

4.0 Conclusion

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 the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants the licensee an exemption from the requirements of 10 CFR 50.46 and 10 CFR part 50, appendix K, for Calvert Cliffs.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant impact on the quality of the human environment (76 FR 1469); published on January 10, 2011.

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 13th day of January 2011.

For the Nuclear Regulatory Commission.

Joseph G. Giitter,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2011-1479 Filed 1-24-11; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2011-0006]

Sunshine Federal Register Notice

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATES: Weeks of January 24, 31, February 7, 14, 21, 28, 2011.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of January 24, 2011

Monday, January 24, 2011

12:55 p.m. Affirmation Session (Public Meeting) (Tentative).

Request by Petitioners for a Suspension of Renewal Proceedings Pending Completion of Rulemaking in Docket No. PRM-54-6. (Tentative).

This meeting will be Webcast live at the Web address—<http://www.nrc.gov>.

1 p.m. Briefing on Safety Culture Policy Statement (Public Meeting). (Contact: Diane Sieracki, 301-415-3297).

This meeting will be Webcast live at the Web address—<http://www.nrc.gov>.

Week of January 31, 2011—Tentative

Tuesday, February 1, 2011

9 a.m. Briefing on Digital Instrumentation and Controls (Public Meeting). (Contact: Steven Arndt, 301-415-6502).

This meeting will be webcast live at the Web address—<http://www.nrc.gov>.

Week of February 7, 2011—Tentative

Tuesday, February 8, 2011

9 a.m. Briefing on Implementation of Part 26 (Public Meeting). (Contact: Shana Helton, 301-415-7198).

This meeting will be Webcast live at the Web address—<http://www.nrc.gov>.

Week of February 14, 2011—Tentative

There are no meetings scheduled for the week of February 14, 2011.

Week of February 21, 2011—Tentative

Thursday, February 24, 2011

9 a.m. Briefing on Groundwater Task Force (Public Meeting). (Contact: Margie Kotzalas, 301-415-1727).

This meeting will be Webcast live at the Web address—<http://www.nrc.gov>.

Week of February 28, 2011—Tentative

Tuesday, March 1, 2011

9 a.m. Briefing on Reactor Materials Aging Management Issues (Public Meeting). (Contact: Allen Hiser, 301-415-5650).

This meeting will be Webcast live at the Web address—<http://www.nrc.gov>.

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* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—(301) 415-1292. Contact person for more information: Rochelle Bavol, (301) 415-1651.

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The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/about-nrc/policy-making/schedule.html>.

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The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g., braille, large print), please notify Angela Bolduc, Chief, Employee/Labor Relations and Work Life Branch, at 301-492-2230, TDD: 301-415-2100, or by e-mail at angela.bolduc@nrc.gov. Determinations on requests for

reasonable accommodation will be made on a case-by-case basis.

* * * * *

This notice is distributed electronically to subscribers. If you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301-415-1969), or send an e-mail to darlene.wright@nrc.gov.

Dated: January 20, 2011.

Rochelle C. Bavol,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2011-1608 Filed 1-21-11; 4:15 pm]

BILLING CODE 7590-01-P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2011-19 and R2011-3; Order No. 654]

Discover Financial Services Negotiated Service Agreement

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recently-filed Postal Service request to add a Discover Financial Services negotiated service agreement to the market dominant product list. This notice addresses procedural steps associated with this filing.

DATES: *Comments are due:* February 7, 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 or 202-789-6820.

SUPPLEMENTARY INFORMATION:

- I. Introduction
- II. Notice of Filing
- III. Ordering Paragraphs

I. Introduction

On January 14, 2011, the Postal Service filed a request pursuant to 39 U.S.C. 3622 and 3642, as well as 39 CFR 3010 and 3020, *et seq.*, to add a Discover Financial Services (DFS) negotiated service agreement to the market dominant product list.¹

¹ Notice of the United States Postal Service of Filing Contract and Supporting Data and Request to
Continued

Request. In support of its Request, the Postal Service filed six attachments as follows:

- Attachment A—a copy of Governors' Resolution No. 11–2, authorizing a negotiated service agreement with DFS;
- Attachment B—a copy of the contract;
- Attachment C—proposed descriptive language changes to the Mail Classification Schedule;
- Attachment D—a proposed data collection plan;
- Attachment E—a Statement of Supporting Justification as required by 39 CFR 3020.32, which the Postal Service also is using to satisfy the requirements of 39 CFR 3010.42(b)–(e); and
- Attachment F—a financial model, which the Postal Service believes demonstrates that the agreement will improve its net financial position by an additional \$2 million to \$15 million in contribution.

In its Request, the Postal Service identifies Greg Dawson, Manager, Pricing Strategy, as the official able to provide responses to queries from the Commission. In his Statement of Supporting Justification, Mr. Dawson reviews the factors and objectives of section 3622(c) and concludes, *inter alia*, that the agreement will provide an incentive for profitable mail; will enhance the financial position of the Postal Service; will increase mail volume; will not imperil the ability of First-Class Mail or Standard Mail to cover its attributable costs; and promotes the use of intelligent mail. *Id.*, Attachment E at 1–3.

The Postal Service believes that the DFS negotiated service agreement conforms to the policies of the Postal Accountability and Enhancement Act, and meets the statutory standards supporting the desirability of this special classification under 39 U.S.C. 3622(c)(10). In particular, the Postal Service believes the agreement has the potential to enhance significantly the Postal Service's financial position, and it will not cause unreasonable harm to the marketplace. *Id.* at 2.

Related contract. The Postal Service indicates that the agreement is designed to maintain the total contribution the Postal Service receives from DFS First-Class Mail and Standard Mail and to provide an incentive for net contribution beyond that. *Id.* The Postal Service describes the agreement and its five main components: a revenue

threshold, a revenue threshold adjustment, a postage commitment, rebates on First-Class Mail, and rebates on Standard Mail.

Specifically, the revenue threshold is based on the amount of DFS' total postage paid for First-Class Mail automation presort letters, Standard Mail automation presort letters, and Standard Mail carrier route letters. The baseline for the revenue threshold is DFS' total postage for these categories over the period from February 2010 through January 2011. For the first year of the agreement, the threshold is calculated as an amount 10 percent above the baseline; for the second year, 15 percent above the baseline; and, for the final year, 20 percent above the baseline. If DFS meets or exceeds the threshold in a contract year, it will earn rebates on its qualifying First-Class Mail and Standard Mail postage. The revenue threshold will be adjusted upward by 65 cents for every dollar decline in DFS' First-Class Mail postage. Under this adjustment, to qualify for rebates, DFS must send an extra \$1.65 worth of Standard Mail to offset each dollar decline in postage from First-Class Mail. *Id.* at 3.

The agreement also contains a postage commitment, equal to the adjusted threshold. If the amount of DFS' total postage from eligible mail in the first year of the contract is less than the adjusted threshold, DFS must pay a penalty in the amount of 10 percent of the difference between DFS' revenue threshold and the actual total postage paid for contract year one. Subsequent year threshold adjustments to the penalty are to be negotiated by the parties within 7 months of the previous contract year. *Id.* at 3–4.

If DFS meets or exceeds the adjusted postage thresholds in any given year of the contract, it will earn rebates on its qualifying First-Class Mail and Standard Mail postage. The rebate for First-Class Mail will be equal to 75 percent of the increase in postage as a result of a subsequent cumulative price increase (relative to First-Class Mail prices in existence at the initiation of the agreement) for all qualifying pieces. For Standard Mail, the rebate will be equal to 37.5 percent of the increase in postage as a result of a subsequent cumulative price increase (relative to Standard Mail prices in existence at the initiation of the agreement) for all qualifying pieces. *Id.* at 4.

The Postal Service also describes several other elements of the agreement: (1) A merger and acquisition clause; (2) a termination clause; and (3) a clause that requires the Postal Service to negotiate with DFS on the terms upon

which DFS may participate in other incentive programs so there is no "double-dipping." *Id.* at 3–4.

The Postal Service expects the value of the agreement to still be positive if the penalty provision is triggered, reducing the risk of the agreement.

The Postal Service indicates that the contract will become effective March 1, 2011, and will expire 3 years from the effective date. *Id.* at 1; *see also id.*, Attachments A and B. Either party may terminate the agreement for convenience prior to the last 90 days of each contract year, without penalty, with 90 days' written notice to the other party. Implementation of the agreement is pending regulatory approval.²

Similarly situated mailers. With respect to potential similarly situated mailers, the Postal Service states that the design imperative, to generate additional contributions, and the basic structure of the agreement described in the Request, will guide the Postal Service in the negotiation of similar agreements as well as those that are substantially different. *Id.* at 4; *see also id.*, Attachment E at 3. It notes that in assessing the desirability of the agreement, the Postal Service believes that the defining characteristics of DFS are its size, its large but declining billing and statement volumes, its significant volume of advertising mail, and its almost complete reliance on letter-shaped mail. The Postal Service views heavy use of both First-Class Mail and Standard Mail as necessary mailer attributes.

Notice. The Postal Service represents that it will inform customers of the new classification changes and associated price effects through a press release, notification on USPS.com, and publication in the **Federal Register**.

II. Notice of Filing

The Commission establishes Docket Nos. MC2011–19 and R2011–3 for consideration of the Request pertaining to the proposed new product and the related contract, respectively.

Interested persons may submit comments on whether the Postal Service's filing in the captioned dockets are consistent with the policies of 39 U.S.C. 3622 and 3642 as well as 39 CFR parts 3010 and 3020. Comments are due no later than February 7, 2011. The filing can be accessed via the

² The Commission will make every possible effort to review the Request and issue its decision by March 1, 2011, consistent with parties' due process rights. The Commission, however, does not read 39 U.S.C. 3642 as mandating regulatory action by a date certain. If the Postal Service (or an interested person) has a different view, the issue may be addressed in comments.

Commission's Web site (<http://www.prc.gov>).

The Commission appoints Malin Moench to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2011-19 and R2011-3 for consideration of the matters raised in each docket.

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

3. Comments by interested persons in these proceedings are due no later than February 7, 2011.

4. The Commission directs the Secretary of the Commission to arrange for prompt publication of this notice in the **Federal Register**.

By the Commission.

Shoshana M. Grove,
Secretary.

[FR Doc. 2011-1461 Filed 1-24-11; 8:45 am]

BILLING CODE 7710-FW-P

POSTAL REGULATORY COMMISSION

Sunshine Act Meetings

NAME OF AGENCY: Postal Regulatory Commission.

TIME AND DATE: Monday, January 24, 2011 at 11 a.m.

PLACE: Commission conference room, 901 New York Avenue, NW., Suite 200, Washington, DC 20268-0001.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Personnel—consideration of senior-level appointment.

CONTACT PERSON FOR MORE INFORMATION:

Brian Corcoran, Acting General Counsel, Postal Regulatory Commission, 901 New York Avenue, NW., Suite 200, Washington, DC 20268-0001, 202-789-6820 or brian.corcoran@prc.gov.

Dated: January 20, 2011.

Shoshana M. Grove,
Secretary.

[FR Doc. 2011-1573 Filed 1-21-11; 11:15 am]

BILLING CODE 7710-FW-P

POSTAL REGULATORY COMMISSION

[Docket No. R2011-2; Order No. 653]

Postal Service Price Adjustment

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recently-filed Postal Service request to establish price adjustments for all market dominant classes. This notice addresses procedural steps associated with this filing.

DATES: *Comments are due:* February 2, 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 or 202-789-6820.

SUPPLEMENTARY INFORMATION:

- I. Introduction
- II. Class-Specific Summary
- III. Preferred Mail
- IV. Mail Classification Schedule Product Description Changes
- V. Commission Action
- VI. Ordering Paragraphs

I. Introduction

A. Background

On January 13, 2011, the Postal Service filed a notice with the Commission announcing price adjustments, effective April 17, 2011, affecting all market dominant classes.¹ The market dominant classes are First-Class Mail, Standard Mail, Periodicals, Package Services, and Special Services. Market dominant international products are also affected.

The Notice asserts that the adjustments reflect price increases for each market dominant class which are equal, on average, to the statutory limitation of 1.741 percent. Slight departures from this percentage at the class level, which are shown in the following table, are generally due to rounding. *Id.* at 8.

TABLE 1—2011 PRICE CHANGE PERCENTAGES

Market dominant class	Percentage change
First-Class Mail	1.741
Standard Mail	1.739
Periodicals	1.741
Package Services	1.740
Special Services	1.740

Source: Adapted from Notice at 5 (Table 3).

¹ See United States Postal Service Notice of Market-Dominant Price Adjustment, January 13, 2011 (Notice).

Notwithstanding the overall percentage limitation at the class level, planned adjustments for certain individual products within a class may differ from the average, sometimes substantially. For example, the price of a stamp for a one-ounce First-Class letter, which is one of the most common postage rates used by the general public, will not increase, but remain at 44 cents. Presorted First-Class Mail will receive higher-than-price cap percentage increases. The Commission strongly encourages interested persons to review the Postal Service's Notice and related filings in their entirety to determine the impact of the planned adjustments and related classification changes.

B. Context

Authority for filing. The Postal Service filed the Notice pursuant to 39 U.S.C. 3622 and part 3010 of the Commission's rules of practice. The introductory part of the Notice addresses several administrative matters, including how the Postal Service plans to ensure widespread publicity about the changes at least 45 days prior to the effective date. *Id.* at 1. Part I of the Notice addresses the applicable annual limitation; identifies accrued unused ("banked") rate adjustment authority available for this adjustment; and calculates the amount of new unused rate adjustment authority generated by this price change. *Id.* at 2-6. Part II addresses the consistency of the planned prices with statutory objectives and factors; considerations related to workshare discounts; and recognition of certain rate preferences. *Id.* at 7-45. Part III discusses related mail classification product description changes. *Id.* at 45-46.

The Notice includes three attachments. Attachment A presents price and mail classification changes. Attachment B presents workshare discount calculations. Attachment C presents price index change calculations. In related filings, the Postal Service submitted workpapers supporting the planned adjustments and a new Schedule of Regular Predictable Price Changes.²

C. Basis of Planned Adjustments

The Notice announcing the planned adjustments for market dominant classes was filed pursuant to a revised, more streamlined approach to postal ratemaking adopted in 2006.³ This

² United States Postal Service Filing of Updated Schedule of Regular and Predictable Price Changes, January 13, 2011 (Schedule.)

³ See generally Postal Accountability and Enhancement Act (PAEA) of 2006.