

ACTION: Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment about our intention to request the OMB's approval for renewal of an existing information collection that is summarized below. We are required to publish this notice in the **Federal Register** under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* Request to Non-Agreement States for Information.

2. *Current OMB approval number:* 3150-0200.

3. *How often the collection is required:* 8 times per year.

4. *Who is required or asked to report:* The 15 Non-Agreement States (13 States, the District of Columbia and the Commonwealth of Puerto Rico that have not signed Section 274(b) Agreements with NRC.).

5. *The number of annual respondents:* 15.

6. *The number of hours needed annually to complete the requirement or request:* 1,089.

7. *Abstract:* Requests may be made of Non-Agreement States that are similar to those of Agreement States to provide a more complete overview of the national program for regulating radioactive materials. This information would be used in the decision-making of the Commission. With Agreement States and as part of the NRC cooperative post-agreement program with the States pursuant to Section 274(b), information on licensing and inspection practices, and/or incidents, and other technical and statistical information are exchanged. Therefore, information requests sought may take the form of surveys, e.g., telephonic and electronic surveys/polls and facsimiles.

Submit, by May 4, 2012, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the burden estimate accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

The public may examine and have copied for a fee publicly available documents, including the draft supporting statement, at the NRC's Public Document Room, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. OMB clearance requests are available at the NRC's Web site: <http://www.nrc.gov/public-involve/doc-comment/omb/index.html>.

The document will be available on the NRC home page site for 60 days after the signature date of this notice. Comments submitted in writing or in electronic form will be made available for public inspection. 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. Comments submitted should reference Docket No. NRC-2012-0036.

You may submit your comments by any of the following methods: Electronic comments: Go to <http://www.regulations.gov> and search for Docket No. NRC-2012-0036. Mail comments to NRC Clearance Officer, Tremaine Donnell (T-5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Questions about the information collection requirements may be directed to the NRC Clearance Officer, Tremaine Donnell (T-5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, by telephone at 301-415-6258, or by email to INFOCOLLECTS.Resource@NRC.GOV.

Dated at Rockville, Maryland, this 28th day of February, 2012.

For the Nuclear Regulatory Commission,
Tremaine Donnell,
NRC Clearance Officer, Office of Information Services.

[FR Doc. 2012-5203 Filed 3-2-12; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2012-0034; Docket No. 50-400]

Carolina Power & Light Company; Shearon Harris Nuclear Power Plant, Unit 1; Exemption

1.0 Background

Carolina Power & Light Company, the licensee, doing business as Progress Energy Carolinas Inc., is the holder of Renewed Facility Operating License No. NPF-63, which authorizes operation of the Shearon Harris Nuclear Power Plant (HNP), Unit 1. The license provides, among other things, that the facility is

subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect. The facility consists of one pressurized-water reactor (PWR) located in New Hill, North Carolina.

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 each 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.

The licensee intends to load the M5™ cladding fuel assemblies into the core of HNP, Unit 1 during Refueling Outage 17, currently scheduled for spring 2012. 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 January 19, 2011 (Agencywide Documents Access and Management System Accession No. ML110250473), the licensee requested an exemption from the requirements of 10 CFR 50.46 and Appendix K to 10 CFR part 50 in order to use the fuel rods clad with AREVA's M5™ alloy.

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 would allow the use of M5™ advanced alloy, in lieu of zircaloy or ZIRLO, for fuel rod cladding in fuel assemblies at HNP, Unit 1. As stated above, 10 CFR 50.12 allows the NRC to grant exemptions from the requirements of 10 CFR 50.46 and Appendix K to 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 HNP Unit 1 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, 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 HNP Unit 1 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. Application of the requirements of 10 CFR 50.46 and 10 CFR part 0 Appendix K, paragraph I.A. 5 is not necessary to achieve their underlying purpose. 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. Thus, 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 application of 10 CFR 50.46 and 10 CFR Part 50, Appendix K, is not necessary to achieve the underlying purpose of the regulations. 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 HNP Unit 1.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (February 15, 2012; 77 FR 8903). This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 24th day of February 2012.

For the Nuclear Regulatory Commission.

Michele G. Evans,

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

[FR Doc. 2012-5226 Filed 3-2-12; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2012-0002]

Sunshine Act Meeting Notice

DATE: Weeks of March 5, 12, 19, 26, April 2, 9, 2012.

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

STATUS: Public and Closed.

Week of March 5, 2012

Thursday, March 8, 2012

10 a.m. Affirmation Session (Public Meeting) (Tentative)

- a. NextEra Seabrook, LLC (Seabrook Station, Unit 1), Appeals of LBP-11-2 (Feb. 15, 2011), Docket No. 50-443-LR (Tentative)
- b. Entergy Nuclear Generation Co. and Entergy Nuclear Operations, Inc. (Pilgrim Nuclear Power Station), Commonwealth of Massachusetts' Notice of Appeal, and Supporting Brief, of LBP-11-35 (Dec. 8, 2011); Pilgrim Watch's Petition for Review of Memorandum and Order (Denying Commonwealth of Massachusetts' Request for Stay, Motion for Waiver, and Request for Hearing on a New Contention Relating to the Fukushima Accident) Nov. 28, 2011 (Dec. 8, 2011); Commonwealth of Massachusetts' Conditional Motion to Suspend Pilgrim Nuclear Power Plant License Renewal Proceeding Pending Resolution of Petition for Rulemaking to Rescind Spent Fuel Pool Exclusion Regulations (June 2, 2011) (Tentative)

Week of March 12, 2012—Tentative

There are no meetings scheduled for the week of March 12, 2012.

Week of March 19, 2012—Tentative

There are no meetings scheduled for the week of March 19, 2012.

Week of March 26, 2012—Tentative

Tuesday, March 27, 2012

9 a.m. Briefing on License Renewal for Research and Test Reactors (Public Meeting) (Contact: Jessie Quichocho, 301-415-0209)

This meeting will be Web cast live at the Web address: www.nrc.gov.

Week of April 2, 2012—Tentative

There are no meetings scheduled for the week of April 2, 2012.

Week of April 9, 2012—Tentative

There are no meetings scheduled for the week of April 9, 2012.

* * * * *

* 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/public-involve/public-meetings/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 Bill Dosch, Chief, Work Life and Benefits Branch, at 301-415-6200, TDD: 301-415-2100, or by email at william.dosch@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 email to darlene.wright@nrc.gov.

Dated: February 29, 2012.

Rochelle C. Bavol,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2012-5358 Filed 3-1-12; 4:15 pm]

BILLING CODE 7590-01-P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Sunshine Act Meeting Notice

TIME AND DATE: 2 p.m., Wednesday, March 21, 2012.

PLACE: Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue NW., Washington, DC.

STATUS: Hearing OPEN to the Public at 2 p.m.

PURPOSE: Public Hearing in conjunction with each meeting of OPIC's Board of Directors, to afford an opportunity for any person to present views regarding the activities of the Corporation.

PROCEDURES:

Individuals wishing to address the hearing orally must provide advance notice to OPIC's Corporate Secretary no later than 5 p.m. Friday, March 16, 2012. The notice must include the individual's name, title, organization, address, and telephone number, and a concise summary of the subject matter to be presented.

Oral presentations may not exceed ten (10) minutes. The time for individual presentations may be reduced proportionately, if necessary, to afford all participants who have submitted a timely request an opportunity to be heard.

Participants wishing to submit a written statement for the record must submit a copy of such statement to OPIC's Corporate Secretary no later than 5 p.m. Friday, March 16, 2012. Such statement must be typewritten, double-spaced, and may not exceed twenty-five (25) pages.

Upon receipt of the required notice, OPIC will prepare an agenda, which will be available at the hearing, that identifies speakers, the subject on which each participant will speak, and the time allotted for each presentation.

A written summary of the hearing will be compiled, and such summary will be made available, upon written request to OPIC's Corporate Secretary, at the cost of reproduction.

Written summaries of the projects to be presented at the March 29, 2012 Board meeting will be posted on OPIC's Web site on or about Friday, March 9, 2012.

CONTACT PERSON FOR INFORMATION:

Information on the hearing may be obtained from Connie M. Downs at (202) 336-8438, via facsimile at (202) 408-0297, or via email at Connie.Downs@opic.gov.