

acceptable level of service to the business/educational community, and if not, which areas need improvement. Respondents will be business concerns and educational institutions that have been awarded a NASA procurement, or are interested in receiving such an award.

*Affected Public:* Business or other for-profit, Not-for-profit institutions.

*Number of Respondents:* 1000.

*Responses Per Respondent:* 1.

*Annual Responses:* 500.

*Hours Per Request:* 25.

*Annual Burden Hours:* 125.

*Frequency of Report:* On occasion.

**David B. Nelson,**

*Deputy Chief Information Officer, Office of the Administrator.*

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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[01-128]

### NASA Advisory Council, Minority Business Resource Advisory Committee Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announce a forthcoming meeting of the NASA Advisory Council, Minority Business Resource Advisory Committee.

**DATES:** Thursday, November 8, 2001, 9:00 a.m. to 4:00 p.m., and Friday, November 9, 2001, 9:00 a.m. to 12:00 noon.

**ADDRESSES:** Hyatt Regency Washington, One Capitol Hill, 400 New Jersey Avenue, NW, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ralph C. Thomas III, Code K, National Aeronautics and Space Administration, (202) 358-2088.

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

- Review of Previous Meeting
- OSDBU Update of Activities
- NAC Meeting Report
- Overview of NASA Enterprises and Functional Staff Offices
- Public Comment
- Panel Discussion and Review
- Goals for MBRAC V Review
- Status of Open Committee Recommendations

—New Business

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

**Beth M. McCormick,**

*Advisory Committee Management Officer, National Aeronautics and Space Administration.*

[FR Doc. 01-26632 Filed 10-22-01; 8:45 am]

**BILLING CODE 7510-01-P**

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice.

**SUMMARY:** NARA is giving public notice that the agency has submitted to OMB for approval the information collection described in this notice. The public is invited to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted to OMB at the address below on or before November 23, 2001 to be assured of consideration.

**ADDRESSES:** Comments should be sent to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: Ms. Brooke Dickson, Desk Officer for NARA, Washington, DC 20503.

#### FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the proposed information collection and supporting statement should be directed to Tamee Fechhelm at telephone number 301-713-6730 or fax number 301-713-6913.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13), NARA invites the general public and other Federal agencies to comment on proposed information collections. NARA published a notice of proposed collection for this information collection on August 7, 2001 (66 FR 41270 and 41271). No comments were received. NARA has submitted the described information collection to OMB for approval.

In response to this notice, comments and suggestions should address one or more of the following points: (a) Whether the proposed information collection is necessary for the proper performance of the functions of NARA;

(b) the accuracy of NARA's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of information technology. In this notice, NARA is soliciting comments concerning the following information collection:

*Title:* Presidential Library Facilities.

*OMB Number:* 3095-0036.

*Agency Form Number:* None.

*Type of Review:* Regular.

*Affected Public:* Presidential library foundations or other entities proposing to transfer a Presidential library facility to NARA.

*Estimated Number of Respondents:* 1.

*Estimated Time per Response:* 31 hours.

*Frequency of Response:* On occasion.

*Estimated Total Annual Burden*

*Hours:* 31 hours.

*Abstract:* The information collection is required for NARA to meet its obligations under 44 U.S.C. 2112(a)(3) to submit a report to Congress before accepting a new Presidential library facility. The report contains information that can be furnished only by the foundation or other entity responsible for building the facility and establishing the library endowment.

Dated: October 17, 2001.

**L. Reynolds Cahoon,**

*Assistant Archivist for Human Resources and Information Services.*

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**BILLING CODE 7515-01-P**

## NUCLEAR REGULATORY COMMISSION

[Docket No. STN 50-530]

### Arizona Public Service Company, Palo Verde Nuclear Generating Station, Unit 3; Exemption

#### 1.0 Background

The Arizona Public Service Company (APS/licensee) is the holder of Facility Operating License No. NPF-74 which authorizes operation of the Palo Verde Nuclear Generating Station (PVNGS), Unit 3. 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 a pressurized water reactor located in Maricopa County in Arizona.

## 2.0 Request/Action

Title 10 of the Code of Federal Regulations (10 CFR), part 50, discusses fuel performance requirements for fuel used in light water nuclear power reactors. The requirements refer specifically to cladding types of zircaloy or ZIRLO, and do not address other cladding material. Since advanced zirconium based cladding materials do not conform to the two designations specified in the code, an exemption is required.

APS requested a temporary exemption from the requirements of 10 CFR 50.44, 10 CFR 50.46, and 10 CFR part 50, appendix K, for PVNGS, Unit 3, by letter dated March 2, 2001, as supplemented on August 28, 2001, and September 25, 2001. The exemption would allow continued testing of a lead fuel assembly (LFA) containing fuel rods fabricated with an advanced zirconium based cladding material, designated as Alloy A. This cladding material has been previously approved for limited use and testing at PVNGS in letters dated July 17, 1992, and February 4, 1997. The requested exemption extension would allow the Unit 3 LFA to exceed the already approved operating cycles.

Part 50 of 10 CFR specifies standards and acceptance criteria only for fuel rods clad with zircaloy or ZIRLO. As noted above, APS was granted an exemption to use Alloy A in a limited number of pins starting in Cycle 4 and continuing through Cycle 6 in Unit 3. Based on the success of this advanced cladding, APS was granted an additional exemption to extend the burnup for a limited number of pins clad with Alloy A during Cycle 7. As part of the second exemption, APS was allowed to use a full assembly of the Alloy A clad in Unit 3 for three operating cycles, starting in Cycle 7. Based on the results of physical examination and measurements that have confirmed the superior performance of Alloy A, and NRC's prior approval for a limited number of pins, APS has requested an exemption to extend the burnup into Cycle 10 for the full assembly of Alloy A fuel rods.

Section 50.44 (a) of 10 CFR states, "Each boiling or pressurized light-water nuclear power reactor fueled with oxide pellets within cylindrical zircaloy or ZIRLO cladding, must, as provided in paragraphs (b) through (d) of this section, include means for control of hydrogen gas that may be generated, following a postulated loss-of-coolant accident (LOCA)."

Section 50.46(a)(1)(i) of 10 CFR states, "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 conforms to the criteria set forth in paragraph (b) of this section. ECCS cooling performance must be calculated in accordance with an acceptable evaluation model and must be calculated for a number of postulated loss-of-coolant accidents of different sizes, locations, and other properties sufficient to provide assurance that the most severe postulated loss-of-coolant accidents are calculated."

Section 50.46 of 10 CFR continues on to delineate specifications for peak cladding temperature, maximum hydrogen generation, coolable geometry, and long-term cooling. Sections 50.44 and 50.46 of 10 CFR specifically refer to fuel with zircaloy or ZIRLO cladding; the use of fuel clad with zirconium-based alloys that do not conform to either of these two designations requires an exemption from this section of the Code.

Appendix K, paragraph I.A.5, of 10 CFR part 50 states, "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 presumes the use of zircaloy or ZIRLO cladding. The use of fuel with zirconium-based alloys that do not conform to either of these two designations requires an exemption from this section of the Code.

APS believes that special circumstances are present, pursuant to 10 CFR 50.12(a)(ii), to warrant granting the exemption request.

## 3.0 Discussion

Pursuant to 10 CFR 50.12, the Commission may, upon application by an 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. These circumstances include the special circumstances as set forth in 10 CFR 50.12(a)(2)(ii), which states that special circumstances 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."

The underlying purpose of 10 CFR 50.44 is to ensure that there is an adequate means of controlling generated hydrogen. The hydrogen produced in a post-LOCA scenario comes from a metal-water reaction. In the previous exemptions, it was concluded that the use of the Baker-Just equation to determine the metal-water reaction rate is conservative for Alloy A cladding. Therefore, the amount of hydrogen generated by metal-water reaction in these materials will be within the design basis of Palo Verde Unit 3.

Section 50.46 of 10 CFR identifies acceptance criteria for ECCS system performance at nuclear power facilities. The effectiveness of the ECCS in Palo Verde Unit 3 will not be affected by the reinsertion of the LFA. Due to the similarities in the material properties of Alloy A to zircaloy, and the location of the LFA in a non-limiting location, it can be concluded that the ECCS performance in Palo Verde Unit 3 will not be adversely affected.

The intent of paragraph I.A.5 of Appendix K to 10 CFR part 50 is to apply an equation for rates of energy release, hydrogen generation, and cladding oxidation from a metal-water reaction which conservatively bounds all post-LOCA scenarios. CEN-429-P, Rev. 00-P, "Safety Analysis Report for Use of Advanced Zirconium Based Cladding Material in PVNGS Unit 3 Lead Fuel Assemblies," August 1996, verifies that due to the similarities in the composition of the Alloy A cladding and zircaloy, the application of the Baker-Just equation will continue to conservatively bound all post-LOCA scenarios.

The staff examined the licensee's rationale to support the exemption requests and concluded that continued use of advanced zirconium based cladding materials would meet the underlying purpose of 10 CFR part 50.

Based upon the considerations discussed in this exemption, the staff concludes that the information provided by APS and the actions described in the application form an acceptable basis for extending the exemption for another cycle.

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 Web site, <http://www.nrc.gov> (the Public Electronic Reading Room).

Therefore, the staff concludes that pursuant to 10 CFR 50.12(a)(2)(ii),

special circumstances exist as discussed in Section 3.0 above, and granting this exemption will not present an undue risk to the public health and safety and is consistent with the common defense and security.

#### 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 Arizona Public Service Company, *et al.*, an exemption from the requirements of 10 CFR 50.44, 10 CFR 50.46, and 10 CFR part 50, appendix K, for Palo Verde Nuclear Generating Station, Unit 3.

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 52644).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 16th day of October 2001.

For the Nuclear Regulatory Commission.

**John A. Zwolinski,**

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

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-454, STN 50-455, STN 50-456, STN-50-457]

### Exelon Generation Company, LLC; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. NPF-37, NPF-66, NPF-72, and NPF-77, issued to Exelon Generation Company, LLC (the licensee), for operation of the Byron Station, Units 1 and 2 located in Ogle County, Illinois, and Braidwood Station, Units 1 and 2, located in Will County, Illinois.

The proposed amendment would revise technical specification (TS) 3.7.2, "Main Steam Isolation Valves" (MSIV). TS surveillance requirement (SR) 3.7.2.1 and 3.7.2.2 would be revised for Byron and Braidwood to allow these

requirements not to be met until the first startup after September 27, 2001. By letter dated October 1, 2001, the licensee requested that the Nuclear Regulatory Commission (NRC) exercise discretion not to enforce compliance with the actions required in Byron Station, Unit 1 and 2, and Braidwood Station, Unit 2, TS. While reviewing the SRs section of the Bases for SR 3.7.2.1 and SR 3.7.2.2. in support of Braidwood Station, Unit 1 refueling outage activities, the licensee discovered that the existing surveillance procedures were inconsistent with the TS Bases. During start-up following the last refueling outages at Braidwood Station, Units 1 and 2, and Byron Station Units 1 and 2, SR 3.7.2.1 and SR 3.7.2.2 were performed in Mode 4 and not in Mode 3 as required by the TS. The existing surveillance procedures for SR 3.7.2.1 and 3.7.2.2 allow testing in Mode 3, 4, or 5.

The licensee stated that on September 27, 2001, 4 p.m. CDT (5 p.m. EDT), the plants would not be in compliance with SR 3.7.2.1 and SR 3.7.2.2, which would require Braidwood Station, Unit 2, and Byron Station, Units 1 and 2, to be in Mode 3 within the next 7 hours. A Notice of Enforcement Discretion (NOED) was requested pursuant to the NRC's policy regarding exercise of discretion for an operating facility, set out in Section VII.C. of the "General Statement of Policy and Procedures for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, to be effective for the period until the first startup after September 27, 2001. The NOED was granted to the licensee on October 3, 2001, requiring an exigent amendment to be issued within 4 weeks of this date.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its

analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

MSIV closure is the initiator of the Inadvertent MSIV Closure event. Operation of the affected units with MSIVs tested in Mode 4 instead of Mode 3 will not affect the probability of an inadvertent MSIV closure event, since the only effect would be to potentially delay to closure of the MSIVs. The MSIVs Original Equipment Manufacturer (OEM) was contacted regarding the effect of system conditions on MSIV stroke times. The OEM indicated that the most significant impact on stroke time is main steam flow. The OEM also indicated that impact due to MSL pressures alone resulted in little change to valve closure time. According to the OEM, a few tenths of a second is added to full design steam line pressure stroke test versus stroke tests as performed without line pressure. The OEM's basis for these statements was from testing that was performed during the production of these and similar MSIVs. Any delay in closure time will mitigate the effects of the resulting pressure transient caused by the inadvertent closure of the MSIV. There are no modifications to the hardware associated with accomplishing the closure functions. Therefore there is no increase in the probability of the Inadvertent MSIV closure event. The safety function of the MSIVs is to close in the event of a high energy line break or to be closed in the event of a steam generator tube rupture. These are mitigative actions and are not initiators to any other accident scenario previously analyzed in the updated final safety analysis report. Therefore, the proposed change will not increase the probability of any other previously analyzed accident.

The consequences of previously analyzed accidents will not be significantly increased. Based on past data related to closure time, and vendor information stating that the valve stroke time impact due to increase in steam line pressure is on the order of a few tenths of a second, we have reasonable assurance the valves will still function within the assumed analysis time, thereby maintaining the analyzed dose consequence for the steam line break and feedline break accident analyses. The MSIVs will still function as assumed for the steam generator tube rupture event, in that the valves will function in response to operator action. Therefore, no additional source term is added to the steam generator tube rupture analysis and the consequence resulting from that event are not increased.

Therefore, due to the limited effect the deficient testing has on the valve stroke time and the appreciable margin between the required stroke time and the assumed isolation time in the limiting analyses, the probability of occurrence and consequences of any accident previously analyzed are not significantly increased.

2. Does the proposed change create the possibility of a new or different kind of