

core. The licensee will use the approved reload methodologies for the Catawba Nuclear Station reload design containing the LTAs. Given the limited number of LTAs to be installed and the installation in non-limiting locations, the NRC staff concludes that the LTA core design is acceptable for use in the Catawba Nuclear Station.

10 CFR 50.46 identifies acceptance criteria for ECCS performance at nuclear power plants. The material properties of the low-tin ZIRLO are similar to those of the current ZIRLO cladding. Because the current analyses are done with material properties that approximate the low-tin ZIRLO properties, the current ECCS analysis remains applicable and unchanged for the LTAs. Therefore, the NRC staff concludes that the ECCS performance of the Catawba Nuclear Station will not be adversely affected by the insertion of eight low-tin ZIRLO LTAs. As such, the licensee has achieved the underlying purpose of 10 CFR 50.46. The staff has also concluded that should these LTAs fail, the consequences will be bounded by the current analyses for fuel failures and radiological assessments because the source term will not be affected by a different cladding material.

Paragraph I.A.5 of appendix K to 10 CFR part 50 states that the rates of energy, hydrogen concentration, and cladding oxidation from the metal-water reaction shall be calculated using the Baker-Just equation. Since the Baker-Just equation presumes the use of Zircaloy clad fuel, strict application of the rule would not permit use of the equation for determining acceptable fuel performance of advanced zirconium-based alloys. The underlying intent of this portion of the appendix, however, is to ensure that analysis of fuel response to LOCAs is conservatively calculated. Due to the similarities in the chemical composition between the low-tin ZIRLO and ZIRLO, the application of the Baker-Just equation in the analysis of low-tin ZIRLO clad fuel will conservatively bound all post-LOCA scenarios. Thus, the underlying purpose of the rule will be met. Therefore, special circumstances exist to grant an exemption from appendix K to 10 CFR part 50 that would allow the licensee to apply the Baker-Just equation to low-tin ZIRLO.

The purpose of 10 CFR 50.44 is to ensure that means are provided for the control of hydrogen gas that may be generated following a LOCA. The hydrogen produced in a post-LOCA scenario comes from a metal-water reaction. Tests performed by Westinghouse on the low-tin ZIRLO alloy have demonstrated that the

reduction in tin content will have no significant effect on current assessments of hydrogen gas production. As such, the licensee has met the underlying purpose of 10 CFR 50.44.

The NRC staff examined the licensee's rationale to support the exemption request and, for the reasons set forth above, concludes that allowing these eight LTAs with a nominally lower tin composition would meet the underlying purpose of 10 CFR 50.44, 10 CFR 50.46, and appendix K to 10 CFR part 50. Further, the NRC staff has determined that the reduction in tin content will have no significant effect on current assessments of a metal-water reaction, and that the mechanical design of the LTAs would perform satisfactorily. Therefore, ECCS performance will not be adversely affected and application of 10 CFR 50.44, 10 CFR 50.46 and 10 CFR part 50, appendix K, is not necessary to achieve their underlying purpose.

Based upon the considerations above, the NRC staff concludes that, pursuant to 10 CFR 50.12(a)(2), the granting of this exemption is acceptable.

#### 4.0 Conclusion

For the reasons set forth above, 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 Duke Energy Corporation an exemption from the requirements of 10 CFR part 50, section 50.44, section 50.46, and appendix K to 10 CFR part 50, with respect to the use of low-tin ZIRLO LTAs at the Catawba Nuclear Station.

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 (68 FR 42136).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 4th day of August 2003.

For The Nuclear Regulatory Commission.

**Herbert N. Berkow,**

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

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## RAILROAD RETIREMENT BOARD

### Agency Forms Submitted for OMB Review

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

#### Summary of Proposal(s):

(1) *Collection title:* Employer Reporting.

(2) *Form(s) submitted:* AA-12, G-88A.1, G-88A.2, BA-6a, BA-6a (Internet).

(3) *OMB Number:* 3220-0005.

(4) *Expiration date of current OMB clearance:* 8/31/2004.

(5) *Type of request:* Revision of a currently approved collection.

(6) *Respondents:* Business or other for-profit, Individuals or Households.

(7) *Estimated annual number of respondents:* 495.

(8) *Total annual responses:* 3,418.

(9) *Total annual reporting hours:* 570.

(10) *Collection description:* Under the Railroad Retirement Act and the Railroad Unemployment Insurance Act, railroad employers are required to report service and compensation for employees needed to determine eligibility to and the amounts of benefits paid.

*Additional Information or Comments:* Copies of the forms and supporting documents can be obtained from Chuck Mierzwa, the agency clearance officer (312-751-3363).

Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, 60611-2092 and to the OMB Desk Officer for the RRB, at the Office of Management and Budget, Room 10230, New Executive Office Building, Washington, DC 20503.

**Chuck Mierzwa,**

*Clearance Officer.*

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## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of August 11, 2003: