

implicitly or explicitly, assumes that either zircaloy or ZIRLO is used as the fuel rod cladding material.

In order to accommodate the high fuel rod burnups that are required for modern fuel management and core designs, Framatome developed the M5 advanced fuel rod cladding material. M5 is an alloy comprised primarily of zirconium (~99 percent) and niobium (~1 percent) that has demonstrated superior corrosion resistance and reduced irradiation-induced growth relative to both standard and low-tin zircaloy. However, since the chemical composition of the M5 advanced alloy differs from the specifications of either zircaloy or ZIRLO, use of the M5 advanced alloy falls outside of the strict interpretation of these regulations. Therefore, approval of this exemption request is needed to permit the use of the M5 advanced alloy as a fuel rod cladding material at Calvert Cliffs.

#### *Environmental Impacts of the Proposed Action*

The NRC has completed its environmental assessment of the proposal to use M5 advanced alloy for fuel rod cladding at Calvert Cliffs and has concluded that the proposed exemption will not present any undue risk to public health and safety. The underlying purposes of 10 CFR 50.46 and 10 CFR part 50, appendix K, are to ensure that facilities have adequate acceptance criteria for the ECCS, and to ensure that cladding oxidation and hydrogen generation are appropriately limited during a loss-of-coolant accident (LOCA) and conservatively accounted for in the ECCS evaluation model, respectively. Topical Report (TR) BAW-10227P, "Evaluation of Advanced Cladding and Structural Material (M5) in PWR Reactor Fuel," which was approved by the NRC on February 4, 2000, demonstrated that the effectiveness of the ECCS will not be affected by a change from zircaloy to M5. In addition, TR BAW-10227P demonstrated that the Baker-Just equation (used in the ECCS evaluation model to determine the rate of energy release, cladding oxidation, and hydrogen generation) is conservative in all post-LOCA scenarios with respect to M5 advanced alloy as a fuel rod cladding material or in other assembly structural components. The licensee will use NRC-approved methods for the reload design process for Calvert Cliffs reloads with M5. The details of the staff's safety evaluation will be provided in the exemption that will be issued as part of the letter to the licensee approving the exemption to the regulation, if granted.

The proposed action will not significantly increase the probability or consequences of accidents. No changes are being made in the types of effluents that may be released offsite. There is no significant increase in the amount of any effluent released offsite. There is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

The proposed action does not result in changes to land use or water use, or result in changes to the quality or quantity of non-radiological effluents. No changes to the National Pollution Discharge Elimination System permit are needed. No effects on the aquatic or terrestrial habitat in the vicinity of the plant, or to threatened, endangered, or protected species under the Endangered Species Act, or impacts to essential fish habitat covered by the Magnuson-Stevens Act are expected. There are no impacts to the air or ambient air quality. There are no impacts to historical and cultural resources. There would be no noticeable effect on socioeconomic conditions in the region. Therefore, no changes or different types of non-radiological environmental impacts are expected as a result of the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

#### *Environmental Impacts of the Alternatives to the Proposed Action*

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.*, the "no-action" alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

#### *Alternative Use of Resources*

The action does not involve the use of any different resources than those previously considered in the Final Environmental Statement for Calvert Cliffs dated April 1973, and the Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Calvert Cliffs Nuclear Power Plant (NUREG-1437, Supplement 1), dated October 1999.

#### *Agencies and Persons Consulted*

In accordance with its stated policy, on November 29, 2010, the staff consulted with the Maryland State official, Susan Gray of the Maryland Department of Natural Resources,

regarding the environmental impact of the proposed action. The State official had no comments.

#### **Finding of No Significant Impact**

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated November 23, 2009 (ADAMS Accession No. ML093350189). Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1-800-397-4209 or 301-415-4737, or send an e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 3rd day of January 2011.

For the Nuclear Regulatory Commission.

**Douglas V. Pickett,**

*Senior Project Manager, Plant Licensing Branch I-1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

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**BILLING CODE 7590-01-P**

## **OVERSEAS PRIVATE INVESTMENT CORPORATION**

### **Sunshine Act Notice**

#### **OPIC Annual Public Hearing**

OPIC's Sunshine Act notice of its Annual Public Hearing was published in the **Federal Register** (Volume 75, Number 236, Page 76758) on December 9, 2010. No requests were received to provide testimony or submit written statements for the record; therefore, OPIC's Annual Public Hearing scheduled for 3:30 p.m., January 20, 2011 has been cancelled.

*Contact Person for Information:* Information on the hearing cancellation may be obtained from Connie M. Downs at (202) 336-8438, via facsimile at (202)

218-0136, or via e-mail at  
*Connie.Downs@opic.gov*.

Dated: January 6, 2011.

**Connie M. Downs,**

*OPIC Corporate Secretary.*

[FR Doc. 2011-323 Filed 1-6-11; 4:15 pm]

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## POSTAL REGULATORY COMMISSION

[Docket No. ACR2010; Order No. 636]

### FY 2010 Annual Compliance Report; Comment Request

**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 2010. Within 90 days, the Commission must evaluate that information and issue its determination as to whether rates were in compliance with title 39, chapter 36 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:* February 2, 2011. *Reply comments are due:* February 17, 2011.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Commenters who cannot submit their views electronically should contact the person identified in **FOR FURTHER INFORMATION CONTACT** by telephone for advice on alternatives to electronic filing.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, [stephen.sharfman@prc.gov](mailto:stephen.sharfman@prc.gov) or 202-789-6820.

#### SUPPLEMENTARY INFORMATION:

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- I. Introduction
- II. Overview of the Postal Service's FY 2010 ACR Filing
- III. Procedural Steps
- IV. Ordering Paragraphs

#### I. Introduction

On December 29, 2010, the United States Postal Service (Postal Service) filed with the Commission, pursuant to 39 U.S.C. 3652, its Annual Compliance Report (ACR) for fiscal year 2010. 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 filing includes the Postal Service's FY 2010 Comprehensive Statement, its FY 2010 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. In line with past practice, some of the material in the FY 2010 ACR appears in non-public annexes.

The filing triggers a statutory review process culminating in the Commission's issuance of an Annual Compliance Determination (ACD) assessing compliance of Postal Service products offered during FY 2010 with applicable title 39 requirements.

The instant filing marks the fourth time since passage of the Postal Accountability and Enhancement Act (PAEA) of 2006 that this reporting and oversight process has been used. This means, as the Postal Service observes in its current filing, that many of the transitional issues associated with earlier filings have been overtaken by full implementation of other PAEA provisions or have diminished in significance. However, the Postal Service notes that some transitional issues remain, including incorporating financial results for certain activities formerly considered "nonpostal" into the Cost and Revenue Analysis (CRA) report in accordance with Commission Order No. 391. FY 2010 ACR at 1-2.<sup>1</sup> It also suggests that new issues have arisen, citing its uncertainty over Commission interpretation of the cost coverage provision (for products at less than full coverage) and the related question of Commission options for addressing shortfalls. *Id.* at 7-10.

#### II. Overview of the Postal Service's FY 2010 ACR Filing

*Contents of the filing.* The Postal Service's FY 2010 ACR filing consists of a 77-page narrative; extensive additional material appended as separate folders and identified in Attachment One; and an application for non-public treatment of certain materials, along with a supporting rationale filed as Attachment Two. The filing also includes the Comprehensive Statement, 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, and some also has been filed in hard-copy form.

*Scope of filing.* The material appended to the narrative consists of: (1) Domestic product costing material filed on an annual basis, summarized in the 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. *Id.* at 2. Inclusion of these four data sets is consistent with the Postal Service's past ACR filing practices. Consistent with its FY 2009 ACR filing, the Postal Service has split certain materials into public and non-public versions. *Id.* at 3.

*"Roadmap" document.* A roadmap to the FY 2010 ACR filing appears in the form of USPS-FY10-9. 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; a list of special studies; and, as required by Commission rule 3050.2, a discussion of obsolescence. *Id.* at 4.

*Methodology.* The Postal Service says the scope of new methodologies has been minimized because it has placed heavy reliance on replicating the methodologies used most recently by the Commission. However, it observes that postal operations and data collection are not entirely static, so there are some minor changes. These are identified and discussed in a separate section of the roadmap document and in the prefaces to each of the appended materials. *Id.* at 4-5.

Proposals the Postal Service has filed to change analytical principles since the filing of the FY 2009 ACR are identified and summarized in a table. *Id.* at 5-6. Generally, proposed changes that were pending resolution as of the date of the filing have been incorporated into this ACR. *Id.* at 6.

*Market dominant products.* The Postal Service notes that certain transitional issues that were present in previous ACR filings no longer pertain, but maintains that a significant question about the requirements of title 39 with respect to cost coverage shortfalls has arisen. It notes that the Commission characterized cost coverage shortfalls as so pervasive as to be a systemic problem in the FY 2009 ACD, and directed the Postal Service to develop and present a plan to address the problem. *Id.* at 7. The Postal Service says it presented its plan in its exigency request, but no longer considers that plan workable, given the Commission's disposition of

<sup>1</sup> United States Postal Service FY 2010 Annual Compliance Report, December 29, 2010 (FY 2010 ACR). Public portions of the Postal Service's filing are available at the Commission's Web site, <http://www.prc.gov>.