

## NATIONAL TRANSPORTATION SAFETY BOARD

### Agenda; Sunshine Meeting Act

*Time and Date:* 9:30 a.m., Tuesday, July 10, 2007.

*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

7901 Highway Accident Report—Ceiling Collapse in the Interstate 90 Connector Tunnel, Boston, Massachusetts, July 10, 2006 (HWY-06-MH-024).

*News Media Contact: Telephone:* (202) 314-6100.

Individuals requesting specific accommodations should contact Chris Bisett at (202) 314-6305 by Friday, July 6, 2007.

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

Dated: June 29, 2007.

Vicky D'Onofrio,

*Federal Register Liaison Officer.*

[FR Doc. 07-3263 Filed 6-29-07; 3:24 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:* Extension.

2. *The title of the information collection:* NRC Form 212,

"Qualifications Investigation, Professional, Technical, and Administrative Positions (other than clerical positions)." NRC Form 212A, "Qualifications Investigation, Secretarial/Clerical."

3. *The form number if applicable:*

NRC Form 212

NRC Form 212A

4. *How often the collection is required:* On occasion.

5. *Who will be required or asked to report:* Current/former supervisors, co-workers of applicants for employment.

6. *An estimate of the number of annual responses:*

NRC Form 212: 1200

NRC Form 212A: 400.

7. *The estimated number of annual respondents:*

NRC Form 212: 1200

NRC Form 212A: 400

8. *An estimate of the total number of hours needed annually to complete the requirement or request:*

NRC Form 212: 300 hours (15 minutes per response).

NRC Form 212A: 100 hours (15 minutes per response).

9. *An indication of whether Section 3507(d), Public Law 104-13 applies:* Not Applicable.

10. *Abstract:* Information requested on NRC Form 212, "Qualifications Investigation, Professional, Technical, and Administrative Positions (other than clerical positions)" and NRC Form 212A, "Qualification Investigation (Secretarial/Clerical)" is used to determine the qualifications and suitability of external applicants for employment with NRC. The completed forms may be used to examine, rate and/or assess the prospective employee's qualifications. The information regarding the qualifications of applicants for employment is reviewed by professional personnel of the Office of Human Resources, in conjunction with other information in the NRC files, to determine the qualifications of the applicant for appointment to the position under consideration.

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 August 2, 2007. 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.

Paul Balsarak, Desk Officer, Office of Information and Regulatory Affairs (3150-0033 and 3150-0034), NEOB-10202, Office of Management and Budget, Washington, DC 20503.

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

The NRC Clearance Officer is Margaret A. Janney, 301-415-7245.

Dated at Rockville, Maryland, this 26th day of June 2007.

For the Nuclear Regulatory Commission.

**Margaret A. Janney,**

*NRC Clearance Officer, Office of Information Services.*

[FR Doc. E7-12769 Filed 7-2-07; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-280 and 50-281]

### Virginia Electric And Power Company Surry Power Station, Unit Nos. 1 and 2; Exemption

#### 1.0 Background

The Virginia Electric and Power Company (the licensee) is the holder of Renewed Facility Operating License Nos. DPR-32 and DPR-37 which authorize operation of the Surry Power Station, Unit Nos. 1 and 2 (Surry 1 and 2). 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 Surry County, Virginia.

#### 2.0 Request/Action

Title 10 of the Code of Federal Regulations (10 CFR), Part 50, Appendix G requires that fracture toughness requirements for ferritic materials of pressure-retaining components of the reactor coolant pressure boundary of light water nuclear power reactors need to provide adequate margins of safety during any condition of normal operation, including anticipated operational occurrences and system hydrostatic tests, to which the pressure boundary may be subjected over its service lifetime; and Section 50.61 provides fracture toughness

requirements for protection against pressurized thermal shock (PTS) events. By letter dated June 13, 2006 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML061650080), Virginia Electric and Power Company (Dominion) proposed exemptions from the requirements of 10 CFR Part 50, Appendix G and 10 CFR 50.61, to revise certain Surry 1 and 2 reactor pressure vessel (RPV) initial (unirradiated) properties using Framatome Advanced Nuclear Power Topical Report (TR) BAW-2308, Revision 1, "Initial RT<sub>NDT</sub> of Linde 80 Weld Materials."

The licensee requested an exemption from Appendix G to 10 CFR Part 50 to replace the required use of the existing Charpy V-notch and drop weight-based methodology and allow the use of an alternate methodology to incorporate the use of fracture toughness test data for evaluating the integrity of the Surry 1 and 2 RPV circumferential beltline welds based on the use of the 1997 and 2002 editions of American Society for Testing and Materials (ASTM) Standard Test Method E 1921, "Standard Test Method for Determination of Reference Temperature T<sub>0</sub>, for Ferritic Steels in the Transition Range," and American Society for Mechanical Engineering (ASME), Boiler and Pressure Vessel Code (Code), Code Case N-629, "Use of Fracture Toughness Test Data to establish Reference Temperature for Pressure Retaining materials of Section III, Division 1, Class 1." The exemption is required since Appendix G to 10 CFR Part 50, through reference to Appendix G to Section XI of the ASME Code pursuant to 10 CFR 50.55(a), requires the use of a methodology based on Charpy V-notch and drop weight data.

The licensee also requested an exemption from 10 CFR 50.61 to use an alternate methodology to allow the use of fracture toughness test data for evaluating the integrity of the Surry 1 and 2 RPV circumferential beltline welds based on the use of the 1997 and 2002 editions of ASTM E 1921 and ASME Code Case N-629. The exemption is required since the methodology for evaluating RPV material fracture toughness in 10 CFR 50.61 requires the use of the Charpy V-notch and drop weight data for establishing the PTS reference temperature (RT<sub>PTS</sub>).

### 3.0 Discussion

Pursuant to 10 CFR 50.12(a), 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. These circumstances include the special circumstances that allow the licensee an exemption from the use of the Charpy V-notch and drop weight-based methodology required by 10 CFR Part 50, Appendix G and 10 CFR 50.61. This exemption only modifies the methodology to be used by the licensee for demonstrating compliance with the requirements of 10 CFR Part 50, Appendix G and 10 CFR 50.61, and does not exempt the licensee from meeting any other requirement of 10 CFR Part 50, Appendix G and 10 CFR 50.61.

#### *Authorized by Law*

These exemptions would allow the licensee to use an alternate methodology to make use of fracture toughness test data for evaluating the integrity of the Surry 1 and 2 RPV circumferential beltline welds, and would not result in changes to operation of the plant. Section 50.60(b) of 10 CFR Part 50 allows the use of alternatives to 10 CFR Part 50, Appendix G, or portions thereof, when an exemption is granted by the Commission under 10 CFR 50.12. In addition, Section 50.60(b) of 10 CFR Part 50 permits different NRC-approved methods for use in determining the initial material properties. As stated above, 10 CFR 50.12(a) allows the NRC to grant exemptions from the requirements of 10 CFR Part 50, Appendix G and 10 CFR 50.61. The NRC staff has determined that granting of the licensee's proposed exemptions will not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations. Therefore, the exemptions are authorized by law.

#### *No Undue Risk to Public Health and Safety*

The underlying purpose of Appendix G to 10 CFR Part 50 is to set forth fracture toughness requirements for ferritic materials of pressure-retaining components of the reactor coolant pressure boundary of light water nuclear power reactors to provide adequate margins of safety during any condition of normal operation, including anticipated operational occurrences and system hydrostatic tests, to which the pressure boundary may be subjected over its service lifetime. The methodology underlying the requirements of Appendix G to 10 CFR Part 50 is based on the use of Charpy V-notch and drop weight data. The licensee proposes to replace the use of the existing Charpy V-notch and drop

weight-based methodology by a fracture toughness-based methodology to demonstrate compliance with Appendix G to 10 CFR Part 50. The NRC staff has concluded that the exemptions are justified based on the licensee utilizing the fracture toughness methodology specified in BAW-2308, Revision 1, within the conditions and limitations delineated in the NRC staff's safety evaluation (SE), dated August 4, 2005 (ADAMS Accession Number ML052070408). The use of the methodology specified in the NRC staff's SE will ensure that P-T limits developed for the Surry 1 and 2 RPVs will continue to be based on an adequately conservative estimate of RPV material properties and ensure that the pressure-retaining components of the reactor coolant pressure boundary retain adequate margins of safety during any condition of normal operation, including anticipated operational occurrences. This exemption only modifies the methodology to be used by the licensee for demonstrating compliance with the requirements of Appendix G to 10 CFR Part 50, and does not exempt the licensee from meeting any other requirement of Appendix G to 10 CFR Part 50.

The underlying purpose of 10 CFR 50.61 is to establish requirements which ensure that a licensee's RPV will be protected from failure during a PTS event by evaluating the fracture toughness of RPV materials. The licensee seeks an exemption from 10 CFR 50.61 to use a methodology for the "determination of adjusted/indexing reference temperatures." The licensee proposes to use ASME Code Case N-629 and the methodology outlined in its submittal, which are based on the use of fracture toughness data, as an alternative to the Charpy V-notch and drop weight-based methodology required by 10 CFR 50.61 for establishing the initial, unirradiated properties when calculating RT<sub>PTS</sub> values. The NRC staff has concluded that the exemption is justified based on the licensee utilizing the methodology specified in the NRC staff's SE regarding TR BAW-2308, Revision 1, dated August 4, 2005. This TR established an alternative method for determining initial (unirradiated) material reference temperatures for RPV welds manufactured using Linde 80 weld flux (i.e., "Linde 80 welds") and established weld wire heat-specific and Linde 80 weld generic values of this reference temperature. These weld wire heat-specific and Linde 80 weld generic values may be used in lieu of the nil-ductility reference temperature (RT<sub>NDT</sub>)

parameter, the determination of which is specified by paragraph NB-2331 of Section III of the ASME Code. Regulations associated with the determination of RPV material properties involving protection of the RPV from brittle failure or ductile rupture include Appendix G to 10 CFR Part 50 and 10 CFR 50.61, the PTS rule. These regulations require that the initial (unirradiated) material reference temperature,  $RT_{NDT}$ , be determined in accordance with the provisions of the ASME Code, and provide the process for determination of  $RT_{PTS}$ , the reference temperature  $RT_{NDT}$ , evaluated for the end of license fluence.

In TR BAW-2308, Revision 1, the Babcock and Wilcox Owners Group (B&WOG) proposed to perform fracture toughness testing based on the application of the "Master Curve" evaluation procedure, which permits data obtained from sample sets tested at different temperatures to be combined, as the basis for redefining the initial (unirradiated) material properties of Linde 80 welds. NRC staff evaluated this methodology for determining Linde 80 weld initial (unirradiated) material properties and uncertainty in those properties, as well as the overall method for combining unirradiated material property measurements based on  $T_0$  values, property shifts from models in regulatory guide (RG) 1.99, Revision 2, which are based on Charpy V-notch testing and a defined margin term to account for uncertainties in the NRC staff SE. Table 3 in the SE contains the NRC staff-accepted  $IRT_{T_0}$  and initial margin (denoted as  $\sigma_i$ ) for specific Linde 80 weld wire heat numbers. In accordance with the conditions and limitations outlined in the NRC staff SE on TR BAW-2308, Revision 1, for utilizing the values in Table 3: the licensee has utilized the appropriate NRC staff-accepted  $IRT_{T_0}$  and  $\sigma_i$  values for Linde 80 weld wire heat numbers; applied a chemistry factor of 167 °F (the weld wire heat-specific chemical composition, via the methodology of RG 1.99, Revision 2, did not indicate that a higher chemistry factor should apply); applied a value of 28 °F for  $\sigma_{\Delta}$  in the margin term; and submitted values for  $\Delta RT_{NDT}$  and the margin term for each Linde 80 weld in the RPV through the end of the current operating license. Therefore, all conditions and limitations outlined in the NRC staff SE on TR BAW-2308, Revision 1, have been met for Surry 1 and 2.

The use of the methodology in TR BAW-2308, Revision 1, will ensure the PTS evaluation developed for the Surry 1 and 2 RPVs will continue to be based on an adequately conservative estimate

of RPV material properties and ensure the RPVs will be protected from failure during a PTS event. Also, when additional fracture toughness data relevant to the evaluation of the Surry 1 and 2 RPV circumferential welds is acquired as part of the surveillance program, this data must be incorporated into the evaluation of the Surry 1 and 2 RPV fracture toughness requirements.

Based on the above, no new accident precursors are created by allowing an exemption to use an alternate methodology to comply with the requirements of 10 CFR 50.61 in determining adjusted/indexing reference temperatures; thus, 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.

Consistent with Common Defense and Security

The proposed exemption would allow the licensee to use an alternate methodology to allow the use of fracture toughness test data for evaluating the integrity of the Surry 1 and 2 RPV circumferential beltline welds. This change to Surry 1 and 2 has no relation to security issues. Therefore, the common defense and security is not impacted by these exemptions.

#### *Special Circumstances*

Special circumstances, in accordance with 10 CFR 50.12(a)(2)(ii), are present whenever application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule. The underlying purpose of 10 CFR part 50, Appendix G and 10 CFR 50.61 is to protect the integrity of the reactor coolant pressure boundary by ensuring that each reactor vessel material has adequate fracture toughness. Therefore, since the underlying purpose of 10 CFR part 50, Appendix G and 10 CFR 50.61 is achieved by an alternative methodology for evaluating RPV material fracture toughness, the special circumstances required by 10 CFR 50(a)(2)(ii) for the granting of an exemption from portions of the requirements of 10 CFR Part 50, Appendix G and 10 CFR 50.61 exist.

#### **4.0 Conclusion**

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemptions are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. Also, special circumstances are present. Therefore,

the Commission hereby grants the Virginia Electric and Power Company exemptions from the requirements of Appendix G to 10 CFR part 50 and 10 CFR 50.61, to allow an alternative methodology that is based on using fracture toughness test data to determine initial, unirradiated properties for evaluating the integrity of the Surry 1 and 2 RPV circumferential beltline welds with the following conditions:

(1) The licensee must utilize the data and methodology specified in the NRC staff's safety evaluation (SE), dated August 4, 2005, which was based on: (a) Information submitted by the B&WOG in TR BAW-2308, Revision 1; (b) the August 19, 2003, response to an NRC staff Request for Additional Information (ADAMS Accession Number ML032380449); and (c) B&WOG letter dated March 25, 2005 (ADAMS Accession Number ML051320232);

(2) When additional fracture toughness data relevant to the evaluation of the Surry 1 and 2 RPV circumferential welds is acquired as part of the ongoing plant RPV surveillance programs, the licensee must re-evaluate the fracture toughness of the units' RPV circumferential welds; and

(3) The exemptions are granted for the licensee to utilize the most recent staff-approved version of BAW-2308 (currently BAW-2308, Revision 1). Future revisions of BAW-2308 could affect fracture toughness data and analyses for Surry 1 and 2. Therefore, the licensee must review any future staff-approved revisions of BAW-2308 and update the units' fracture toughness assessments, based on the information in any staff-approved revision of BAW-2308.

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 (72 FR 35264).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 27th day of June 2007.

For the Nuclear Regulatory Commission.

**Catherine Haney,**

*Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. E7-12855 Filed 7-2-07; 8:45 am]

**BILLING CODE 7590-01-P**