

fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 24th day of September, 2001.

Ivan Strasfeld,

*Director of Exemption Determinations,
Pension and Welfare Benefits Administration,
U.S. Department of Labor*

[FR Doc. 01-24150 Filed 9-26-01; 8:45 am]

BILLING CODE 4510-29-P

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Submission for OMB Review: Comment Request

AGENCY: National Endowment for the Humanities.

ACTION: Notice.

SUMMARY: The National Endowment for the Humanities (NEH) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval as required by the provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). Copies of this ICR, with applicable supporting documentation, may be obtained by calling Susan G. Daisey, Acting Director, Office of Grant Management, the National Endowment for the Humanities (202-606-8494) or may be requested by email to sdaisey@neh.gov. Comments should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the National Endowment for the Humanities, Office of Management and Budget, Room 10235, Washington, DC 20503 (202-395-7316), within 30 days from the date of this publication in the **Federal Register**.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) is particularly interested in comments which: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Agency: National Endowment for the Humanities.

Title of Proposal: Generic Clearance Authority to Develop Evaluation Instruments for the National Endowment for the Humanities.

OMB Number: N/A.

Affected Public: NEH grantees.

Total Respondents: 1,224 per year.

Frequency of Collection: On occasion.

Average Time per Response: 30 minutes.

Estimated Total Burden Hours: 612 hours per year.

Total Annualized capital/startup costs: 0.

Total annual costs (operating/maintaining systems or purchasing services): 0.

Description: The NEH is seeking a general clearance authority to develop evaluation instruments for its grant programs. These evaluation instruments will be used to collect information from NEH grantees from one to three years after the grantee has submitted the final performance report.

FOR FURTHER INFORMATION CONTACT: Ms. Susan G. Daisey, Acting Director, Office of Grant Management, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW., Room 311, Washington, DC 20506, or by email to: sdaisey@neh.gov. Telephone: 202-606-8494.

John W. Roberts,

Deputy Chairman.

[FR Doc. 01-24228 Filed 9-26-01; 8:45 am]

BILLING CODE 7536-01-M

NORTHEAST DAIRY COMPACT COMMISSION

Notice of Meeting

AGENCY: Northeast Dairy Compact Commission.

ACTION: Notice of special meeting.

SUMMARY: The Compact Commission will hold a special meeting to consider matters relating to expiration of Congressional consent to the Northeast Dairy Compact. This meeting will be held in Concord, New Hampshire.

DATES: The meeting will begin at 10:30 a.m. on Friday, September 28, 2001.

ADDRESSES: The meeting will be held at the Legislative Office Building, 33 North State Street, Room 301-303, Concord, NH.

FOR FURTHER INFORMATION CONTACT: Daniel Smith, Executive Director, Northeast Dairy Compact Commission, 64 Main Street, Room 21, Montpelier, VT 05602. Telephone (802) 229-1941.

Authority: 7 U.S.C. 7256.

Dated: September 20, 2001.

Daniel Smith,

Executive Director.

[FR Doc. 01-24154 Filed 9-26-01; 8:45 am]

BILLING CODE 1650-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-458]

Entergy Operations, Inc. River Bend Station, Unit 1; Exemption

1.0 Background

Entergy Operations, Inc. (the licensee) is the holder of Facility Operating License No. NPF-47 which authorizes operation of the River Bend Station, Unit 1 (RBS). 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 or the Commission) now or hereafter in effect.

The facility consists of a boiling water reactor located in West Feliciana Parish in Louisiana.

2.0 Request/Action

Title 10 of the Code of Federal Regulations (10 CFR) part 50, appendix G requires that pressure-temperature (P-T or P/T) limits be established for reactor pressure vessels (RPVs) during normal operating and hydrostatic or leak rate testing conditions. Specifically, 10 CFR part 50, appendix G, section IV.2.a states that “* * *[t]he appropriate requirements on both the pressure-temperature limits and the minimum permissible temperature must be met for all conditions.” Pursuant to 10 CFR part 50, appendix G, section IV.2.b, the requirements for these limits are the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (Code), section XI, appendix G Limits.

To address provisions of amendments to Technical Specification (TS) 3.4.11, “RCS [Reactor Coolant System] Pressure and Temperature (P/T) Limits,” and the RCS P/T limits in TS Figure 3.4-11, “Minimum Temperature Required Vs. RCS Pressure,” in the submittal dated January 24, 2001, as supplemented by

letters dated July 2, and August 6 and 20, 2001, the licensee requested that the staff exempt RBS from application of specific requirements of 10 CFR part 50, Section 50.60(a) and appendix G, and substitute use of ASME Code Case N-640. Code Case N-640 permits the use of an alternate reference fracture toughness (K_{Ic} fracture toughness curve instead of K_{Ia} fracture toughness curve) for reactor vessel materials in determining the P-T limits. Since the K_{Ic} fracture toughness curve shown in ASME Code Section XI, appendix A, Figure A-2200-1 provides greater allowable fracture toughness than the corresponding K_{Ia} fracture toughness curve of ASME Code Section XI, appendix G, Figure G-2210-1, using the K_{Ic} fracture toughness, as permitted by Code Case N-640, in establishing the P-T limits would be less conservative than the methodology currently endorsed by 10 CFR part 50, appendix G. Considering this, an exemption to apply the Code Case would be required by 10 CFR 50.60.

The licensee has proposed to revise the P-T limits for RBS using the K_{Ic} fracture toughness curve, in lieu of the K_{Ia} fracture toughness curve, as the lower bound for fracture toughness.

Use of the K_{Ic} curve in determining the lower bound fracture toughness in the development of P-T operating limits curve is more technically correct than the K_{Ia} curve since the rate of loading during a heatup or cooldown is slow and is more representative of a static condition than a dynamic condition. The K_{Ic} curve appropriately implements the use of static initiation fracture toughness behavior to evaluate the controlled heatup and cooldown process of a reactor vessel. The staff has required use of the initial conservatism of the K_{Ia} curve since 1974 when the curve was codified. This initial conservatism was necessary due to the limited knowledge of RPV materials. Since 1974, additional knowledge has been gained about RPV materials, which demonstrates that the lower bound on fracture toughness provided by the K_{Ia} curve is well beyond the margin of safety required to protect the public health and safety from potential RPV failure.

In summary, the ASME Code Section XI, appendix G, procedure was conservatively developed based on the level of knowledge existing in 1974 concerning RPV materials and the estimated effects of operation. Since 1974, the level of knowledge about these topics has been greatly expanded. The NRC staff concludes that this increased knowledge permits relaxation of the ASME Code Section XI, appendix G

requirements by applying the K_{Ic} fracture toughness, as permitted by Code Case N-640, while maintaining, pursuant to 10 CFR 50.12(a)(2)(ii), the underlying purpose of the ASME Code and the NRC regulations to ensure an acceptable margin of safety.

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. The staff accepts the licensee's determination that an exemption would be required to approve the use of Code Case N-640.

The staff examined the licensee's rationale to support the exemption request and concluded that the use of the Code Case would meet the underlying purpose of 10 CFR part 50. Based upon a consideration of the conservatism that is explicitly incorporated into the methodologies of 10 CFR part 50, appendix G; appendix G of the Code; and Regulatory Guide 1.99, Revision 2, the staff concluded that application of Code Case N-640 as described would provide an adequate margin of safety against brittle failure of the RPV. This is also consistent with the determination that the staff has reached for other licensees under similar conditions based on the same considerations.

The safety evaluation may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the ADAMS Public Library component on the NRC website, <http://www.nrc.gov> (the Electronic Reading Room).

Therefore, the staff concludes that requesting exemption under the special circumstances of 10 CFR 50.12(a)(2)(ii) is appropriate and that the methodology of Code Case N-640 may be used to revise the P-T limits for RBS, subject to the limitation of 16 EFPYs.

4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not endanger life or property or common defense and security, and is, otherwise, in the public interest. Also, special circumstances are present. Therefore, the Commission hereby

grants Entergy Operations, Inc., an exemption from the requirements of 10 CFR part 50, Section 50.60(a) and 10 CFR part 50, appendix G, for River Bend Station, 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 (66 FR 48069, published on September 17, 2001).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 20th day of September, 2001.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01-24175 Filed 9-26-01; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-331]

Nuclear Management Company, LLC; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. to Facility Operating License No. DPR-49 issued to Nuclear Management Company, LLC (the licensee), which revised the license for operation of the Duane Arnold Energy Center located in Linn County, Iowa. The amendment is effective as of the date of issuance.

The amendment modified the license to allow refueling activities in accordance with a revised thermal-hydraulic analysis based upon use of advanced core designs employing advanced fuel, increased fuel burnup, increased cycle length, and increased reload batch size. The revised analysis also corrects several input parameter discrepancies in the existing analysis.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing in connection with this action was published in the **Federal Register** on March 7, 2001 (66 FR 13793). No