

remaining zones included in the licensee's request were found to provide an inadequate level of defense-in-depth or safety margin and as such the requested OMAs for these zones are not approved for permanent use. The table below summarizes which fire zones are granted exemptions from III.G.2.

Fire zone	Area of fire origin	Exemption approved for this fire zone
23	C	Previous exemption remains valid
5A	F	No
6	F	No
7A	F	No
22A	F	No
27A	F	No
33A	F	No
59A	F	No
70A	H	Yes
71A	H	Yes
72A	H	No
75A	H	No
77A	H	No
84A	H	No
85A	H	No
87A	H	No
17	J	Yes
19	J	No
25	J	No
39A	J	No
43A	J	No
45A	J	No
46A	J	No
47A	J	No
50A	J	No
270	J	No
60A	K	No
65A	K	No
1	P	Previous exemption remains valid
900	YD	Yes

4.5 Authorized by Law

This exemption would allow IP2 to rely on specific OMAs, as discussed in Sections 3.0 and 4.0 above, in conjunction with the other installed fire protection features, to ensure that at least one means of achieving and maintaining safe shutdown remains available during and following a postulated fire event, as part of its fire protection program, in lieu of meeting the requirements specified in III.G.2 for a fire in the analyzed fire zones. 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 this exemption, as limited by the staff's analysis 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.

4.6 No Undue Risk to Public Health and Safety

The underlying purpose of 10 CFR part 50, Appendix R, Section III.G is to ensure that at least one means of achieving and maintaining safe shutdown remains available during and following a postulated fire event. Based on the above, no new accident precursors are created by the use of the specific OMAs, in conjunction with the other installed fire protection features, in response to a fire in the analyzed fire zones. Therefore, the probability of postulated accidents is not increased. Also based on the above, the consequences of postulated accidents are not increased. Therefore, there is no undue risk to public health and safety.

4.7 Consistent With Common Defense and Security

This exemption would allow IP2 to credit the use of the specific OMAs, in conjunction with the other installed fire protection features, in response to a fire in the analyzed fire zones, discussed above, in lieu of meeting the requirements specified in III.G.2. This change to the operation of the plant has no relation to security issues. Therefore, the common defense and security is not diminished by this exemption.

4.8 Special Circumstances

One of the special circumstances described in 10 CFR 50.12(a)(2)(ii) is that the application of the regulation is not necessary to achieve the underlying purpose of the rule. The underlying purpose of 10 CFR part 50, Appendix R, Section III.G is to ensure that at least one means of achieving and maintaining safe shutdown remains available during and following a postulated fire event. While the licensee does not comply with the explicit requirements of Section III.G.2, the approved OMAs, in conjunction with the other installed fire protection features, provide a method to ensure that a train of equipment necessary to achieve and maintain safe shutdown of the plant will be available in the event of a fire in these fire zones. The NRC staff concludes that the application of the regulation is not necessary to achieve the underlying purpose of the rule for the plant configurations approved in this exemption. Therefore special circumstances exist, as required by 10 CFR 50.12(a)(2)(ii), that warrant the issuance of this exemption.

5.0 Conclusion

Based on all of the features of the defense-in-depth concept discussed for the fire zones listed in Section 4.4 of this exemption, the NRC staff concludes

that the use of specific OMAs found acceptable in Sections 3.0 and 4.0 of this evaluation, in these particular instances and in conjunction with the other installed fire protection features, in lieu of strict compliance with the requirements of III.G.2, will allow IP2 to meet the underlying purpose of the rule for those fire zones. The use of other specific OMAs in certain fire zones were found to be not acceptable, as discussed in Sections 3.0 and 4.0 of this evaluation, and as such, are not approved by this exemption.

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, is consistent with the common defense and security and that special circumstances are present to warrant issuance of the exemption. Therefore, the Commission hereby grants Entergy an exemption from the requirements of Section III.G.2 of Appendix R of 10 CFR part 50, to utilize the OMAs approved above at IP2.

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 (76 FR 74832).

This exemption is effective upon issuance.

Dated at Rockville, Maryland this first 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. 2012-3124 Filed 2-9-12; 8:45 am]

BILLING CODE 7590-01-P

**NUCLEAR REGULATORY COMMISSION**

[Docket No. 72-26; NRC-2011-0110]

**Pacific Gas and Electric Company, Diablo Canyon Independent Spent Fuel Storage Installation; Notice of Issuance of Amendment to Materials License No. SNM-2511**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of issuance of license amendment.

**FOR FURTHER INFORMATION CONTACT:** John Goshen, Project Manager, Division of Spent Fuel Storage and Transportation, Office of Nuclear Material Safety and Safeguards, Mail Stop EBB-3D-02M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Telephone: 301-492-3325; email: john.goshen@nrc.gov.

## SUPPLEMENTARY INFORMATION:

### I. Introduction

On March 22, 2004, the U.S. Nuclear Regulatory Commission (NRC) issued NRC Materials License No. SNM-2511 to the Pacific Gas and Electric Company (PG&E) for the Diablo Canyon (DC) Independent Spent Fuel Storage Installation (ISFSI), located at the DC Nuclear Power Plant, Unit Nos. 1 and 2 site in San Luis Obispo County, California. The license authorizes PG&E to receive, possess, store, and transfer spent nuclear fuel and associated radioactive materials resulting from the operation of the DC Nuclear Power Plant, Unit Nos. 1 and 2 in an ISFSI at the power plant site for a term of 20 years. The NRC staff published a Notice of Issuance of Environmental Assessment and Finding of No Significant Impact (EA/FONSI) for the approval of DC ISFSI license in the **Federal Register** on October 30, 2003 (68 FR 61838) in accordance with the National Environmental Policy Act, and in conformance with the applicable requirements of Title 10 of the Code of Federal Regulations (10 CFR) part 51. Additionally, the NRC published a supplement to this EA/FONSI on September 10, 2007 (72 FR 51687), in response to the decision of the United States Court of Appeals for the Ninth Circuit in *San Luis Obispo Mothers for Peace v. NRC*, 449 F.3d 1016 (9th Cir. 2006), and a related addendum on November 15, 2007 (72 FR 64252).

By letter dated January 31, 2011, as supplemented June 8, July 28, September 15, and November 22, 2011, PG&E submitted license amendment request (LAR) 11-001 to the NRC to amend Materials License No. SNM-2511 for the DC ISFSI in accordance with 10 CFR part 72. PG&E's application requested that the ISFSI Technical Specifications (TS) be revised as follows:

1. TS 1.1, "Definitions,"—revise to reflect the addition of high burnup fuel (HBF) selection criteria and the addition of neutron source assemblies (NSAs), and instrument tube tie rods (ITTRs).
2. TS 2.0, "Approved Contents,"—revise Tables 2.1-1 through 2.1-7, and

2.1-10 to reflect the addition of HBF selection criteria and the addition of NSAs and ITTRs. TS 2.0, "Approved Contents," Table 2.1-7—revise Fuel Assembly Cooling and Maximum Decay Heat (Uniform Fuel loading) for a MPC-32 to limit the decay heat load to 750 W per assembly for a canister containing HBF.

3. TS 2.0, "Approved Contents,"—revise to add new TS 2.3 and associated Table 2.3-1 to provide alternative calculations for burnup limits for fuel assemblies in a MPC-32 to allow the storage of HBF.

4. TS 3.1.1, "Multi-Purpose Canister (MPC),"—revise to eliminate the vacuum drying option which is not allowed for HBF and to add a reference temperature of 70 °F for the MPC Helium backfill pressure range.

5. TS 3.1.2, "Spent Fuel Storage Cask (SFSC) Heat Removal System,"—revise to allow the HI-STORM Shortened Anchored (100SA) overpack to be considered operable with up to 50 percent vent blockage (although removal of any blockage is still required on discovery).

6. TS 3.1.4, "Supplemental Cooling System,"—added to provide the conditions and criteria for the SCS.

7. TS 4.1.2b, "Design Features Important to Criticality Control,"—revise to change the B4C content in METAMIC to  $\leq 33.0$  wt%.

8. TS 5.1.3b, "MPC and SFSC Loading, Unloading, and Preparation Program,"—revise to delete the requirement for maintaining the annulus full during vacuum drying and to restore the requirement for maintaining the annulus full during reflood (unloading).

LAR 11-001 also proposes to revise the licensing basis from that documented in the DC ISFSI Final Safety Analysis Report Update (FSARU) to:

9. Upgrade the thermal analysis methodology to a three dimensional (3D) Computational Fluid Dynamics (CFD) model,
10. Remove the assumption of 100% fuel failure coincident with 100% vent blockage,
11. Change of some allowed component temperatures in the thermal evaluation (peak cladding, concrete,

overpack metal, transfer cask lid neutron shielding),

12. Reduce the required torque criteria for the MPC lift cleats, and

13. Add a new accident for loss of SCS to the design criteria for the SCS.

In accordance with 10 CFR 72.16, a Notice of Docketing and opportunity to request a hearing was published in the **Federal Register** on May 20, 2011 (76 FR 29280). On January 19, 2012, the NRC approved and issued Amendment No. 2 to Materials License No. SNM-2511, held by PG&E for the receipt, possession, transfer, and storage of spent fuel at the Diablo Canyon ISFSI. Amendment No. 2 was effective as of the date of issuance. Pursuant to 10 CFR 72.46(d), the NRC is providing notice of the action taken.

Amendment No. 2 complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the NRC's rules and regulations. As required by the Act and the NRC's rules and regulations in 10 CFR chapter I, the NRC has made appropriate findings, which are set forth in Amendment No. 2 Safety Evaluation Report (SER). Also as described in the SER, the NRC determined that issuance of Amendment No. 2 meets the criteria specified in 10 CFR 51.22(c)(11) for a categorical exclusion. Thus, the preparation of an environmental assessment or an environmental impact statement is not required.

### II. Further information

The NRC has prepared a SER that documents the staff's review and evaluation of the amendment. In accordance with 10 CFR 2.390 of NRC's "Rules of Practice," final NRC records and documents related to this action, including the application for amendment and supporting documentation and the SER, are available electronically at the NRC's Library at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS Accession Numbers for the applicable documents are:

Document	Date	ADAMS accession No.
License Amendment Request .....	January 31, 2011 .....	ML110400377
Supplement to License Amendment Request .....	June 8, 2011 .....	ML11173A228
Supplement No. 2 to License Amendment Request .....	July 28, 2011 .....	ML11216A208
Response to First Request for Additional Information .....	September 15, 2011 .....	ML11262A270
Response to Second Request for Additional Information .....	November 22, 2011 .....	ML11333A061
License Amendment No. 2 Issuance Package .....	January 19, 2012 .....	ML120260361

Document	Date	ADAMS accession No.
Safety Evaluation Report .....	January 19, 2012 ....	ML120260386

If you do not have access to ADAMS, or if there are problems in accessing the documents located in ADAMS, contact NRC's Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr@nrc.gov](mailto:pdr@nrc.gov).

These documents may also be viewed electronically on the public computers located at NRC's PDR, O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents, for a fee.

Dated at Rockville, Maryland, this 19th day of January, 2012.

For the Nuclear Regulatory Commission.

**Michael D. Waters,**

Chief, Licensing Branch, Division of Spent Fuel Storage and Transportation, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2012-3123 Filed 2-9-12; 8:45 am]

BILLING CODE 7590-01-P

## POSTAL REGULATORY COMMISSION

[Docket No. A2012-120; Order No. 1198]

### Post Office Closing

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** This document informs the public that an appeal of the closing of the Santa Fe, Missouri post office has been filed. It identifies preliminary steps and provides a procedural schedule. Publication of this document will allow the Postal Service, petitioners, and others to take appropriate action.

**DATES:** *Deadline for Petitioner's Form 61:* February 22, 2012, 4:30 p.m., eastern time; *deadline for answering brief in support of the Postal Service:* March 13, 2012, 4:30 p.m., eastern time. See the Procedural Schedule in the

**SUPPLEMENTARY INFORMATION** section for other dates of interest.

**ADDRESSES:** Submit comments electronically by accessing the "Filing Online" link in the banner at the top of the Commission's Web site (<http://www.prc.gov>) or by directly accessing the Commission's Filing Online system at <https://www.prc.gov/prc-pages/filing-online/login.aspx>. Commenters who cannot submit their views electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section as the source for case-related

information for advice on alternatives to electronic filing.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, at 202-789-6820 (case-related information) or [DocketAdmins@prc.gov](mailto:DocketAdmins@prc.gov) (electronic filing assistance).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that, pursuant to 39 U.S.C. 404(d), the Commission received two petitions for review of the Postal Service's determination to close the Santa Fe post office in Santa Fe, Missouri. The first petition for review received January 18, 2012, was filed by Valena Booth. The second petition for review received January 20, 2012, was filed by Robert F. Young. The earliest postmark date is January 6, 2012.

The Commission hereby institutes a proceeding under 39 U.S.C. 404(d)(5) and establishes Docket No. A2012-120 to consider Petitioners' appeal. If Petitioners would like to further explain their position with supplemental information or facts, Petitioners may either file a Participant Statement on PRC Form 61 or file a brief with the Commission no later than February 22, 2012.

*Issue apparently raised.* Petitioners contend that the Postal Service failed to consider the effect of the closing on the community. See 39 U.S.C. 404(d)(2)(A)(i).

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than the one set forth above, or that the Postal Service's determination disposes of one or more of those issues. The due date for any responsive pleading by the Postal Service to this Notice is February 13, 2012.

Notwithstanding the Postal Service's determination to close this post office, on December 15, 2011, the Postal Service advised the Commission that it "will delay the closing or consolidation of any Post Office until May 15, 2012".<sup>1</sup> The Postal Service further indicated that it "will proceed with the discontinuance process for any Post Office in which a Final Determination was already posted as of December 12, 2011, including all pending appeals." *Id.* It stated that the only "Post Offices" subject to closing prior to May 16, 2012

are those that were not in operation on, and for which a Final Determination was posted as of, December 12, 2011. It affirmed that it "will not close or consolidate any other Post Office prior to May 16, 2012." *Id.* Lastly, the Postal Service requested the Commission "to continue adjudicating appeals as provided in the 120-day decisional schedule for each proceeding." *Id.*

The Postal Service's Notice outlines the parameters of its newly announced discontinuance policy. Pursuant to the Postal Service's request, the Commission will fulfill its appellate responsibilities under 39 U.S.C. 404(d)(5).

*Availability; Web site posting.* The Commission has posted the appeal and supporting material on its Web site at <http://www.prc.gov>. Additional filings in this case and participants' submissions also will be posted on the Commission's Web site, if provided in electronic format or amenable to conversion, and not subject to a valid protective order. Information on how to use the Commission's Web site is available online or by contacting the Commission's webmaster via telephone at 202-789-6873 or via electronic mail at [prc-webmaster@prc.gov](mailto:prc-webmaster@prc.gov).

The appeal and all related documents are also available for public inspection in the Commission's docket section. Docket section hours are 8 a.m. to 4:30 p.m., eastern time, Monday through Friday, except on Federal government holidays. Docket section personnel may be contacted via electronic mail at [prc-dockets@prc.gov](mailto:prc-dockets@prc.gov) or via telephone at 202-789-6846.

*Filing of documents.* All filings of documents in this case shall be made using the Internet (Filing Online) pursuant to Commission rules 9(a) and 10(a) at the Commission's Web site, <http://www.prc.gov>, unless a waiver is obtained. See 39 CFR 3001.9(a) and 3001.10(a). Instructions for obtaining an account to file documents online may be found on the Commission's Web site or by contacting the Commission's docket section at [prc-dockets@prc.gov](mailto:prc-dockets@prc.gov) or via telephone at 202-789-6846.

The Commission reserves the right to redact personal information which may infringe on an individual's privacy rights from documents filed in this proceeding.

*Intervention.* Persons, other than Petitioners and respondent, wishing to be heard in this matter are directed to

<sup>1</sup> United States Postal Service Notice of Status of the Moratorium on Post Office Discontinuance Actions, December 15, 2011, (Notice).