

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–282 and 50–306; NRC–2010–0022; License Nos. DPR–42 and DPR–60]

Northern States Power Company; Prairie Island Nuclear Generating Plant, Units 1 and 2; Notice of Issuance of Director's Decision

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a Director's Decision with regard to a petition dated September 4, 2009, filed by Mr. David Sebastian, hereinafter referred to as the "petitioner." On September 30, 2009, the petitioner requested an opportunity to address the U.S. Nuclear Regulatory Commission (NRC) Petition Review Board (PRB) to provide any additional information to support the petition. A teleconference took place on October 13, 2009.

The petition requested that the NRC take the following actions:

(1) Order Xcel Energy Inc. (Xcel) to cease and desist from its current arbitrary and capricious practice of using the Access Authorization and Fitness-for-Duty (AA/FFD) Programs for purposes other than their original intent, as they are being applied against him.

(2) Order compliance with:

(A) The NRC's regulations at Title 10 of the Code of Federal Regulations (10 CFR) 73.56, "Personnel Access Authorization Requirements for Nuclear Power Plants";

(B) The rationale described in the final rule "Access Authorization Program for Nuclear Power Plants" (RIN 3150-AA90) published in the **Federal Register** on April 26, 1991 (56 FR 18997); and

(C) The Nuclear Energy Institute's (NEI's) implementation guidance in NEI 03–01, "Nuclear Power Plant Access Authorization Program," Revision 2, issued October 2008.

(3) Grant the petitioner access authorization without further delay to perform his accepted job tasks, with all record of said denial removed from any and all records wherever found.

(4) Issue any other order, or grant any other relief, to which the petitioner may have shown himself entitled.

As the basis for the September 4, 2009, request, the petitioner stated that Xcel is in violation of 10 CFR 73.56 in denying him access to the Prairie Island Nuclear Generating Plant using the AA/FFD Programs by basing the decision solely upon an existing tax lien. The petitioner stated that Xcel failed to base the decision to grant or deny unescorted

access authorization on a review and evaluation of all pertinent information. The petitioner stated that Xcel failed to incorporate all three elements (*i.e.*, background investigation, psychological assessment, and behavioral observation) of the unescorted access authorization program when making the decision to deny unescorted access and that this is contrary to the rationale for rulemaking, as discussed in 56 FR 18997.

On October 26 and December 2, 2009, the NRC PRB convened to discuss the petition under consideration to determine whether it met the criteria established in NRC Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions," dated October 25, 2000, for acceptance into the process under 10 CFR 2.206, "Requests for Action under This Subpart." The PRB made the following final recommendations:

(1) Item 1 met the criteria established in MD 8.11 for acceptance into the 10 CFR 2.206 process for the petition under consideration.

(2) Item 2 met the criteria established in MD 8.11 for acceptance into the 10 CFR 2.206 process for the petition under consideration.

(3) Item 3 did not meet the MD 8.11 criteria for further review under the 10 CFR 2.206 process, in that the request did not specifically address an enforcement-related action.

(4) Item 4 did not meet the MD 8.11 criteria for further review under the 10 CFR 2.206 process, in that the petition provided insufficient facts to support the request.

The NRC sent a copy of the proposed Director's Decision to the petitioner and the licensee for comment on May 7, 2010. The licensee had no comments on the proposed Director's Decision. On June 4, 2010, the NRC staff received comments on the proposed Director's Decision from the petitioner. The Director's Decision includes the comments and the NRC staff's response to them.

The Director of the Office of Nuclear Reactor Regulation has determined that the request pertaining to Xcel be denied. The Director's Decision, DD–10–02, explains the reasons for this decision pursuant to 10 CFR 2.206. The complete text of the decision is available in the Agencywide Documents Access and Management System (ADAMS) Electronic Reading Room (ADAMS Accession No. ML101650032) on the NRC's Web site, <http://www.nrc.gov/reading-rm/adams.html>, and for inspection at the Commission's Public Document Room, located at One White Flint North, Room O1 F21, 11555

Rockville Pike (first floor), Rockville, Maryland.

In accordance with 10 CFR 2.206 of the Commission's regulations, the staff will file a copy of the Director's Decision with the Secretary of the Commission for the Commission's review. As provided for 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 within that time.

Dated at Rockville, Maryland, this 20th day of July 2010.

For the Nuclear Regulatory Commission.

Eric J. Leeds,
Director, Office of Nuclear Reactor Regulation.

[FR Doc. 2010–18515 Filed 7–27–10; 8:45 am]

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POSTAL REGULATORY COMMISSION

[Docket Nos. MC2010–32 and CP2010–77; Order No. 497]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recently-filed Postal Service filing to add Priority Mail Contract 27 to the competitive product list. The Postal Service has also filed a related contract. This notice addresses procedural steps associated with the filing.

DATES: Comments are due: July 30, 2010.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Commenters who cannot submit their views electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on alternatives to electronic filing.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, stephen.sharfman@prc.gov or 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction

Pursuant to 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 Contract 27 to the competitive product list.¹ The Postal Service asserts that Priority Mail Contract 27 is a competitive product “not of general applicability” within the meaning of 39 U.S.C. 3632(b)(3). *Id.* at 1. The Postal Service states that prices and classification underlying this contract are supported by Governors’ Decision No. 09–6 in Docket No. MC2009–25. *Id.* The Request has been assigned Docket No. MC2010–32.

The Postal Service contemporaneously filed a contract related to the proposed new product pursuant to 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. The contract has been assigned Docket No. CP2010–77.

Request. In support of its Request, the Postal Service filed six attachments as follows:

- Attachment A—a redacted copy of the Governor’s Decision No. 09–6, originally filed in Docket No. MC2009–25, authorizing certain Priority Mail contracts;
- Attachment B—a redacted copy of the contract;
- Attachment C—a proposed change in the Mail Classification Schedule competitive product list;
- Attachment D—a Statement of Supporting Justification as required by 39 CFR 3020.32;
- Attachment E—a certification of compliance with 39 U.S.C. 3633(a); and
- Attachment F—an application for non-public treatment of materials to maintain redacted portions of the contract and supporting document under seal.

In the Statement of Supporting Justification, Brian G. Denny, Acting Manager, Sales and Communications, asserts that the service to be provided under the contract will cover its attributable costs, make a positive contribution to institutional costs, and increase contribution toward the requisite 5.5 percent of the Postal Service’s total institutional costs. *Id.*, Attachment D. Thus, Mr. Denny contends there will be no issue of subsidization of competitive products by market dominant products as a result of this contract. *Id.*

Related contract. A redacted version of the specific Priority Mail Contract 27 is included with the Request. The contract will become effective on the day that the Commission provides all necessary regulatory approvals. It is terminable upon 30 days notice by a party, but could continue for 3 years.

The Postal Service represents that the contract is consistent with 39 U.S.C. 3633(a). *See id.*, Attachment D. The Postal Service will provide the shipper with Priority Mail packaging for eligible Priority Mail items mailed by the shipper.

The Postal Service filed much of the supporting materials, including the specific Priority Mail Contract 27, under seal. It maintains that the contract and related financial information, including the customer’s name and the accompanying analyses that provide prices, terms, conditions, cost data, and financial projections should remain under seal. *See* Attachment F. It also requests that the Commission order that the duration of such treatment of all customer-identifying information be extended indefinitely, instead of ending after 10 years. *Id.* at 7.

II. Notice of Filings

The Commission establishes Docket Nos. MC2010–32 and CP2010–77 for consideration of the Request pertaining to the proposed Priority Mail Contract 27 product and the related contract, respectively. In keeping with practice, these dockets are addressed on a consolidated basis for purposes of this order; however, future filings should be made in the specific docket in which issues being addressed pertain.

Interested persons may submit 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 and 39 CFR part 3015 and 39 CFR 3020, subpart B. Comments are due no later than July 30, 2010. The public portions of these filings can be accessed via the Commission’s Web site (<http://www.prc.gov>).

The Commission appoints Paul L. Harrington to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2010–32 and CP2010–77 for consideration of the matter raised in each docket.

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

3. Comments by interested persons in these proceedings are due no later than July 30, 2010.

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

By the Commission.

Shoshana M. Grove
Secretary.

[FR Doc. 2010–18540 Filed 7–27–10; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available

From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rule 17a–7; SEC File No. 270–147; OMB Control No. 3235–0131.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (“Commission”) is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 17a–7 (17 CFR 240.17a–7) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (“Exchange Act”) requires non-resident broker-dealers registered or applying for registration pursuant to Section 15 of the Exchange Act to maintain—in the United States—complete and current copies of books and records required to be maintained under any rule adopted under the Exchange Act. Alternatively, Rule 17a–7 provides non-resident broker-dealers may sign written undertakings to furnish the requisite books and records to the Commission upon demand.

There are approximately 63 non-resident brokers and dealers. Based on the Commission’s experience in this area, it is estimated that the average amount of time necessary to preserve the books and records required by Rule 17a–7 is one hour per year. Accordingly, the total burden is 63 hours per year. With an average cost per hour of approximately \$294, the total cost of compliance for the respondents is approximately \$18,522 per year.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the Commission’s estimate of the burden of the proposed collection of information; (c) ways to

¹ Request of the United States Postal Service to Add Priority Mail Contract 27 to Competitive Product List and Notice of Filing (Under Seal) of Contract and Supporting Data, July 21, 2010 (Request).