

with awareness of, and the ability to take action on, any actual or potential funding deficiencies. Additionally, 10 CFR 50.82(a)(8)(vi) requires that the annual financial assurance status report must include additional financial assurance to cover the estimated cost of completion if the sum of the balance of any remaining decommissioning funds, plus earnings on such funds calculated at not greater than a 2-percent real rate of return, together with the amount provided by other financial assurance methods being relied upon, does not cover the estimated cost to complete the decommissioning. The requested exemption would not allow the withdrawal of funds from the DTF for any other purpose that is not currently authorized in the regulations without prior notification to the NRC. Therefore, the granting of the exemption to 10 CFR 50.75(h)(1)(iv) to allow HDI to make withdrawals from the PNP DTF to cover authorized expenses for spent fuel management and site restoration activities at PNP without prior written notification to the NRC will still meet the underlying purpose of the regulation.

Special circumstances, in accordance with 10 CFR 50.12(a)(2)(iii), are present whenever compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated. HDI states that the DTF contains funds in excess of the estimated costs of radiological decommissioning and that these excess funds are needed for spent fuel management and site restoration activities. The NRC does not preclude the use of funds from the DTF in excess of those needed for radiological decommissioning for other purposes, such as for spent fuel management or site restoration activities.

The NRC has stated that funding for spent fuel management and site restoration activities may be commingled in DTFs, provided that the licensee is able to identify and account for the radiological decommissioning funds separately from the funds set aside for spent fuel management and site restoration activities (see NRC Regulatory Issue Summary 2001–07, Rev. 1, “10 CFR 50.75 Reporting and Recordkeeping for Decommissioning Planning,” dated January 8, 2009 (ADAMS Accession No. ML083440158), and Regulatory Guide 1.184, Revision 1, “Decommissioning of Nuclear Power Reactors,” dated October 2013 (ADAMS Accession No. ML13144A840)). Preventing access to those excess funds

in DTFs because spent fuel management and site restoration activities are not associated with radiological decommissioning would create an unnecessary financial burden without any corresponding safety benefit. The adequacy of the PNP DTF to cover the cost of activities associated with spent fuel management and site restoration, in addition to radiological decommissioning, is supported by the HDI SSCE. If HDI cannot use the PNP DTF for spent fuel management and site restoration activities, it would need to obtain additional funding that would not be recoverable from the DTF, or it would have to modify its decommissioning approach and methods. The NRC staff concludes that either outcome would impose an unnecessary and undue burden significantly in excess of that contemplated when 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) were adopted.

The underlying purposes of 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) would be achieved by allowing HDI to use a portion of the PNP DTF for spent fuel management and site restoration activities at PNP without prior NRC notification, and compliance with the regulations would result in an undue hardship or other costs that are significantly in excess of those contemplated when the regulations were adopted. Thus, the special circumstances in 10 CFR 50.12(a)(2)(ii) and 10 CFR 50.12(a)(2)(iii) exist and support the approval of the requested exemption.

#### *E. Environmental Considerations*

In accordance with 10 CFR 51.31(a), the Commission has determined that granting the exemption will not have a significant effect on the quality of the human environment (see Environmental Assessment and Finding of No Significant Impact published in the **Federal Register** on November 26, 2021 (86 FR 67503)).

#### **IV. Conclusions.**

In consideration of the above, the NRC staff finds that the proposed exemption confirms the adequacy of funding in the PNP DTF, considering growth, to complete radiological decommissioning of the site and to terminate the licenses and also to cover estimated spent fuel management and site restoration activities.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not present an undue risk to public health and safety, and is consistent with the common defense

and security. Also, special circumstances are present. Therefore, the Commission hereby grants HDI an exemption from the requirements of 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) to allow the use of a portion of the funds from the PNP DTF for spent fuel management and site restoration activities at PNP in accordance with HDI’s PSDAR and SSCE, dated December 23, 2020. Additionally, the Commission hereby grants HDI an exemption from the requirement of 10 CFR 50.75(h)(1)(iv) to allow such withdrawals without prior NRC notification.

This exemption is effective upon issuance.

Dated: December 13, 2021.

For the Nuclear Regulatory Commission.

/RA/

Brian D. Wittick,  
Deputy Director, Division of Operating  
Reactor Licensing, Office of Nuclear Reactor  
Regulation.

[FR Doc. 2021–27491 Filed 12–17–21; 8:45 am]

**BILLING CODE 7590–01–P**

## **POSTAL REGULATORY COMMISSION**

[Docket No. CP2022–36; Order No. 6063]

### **Inbound Competitive Multi-Service Agreements With Foreign Postal Operators**

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is acknowledging a recent filing by the Postal Service that it has entered into the Inbound Competitive Multi-Service Agreement with Foreign Postal Operators (FPOs). This notice informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* December 21, 2021.

**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
- II. Summary of the FPO–USPS Agreement

FY22–2

III. Notice of Commission Action

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**I. Introduction**

On December 13, 2021, the Postal Service filed a notice with the Commission pursuant to 39 CFR 3035.105 and Order No. 546,<sup>1</sup> concerning the inbound portions of an Inbound Competitive Multi-Service Agreement with a Foreign Postal Operator (FPO) which the Postal Service seeks to include within the Inbound Competitive Multi-Service Agreement with Foreign Postal Operators 1 (MC2010–34 product).<sup>2</sup>

**II. Summary of the FPO–USPS Agreement FY22–2**

The FPO–USPS Agreement FY22–2 is intended to become effective on January 1, 2022, and will, unless terminated earlier, expire on December 31, 2023. Except as otherwise agreed by contract, the FPO exchanges mail with the Postal Service and applies the Universal Postal Convention and Universal Postal Convention Regulations to those exchanges. The competitive services offered by the Postal Service to the FPO in FPO–USPS Agreement FY22–2 include rates for inbound parcels, packets, and international Express Mail Service. Notice at 5–6. The Postal Service states that “[m]any rates will be based on a per-piece and per-kilo structure and in Special Drawing Rights. . . .” *Id.* at 6 (footnote omitted). Only the inbound portions of the FPO–USPS Agreement FY22–2 that concern competitive products are included in the proposal filed in this docket. *Id.* Outbound delivery of competitive postal products within the FPO’s country have not previously been presented to the Commission and are not presented in this Notice. *Id.*

Accompanying the Notice are:

- Attachment 1—an application for non-public treatment of materials to maintain redacted portions of the agreement and supporting documents under seal;
- Attachment 2—a redacted copy of FPO–USPS Agreement FY22–2;
- Attachment 3—a copy of the Governors’ Decision No. 19–1;

<sup>1</sup> Docket Nos. MC2010–34 and CP2010–95, Order Adding Inbound Competitive Multi-Service Agreements with Foreign Postal Service Operators 1 to the Competitive Product List and Approving Included Agreement, September 29, 2010 (Order No. 546).

<sup>2</sup> See Notice of United States Postal Service of Filing Functionally Equivalent Inbound Competitive Multi-Service Agreement with Foreign Postal Operator—FY22–2, December 13, 2021, at 1 (Notice). The Postal Service refers to the agreement as “FPO–USPS Agreement FY22–2.” *Id.*

- Attachment 4—a certified statement required by 39 CFR 3035.105(c)(2); and
- Supporting financial documentation as separate Excel files.

The Postal Service asserts that “[t]he FPO–USPS Agreement FY22–2 is functionally equivalent to the baseline agreement filed in Docket No. MC2010–34 because the terms of this agreement are similar in scope and purpose to the terms of the CP2010–95 Agreement” that is used for functional equivalency analyses of the Inbound Competitive Multi-Service Agreement with Foreign Postal Operators 1 product.<sup>3</sup> The Postal Service states that “[b]ecause the FPO–USPS Agreement FY22–2 and the CP2010–95 Agreement incorporate the same cost attributes and methodology, the relevant cost and market characteristics are similar.” Notice at 9.

Additionally, the Postal Service asserts that the FPO–USPS Agreement FY22–2 is in compliance with 39 U.S.C. 3633. *Id.* The Postal Service states further that the FPO–USPS Agreement FY22–2 is essentially an updated version of the FPO–USPS Agreement FY20–1, which was previously included in the Inbound Competitive Multi-Service Agreements with Postal Operators 1 product.<sup>4</sup>

The Postal Service asserts that its proposed addition of FPO–USPS Agreement FY22–2 to the Inbound Competitive Multi-Service Agreement with Foreign Postal Operators 1 product is also supported by prior Commission determinations that bilateral agreements with FPOs and negotiated service agreements should be included in the Inbound Competitive Multi-Service Agreement with Foreign Postal Operators 1 product. Notice at 3–4.

**III. Notice of Commission Action**

The Commission establishes Docket No. CP2022–36 for consideration of the Notice pertaining to FPO–USPS Agreement FY22–2 and the related rates and classifications. The Commission invites comments on whether the Postal

<sup>3</sup> Notice at 3. An agreement (the CP2010–95 Agreement) was originally presented to the Commission in Docket No. CP2010–95 for inclusion in the Inbound Competitive Multi-Service Agreements with Foreign Postal Operators 1 product. Order No. 546 at 8–10. The CP2010–95 Agreement was subsequently accepted by the Commission as the baseline agreement for functional equivalency analyses of the Inbound Competitive Multi-Service Agreement with Foreign Postal Operators 1 product. Docket No. CP2011–69, Order Concerning an Additional Inbound Competitive Multi-Service Agreements with Foreign Postal Operators 1 Negotiated Service Agreement, September 7, 2011, at 5 (Order No. 840). See also Notice at 7–9.

<sup>4</sup> Notice at 3. See Docket No. CP2020–144, Order Approving Additional Inbound Competitive Multi-Service Agreement with Foreign Postal Operator—FY20–1, June 25, 2020, at 7 (Order No. 5565).

Service’s filing is consistent with the requirements of 39 U.S.C. 3633 and 39 CFR 3035.105 and whether it is functionally equivalent to the baseline agreement included in the Inbound Competitive Multi-Service Agreements with Foreign Postal Operators 1 product (MC2010–34). Comments are due no later than December 21, 2021. Public portions of this filing can be accessed via the Commission’s website ([www.prc.gov](http://www.prc.gov)).

The Commission appoints Jennaca D. Upperman to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).

**IV. Ordering Paragraphs**

*It is ordered:*

1. The Commission establishes Docket No. CP2022–36 for consideration of the matters raised in this docket.

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

3. Comments are due no later than December 21, 2021.

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

By the Commission.

**Erica A. Barker,**

*Secretary.*

[FR Doc. 2021–27414 Filed 12–17–21; 8:45 am]

**BILLING CODE 7710–FW–P**

**SECURITIES AND EXCHANGE COMMISSION**

[SEC File No. 270–218, OMB Control No. 3235–0242]

**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 206(4)–3

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.