

For the Nuclear Regulatory Commission.
Christopher M. Regan,
*Director, Division of Rulemaking,
 Environmental, and Financial Support, Office
 of Nuclear Materials Safety and Safeguards.*
 [FR Doc. 2024-00147 Filed 1-5-24; 8:45 am]
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POSTAL REGULATORY COMMISSION

[Docket Nos. MC2024-152 and CP2024-158;
 MC2024-153 and CP2024-159; MC2024-154
 and CP2024-160; MC2024-155 and CP2024-
 161; MC2024-156 and CP2024-162;
 MC2024-157 and CP2024-163]

New Postal Products

AGENCY: Postal Regulatory Commission.
ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* January 9, 2024.

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
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I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the Market Dominant or the Competitive product list, or the modification of an existing product currently appearing on the Market Dominant or the Competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an

officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern Market Dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern Competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s):* MC2024-152 and CP2024-158; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 164 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 29, 2023; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Samuel Robinson; *Comments Due:* January 9, 2024.

2. *Docket No(s):* MC2024-153 and CP2024-159; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 165 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 29, 2023; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Samuel Robinson; *Comments Due:* January 9, 2024.

3. *Docket No(s):* MC2024-154 and CP2024-160; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 166 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance*

¹ See Docket No. RM2018-3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19-22 (Order No. 4679).

Date: December 29, 2023; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Alireza Motameni; *Comments Due:* January 9, 2024.

4. *Docket No(s):* MC2024-155 and CP2024-161; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 41 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 29, 2023; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Samuel Robinson; *Comments Due:* January 9, 2024.

5. *Docket No(s):* MC2024-156 and CP2024-162; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 167 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 29, 2023; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Arif Hafiz; *Comments Due:* January 9, 2024.

6. *Docket No(s):* MC2024-157 and CP2024-163; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 168 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 29, 2023; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Arif Hafiz; *Comments Due:* January 9, 2024.

This Notice will be published in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2024-00093 Filed 1-5-24; 8:45 am]

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POSTAL REGULATORY COMMISSION

[Docket No. ACR2023; Order No. 6909]

FY 2023 Annual Compliance Report

AGENCY: Postal Regulatory Commission.
ACTION: Notice.

SUMMARY: The Postal Service has filed an Annual Compliance Report on the costs, revenues, rates, and quality of service associated with its products in fiscal year 2023. Within 90 days, the Commission must evaluate that information and issue its determination as to whether rates were compliant and whether service standards in effect were met. To assist in this, the Commission seeks public comments on the Postal Service's Annual Compliance Report.

DATES: *Comments are due:* January 30, 2024. *Reply Comments are due:* February 13, 2024.

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. Overview of the Postal Service's FY 2023 ACR
- III. Procedural Steps
- IV. Ordering Paragraphs

I. Introduction

On December 29, 2023, the Postal Service filed with the Commission its Annual Compliance Report (ACR) for fiscal year (FY) 2023, pursuant to 39 U.S.C. 3652.¹ Section 3652 requires submission of data and information on the costs, revenues, rates, and quality of service associated with postal products within 90 days of the closing of each fiscal year. In conformance with other statutory provisions and Commission rules, the ACR includes the Postal Service's FY 2023 Comprehensive Statement on Postal Operations, its FY 2023 annual report to the Secretary of the Treasury on the Competitive Products Fund, and certain related Competitive Products Fund material. *See respectively*, 39 U.S.C. 3652(g), 39 U.S.C. 2011(i), and 39 CFR 3060.20-23; FY 2023 ACR at 7. In line with past practice, some of the material in the FY 2023 ACR appears in non-public annexes.

The filing begins a review process that results in an Annual Compliance Determination (ACD) issued by the Commission to determine whether Postal Service products offered during FY 2023 were in compliance with applicable title 39 requirements.

II. Overview of the Postal Service's FY 2023 ACR

Contents of the filing. The Postal Service's FY 2023 ACR consists of a 112-page narrative; extensive additional material appended as separate folders

¹ United States Postal Service FY 2023 Annual Compliance Report, December 29, 2023, at 1 (FY 2023 ACR). Public portions of the Postal Service's filing are available on the Commission's website at <http://www.prc.gov>.

and identified in Attachment One; and an application for non-public treatment of certain materials, along with supporting rationale, filed as Attachment Two. The filing also includes the Comprehensive Statement,² Report to the Secretary of the Treasury, and information on the Competitive Products Fund filed in response to Commission rules. This material has been filed electronically with the Commission.

Scope of the filing. The material appended to the narrative consists of: (1) domestic product costing material filed on an annual basis summarized in the Cost and Revenue Analysis (CRA); (2) comparable international costing material summarized in the International Cost and Revenue Analysis (ICRA); (3) worksharing-related cost studies; and (4) billing determinant information for both domestic and international mail. FY 2023 ACR at 6-7. Inclusion of these four data sets is consistent with the Postal Service's past ACR practices. As with past ACRs, the Postal Service has split certain materials into public and non-public versions. *Id.* at 7.

"Roadmap" document. A roadmap to the FY 2023 ACR can be found in Library Reference USPS-FY23-9. *Id.* This document provides brief descriptions of the materials submitted, as well as the flow of inputs and outputs among them; a discussion of differences in methodology relative to Commission methodologies in last year's ACD; and a list of special studies and a discussion of obsolescence, as required by Commission rule 39 CFR 3050.12. *Id.* at 7-8.

Methodology. The Postal Service states that it has adhered to the methodologies historically used by the Commission subject to changes identified and discussed in Library Reference USPS-FY23-9 and in prefaces accompanying the appended folders.³

² In years prior to 2013, the Commission reviewed the Postal Service's reports prepared pursuant to 39 U.S.C. 2803 and 39 U.S.C. 2804 (filed as the Comprehensive Statement by the Postal Service) in its ACD. However, as it has for the past several years, the Commission intends to issue a separate notice soliciting comments on the Comprehensive Statement and provide its related analysis in a separate report from the ACD.

³ *Id.* at 8. The Commission notes that, on December 8, 2023, the Postal Service filed a motion requesting a temporary waiver of 39 CFR 3050.10 with respect to reporting disaggregated costs for USPS Ground Advantage in the FY 2023 ACR. *See Motion of the United States Postal Service for Waiver of Rule 3050.10 with Respect to Disaggregated Ground Advantage Costs*, December 8, 2023 (Motion). The Commission has taken the Motion under advisement. *See Order Taking Under Advisement Postal Service Motion for Waiver of*

Market Dominant product-by-product costs, revenues, and volumes. Comprehensive cost, revenue, and volume data for all Market Dominant products of general applicability are shown directly in the FY 2023 CRA or ICRA. FY 2023 ACR at 11.

The FY 2023 ACR includes a discussion by class of each Market Dominant product, including costs, revenues, and volumes, workshare discounts, and passthroughs responsive to 39 U.S.C. 3652(b), and FY 2023 promotions. *Id.* at 11-47.

Service performance. The Postal Service notes that the Commission adopted several revisions related to the rules on periodic reporting of service performance measurement and customer satisfaction in FY 2023.⁴ Responsive information appears in Library Reference USPS-FY23-29. FY 2023 ACR at 48. In addition, the FY 2023 ACR discusses the Postal Service's 10-year strategic plan and postal product on-time performance. *Id.* at 48-57.

Customer satisfaction. The FY 2023 ACR discusses the Postal Service's approach for measuring customer experience and satisfaction; discusses survey modifications; describes the methodology; presents a table with survey results; compares the results from FY 2022 to FY 2023; and provides information regarding consumer access to postal services. *Id.* at 57-95.

Competitive products. The FY 2023 ACR provides costs, revenues, and volumes for Competitive products of general applicability in the FY 2023 CRA or ICRA. For Competitive products not of general applicability, data are provided in non-public Library References USPS-FY23-NP2 and USPS-FY23-NP27. *Id.* at 96. The FY 2023 ACR also addresses the Competitive product pricing standards of 39 U.S.C. 3633. *Id.* at 96-107.

Market tests; nonpostal services. The Postal Service discusses one market dominant market test conducted during FY 2023 as well as nonpostal services. *Id.* at 108-110.

III. Procedural Steps

Statutory requirements. Section 3653 of title 39 requires the Commission to provide interested persons with an opportunity to comment on the ACR and to appoint an officer of the Commission (Public Representative) to represent the interests of the general

Rule 39 CFR 3050.10 Regarding Disaggregated USPS Ground Advantage Cost Information, December 22, 2023 (Order No. 6894).

⁴ *Id.* at 48. *See* Docket No. RM2022-7, Order Revising Rules for Periodic Reporting of Service Performance, February 9, 2023 (Order No. 6439).

public. The Commission hereby solicits public comment on the Postal Service's FY 2023 ACR and on whether any rates or fees in effect during FY 2023 (for products individually or collectively) were not in compliance with applicable provisions of chapter 36 of title 39 or Commission regulations promulgated thereunder. Commenters addressing Market Dominant products are referred in particular to the applicable requirements (39 U.S.C. 3622(d) and (e) and 39 U.S.C. 3626); objectives (39 U.S.C. 3622(b)); and factors (39 U.S.C. 3622(c)). Commenters addressing Competitive products are referred to 39 U.S.C. 3633.

The Commission also invites public comment on the cost coverage matters the Postal Service addresses in its filing; service performance results; levels of customer satisfaction achieved; and such other matters that may be relevant to the Commission's review.

Access to filing. The Commission has posted the publicly available portions of the FY 2023 ACR on its website at <http://www.prc.gov>. Interested persons may request access to non-public materials pursuant to 39 CFR 3011.301.

Comment deadlines. Comments by interested persons are due on or before January 30, 2024. Reply comments are due on or before February 13, 2024. The Commission, upon completion of its review of the FY 2023 ACR, comments, and other data and information submitted in this proceeding, will issue its ACD.

Public Representative. Kenneth R. Moeller is designated to serve as the Public Representative to represent the interests of the general public in this proceeding. Neither the Public Representative nor any additional persons assigned to assist him shall participate in or advise as to any Commission decision in this proceeding other than in his or her designated capacity.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. ACR2023 to consider matters raised by the United States Postal Service's FY 2023 Annual Compliance Report.

2. Pursuant to 39 U.S.C. 505, the Commission appoints Kenneth R. Moeller as an officer of the Commission (Public Representative) in this proceeding to represent the interests of the general public.

3. Comments on the United States Postal Service's FY 2023 Annual Compliance Report to the Commission are due on or before January 30, 2024.

4. Reply comments are due on or before February 13, 2024.

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

By the Commission.

Erica A. Barker,
Secretary.

[FR Doc. 2024-00092 Filed 1-5-24; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-99259; File No. SR-MEMX-2023-38]

Self-Regulatory Organizations; MEMX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Exchange's Fee Schedule To Establish an Options Regulatory Fee ("ORF")

January 2, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on December 20, 2023, MEMX LLC ("MEMX" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Commission a proposed rule change to amend the Exchange's fee schedule applicable to Members³ (the "Fee Schedule") pursuant to Exchange Rules 15.1(a) and (c) to establish an Options Regulatory Fee ("ORF") that would automatically sunset on May 31, 2024. The Exchange proposes to implement the changes to the Fee Schedule pursuant to this proposal immediately. The text of the proposed rule change is provided in Exhibit 5.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the

proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to establish an ORF in the amount of \$0.0015 per contract side, effective immediately.⁴ The amount of the proposed fee is based on historical industry volume, projected volumes on the Exchange, and projected Exchange regulatory costs. The Exchange's proposed ORF should balance the Exchange's regulatory revenue against the anticipated regulatory costs. As discussed more fully below, the Exchange proposes that the ORF will automatically sunset on May 31, 2024.

MEMX previously filed a proposal to establish an ORF in the amount of \$0.0015 per contract side on September 27, 2023 (the "Initial ORF Filing"),⁵ which was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.⁶ The Initial ORF Filing was published for comment in the **Federal Register** on October 4, 2023.⁷ The Commission received no comments on the Initial ORF Filing before November 24, 2023. On that date, the Commission issued a Suspension of and Order Instituting Proceedings to Determine whether to Approve or Disapprove a Proposed Rule Change to Amend its Fee Schedule to Establish an Options Regulatory Fee ("the OIP") and requested public comment and additional information on various aspects of the Initial ORF Filing.⁸ To date, the Commission has

⁴ The Exchange initially filed the proposed Fee Schedule changes on December 1, 2023 (SR-MEMX-2023-33). On December 13, 2023, the Exchange withdrew that filing and submitted SR-MEMX-2023-34. On December 19, 2023, the Exchange withdrew SR-MEMX-2023-34 and submitted SR-MEMX-2023-36. On December 20, 2023, the Exchange withdrew SR-MEMX-2023-36 and submitted this filing.

⁵ See Securities Exchange Act Release No. 98585 (September 28, 2023), 88 FR 68692 (October 4, 2023) (SR-MEMX-2023-25).

⁶ 15 U.S.C. 78s(b)(3)(A). A proposed rule change may take effect upon filing with the Commission if it is designated by the exchange as "establishing or changing a due, fee, or other charge imposed by the self-regulatory organization on any person, whether or not the person is a member of the self-regulatory organization." 15 U.S.C. 78s(b)(3)(A)(ii).

⁷ See *supra* note 5.

⁸ See Securities Exchange Act Release No. 99017 (November 24, 2023), 88 FR 83590 (November 30,

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Exchange Rule 1.5(p).