

identify degraded BFBs, yet neither the NRC nor the licensee have referred to this system in publicly available documents relating to this issue.

On July 28, 2016, the petitioner and the licensee met with the NRC's Petition Review Board. The meeting provided the petitioner and the licensee an opportunity to provide additional information and to clarify issues cited in the petition. The transcript for that meeting is available in ADAMS under Accession No. ML16215A391.

In the supplemental letter dated January 10, 2017, the petitioner withdrew the first two requested enforcement actions, citing the plant shutdown agreement reached between the licensee and the State of New York, and documents released by the NRC in response to a Freedom of Information Act request (FOIA/PA-2016-0457).

The NRC sent a copy of the proposed director's decision to the petitioner and the licensee for comment on January 11, 2017 (ADAMS Accession Nos. ML16320A269 and ML16320A273, respectively). The petitioner and the licensee were asked to provide comments within 30 days on any part of the proposed director's decision that was considered to be erroneous or any issues in the petition that were not addressed. Comments were received from the petitioner and the licensee and are addressed in the final director's decision. In the licensee's response dated February 9, 2017 (ADAMS Accession No. ML17045A470), new information was provided to the NRC staff that was not available when the proposed director's decision was issued for comment. The licensee's response (1) provided detailed information on the enhanced BFB inspection plans for the remaining refueling outages, (2) provided the results of the BFB failure analysis performed at the Westinghouse hot lab testing facility, and (3) informed the NRC staff that the licensee had changed its commitment and would not perform the downflow to upflow modification at either of the Indian Point operating units.

Notwithstanding the fact that the petitioner withdrew the first two requested enforcement actions, the Director of the Office of Nuclear Reactor Regulation has determined that the petitioner's request to (1) issue an order requiring that Indian Point 2 inspect the BFBs during the spring 2018 refueling outage would have been denied because the licensee committed to take this action, and the staff retains the option to take enforcement actions if necessary, (2) issue a demand for information requiring Indian Point 3 to perform an operability determination was

effectively met inasmuch as the licensee performed the evaluation and made it available to NRC inspectors as part of the NRC's reactor oversight program, and (3) issue a demand for information requiring the licensee to provide an evaluation of the operating history of the metal impact monitoring system be denied because the system has no operability or regulatory requirements, loose baffle-former bolt heads would be expected to remain in place due to the tight clearances between the baffle plate and fuel assemblies, thus making bolt failures very difficult to monitor using this system, and the staff finds no basis to require such information for a nonsafety system. The reasons for this decision are explained in the director's decision (DD-17-01) pursuant to 10 CFR 2.206 of the Commission's regulations.

The NRC will file a copy of the director's decision with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206. As provided by this regulation, the director's decision will constitute the final action of the Commission 25 days after the date of the decision unless the Commission, on its own motion, institutes a review of the director's decision in that time.

Dated at Rockville, Maryland, this 13th day of April 2017.

For the Nuclear Regulatory Commission.

**William M. Dean,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 2017-08015 Filed 4-19-17; 8:45 am]

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## POSTAL REGULATORY COMMISSION

**[Docket Nos. CP2017-164; MC2017-114 and CP2017-165; MC2017-115 and CP2017-166; MC2017-116 and CP2017-167; MC2017-117 and CP2017-168; MC2017-118 and CP2017-169]**

### New Postal Products

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* April 24, 2017.

**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

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's Web site (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

**II. Docketed Proceeding(s)**

1. *Docket No(s)*.: CP2017–164; *Filing Title*: Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 3 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date*: April 14, 2017; *Filing Authority*: 39 CFR 3015.5; *Public Representative*: Kenneth R. Moeller; *Comments Due*: April 24, 2017.

2. *Docket No(s)*.: MC2017–114 and CP2017–165; *Filing Title*: Request of the United States Postal Service to Add Priority Mail Express & Priority Mail Contract 46 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors’ Decision, Contract, and Supporting Data; *Filing Acceptance Date*: April 14, 2017; *Filing Authority*: 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.*; *Public Representative*: Kenneth R. Moeller; *Comments Due*: April 24, 2017.

3. *Docket No(s)*.: MC2017–115 and CP2017–166; *Filing Title*: Request of the United States Postal Service to Add Priority Mail Contract 308 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors’ Decision, Contract, and Supporting Data; *Filing Acceptance Date*: April 14, 2017; *Filing Authority*: 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.*; *Public Representative*: Christopher C. Mohr; *Comments Due*: April 24, 2017.

4. *Docket No(s)*.: MC2017–116 and CP2017–167; *Filing Title*: Request of the United States Postal Service to Add Priority Mail Contract 309 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors’ Decision, Contract, and Supporting Data; *Filing Acceptance Date*: April 14, 2017; *Filing Authority*: 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.*; *Public Representative*: Christopher C. Mohr; *Comments Due*: April 24, 2017.

5. *Docket No(s)*.: MC2017–117 and CP2017–168; *Filing Title*: Request of the United States Postal Service to Add First-Class Package Service Contract 76 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors’ Decision, Contract, and Supporting Data; *Filing Acceptance Date*: April 14, 2017; *Filing Authority*: 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.*; *Public Representative*: Katalin K. Clendenin; *Comments Due*: April 24, 2017.

6. *Docket No(s)*.: MC2017–118 and CP2017–169; *Filing Title*: Request of the United States Postal Service to Add Priority Mail Express Contract 47 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors’ Decision, Contract, and Supporting Data; *Filing Acceptance Date*: April 14, 2017; *Filing Authority*: 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.*; *Public Representative*: Katalin K. Clendenin; *Comments Due*: April 24, 2017.

This Notice will be published in the **Federal Register**.

**Stacy L. Ruble,**  
*Secretary.*

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**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34–80462; File No. SR–CBOE–2017–033]

**Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fees Schedule**

April 14, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the “Act”),<sup>1</sup> and Rule 19b–4 thereunder,<sup>2</sup> notice is hereby given that on April 10,

2017, Chicago Board Options Exchange, Incorporated (the “Exchange” or “CBOE”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change**

The text of the proposed rule change is available on the Exchange’s Web site (<http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx>), at the Exchange’s Office of the Secretary, and at the Commission’s Public Reference Room.

**II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

*1. Purpose*

The Exchange proposes to amend its Fees Schedule with respect to the Frequent Trader program.<sup>3</sup> By way of background, the Frequent Trader Program offers transaction fee rebates to registered Customers, Professional Customers and Voluntary Professionals (origin codes “C” and “W”) (collectively “Customers”) that meet certain volume thresholds in CBOE VIX Volatility Index options (“VIX options”), Russell 2000 Index (“RUT”) options, and S&P 500 Index options (“SPX”), weekly S&P 500 options (“SPXW”) and p.m.-settled SPX Index options (“SPXpm”) (collectively referred to as “SPX options”) provided the Customer registers for the program. The Exchange proposes to amend the Frequent Trader Program to increase the (i) volume thresholds and (ii) rebates for VIX options. Specifically, the proposed changes will be as follows:

VIX

Tier	Monthly contracts traded		Fee rebate	
	Current	Proposed	Current (percent)	Proposed (percent)
1 .....	10,000–49,000 .....	10,000–99,999 .....	3	5
2 .....	50,000–99,000 .....	100,000–299,999 .....	6	15
3 .....	100,000 and above .....	300,000 and above .....	9	25

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

<sup>2</sup> 17 CFR 240.19b–4.

<sup>3</sup> The Exchange initially filed the proposed fee change on April 3, 2017 (SR–CBOE–2017–027). On

April 10, 2017, the Exchange withdrew that filing and submitted this filing.