

In accordance with 10 CFR 51.31(a), upon completion of the EA, and consideration of the small environmental impacts on the environmental resource areas, the NRC Deputy Director of the Division of Fuel Cycle Safety and Safeguards has determined that a finding of no significant impact is appropriate.

III. Finding of No Significant Impact

On the basis of the EA, the NRC has concluded that there are no significant environmental impacts from the proposed action, and that the issuance of a license amendment to approve the ponds decommissioning plan does not warrant the preparation of an Environmental Impact Statement. Accordingly, the NRC has determined that a Finding of No Significant Impact is appropriate.

Dated at Rockville, Maryland, this 20th day of September 2013.

For the Nuclear Regulatory Commission.

James W. Andersen,

Deputy Director, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.

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NUCLEAR REGULATORY COMMISSION

[NRC-2013-0041]

Revisions to Design of Structures, Components, Equipment, and Systems

AGENCY: Nuclear Regulatory Commission.

ACTION: Standard review plan, sections; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing final revisions to the following sections in Chapter 3, "Design of Structures, Components, Equipment and Systems" of NUREG-0800, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition," Section 3.7.2, "Seismic System Analysis," Section 3.7.3, "Seismic Subsystem Analysis," Section 3.8.1, "Concrete Containment," Section 3.8.3, "Concrete and Steel Internal Structures of Steel or Concrete Containments," Section 3.8.4, "Other Seismic Category I Structures," and Section 3.8.5, "Foundations."

DATES: The effective date of this Standard Review Plan (SRP) update is October 28, 2013.

ADDRESSES: Please refer to Docket ID NRC-2013-0041 when contacting the NRC about the availability of

information regarding this document. You may access publicly-available information related to this action by the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2013-0041. Address questions about NRC dockets to Carol Gallagher; telephone: 301-287-3422; email: Carol.Gallagher@nrc.gov. For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to pdr.resource@nrc.gov. The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced. The final revision for Section 3.7.2, "Seismic System Analysis," (Accession No. ML13198A223); Section 3.7.3, "Seismic Subsystem Analysis," (Accession No. ML13198A239); Section 3.8.1, "Concrete Containment," (Accession No. ML13198A245); Section 3.8.3, "Concrete and Steel Internal Structures of Steel or Concrete Containments," (Accession No. ML13198A250); Section 3.8.4, "Other Seismic Category I Structures," (Accession No. ML13198A258); and Section 3.8.5, "Foundations," (Accession No. ML13198A267) are available in ADAMS. The staff also prepared the redline versions of these Chapter 3 sections showing the differences between the proposed and the final SRP sections for Section 3.7.2 (Accession No. ML13214A076); Section 3.7.3 (Accession No. ML13214A078); Section 3.81 (ADAMS Accession No. ML13214A081); Section, 3.8.3 (Accession No. ML13214A083); Section 3.8.4, (Accession No. ML13214A088); and Section 3.8.5, (Accession No. ML13214A096).

The NRC posts its issued staff guidance on the NRC's external Web page: <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800/>

FOR FURTHER INFORMATION CONTACT: Mr. Jonathan DeGange, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555-

0001; telephone: 301-415-6992; email: Jonathan.DeGange@nrc.gov.

SUPPLEMENTARY INFORMATION: On March 1, 2013 (73 FR 13911), the NRC published for public comment the proposed revisions to sections in Chapter 3, "Design of Structures, Components, Equipment, and Systems" and solicited public comment on NUREG-0800, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition," Section 3.7.1, "Seismic Design Parameters," Section 3.7.2, "Seismic System Analysis," Section 3.7.3, "Seismic Subsystem Analysis," Section 3.8.1, "Concrete Containment," Section 3.8.3, "Concrete and Steel Internal Structures of Steel Or Concrete Containments," Section 3.8.4, "Other Seismic Category I Structures," and Section 3.8.5, "Foundations." The NRC staff received comments on the suggested revisions, and the comments are documented in a public comment resolution matrix in ADAMS under Accession No. ML13198A234. The guidance is now being issued final for use. The nature of how public comments were addressed in the final revision can be seen in the changes suggested in the "NRC Staff Resolution" column of the public comment table. 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" sections.

Due to a high number of public comments received on SRP Section 3.7.1, "Seismic Design Parameters," the NRC staff made many changes to this section. This section will be re-issued for draft public comment at a later date.

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 seismic system analysis, seismic subsystem analysis, concrete containment, concrete and steel internal structures of steel or concrete containments, other seismic Category I structures, and foundations. 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 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.