORY COMMISSION

[Docket No. MC2008-5; Order No. 90]

### Express Mail

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** This document announces the Postal Service's filing of a notice concerning the addition of an Express Mail contract to the competitive product list. It also announces a related Commission review.

**DATES:** Comments due July 31, 2008.

**ADDRESSES:** Submit documents 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](mailto:stephen.sharfman@prc.gov).

**SUPPLEMENTARY INFORMATION:** On July 21, 2008, the Postal Service filed a request pursuant to 39 U.S.C. 3642 and 39 CFR 3020.30 to modify the Mail Classification Schedule by adding Express Mail Contract 1 to the competitive product list. The Postal Service asserts that Express Mail Contract 1 is a competitive product "not of general applicability" within the meaning of 39 U.S.C. 3632(b)(3).<sup>1</sup> A redacted version of the Governors' Decision establishing the price and classification and a certification of the Governors' vote is included as Attachment A to the filing. The requested changes in the Mail Classification Schedule product list are included in the filing as Attachment B with the new product shown in brackets.<sup>2</sup> The statement of supporting justification required by 39 CFR 3020.32 is included as Attachment C to the filing.

In the same July 21, 2008 filing, the Postal Service gives notice, pursuant to 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5,

<sup>1</sup> Request of the United States Postal Service to Add Express Mail Contract to Competitive Product List and Notice of Establishment of Rates and Class Not of General Applicability, July 21, 2008 (Request).

<sup>2</sup> The draft Mail Classification Schedule remains under review. The Commission anticipates providing interested persons an opportunity to comment on the draft Mail Classification Schedule in the near future.