

In addition, any employee or former employee of the NCUA who believes he or she has been discharged or discriminated against in violation of 12 U.S.C. 1790b(a)(2) may file a civil action in the appropriate United States district court before the close of the 2-year period beginning on the date of such discharge or discrimination. The complainant must also file a copy of the complaint initiating such action with the NCUA Board. 12 U.S.C. 1790b(b).

If the district court determines that the NCUA violated 12 U.S.C. 1790b(a)(2), it may order the NCUA to reinstate the employee to his or her former position, pay compensatory damages, or take other appropriate actions to remedy any past discrimination. 12 U.S.C. 1790b(c).

#### **Retaliation for Engaging in Protected Activity**

NCUA cannot retaliate against an employee or applicant because that individual exercises his or her rights under any of the federal antidiscrimination or whistleblower protection laws listed above. If you believe you are the victim of retaliation for engaging in protected activity, you must follow, as appropriate, the procedures described in the antidiscrimination laws and whistleblower protection laws sections, or, if applicable, the administrative or negotiated grievance procedures in order to pursue any legal remedy.

#### **Disciplinary Actions**

Under existing laws, NCUA retains the right, where appropriate, to discipline a federal employee for conduct that is inconsistent with federal antidiscrimination and whistleblower protection laws up to and including removal. If OSC has initiated an investigation under 5 U.S.C. 1214, however, according to 5 U.S.C. 1214(f), agencies must seek approval from the Special Counsel to discipline employees for, among other activities, engaging in prohibited retaliation. Nothing in the No FEAR Act alters existing laws or permits NCUA to take unfounded disciplinary action against a federal employee or to violate the procedural rights of a federal employee who has been accused of discrimination.

#### **Additional Information**

For further information regarding the No FEAR Act regulations, refer to 5 CFR part 724, as well as the appropriate offices within the NCUA (e.g., Equal Opportunity Programs, Office of General Counsel, or Office of Human Resources). Additional information regarding federal antidiscrimination,

whistleblower protection and retaliation laws can be found at the EEOC Web site—<http://www.eeoc.gov> and the OSC Web site—<http://www.osc.gov>.

#### **Existing Rights Unchanged**

Neither the No FEAR Act nor this notice creates, expands or reduces any rights otherwise available to any employee, former employee or applicant under the laws of the United States, including the provision of law specified in 5 U.S.C. 2302(d), providing the rights and remedies available to employees and applicants for discrimination on the basis of race, color, religion, sex, national origin, age, handicap, marital status or political affiliation are not lessened or extinguished by the section.

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### **NATIONAL TRANSPORTATION SAFETY BOARD**

#### **Sunshine Act Meeting**

##### **Agenda**

**TIME AND DATE:** 9:30 a.m., Tuesday, November 21, 2006.

**PLACE:** NTSB Conference Center, 429 L'Enfant Plaza, SW., Washington, DC 20594.

**STATUS:** The one item is open to the public.

**MATTER TO BE CONSIDERED:** 7845—*Highway Accident Report*—Motorcoach Collision with the Alexandria Avenue Bridge Overpass, George Washington Memorial Parkway, Alexandria, Virginia, November 14, 2004.

**NEWS MEDIA CONTACT:** Terry William: (202) 314-6100.

Individuals requesting specific accommodations should contact Chris Bisett at (202) 314-6305 by Friday, November 17, 2006.

The public may view the meeting via a live or archived Webcast by accessing a link under "News & Events" on the NTSB home page at [www.nts.gov](http://www.nts.gov).

**FOR MORE INFORMATION CONTACT:** Vicky D'Onofrio, (202) 314-6410.

Dated: November 14, 2006.

**Vicky D'Onofrio,**

*Federal Register Liaison Officer.*

[FR Doc. 06-9265 Filed 11-14-06; 3:19 pm]

**BILLING CODE 7533-01-M**

### **NUCLEAR REGULATORY COMMISSION**

#### **Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request**

**AGENCY:** U.S. Nuclear Regulatory Commission (NRC).

**ACTION:** Notice of the OMB review of information collection and solicitation of public comment.

**SUMMARY:** The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. *Type of submission, new, revision, or extension:* Revision.

2. *The title of the information collection:* "Packaging and Transportation of Radioactive Material."

3. *The form number if applicable:* N/A.

4. *How often the collection is required:* On occasion. Applications for package certification may be made at any time. Required reports are collected and evaluated on a continuing basis as events occur.

5. *Who will be required or asked to report:* All NRC specific licensees who place byproduct, source, or special nuclear material into transportation, and all persons who wish to apply for NRC approval of package designs for use in such transportation.

6. *An estimate of the number of annual responses:* 850 responses (600 + 250 recordkeepers).

7. *The estimated number of annual respondents:* 250 licensees.

8. *An estimate of the total number of hours needed annually to complete the requirement or request:* 42,896 hours (37,304 hours for reporting requirements and 5,592 for recordkeeping requirements).

9. *An indication of whether Section 3507(d), Pub. L. 104-13 applies:* N/A.

10. *Abstract:* NRC regulations in 10 CFR Part 71 establish requirements for packing, preparation for shipment, and transportation of licensed material, and prescribe procedures, standards, and requirements for approval by NRC of packaging and shipping procedures for fissile material and for quantities of licensed material in excess of Type A quantities.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide 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 and questions should be directed to the OMB reviewer listed below by December 18, 2006. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Sarah P. Garman, Office of Information and Regulatory Affairs (3150-0008), NEOB-10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be e-mailed to [Sarah\\_P\\_Garman@omb.eop.gov](mailto:Sarah_P_Garman@omb.eop.gov) or submitted by telephone at (202) 395-4650.

The NRC Clearance Officer is Brenda Jo. Shelton, 301-415-7233.

Dated at Rockville, Maryland, this 8th day of November, 2006.

For the Nuclear Regulatory Commission.  
**Brenda Jo. Shelton,**  
*NRC Clearance Officer, Office of Information Services.*  
 [FR Doc. E6-19365 Filed 11-15-06; 8:45 am]  
**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-317 and 50-318]

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

#### 1.0 Background

Calvert Cliffs Nuclear Power Plant, Inc. (the licensee), is the holder of Renewed Facility Operating License Nos. DPR-53 and DPR-69, which authorize operation of the Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2 (Calvert Cliffs 1 and 2), respectively. 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 located in Calvert County in Maryland.

#### 2.0 Request/Action

Title 10 of the Code of Federal Regulations (10 CFR), Part 50, Section 50.46, "Acceptance criteria for emergency core cooling systems for light-water nuclear power reactors," requires, in part, 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, "ECCS Evaluation Models," to 10 CFR Part 50 requires, in part, 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 Baker-Just equation assumes that the cladding material is composed of either zircaloy or ZIRLO.

By letter dated January 19, 2006, the licensee requested an exemption from the requirements of 10 CFR 50.46 and Appendix K to 10 CFR Part 50 to allow the use of fuel rods clad with advanced zirconium-based alloys from Westinghouse Electric Company and M5 alloy from Framatome ANP, Inc. The advanced zirconium-based and M5 alloys are proprietary alloys and are chemically different from zircaloy or ZIRLO fuel cladding materials, which are approved for use.

The licensee has requested the exemption to support the re-insertion of up to four lead fuel assemblies (LFAs) in the core of either Calvert Cliffs 1 or Calvert Cliffs 2 during the next operating cycle, which is cycle 19 for Unit 1 and cycle 17 for Unit 2. The NRC staff has previously approved the irradiation of 8 LFAs for 2 operating cycles (cycles 15 and 16) in Calvert Cliffs 2, as documented in NRC letter dated April 11, 2003. The licensee has indicated that the LFAs placed back in the core for a third cycle will not exceed the peak fuel rod burnup limitation of 60,000 MWD/MTU and will meet all applicable reload design criteria. The LFAs will be placed in low duty cycle locations on the core periphery to assess the grid-to-rod fretting performance. The other four LFAs will be discharged to the spent fuel pool for detailed post-irradiation examinations. Because the core design is not complete yet, the licensee indicated that, if the Calvert Cliffs 2 cycle 17 core cannot accommodate the LFAs, then the planned alternative is to design the

Calvert Cliffs 1 cycle 19 core so that the LFAs can be inserted.

In summary, 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. Since the material specifications of the advanced zirconium-based and M5 alloys differ from the specification for Zircaloy or ZIRLO, a plant-specific exemption is required to support the use of the four LFAs in Unit 1 or 2.

#### 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. Under Section 50.12(a)(2), special circumstances include, among other things, when application of the specific regulation in the particular circumstance would not serve, or is not necessary to achieve, the underlying purpose of the rule.

#### Authorized by Law

This exemption would allow the licensee to re-insert up to four LFAs, which contain some fuel rods clad with advanced zirconium-based and M5 alloys that do not meet the definition of Zircaloy or ZIRLO as specified by 10 CFR 50.46, in either Calvert Cliffs 1 or 2. 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 is to establish acceptance criteria for ECCS performance. Previously, the Westinghouse safety evaluation (WCAP-15874-NP, Revision 0, "Safety Analysis Report for Use of Improved Zirconium-based Cladding Materials in Calvert Cliffs Unit 2 Batch T Lead Fuel Assemblies," dated April 2002) and approved Framatome ANP topical report (BAW-10227P-A, "Evaluation of Advanced Cladding and Structural Material (M5) in PWR Reactor Fuel," Framatome Cogema Fuels, February 2000) demonstrated the acceptability of