

Dates

December 1, 2016–February 1, 2017.

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NUCLEAR REGULATORY COMMISSION

[NRC–2015–0214]

Independent Assessment of Nuclear Material Control and Accounting Systems

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory Guide; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 1 to Regulatory Guide (RG) 5.51, “Independent Assessment of Nuclear Material Control and Accounting Systems.” Revision 1 is based on experience gained since RG 5.51 was initially published in June 1975, and reflects revisions to the NRC’s material control & accounting (MC&A) regulations that have been made since 1975. Updates include use of the term “independent assessment” to replace “management review,” and use of the term “inventory difference” to replace “material unaccounted for.”

DATES: Revision 1 to RG 5.51 is available on October 26, 2016.

ADDRESSES: Please refer to Docket ID NRC–2015–0214 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–2015–0214. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: Carol.Gallagher@nrc.gov. For technical questions, contact the individuals 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 Document 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. 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. Revision 1 to RG 5.51 may be found in ADAMS under Accession No. ML16223A915. The regulatory analysis supporting Revision 1 may be found in ADAMS under Accession No. ML16223A917.

- *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.

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FOR FURTHER INFORMATION CONTACT:

Glenn Tuttle, Office of Nuclear Material Safety and Safeguards, telephone: 301–415–7230, email: Glenn.Tuttle@nrc.gov, or Mekonen Bayssie, Office of Nuclear Regulatory Research, telephone: 301–415–1699, email: Mekonen.Bayssie@nrc.gov; U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Discussion

The NRC is issuing a revision to an existing guide in the NRC’s “Regulatory Guide” series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the agency’s regulations, techniques that the NRC staff uses in evaluating specific issues or postulated events, and data that the NRC staff needs in its review of applications for permits and licenses.

The proposed Revision 1 of RG 5.51 was published for comment in September 2015, and carried the temporary identification of Draft Regulatory Guide, DG–5049, “Independent Assessment of Nuclear Material Control and Accounting Systems.” This guidance reflects the post 1975 revisions made to the NRC’s MC&A regulations, that are now in title 10 of the *Code of Federal Regulations* (10 CFR) part 74, “Material Control and Accounting of Special Nuclear Material [SNM].” The MC&A provisions requiring independent assessments that this guidance applies to are:

(1) 10 CFR 74.31(c)(8) established in 1985 and applicable to licensees of facilities authorized to hold SNM of low strategic significance (such facilities are

often referred to as “Category III fuel cycle facilities”);

(2) 10 CFR 74.33(c)(8), established in 1991 and applicable to licensees authorized to operate uranium enrichment facilities;

(3) 10 CFR 74.43(b)(8), established in 2002 and applicable to licensees of facilities authorized to hold SNM of moderate strategic significance (such facilities are often referred to as “Category II fuel cycle facilities”); and

(4) 10 CFR 74.59(h)(4), established in 1987 and applicable to licensees of facilities authorized to possess five or more formula kilograms of strategic SNM (such facilities are often referred to as “Category I fuel cycle facilities”).

The updated guidance also incorporates experience gained since RG 5.51 was initially published in June 1975. For example, the guidance for performing independent assessments has been expanded to include process monitoring and item monitoring for Category I fuel cycle facilities, and to include guidance for uranium enrichment facilities. In addition, this revision addresses changes in MC&A terminology since the RG was published in 1975; for example, the term “management review” has been replaced by “independent assessment,” and “material unaccounted for” by “inventory difference.”

II. Additional Information

The NRC published a notice of the availability of DG–5049 in the **Federal Register** on September 17, 2015 (80 FR 55880) for a 60-day public comment period. The public comment period closed on November 16, 2015. Public comments on DG–5049 and the staff responses to the public comments are available under ADAMS under Accession No. ML16223A913.

III. Congressional Review Act

This RG 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.

IV. Backfitting and Issue Finality

Issuance of this final regulatory guide does not constitute backfitting as defined in 10 CFR 70.76, 72.62, or 76.76. As discussed in the “Implementation” section of this regulatory guide, the NRC has no current intention to impose this regulatory guide on holders of current licenses. This regulatory guide may be applied to applications for special nuclear material subject to 10 CFR part 74 docketed by the NRC as of the date

of issuance of the final regulatory guide, as well as future applications after the issuance of the regulatory guide. Such action does not constitute backfitting as defined in 10 CFR 70.76, 72.62, or 76.76, inasmuch as such applicants or potential applicants are not within the scope of entities protected by these backfit provisions. This RG provides guidance on recordkeeping and reporting requirements with respect to material control and accounting, as set forth in 10 CFR part 74. The regulatory position stated in this guidance demonstrates a method that the NRC staff finds acceptable for an applicant or licensee to meet the requirements of the underlying NRC regulations. This guidance imposes no new requirements on licensees, and information collection and reporting requirements with respect to material control and accounting are not included within the scope of the NRC's backfitting protections.

Dated at Rockville, Maryland, this 21st day of October, 2016.

For the Nuclear Regulatory Commission.

Stanley Gardocki,

Acting Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

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POSTAL REGULATORY COMMISSION

[Docket No. CP2017-20; Order No. 3574]

Competitive Price Adjustment

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recently filed Postal Service notice of rate adjustments affecting competitive domestic and international products and services, along with numerous proposed classification changes. The adjustments and other changes are scheduled to take effect January 22, 2017. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* November 2, 2016.

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:

Table of Contents

- I. Introduction and Overview
- II. Initial Administrative Actions
- III. Ordering Paragraphs

I. Introduction and Overview

On October 19, 2016, the Postal Service filed notice with the Commission concerning changes in rates of general applicability for competitive products.¹ The Notice also includes related classification changes. The Postal Service represents that, as required by Commission rule 39 CFR 3015.2(b), the Notice includes an explanation and justification for the changes, the effective date, and a schedule of the changed rates. Notice at 1. The changes are scheduled to become effective on January 22, 2017. *Id.*

Attached to the Notice is Governors' Decision No. 16-7, which states the new prices and classification changes are in accordance with 39 U.S.C. 3632, 3633, and 39 CFR 3015.2.² Governors' Decision No. 16-7 provides an analysis of the competitive products' price and classification changes intended to demonstrate that the changes comply with 39 U.S.C. 3633 and 39 CFR part 3015. Governors' Decision No. 16-7 at 1. The attachment to Governors' Decision No. 16-7 sets forth the price changes and includes draft Mail Classification Schedule (MCS) language for competitive products of general applicability.

Governors' Decision No. 16-7 includes two additional attachments:

- A partially redacted table showing FY 2017 projected volumes, revenues, attributable costs, contribution, and cost coverage for each product, assuming implementation of the new prices on January 22, 2017.

- A partially redacted table showing FY 2017 projected volumes, revenues, attributable costs, contribution, and cost coverage for each product, assuming a hypothetical implementation of the new prices on October 1, 2016.

¹ Notice of the United States Postal Service of Changes in Rates of General Applicability for Competitive Products Established in Governors' Decision No. 16-7, October 19, 2016 (Notice). Pursuant to 39 U.S.C. 3632(b)(2), the Postal Service is obligated to publish the Governors' Decision and record of proceedings in the **Federal Register** at least 30 days before the effective date of the new rates or classes.

² Notice, Decision of the Governors of the United States Postal Service on Changes in Rates of General Applicability for Competitive Products (Governors' Decision No. 16-7), October 11, 2016 (Governors' Decision No. 16-7).

The Notice also includes an application for non-public treatment of the attributable costs, contribution, and cost coverage data in the unredacted version of the annex to Governors' Decision No. 16-7, as well as the supporting materials for the data.

Planned price adjustments. Governors' Decision No. 16-7 includes an overview of the Postal Service's planned percentage changes, which is summarized in the table below.

TABLE I-1

| Product name | Average price increase (percent) |
|--|----------------------------------|
| Domestic Competitive Products | |
| Priority Mail Express | 3.4 |
| Retail | 3.7 |
| Commercial Base | 2.4 |
| Commercial Plus | 2.3 |
| Priority Mail | 3.9 |
| Retail | 3.3 |
| Commercial Base | 4.1 |
| Commercial Plus | 4.5 |
| Parcel Select | |
| Destination-Entered | 4.9 |
| Lightweight | 8.0 |
| Parcel Select Ground | 2.7 |
| Parcel Return Service | 5.5 |
| Return Sectional Center Facility | 5.8 |
| Return Delivery Unit | 5.2 |
| First-Class Package Service | 4.1 |
| Retail Ground | 3.8 |
| Domestic Extra Services | |
| Premium Forwarding Service Enrollment Fee | 3.8 |
| Adult Signature Service | |
| Basic | 3.5 |
| Person-Specific | 3.4 |
| Address Enhancement Service | 1.9-7.9 |
| Competitive Post Office Box | 6.5 |
| Package Intercept Service | 3.2 |
| Pickup On Demand | 10 |
| International Competitive Products | |
| Global Express Guaranteed | 4.9 |
| Priority Mail Express International | 0.0 |
| Priority Mail International | 0.0 |
| International Priority Airmail | 3.8 |
| International Priority Airmail M-Bags | 3.9 |
| International Surface Air Lift | 3.8 |
| International Surface Air Lift M-Bags | 3.9 |
| Airmail M-Bags | 4.9 |
| First-Class Package International Service | 0.0 |
| International Ancillary Services and Special Services | |
| International Ancillary Services | 10.6 |
| International Postal Money Orders | 73.7 |
| Outbound International Registered Mail | 7.2 |