

electronically under ADAMS accession number ML103400018" and "Electronic copies of DG-1229 are available through the NRC's public Web site under Draft Regulatory Guides in the "Regulatory Guides" collection of the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/doc-collections/>. Electronic copies are also available in ADAMS (<http://www.nrc.gov/reading-rm/adams.html>), under Accession No. ML103400008." Due to this error, the public has been granted 10 additional days to comment on DG-1229. The comment submittal deadline is extended from the original March 14, 2011 deadline to March 24, 2011.

## II. Further Information

The NRC staff is soliciting comments on DG-1229. Comments may be accompanied by relevant information or supporting data and should mention DG-1229 in the subject line. Comments submitted in writing or in electronic form will be made available to the public in their entirety through ADAMS.

**ADDRESSES:** You may submit comments by any one of the following methods. Please include Docket ID NRC-2009-0263 in the subject line of your comments. Comments submitted in writing or in electronic form will be posted on the NRC website and on the Federal rulemaking website Regulations.gov. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed.

The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in their comments that they do not want publicly disclosed.

**Federal rulemaking Web site:** Go to <http://www.regulations.gov> and search for documents filed under Docket ID NRC-NRC-2009-0263. Address questions about NRC dockets to Carol Gallagher 301-492-3668; e-mail [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

**Mail comments to:** Cindy K. Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-

0001, or by fax to RADB at 301-492-3446.

You can access publicly available documents related to this notice using the following methods:

**NRC's Public Document Room (PDR):** The public may examine and copy for a fee publicly available documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852-2738.

**NRC's Agencywide Documents Access and Management System (ADAMS):** Publicly available documents created or received at the NRC are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this page, the public can gain entry into ADAMS, which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The Regulatory Analysis is available electronically under ADAMS Accession Number ML103400018.

Comments would be most helpful if received by March 24, 2011. Comments received after that date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Electronic copies of DG-1229 are available through the NRC's public Web site under Draft Regulatory Guides in the "Regulatory Guides" collection of the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/doc-collections/>. Electronic copies are also available in ADAMS (<http://www.nrc.gov/reading-rm/adams.html>), under Accession No. ML103400008.

Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

Dated at Rockville, Maryland, this 14th day of January 2011.

For the Nuclear Regulatory Commission.

**Edward O'Donnell,**

*Acting Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.*

[FR Doc. 2011-1478 Filed 1-24-11; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-317 and 50-318; NRC-2011-0004]

### Calvert Cliffs Nuclear Power Plant, LLC, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2; Exemption

#### 1.0 Background

Calvert Cliffs Nuclear Power Plant, LLC, the licensee, is the holder of Facility Operating License Nos. DPR-53 and DPR-69 which authorizes operation of the Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2 (Calvert Cliffs). The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

The facility consists of two pressurized-water reactors (PWRs) located in Calvert County, Maryland.

#### 2.0 Request/Action

Title 10 of the Code of Federal Regulations (10 CFR) 50.46, "Acceptance criteria for emergency core cooling systems for light-water nuclear power reactors," requires, among other items, that "[e]ach boiling or pressurized light-water nuclear power reactor fueled with uranium oxide pellets within cylindrical zircaloy or ZIRLO cladding must be provided with an emergency core cooling system (ECCS) that must be designed so that its calculated cooling performance following postulated loss-of-coolant accidents [(LOCAs)] conforms to the criteria set forth in paragraph (b) of this section." Appendix K to 10 CFR part 50, "ECCS Evaluation Models," requires, among other items, that the rate of energy release, hydrogen generation, and cladding oxidation from the metal/water reaction shall be calculated using the Baker-Just equation. The regulations of 10 CFR 50.46 and 10 CFR part 50, Appendix K, make no provisions for use of fuel rods clad in a material other than zircaloy or ZIRLO.

Calvert Cliffs intends to transition from the Westinghouse Turbo 14 x 14 fuel assembly design to the AREVA Advanced CE-14 HTP fuel assembly design beginning in 2011 for Unit No. 2 and 2012 for Unit No. 1. The AREVA fuel design consists of low enriched uranium oxide fuel within M5 zirconium alloy cladding. Since the chemical composition of the M5 alloy differs from the specifications for zircaloy or ZIRLO, a plant-specific exemption is required to allow the use of the M5 alloy as a cladding material

or in other assembly structural components. Therefore, by letter dated November 23, 2009, the licensee requested an exemption in order to use M5 advanced alloy for fuel rod cladding and other assembly structural components at Calvert Cliffs.

### 3.0 Discussion

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present.

#### *Authorized by Law*

This exemption results in changes to the operation of the plant by allowing the use of the M5 alloy as fuel cladding material or for other assembly structural components in lieu of zircaloy or ZIRLO. As stated above, 10 CFR 50.12 allows the NRC to grant exemptions from the requirements of 10 CFR Part 50. The NRC staff has determined that granting of the licensee's proposed exemption will not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations. Therefore, the exemption is authorized by law.

#### *No 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 LOCA and conservatively accounted for in the ECCS evaluation model, respectively. Topical Reports (TRs) BAW-10227(P)-A, "Evaluation of Advanced Cladding and Structural Material (M5) in PWR Reactor Fuel," which was approved by the NRC in February 2000, and BAW-10240(P)-A, "Incorporation of M5 Properties in Framatome ANP Approved Methods," which was approved by the NRC in May 2004, demonstrated that the effectiveness of the ECCS will not be affected by a change from zircaloy to M5. In addition, the TRs also 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 the use of M5 advanced alloy as a fuel rod cladding material or in other

assembly structural components. Based on the above, no new accident precursors are created by using M5 advanced alloy, thus, the probability of postulated accidents is not increased. Also, based on the above, the consequences of postulated accidents are not increased. In addition, the licensee will use NRC-approved methods for the reload design process for Calvert Cliffs reloads with M5. Therefore, there is no undue risk to public health and safety due to using M5.

#### *Consistent With Common Defense and Security*

The proposed exemption results in changes to the operation of the plant by allowing the use of the M5 alloy as fuel cladding material or in other assembly structural components in lieu of zircaloy or ZIRLO. This change to the fuel material used in the plant has no relation to security issues. Therefore, the common defense and security are not impacted by this exemption request.

#### *Special Circumstances*

Special circumstances, in accordance with 10 CFR 50.12(a)(2)(ii), are present whenever application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule. In this circumstance neither 10 CFR 50.46 nor 10 CFR part 50, appendix K, explicitly allows the use of M5 as a fuel rod cladding material or in use of other assembly structural components.

The underlying purpose of 10 CFR 50.46 is to ensure that facilities have adequate acceptance criteria for the ECCS. The staff's review and approval of TR BAW-10227(P)-A addressed all of the important aspects of M5 with respect to ECCS Performance Requirements: (1) Applicability of 10 CFR 50.46(b) fuel acceptance criteria, (2) M5 material properties including fuel rod ballooning and rupture strains, and (3) steam oxidation kinetics and applicability of Baker-Just weight gain correlation. A subsequent NRC approved TR, BAW-10240(P)-A, further addressed M5 material properties with respect to LOCA applications.

The underlying purpose of 10 CFR part 50, appendix K, paragraph I.A.5, is to ensure that cladding oxidation and hydrogen generation are appropriately limited during a LOCA and conservatively accounted for in the ECCS evaluation model. Appendix K requires that the Baker-Just equation be used in the ECCS evaluation model to determine the rate of energy release, cladding oxidation, and hydrogen

generation. In TR BAW-10227(P)-A, Framatome demonstrated that the Baker-Just model is conservative in all post-LOCA scenarios with respect to the use of the M5 advanced alloy as a fuel rod cladding material or in other assembly structural components, and that the amount of hydrogen generated in an M5 core during a LOCA will remain within the Calvert Cliffs design basis.

The M5 alloy is a proprietary zirconium-based alloy comprised of primarily zirconium (~99 percent) and niobium (~1 percent). The elimination of tin has resulted in superior corrosion resistance and reduced irradiation-induced growth relative to both standard zircaloy (1.7 percent tin) and low-tin zircaloy (1.2 percent tin). The addition of niobium increases ductility, which is desirable to avoid brittle failures.

The NRC staff has reviewed the licensee's advanced cladding material, M5, for PWR fuel mechanical designs as described in TR BAW-10227(P)-A. In the safety evaluation for TR BAW-10227(P)-A, the staff concluded that, to the extent specified in the staff's evaluation, the M5 properties and mechanical design methodology are acceptable for referencing in fuel reload licensing applications. Therefore, since the underlying purposes of 10 CFR 50.46 and 10 CFR Part 50, Appendix K, Paragraph I.A.5 are achieved through the use of the M5 advanced alloy as a fuel rod cladding material or in other assembly structural components, the special circumstances required by 10 CFR 50.12(a)(2)(ii) for the granting of an exemption from 10 CFR 50.46 and 10 CFR part 50, Appendix K, exist.

#### *Summary*

The NRC staff has reviewed the licensee's request to use the M5 advanced alloy for fuel rod cladding and in other assembly structural components in lieu of zircaloy or ZIRLO. Based on the NRC staff's evaluation, as set forth above, the NRC staff concludes that 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. In addition, the NRC staff concludes that the underlying purposes of 10 CFR 50.46 and 10 CFR Part 50, Appendix K, are achieved through the use of the M5 advanced alloy. Therefore, pursuant to 10 CFR 50.12(a), the NRC staff concludes that the use of the M5 advanced alloy for fuel rod cladding and in other assembly structural components is acceptable and the exemption from 10 CFR 50.46 and 10 CFR Part 50, Appendix K, is justified.

#### 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.

\* \* \* \* \*

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

\* \* \* \* \*

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](mailto: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](mailto: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](mailto: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.<sup>1</sup>

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