

containing core debris and damaged spent nuclear fuel from the TMI-2 reactor. The proposed amendment would revise the licensee delegation of authority in the license, the technical specifications, and the final safety analysis report. These documents currently delegate authority under the license to the Manager, DOE Idaho Operations Office. This amendment would replace that reference with the Deputy Manager, Idaho Cleanup Project in each of the documents.

In a letter to DOE dated December 9, 2016, the NRC notified DOE that the application was acceptable to begin a technical review (ADAMS Accession No. ML16347A192). The NRC's Office of Nuclear Materials Safety and Safeguards has docketed this application under Docket No. 72-20. If the NRC approves the amendment, the approval will be documented in an amendment to NRC Materials License No. SNM-2508. The Commission will approve the license amendment if it determines that the request complies with the standards and requirements of the Atomic Energy Act of 1954, as amended, and the NRC's rules and regulations, and make findings consistent with the National Environmental Policy Act and part 51 of title 10 of the *Code of Federal Regulations* (10 CFR). These findings will be documented in a safety evaluation report.

## II. Opportunity To Request a Hearing

The Commission may issue either a notice of hearing or a notice of proposed action and opportunity for hearing in accordance with 10 CFR 72.46(b)(1) or, if a determination is made that the amendment does not present a genuine issue as to whether public health and safety will be significantly affected, take immediate action on the amendment in accordance with 10 CFR 72.46(b)(2), and provide notice of the action taken and an opportunity for interested persons to request a hearing on whether the action should be rescinded or modified.

Dated at Rockville, Maryland, this 14th day of February, 2017.

For the Nuclear Regulatory Commission.

**Bernard H. White, IV,**

*Acting Chief, Spent Fuel Licensing Branch,  
Division of Spent Fuel Management, Office  
of Nuclear Material Safety and Safeguards.*

[FR Doc. 2017-03436 Filed 2-21-17; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

**[Project No. 0769; NRC-2017-0043]**

### NuScale Power, LLC

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Design certification application; receipt.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) received a design certification application (DCA) from NuScale Power, LLC (NuScale), on January 6, 2017, for a Small Modular Reactor (SMR). The DCA package included a transmittal letter, dated December 31, 2016, which indicated the application would be supplemented with one topical report and four technical reports by January 10, 2017. By January 12, 2017, NuScale provided updated files that allowed for the successful completion of the NRC's electronic processing of the DCA package.

**DATES:** The application was received on January 13, 2017.

**ADDRESSES:** Please refer to Docket ID NRC-2017-0043 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-2017-0043. Address questions about NRC dockets to Carol Gallagher; telephone: 301-287-3422; 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 it is available in ADAMS) is provided the first time that it is mentioned in this document. The entire NuScale application is available in ADAMS under Accession No. ML17013A229.

- *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:

Bruce BavoI, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-6715, email: [Bruce.BavoI@nrc.gov](mailto:Bruce.BavoI@nrc.gov).

**SUPPLEMENTARY INFORMATION:** By letter dated December 31, 2016, NuScale filed an application for a standard design certification of the NuScale SMR with the NRC, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, and part 52 of title 10 of the *Code of Federal Regulations* (10 CFR), "Licenses, Certifications, and Approvals for Nuclear Power Plants."

The NuScale SMR is a pressurized-water reactor (PWR). The design is based on the Multi-Application Small Light Water Reactor (MASLWR) developed at Oregon State University in the early 2000s. The NuScale SMR is a natural circulation light-water reactor with the reactor core and helical coil steam generator located in a common reactor vessel in a cylindrical steel containment. The NuScale power module is immersed in water in a safety related pool. The reactor pool is located below grade and is designed to hold up to twelve (12) power modules. Each NuScale SMR has a rated thermal output of 160 megawatts thermal (MWT) and electrical output of 50 megawatts electric (MWE). Each plant can hold up to 12 modules yielding a total capacity of 600 MWE.

The acceptability of the tendered application for docketing and other matters relating to the requested rulemaking pursuant to 10 CFR 52.51 for design certification, including provisions for participation of the public and other parties, will be the subject of subsequent **Federal Register** notices.

Dated at Rockville, Maryland, this 15th day of February, 2017.

For the Nuclear Regulatory Commission.

**Frank Akstulewicz,**

*Director, Division of New Reactor Licensing,  
Office of New Reactors.*

[FR Doc. 2017-03438 Filed 2-21-17; 8:45 am]

**BILLING CODE 7590-01-P**

## POSTAL SERVICE

### Revision to Mailing Standards for the Transport of Lithium Batteries

**AGENCY:** Postal Service™.

**ACTION:** Notice of prospective revision of standards; invitation to comment.

**SUMMARY:** The Postal Service is preparing to revise Publication 52, *Hazardous, Restricted, and Perishable Mail*, in various sections to provide new mailing standards for lithium batteries. Prior to making these revisions, the Postal Service believes that it is appropriate to invite comments regarding the nature and scope of the contemplated changes.

**DATES:** The Postal Service must receive written comments on or before March 24, 2017.

**ADDRESSES:** Mail or deliver written comments to the manager, Product Classification, U.S. Postal Service, 475 L'Enfant Plaza SW., Room 4446, Washington, DC 20260–5015. If sending comments by email include the name and postal address of the commenter and send to [ProductClassification@usps.gov](mailto:ProductClassification@usps.gov), with a subject line of “ATTN: Lithium Batteries.” Faxed comments are not accepted. You may inspect and photocopy all written comments, by appointment only, at USPS® Headquarters Library, 475 L'Enfant Plaza SW., 11th Floor North, Washington, DC 20260. These records are available for review Monday through Friday, 9 a.m.–4 p.m., by calling 202–268–2906.

**FOR FURTHER INFORMATION CONTACT:** Michelle Lassiter (202) 268–2914, or Kevin Gunther (202) 268–7208.

**SUPPLEMENTARY INFORMATION:**

**Overview**

Pursuant to the *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®), section 601.8.2, Publication 52 provides mailing standards specific to hazardous, restricted and perishable items and

materials, including lithium batteries. As discussed in more detail below, the Postal Service is preparing to make revisions to Publication 52 in order to align its mailing standards for shipments of lithium batteries with the regulations of the applicable regulatory agencies. The Postal Service believes these changes are necessary to facilitate the movement of mailpieces containing lithium batteries in USPS networks, including contracted transportation services obtained from commercial sources.

**Pending Revisions to Publication 52**

Specifically, the Postal Service finds that it will be necessary to make revisions in order to align with the proposed changes to lithium battery transportation from the Department of Transportation (DOT), Pipeline and Hazardous Materials Safety Administration (PHMSA), and to maintain consistency with international regulations and standards. In addition, the Postal Service intends to revise Publication 52 to align with the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions) with regard to the transportation of lithium batteries by air.

**PHMSA Rulemaking**

On September 7, 2016 (81 FR 61742), PHMSA issued a notice of proposed rulemaking [Docket Number 2015–0273 (HM–215N)] titled “*Hazardous Materials: Harmonization with International Standards (RRR)*” with the intention to maintain consistency with international regulations and standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups,

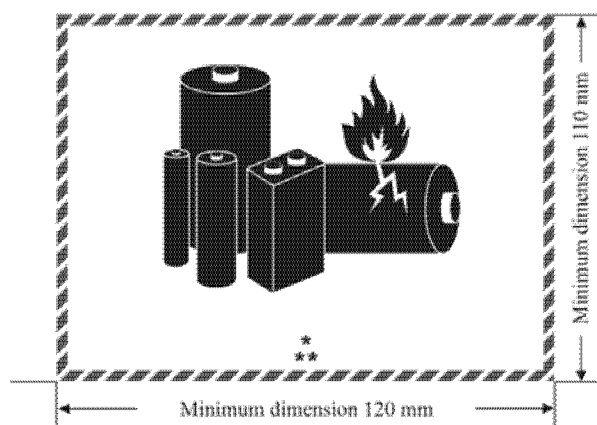
special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. In its proposed final rule, PHMSA relates its intent to harmonize its Hazardous Materials Regulations (HMR) with recent changes made to the International Maritime Dangerous Goods Code, the ICAO Technical Instructions, and the United Nations Recommendations on the Transport of Dangerous Goods—Model Regulations.

Because of concerns for the exposure to risk associated with hazardous materials in its networks, the Postal Service accepts only a fraction of the materials regulated by PHMSA. As a result, the Postal Service expects few of the revisions addressed by PHMSA in its recent proposed rulemaking to have an impact on Postal Service mailing standards. With regard to lithium batteries, the Postal Service generally accepts only those cells and batteries eligible for the PHMSA's exceptions for smaller cells and batteries under 49 CFR 173.185(c). In this notice, the Postal Service addresses only those revisions directly related to the transportation of lithium batteries, and only those expected to directly impact the movement of lithium batteries in Postal Service networks.

**PHMSA Proposed Rule**

The revisions discussed in the PHMSA proposed rule having direct effect on Postal Service networks include:

- PHMSA replaces the existing text marking requirements in 49 CFR 173.185(c)(3) with a standard lithium battery mark (shown below) for use in all transport modes, and removes the requirement in 49 CFR 173.185(c)(3) for shippers to provide an alternative document.



- PHMSA creates a new section containing a new Class 9 hazard warning label for lithium batteries. The label (shown below) consists of the existing Class 9 label with the addition of a figure in the lower half depicting a group of batteries with one broken and emitting a flame. The label is intended to appear on packages containing lithium batteries required to display hazard warning labels, and is intended to better communicate the specific hazards posed by lithium batteries.



- PHMSA amends 49 CFR 173.185(c)(2) and (c)(3)(i) to specify that outer packaging used to contain small lithium batteries must be rigid and of adequate size so the handling mark can be affixed on one side without the mark being folded. PHMSA provides a limited exception to the rigid outer packaging requirement when “the cell or battery is afforded equivalent protection by the equipment in which it is contained.”

- PHMSA modifies 49 CFR 173.185 to clarify the definition of a *consignment* of hazardous materials as “one or more packages of hazardous materials accepted by an operator from one shipper at one time and at one address, receipted for in one lot and moving to one consignee at one destination address.” PHMSA also expands the requirement in 49 CFR 173.185(c)(3) for lithium battery marks to appear on packages containing small lithium cells or batteries, or lithium cells or batteries packed with, or contained in, equipment when there are more than two packages in the consignment. PHMSA states that this requirement does not apply to a package containing button cell batteries installed in equipment (including circuit boards), or when there are not more than two packages in the consignment and the package contains no more than four lithium cells or two lithium batteries installed in the equipment.

#### ICAO Addenda

ICAO published addendum number 3 to its Technical Instructions on January 15, 2016, and addendum number 4 on February 23, 2016 (<http://www.icao.int/safety/DangerousGoods/Pages/default.aspx>). In these addenda, ICAO announced new regulations for lithium batteries in international air transportation. The ICAO revisions, with an effective date of April 1, 2016, detailed a number of new provisions including:

- The prohibition of lithium-ion (and lithium-ion polymer) batteries, shipped separately from the equipment they are intended to operate (categorized as identification number UN3480), on passenger aircraft.
- The restriction of UN3480 batteries and cells shipped via cargo aircraft to a maximum state of charge (SOC) of no more than 30 percent.
- The limitation of section II, UN3480 batteries and cells to a single package, when sent as a part of a consignment or overpack via cargo aircraft.
- The required use of an approved Cargo Aircraft Only (CAO) label on all packages of UN3480 batteries and cells transported via cargo aircraft.

#### Proposed USPS Mailing Standards

Within the next several weeks, the Postal Service intends to revise Publication 52 to align with PHMSA’s proposed regulations, and to maintain consistency with international regulations and standards. As such, the Postal Service contemplates the following changes:

- The Postal Service would eliminate the current text marking option for mailpieces required to bear, or optionally permitted to bear, lithium battery markings, and limit markings to DOT-approved lithium battery handling marks only. Mailpieces restricted to surface transportation only, including those containing UN3090, lithium metal batteries shipped separately, will continue to be required to bear the current text marking in addition to a DOT-approved lithium battery handling mark. The Postal Service would also eliminate the requirement for accompanying documentation with mailings of lithium batteries.
- The Postal Service would add the new DOT class 9 hazard warning label for lithium batteries to Publication 52, Exhibit 325.1, DOT Hazardous Materials Warning Labels: PROHIBITED IN THE MAIL. Packages containing lithium batteries that are required to bear this label are prohibited in USPS networks.
- The Postal Service would align its standards with PHMSA’s proposed

regulations with regard to the requirement that the outer packaging used to contain small lithium batteries be rigid and of adequate size so the handling mark can be affixed on one side without the mark being folded. The Postal Service would also permit the use of padded or poly bags when cells or batteries are afforded equivalent protection by the equipment in which they are contained, but limit this exception only to batteries meeting the USPS definition of a button cell battery in 349.11(e) of Publication 52.

- The Postal Service would take no action with regard to the requirement for lithium battery markings to appear on packages containing lithium cells or batteries, or lithium cells or batteries packed with, or contained in, equipment when there are more than two packages in the consignment. The Postal Service would continue to define a consignment in postal terms as a single parcel, making any action regarding this PHMSA regulation unnecessary.

The Postal Service also expects to revise Publication 52 to align with the April 1, 2016, final version of the ICAO regulations described above. With regard to mail classes and products using air transportation, the Postal Service contracts with both passenger airlines and commercial air cargo providers. Depending on volume, schedules, and other operational factors, the Postal Service directs mail, including packages, between various air transportation providers as necessary. At times, such decisions are made during, or subsequent to the finalization and containerization of these mailpieces. Consequently, the Postal Service has concerns for its ability to reliably separate mail eligible for transport via passenger aircraft from that exclusive to cargo aircraft. Additionally, the Postal Service has noted that a number of commercial transportation providers have adopted procedures and policies compliant with the April 1, 2016, version of the ICAO regulations. To eliminate the potential for refusal of mail containing lithium batteries tendered to its contracted air carriers, the Postal Service proposes to align its mailing standards with the ICAO regulations. With regard to this alignment, the Postal Service contemplates the following changes:

- Prohibit UN3480 lithium-ion and lithium polymer batteries in USPS air transportation.
- Revise its quantity limitations for UN3480 lithium-ion and lithium polymer batteries in surface transportation to align with those for lithium metal batteries, changing from

the previous eight cells or two batteries to an aggregate mailpiece limit of 5 pounds (while retaining its previous battery capacity limitations of 20 Wh/cell and 100 Wh/battery).

If it proceeds as planned, the Postal Service expects to provide for an implementation date approximately 60 days following notice of its adoption of these proposed revised mailing standards, and may entertain requests for limited extensions if necessary.

**Stanley F. Mires,**

*Attorney, Federal Compliance.*

[FR Doc. 2017-03397 Filed 2-21-17; 8:45 am]

**BILLING CODE 7710-12-P**

## SECURITIES AND EXCHANGE COMMISSION

### Proposed Collection; Comment Request

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549-2736.

#### *Extension:*

Rule 32a-4, SEC File No. 270-473, OMB Control No. 3235-0530.

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 collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management and Budget ("OMB") for extension and approval.

Section 32(a)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a 31(a)(2)) ("Act") requires that the selection of a registered management investment company's or registered face-amount certificate company's (collectively, "funds") independent public accountant be submitted to shareholders for ratification or rejection. Rule 32a-4 under the Investment Company Act (17 CFR 270.32a-4) exempts a fund from this requirement if, among other things, the fund has an audit committee consisting entirely of independent directors. The rule permits continuing oversight of a fund's accounting and auditing processes by an independent audit committee in place of a shareholder vote.

Among other things, in order to rely on rule 32a-4, a fund's board of directors must adopt an audit committee charter and must preserve that charter, and any modifications to the charter, permanently in an easily accessible

place. The purpose of these conditions is to ensure that Commission staff will be able to monitor the duties and responsibilities of an audit committee of a fund relying on the rule.

Commission staff estimates that on average the board of directors takes 15 minutes to adopt the audit committee charter. Commission staff has estimated that with an average of 8 directors on the board,<sup>1</sup> total director time to adopt the charter is 2 hours. Combined with an estimated ½ hour of paralegal time to prepare the charter for board review, the staff estimates a total one-time collection of information burden of 2½ hours for each fund. Once a board adopts an audit committee charter, the charter is preserved as part of the fund's records. Commission staff estimates that there is no annual hourly burden associated with preserving the charter in accordance with this rule.<sup>2</sup>

Because virtually all existing funds have now adopted audit committee charters, the annual one-time collection of information burden associated with adopting audit committee charters is limited to the burden incurred by newly established funds. Commission staff estimates that fund sponsors establish approximately 112 new funds each year,<sup>3</sup> and that all of these funds will adopt an audit committee charter in order to rely on rule 32a-4. Thus, Commission staff estimates that the annual one-time hour burden associated with adopting an audit committee charter under rule 32a-4 is approximately 280 hours.<sup>4</sup>

When funds adopt an audit committee charter in order to rely on rule 32a-4, they also may incur one-time costs related to hiring outside counsel to prepare the charter. Commission staff estimates that those costs average approximately \$1500 per fund.<sup>5</sup> As noted above, Commission staff estimates that approximately 112 new funds each year will adopt an audit committee

<sup>1</sup> This estimate is based on staff experience and on discussions with a representative of an entity that surveys funds and calculates fund board statistics based on responses to its surveys.

<sup>2</sup> This estimate is based on staff experience and discussions with funds regarding the hour burden related to maintenance of the charter.

<sup>3</sup> This estimate is based on the average number of notifications of registration on Form N-8A filed from 2013-2015.

<sup>4</sup> This estimate is based on the following calculation: (2.5 burden hours for establishing charter × 112 new funds = 280 burden hours).

<sup>5</sup> Costs may vary based on the individual needs of each fund. However, based on the staff's experience and conversations with outside counsel that prepare these charters, legal fees related to the preparation and adoption of an audit committee charter usually average \$1500 or less. The Commission also understands that model audit committee charters are available, which reduces the costs associated with drafting a charter.

charter in order to rely on rule 32a-4. Thus, Commission staff estimates that the ongoing annual cost burden associated with rule 32a-4 in the future will be approximately \$168,000.<sup>6</sup>

These estimates of average costs are made solely for the purposes of the Paperwork Reduction Act. The estimates are not derived from a comprehensive or even a representative survey or study of the costs of Commission rules. The collections of information required by rule 32a-4 are necessary to obtain the benefits of the rule. The Commission is seeking OMB approval, because an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimates of the burdens of the collections of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burdens of the collections of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: February 15, 2017.

**Eduardo A. Aleman,**  
*Assistant Secretary.*

[FR Doc. 2017-03424 Filed 2-21-17; 8:45 am]

**BILLING CODE 8011-01-P**

<sup>6</sup> This estimate is based on the following calculations: (\$1500 cost of adopting charter × 112 newly established funds = \$168,000).