

the general target schedule for processing and resolving requests under these procedures.

It is so ordered.

Dated at Rockville, Maryland, this 30th day of July, 2013.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION IN THIS PROCEEDING

Day	Event/Activity
0	Publication of FEDERAL REGISTER notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; and (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).
20	U.S. Nuclear Regulatory Commission (NRC) staff informs the requester of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).
25	If NRC staff finds no "need" or no likelihood of standing, the deadline for petitioner/requestor to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
A	If access granted: Issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 60	Decision on contention admission.

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POSTAL REGULATORY COMMISSION

[Docket Nos. C2009-1R, MC2013-57 and CP2013-75; Order No. 1794]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning the addition of Round-Trip Mailer to replace the existing market dominant mailer options for round-trip DVD mail. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 15, 2013. *Reply Comments are due:* August 22, 2013.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>.

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:

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I. Introduction

On July 26, 2013, the Postal Service filed a request to create a new competitive product, tentatively called "Round-Trip Mailer," to replace existing market dominant mailer options for round-trip DVD mail.¹ The

¹ Docket No. C2009-1R, Request of the United States Postal Service Under Section 3642 to Create Round-Trip Mailer Product, July 26, 2013, at 2 (Request). See Order No. 1763, Docket No. C2009-

Request, submitted in response to the Commission's order on remand in Docket No. C2009-1R, equalizes the rates for letter-shaped and flat-shaped round-trip DVD mail.

The Request is made pursuant to 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.* As proposed, the requested changes would: (1) remove Letter Round-Trip Mailer and Flat Round-Trip Mailer from the market dominant product list; and (2) add the new Round-Trip Mailer product to the competitive product list. Request, Attachment B. The Request has been assigned Docket No. MC2013-57.

The Postal Service contemporaneously filed proposed changes to the Mail Classification Schedule (MCS) that contain outbound and return prices for the proposed Round-Trip Mailer product. Those changes have been assigned Docket No. CP2013-75.

Request. The Request includes the following supporting material:

1R, Order on Remand, June 26, 2013 (Order No. 1763).

- Attachment A—a Statement of Supporting Justification addressing applicable rule 3020.32 requirements;
- Attachment B—proposed Mail Classification Schedule language; and
- Attachment C—a letter dated May 17, 1985, describing the Postal Service's interpretation of the Private Express Statutes as they apply to the overseas transmission of computer software in the form of magnetic media.

Product description. The existing Letter Round-Trip Mailer and Flat Round-Trip Mailer classifications were established by Order No. 718, in response to the Commission's finding of discrimination in Docket No. C2009–1.² The Postal Service asserts that the proposed Round-Trip Mailer product would be “functionally similar” to the existing First-Class Mail Round-Trip Mailer. *Id.* Attachment A at 1. It further states that “service standards and processing elements” of the proposed product would be “identical to the service currently received by First-Class Mail letters and flats.” Request at 3.

The Postal Service contends that, although the existing First-Class Mail Round-Trip Mailer is currently classified as market dominant, it fulfills all of the criteria for competitive products under 39 U.S.C. 3633. *Id.* Attachment A at 2–3. The Postal Service describes the proposed Round-Trip Mailer product as one that competes with “newer and increasingly dominant forms of digital content delivery,” such as online streaming and physical DVD rental services. *Id.* at 4. However, it acknowledges that it is not aware of “another shipping company that provides door-to-door delivery of optical discs such as DVDs.” *Id.* at 3. The Postal Service argues that the proposed product is “outside the scope of the letter monopoly because it is not a letter, or because the letter content is within the scope of one of the exceptions/suspensions to the Private Express Statutes.” *Id.* at 5. It bases this argument on the content of the proposed product, which would be limited to optical discs, invoices, and advertisements. *Id.*

Additional Information. The Request, which proposes to add a new product to the competitive product list, failed to include information required by 39 CFR part 3015. Not later than August 5, 2013, the Postal Service shall file with the Commission: (1) sufficient revenue and cost data for the 12-month period following the effective date of the proposed rates to demonstrate that the proposed Round-Trip Mailer product

will be in compliance with 39 U.S.C. 3633(a)(2); and (2) a certified statement by a representative of the Postal Service attesting to the accuracy of the data submitted, and explaining why, following the effective date of the proposed rates, competitive products in total will be in compliance with 39 U.S.C. 3633(a)(1) and (3). *See* 39 CFR 3015.3.

Board of Governors' approval. The Postal Service states that it intends to present the proposal contained in the Request to the Board of Governors for approval on July 31, 2013. Request at 4. If the Board of Governors does not approve the proposal or chooses to amend it, the Postal Service will “amend or rescind” its Request. *Id.* at 4. To avoid potential confusion, the Postal Service shall file with the Commission notice of the determination of the Board of Governors with respect to the Request as soon as practicable, but no later than August 2, 2013.

Potential subsequent proceedings. Consistent with Order No. 1763, if the Postal Service amends its Request pursuant to a determination by the Board of Governors, the effective date of any rates proposed in the amended Request shall be no later than September 30, 2013. *See* Order No. 1763 at 39, ¶ 2.

The intent of this phase of the proceeding is to implement a remedy responsive to the Court's remand in *GameFly v. Postal Regulatory Commission*, 704 F.3d 145 (D.C. Cir. 2013). The Postal Service has elected to equalize rates for eligible Round-Trip Mailers by reducing the price for a two-ounce First-Class flat-shaped round-trip DVD mailer to the price for a one-ounce First-Class letter-shaped round-trip DVD mailer. Consistent with Order No. 1763, if the Postal Service rescinds its Request or if the Commission denies the Request to establish the Round-Trip Mailer product as a competitive product, the Letter Round-Trip Mailer and Flat Round-Trip Mailer options established by Order No. 718 shall remain on the market dominant product list and the Postal Service shall implement the rates and associated MCS language changes provided in the third ordering paragraph of Order No. 1763. These changes shall be effective no later than September 30, 2013. *See Id.* at 39, ¶ 3.

II. Notice of Filings

The Commission establishes Docket Nos. MC2013–57 and CP2013–75 for consideration of the Request. 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. 3633,

3642 and 3662 and 39 CFR part 3015 and 3020, subpart B. Comments are due no later than August 15, 2013. Reply comments, if any, are due August 22, 2013. These filings can be accessed via the Commission's Web site (<http://www.prc.gov>).

The Commission appoints Tracy N. Ferguson to serve as the Public Representative in Docket Nos. MC2013–57 and CP2013–75.³

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2013–57 and CP2013–75 for consideration of the Request of the United States Postal Service Under Section 3642 to Create Round-Trip Mailer Product.

2. Pursuant to 39 U.S.C. 505, Tracy N. Ferguson is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in Docket Nos. MC2013–57 and CP2013–75.

3. The Postal Service shall file the additional information identified in this order no later than August 5, 2013.

4. The Postal Service shall file notice of the determination of the Board of Governors with respect to the Request as soon as practicable, but no later than August 2, 2013.

5. Comments by interested persons in these proceedings are due no later than August 15, 2013.

6. Reply comments are due no later than August 22, 2013.

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

By the Commission.

Ruth Ann Abrams,
Acting Secretary.

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BILLING CODE 7710-FW-P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; 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.

³ Ms. Ferguson also serves as Public Representative in Docket No. C2009–1R. *See* Order No. 1788, Docket No. C2009–1R, Notice and Order Designating Substitute Public Representative, July 24, 2013.

² Docket No. C2009–1, Order on Complaint, April 20, 2011, Appendix B (Order No. 718).