

operating experience, inspection findings, enforcement actions, Security Frequently Asked Questions, and other regulatory documents (e.g., generic communications). This RG clarifies DBT adversary characteristics and capabilities identified through interactions with stakeholders and inspection activities since the original publication of the guide.

## II. Additional Information

Revision 1 to RG 5.69 contains SGI. Accordingly, this RG is being withheld from public disclosure. It will be made available to those affected licensees and cleared stakeholders who have an established need-to-know for access to the RG. The NRC did not announce the availability of the draft RG for public comment because the guide contains SGI and Official Use Only—Security-Related Information. Nonetheless, the NRC is issuing this notice to inform the public of the issuance of the final RG.

On December 23, 2015, the NRC issued an email (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16007A567) transmitting the draft RG for comment to cleared stakeholders who demonstrated a need-to-know for access to the document. The stakeholder's comment period closed on March 7, 2016. The NRC received several comments from stakeholders. The comments and the associated comment resolution contain SGI and are not available to the public. In addition, per Staff Requirements Memorandum (SRM)—SECY-18-0110, "Proposed Revision to Regulatory Guide 5.69, "Guidance for the Application of the Radiological Sabotage Design-Basis Threat for Nuclear Power Reactors,"" dated November 18, 2021 (Non-Publicly Available), staff completed the Commission's approved edits to the document as appropriate.

For access to RG 5.69, Revision 1, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section.

## III. Congressional Review Act

This RG is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

## IV. Backfitting, Forward Fitting, and Issue Finality

This RG provides updated guidance on the methods acceptable to the NRC staff for complying with the NRC's regulations associated with the design-basis threat for nuclear power reactors.

The RG applies to current licensees and future applicants for, and holders of:

- Operating licenses for nuclear power reactors under part 50 of title 10 of the *Code of Federal Regulations* (10 CFR); and combined licenses for nuclear power reactors under 10 CFR part 52;
- operating licenses for nuclear power reactors that are required to protect safeguards information regulated by the Commission by Order EA-03-086, "Order Requiring Compliance with Revised Design Basis Threat for Operating Power Reactors," dated April 29, 2003; and
- operating licenses for nuclear power reactors that are required to protect safeguards information regulated by the Commission by Order EA-06-037, "Order Requiring Compliance with Updated Adversary Characteristic," dated March 20, 2006.

Issuance of this RG does not constitute backfitting as defined in 10 CFR 50.109, "Backfitting," and as described in NRC Management Directive (MD) 8.4, "Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests;" constitute forward fitting as that term is defined and described in MD 8.4; or affect the issue finality of any approval issued under 10 CFR part 52, "Licenses, certifications, and approvals for nuclear power plants." As explained in the RG, licensees are not required to comply with the positions set forth in this RG, and the NRC staff does not intend to use the guidance in this RG to support NRC staff actions in a manner that would constitute backfitting or forward fitting or affect the issue finality of any approval issued under 10 CFR part 52. If, in the future, the NRC seeks to impose a position in this RG in a manner that constitutes backfitting or forward fitting or affects the issue finality for a 10 CFR part 52 approval, then the NRC will address the backfitting provision in 10 CFR 50.109, the forward fitting provision of MD 8.4, or the applicable issue finality provision in 10 CFR part 52, respectively.

Dated: February 25, 2022.

For the Nuclear Regulatory Commission.

**Meraj Rahimi,**

*Chief, Regulatory Guide and Programs Management Branch, Division of Engineering, Office of Nuclear Regulatory Research.*

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## POSTAL REGULATORY COMMISSION

[Docket No. MC2022–40; Order No. 6107]

### Mail Classification Schedule

**AGENCY:** Postal Regulatory Commission.  
**ACTION:** Notice.

**SUMMARY:** The Commission is recognizing a recent Postal Service filing requesting the addition of Extended Mail Forwarding as a permanent offering on the market dominant product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* March 7, 2022. *Reply comments are due:* March 14, 2022.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <https://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:** On February 14, 2022, the Postal Service filed a request pursuant to 39 U.S.C. 3642 and 39 CFR 3045.18 to modify the Mail Classification Schedule (MCS) by adding Extended Mail Forwarding as a permanent offering to the market dominant product list and establishing classification language and prices for Extended Mail Forwarding.<sup>1</sup>

The Postal Service explains that the Commission authorized the market test in Order No. 5591 on July 20, 2020.<sup>2</sup> The test was initially introduced in nine postal districts, but on October 1, 2020, the test was expanded nationwide.<sup>3</sup> The Postal Service states that the test proved successful and proposes to add Extended Mail Forwarding to its Market Dominant Products: Special Services: Address Management Services, under section 1515.1 of its MCS. Request at 1–2. The Postal Service states that Extended Mail Forwarding provides customers who submit a permanent change-of-address request the option of extending mail forwarding beyond the

<sup>1</sup> United States Postal Service Request to Convert Extended Mail Forwarding to a Permanent Offering, February 14, 2022 (Request).

<sup>2</sup> Request at 1; Docket No. MT2020–2, Order Authorizing Extended Mail Forwarding Market Test, July 20, 2020 (Order No. 5591).

<sup>3</sup> Request at 1; Docket No. MT2020–2, United States Postal Service Notice of Material Change to Market Test, September 18, 2020.

12 months forwarding period. *Id.* at 2. It claims that the test demonstrated simple operational implementation providing customers who move greater control over their mail forwarding expiration dates. The Postal Service also indicates the addition provides a new revenue stream and has reduced Undeliverable as Addressed handling costs. *Id.*

According to the Postal Service, Extended Mail Forwarding meets the requirements of 39 CFR 3045.18(b) by offering the same services as the experimental product with the same distinct costs and market characteristics, and is based on the data collected during the market test. *Id.* at 2–3.

The Postal Service also claims the proposed product complies with 39 CFR 3045.18(c) because the product and price category is the same as the product at the heart of the market test. *Id.* at 3. The price points will be \$19.95 for a 6-month extension, \$29.95 for a 12-month extension, and \$39.95 for an 18-month extension. *Id.* at 3.

The Postal Service states that, as a new offering, Extended Mail Forwarding does not have price cap implications since it lacks volume history and billing determinants that could be used to calculate a price cap effect and that it is not a rate change subject to 39 U.S.C. 3622(d).<sup>4</sup> It also points out Extended Mail Forwarding is a new optional feature and does not divert volumes from an existing product by which volumes could be inferred. Request at 3–4. In addition, pursuant to the requirement in 39 CFR 3045.18(c)(3), the Postal Service claims that the market will remain stable into the permanent phase. *Id.* at 4. The Postal Service states that the market test generated cumulative total revenue of almost \$42.2 million. *Id.* The Postal Service also claims the product-specific costs associated with the development of the Extended Mail Forwarding market test were \$505,983.29, including program management and IT-related costs, and have been relatively stable from quarter to quarter. *Id.* at 4–5.

Included as Attachment A to the Request is proposed MCS language. Included as Attachment B are data collection reports filed during the market test as required by 39 CFR 3045.18(c)(4). Included as Attachment C is the Governors' resolution authorizing the Request. The Postal Service explains that it would like to implement the product on July 10, 2022, to align

Extended Mail Forwarding with other IT programming changes, and thus requests the Commission issue a final order no later than May 16, 2022. *Id.* at 5.

Pursuant to rule 3040.133, the Commission provides interested persons an opportunity to express views and offer comments on the proposed addition to the MCS. Comments are due no later than March 7, 2022. Reply comments may be filed no later than March 14, 2022. The Postal Service's Request in Docket No. MC2022–40 can be accessed on the Commission's website (<http://www.prc.gov>).<sup>5</sup>

Pursuant to 39 U.S.C. 505, Richard A. Oliver is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in the above-captioned docket.

*It is ordered:*

1. The Commission establishes Docket No. MC2022–40 for consideration of the matters raised by the United States Postal Service Request to Convert Extended Mail Forwarding to a Permanent Offering, filed February 14, 2022.

2. Comments are due no later than March 7, 2022.

3. Reply comments are due no later than March 14, 2022.

4. Pursuant to 39 U.S.C. 505, Richard A. Oliver is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

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

By the Commission.

**Erica A. Barker,**

*Secretary.*

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–94316; File No. SR–NASDAQ–2021–066]

### Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1, To List and Trade Shares of the Valkyrie XBTO Bitcoin Futures Fund Under Nasdaq Rule 5711(g)

On August 23, 2021, The Nasdaq Stock Market LLC (“Nasdaq”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)<sup>1</sup> and Rule 19b–4 thereunder,<sup>2</sup> a proposed rule change to list and trade shares of the Valkyrie XBTO Bitcoin Futures Fund under Nasdaq Rule 5711(g). On August 25, 2021, Nasdaq filed Amendment No. 1 to the proposed rule change. The proposed rule change, as modified by Amendment No. 1, was published for comment in the **Federal Register** on September 9, 2021.<sup>3</sup>

On September 29, 2021, pursuant to Section 19(b)(2) of the Act,<sup>4</sup> the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.<sup>5</sup> On December 7, 2021, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act<sup>6</sup> to determine whether to approve or disapprove the proposed rule change.<sup>7</sup> The Commission has received no comments on the proposed rule change.

Section 19(b)(2) of the Act<sup>8</sup> provides that, after initiating proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if

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

<sup>2</sup> 17 CFR 240.19b–4.

<sup>3</sup> See Securities Exchange Act Release No. 92865 (Sept. 2, 2021), 86 FR 50570.

<sup>4</sup> 15 U.S.C. 78s(b)(2).

<sup>5</sup> See Securities Exchange Act Release No. 93172, 86 FR 55071 (Oct. 5, 2021).

<sup>6</sup> 15 U.S.C. 78s(b)(2)(B).

<sup>7</sup> See Securities Exchange Act Release No. 93731, 86 FR 70882 (Dec. 13, 2021).

<sup>8</sup> 15 U.S.C. 78s(b)(2).

<sup>4</sup> Request at 3 citing 39 CFR 3045.15; Docket No. MC2012–31, Order Approving Addition of Postal Service to the Mail Classification Schedule Product Lists, September 7, 2012 (Order No. 1460).

<sup>5</sup> Additional information provided as part of the Postal Service's market test of the product at issue in Docket No. MT2020–2 may also be accessed on the Commission's website.