

U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-6992, email: [Mark.Notich@nrc.gov](mailto:Mark.Notich@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On June 5, 2014 (79 FR 32580), the NRC published for public comment the proposed version of BTP 8-9, "Open Phase Conditions in Electric Power System," in Chapter 8, "Electrical Power," of NUREG-0800. The staff received many comments on the draft BTP. A summary of the comments and the staff's disposition of the comments are available in a separate document, "Response to Public Comments on Draft Standard Review Plan, BTP 8-9, Open Phase Conditions in Electric Power System" (ADAMS Accession No. ML15056A521). The BTP is guidance to the NRC Staff for reviewing applications for licenses for nuclear power reactors under 10 CFR parts 50 and 52 and amendments to licenses issued under parts 50 and 52. The NRC Staff intends to reference the BTP in NUREG-0800 for the same purpose.

##### II. Backfitting and Issue Finality

Branch Technical Position 8-9 provides 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), "Domestic Licensing of Production and Utilization Facilities," with respect to compliance with General Design Criteria 17, "Electric Power Systems," of Appendix A, "General Design Criteria for Nuclear Power Plants." BTP 8-9 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, "Licenses, Certifications, and Approvals for Nuclear Power Plants," with respect to those same subject matters.

Issuance of BTP 8-9 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 BTP 8-9 Positions Would Not Constitute Backfitting, Inasmuch as the SRP Is Internal Guidance to NRC Staff

The BTP 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. Application of BTP 8-9 to Existing Licensees

The NRC staff may consider imposing the positions described in the BTP on existing licenses, the NRC staff will address backfit considerations in any plant-specific action it takes. If, in the future, the NRC staff seeks to impose a position in the BTP 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 BTP 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 22nd day of July 2015.

For the Nuclear Regulatory Commission.

**Lawrence Burkhardt,**

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

[FR Doc. 2015-18634 Filed 7-29-15; 8:45 am]

BILLING CODE 7590-01-P

#### NUCLEAR REGULATORY COMMISSION

[Docket No. 50-286; NRC-2012-0236]

#### Entergy Nuclear Operations, Inc.; Indian Point Nuclear Generating, Unit No. 3

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** License amendment application; withdrawal by applicant.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) has granted the request of Entergy Nuclear Operations, Inc., to withdraw its application dated August 14, 2012, for a proposed amendment to Facility Operating License No. DPR-64 for Indian Point Nuclear Generating, Unit No. 3. The proposed change would have changed the licensing basis for the emergency diesel generator fuel oil storage tank requirements, revised Technical Specification (TS) 3.8.3, "Diesel Fuel Oil, and Starting Air," and relocated the specific numerical values for fuel oil storage requirements from the TSs to the TS Bases in accordance with Technical Specification Task Force (TSTF) Traveler TSTF-501, Revision 1, "Relocate Stored Fuel Oil and Lube Oil Volume Values to Licensee Control."

**ADDRESSES:** Please refer to Docket ID NRC-2012-0236 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2012-0236. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection 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](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced (if that document is available in ADAMS) is provided the first time that a document is referenced.

- *NRC’s PDR:* You may examine and purchase copies of public documents at the NRC’s PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** Douglas V. Pickett, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1364, email: [Douglas.Pickett@nrc.gov](mailto:Douglas.Pickett@nrc.gov).

**SUPPLEMENTARY INFORMATION:** The NRC has granted the request of Entergy Nuclear Operations, Inc. (the licensee), to withdraw its application dated August 14, 2012 (ADAMS Accession No. ML12234A250), for a proposed amendment to Facility Operating License No. DPR–64 for Indian Point Nuclear Generating, Unit No. 3, located in Westchester County, New York.

The proposed change would have changed the licensing basis for the emergency diesel generator fuel oil storage tank requirements, revised TS 3.8.3, “Diesel Fuel Oil, and Starting Air,” and relocated the specific numerical values for fuel oil storage requirements from the TSs to the TS Bases in accordance with TSTF–501, Revision 1, “Relocate Stored Fuel Oil and Lube Oil Volume Values to Licensee Control” (ADAMS Accession No. ML090510686).

A Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing was published in the **Federal Register** on October 16, 2012 (77 FR 63350). The licensee’s application dated August 14, 2012, was supplemented by letters dated April 15, 2013, July 23, 2013, and April 14, 2014 (ADAMS Accession Nos. ML13116A010, ML13211A167, and ML14112A477, respectively). The licensee withdrew the application by letter dated June 25, 2015 (ADAMS Accession No. ML15187A072).

Dated at Rockville, Maryland, this 22nd day of July 2015.

For the Nuclear Regulatory Commission.

**Douglas V. Pickett,**

*Senior Project Manager, Plant Licensing Branch I–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 2015–18730 Filed 7–29–15; 8:45 am]

**BILLING CODE 7590–01–P**

## POSTAL REGULATORY COMMISSION

**[Docket Nos. MC2015–69 and CP2015–107; Order No. 2610]**

### 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 Express & Priority Mail Contract 19 negotiated service agreement 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:* August 3, 2015.

**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:** David A. Trissell, 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 formal request and associated supporting information to add Priority Mail Express & Priority Mail Contract 19 to the competitive product list.<sup>1</sup>

The Postal Service contemporaneously filed a redacted

<sup>1</sup> Request of the United States Postal Service to Add Priority Mail Express & Priority Mail Contract 19 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors’ Decision, Contract, and Supporting Data, July 24, 2015 (Request). The caption of the Request referenced an incorrect docket number, which the Postal Service corrected by errata. Notice of the United States Postal Service of Filing Errata to Request, July 27, 2015.

contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. *Id.* Attachment B.

To support its Request, the Postal Service filed a copy of the contract, a copy of the Governors’ Decision authorizing the product, proposed changes to the Mail Classification Schedule, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

## II. Notice of Commission Action

The Commission establishes Docket Nos. MC2015–69 and CP2015–107 to consider the Request pertaining to the proposed Priority Mail Express & Priority Mail Contract 19 product and the related contract, respectively.

The Commission invites comments on whether the Postal Service’s filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than August 3, 2015. The public portions of these filings can be accessed via the Commission’s Web site (<http://www.prc.gov>).

The Commission appoints Kenneth R. Moeller to serve as Public Representative in these dockets.

## III. Ordering Paragraphs

*It is ordered:*

1. The Commission establishes Docket Nos. MC2015–69 and CP2015–107 to consider the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, Kenneth R. Moeller is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).

3. Comments are due no later than August 3, 2015.

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

By the Commission.

**Ruth Ann Abrams,**  
*Acting Secretary.*

[FR Doc. 2015–18706 Filed 7–29–15; 8:45 am]

**BILLING CODE 7710–FW–P**