

A-2200-1, in lieu of the lower bound  $K_{IA}$  fracture toughness curve of ASME Section XI, Appendix G, Figure G-2210-1, as the basis fracture toughness curve for defining the BFN 2 and 3 P-T limits.

Use of the  $K_{IC}$  curve as the basis fracture toughness curve for the development of P-T operating limits is more technically correct than the use of the  $K_{IA}$  curve. The  $K_{IC}$  curve appropriately implements the use of a relationship based on static initiation fracture toughness behavior to evaluate the controlled heatup and cooldown process of an RPV, whereas the  $K_{IA}$  fracture toughness curve codified into Appendix G to Section XI of the ASME Code was developed from the more conservative crack arrest and dynamic fracture toughness test data. The application of the  $K_{IA}$  fracture toughness curve was initially codified in Appendix G to Section XI of the ASME Code in 1974 to provide a conservative representation of RPV material fracture toughness. This initial conservatism was necessary due to the limited knowledge of RPV material behavior in 1974. However, additional knowledge has been gained about RPV materials which demonstrates that the lower bound on fracture toughness provided by the  $K_{IA}$  fracture toughness curve is well beyond the margin of safety required to protect the public health and safety from potential RPV failure. In addition, the P-T limit curves based on the  $K_{IC}$  fracture toughness curve will enhance overall plant safety by minimizing challenges to operators since requirements for maintaining a high vessel temperature during pressure testing would be lessened. Personnel safety would also be enhanced because of the corresponding lower temperatures which would exist inside containment as leakage walkdown inspections are conducted.

In summary, the ASME 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 has determined that this increased knowledge permits relaxation of the ASME Section XI, Appendix G, requirements by application of ASME Code Case N-640, while maintaining, pursuant to 10 CFR 50.12(a)(2)(ii), the underlying purpose of the NRC regulations to ensure an acceptable margin of safety.

The NRC staff has reviewed the exemption request submitted by TVA and has concluded that the application

of the technical provisions of the ASME Code Case N-640 provides sufficient margin in the development of RPV P-T limit curves for BFN 2 and 3 such that the underlying purpose of the NRC regulations continues to be met 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 has determined 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 concurred that the use of the Code Case would meet the underlying purpose of the regulations. 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 concludes that application of the Code Case as described would provide an adequate margin of safety against brittle failure of the RPV. This conclusion is also consistent with the determinations that the staff has reached for other licensees under similar conditions based on the same considerations.

The staff has examined the licensee's rationale to support the exemption request and concludes that the 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 the BFN 2 and 3 RPVs such that the underlying purpose of 10 CFR part 50, appendix G, continues to be met to ensure an acceptable margin of safety.

### 4.0 Conclusion

Accordingly, 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 the Tennessee Valley Authority an exemption from the requirements of 10 CFR 50, appendix G, for Browns Ferry Plant, Units 2 and 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 (67 FR 11721).

This exemption is effective upon issuance.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 21st day of March, 2002.

**John A. Zwolinski,**

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

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## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Nuclear Waste; Notice of Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 134th meeting on April 16-18, 2002, at 11545 Rockville Pike, Rockville, Maryland, Room T-2B3.

The entire meeting will be open to public attendance.

The schedule for this meeting is as follows:

#### Tuesday, April 16, 2002

A. 12:30-12:40 P.M.: *Opening Statement* (Open)—The Chairman will open the meeting with brief opening remarks, outline the topics to be discussed, and indicate several items of interest.

B. 12:40-3:30 P.M.: *High-Level Waste Risk Insights Initiative* (Open)—The Committee will hear a presentation by the NRC staff on the preliminary results of its risk insights initiative.

C. 3:45-4:45 P.M.: *Amendment to 10 CFR part 63* (Open)—The NRC staff will provide a briefing on its final rulemaking amendment to Part 63 on the probability for "Unlikely Events" at the proposed Yucca Mountain high-level waste repository site.

D. 4:45-6:00 P.M.: *Preparation of ACNW Reports* (Open)—The Committee will discuss proposed reports on the following topics.

- High-Level Waste Risk Insights Initiative
- Amendment to 10 CFR part 63 "Unlikely Events"—Final Rule
- Update on Igneous Activity including Performance Assessment Analyses
- HLW Performance Assessment Sensitivity Studies

#### Wednesday, April 17, 2002

E. 8:30-8:35 A.M.: *Opening Remarks by the ACNW Chairman* (Open)—The

ACNW Chairman will make opening remarks regarding the conduct of the meeting.

**F. 8:35—10:00 A.M.: Final Radionuclide Transport Research Plan (Open)**—Representatives from the Office of Nuclear Regulatory Research will brief the Committee on its final research plan on Radionuclide Transport in the Environment.

**G. 10:15—12:00 Noon: ACNW 2002 Action Plan (Open)**—The Committee will discuss a draft of its 2002 Action Plan.

**H. 1:00—2:45 P.M.: Site Recommendation—License Application: Path Forward (Open)**—The Committee will hear a presentation from the DOE on its proposed plans to move forward from the submission of the Yucca Mountain Site Recommendation.

**I. 3:00—4:30 P.M.: Yucca Mountain Review Plan, Revision 2 (Open)**—The Committee will discuss its template to conduct an audit of the Yucca Mountain Review Plan, Revision 2.

**J. 4:30—6:00 P.M.: Preparation of ACNW Reports (Open)**—The Committee will discuss proposed reports on the following topics:

- High-Level Waste Risk Insights Initiative
- Amendment to 10 CFR part 63 “Unlikely Events”—Final Rule
- Update on Igneous Activity including Performance Assessment Analyses
- HLW Performance Assessment Sensitivity Studies
- Final Research Plan on Radionuclide Transport in the Environment

#### Thursday, April 18, 2002

**K. 8:30—8:35 A.M.: Opening Remarks by the ACNW Chairman (Open)**—The ACNW Chairman will make opening remarks regarding the conduct of the meeting.

**L. 8:35—11:45 A.M.: Preparation of ACNW Reports (Open)**—The Committee will continue its discussion of proposed ACNW reports.

**M. 11:45—12:00 Noon: Miscellaneous (Open)**—The Committee will discuss matters related to the conduct of Committee activities and matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACNW meetings were published in the **Federal Register** on October 3, 2001 (66 FR 50461). In accordance with these procedures, oral or written statements may be presented by members of the public, electronic recordings will be permitted only during those portions of the meeting

that are open to the public, and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify Mr. Howard J. Larson, ACNW (Telephone 301/415-6805), between 8:00 A.M. and 4:00 P.M. EST, as far in advance as practicable so that appropriate arrangements can be made to schedule the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting will be limited to selected portions of the meeting as determined by the ACNW Chairman. Information regarding the time to be set aside for taking pictures may be obtained by contacting the ACNW office, prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should notify Mr. Howard J. Larson as to their particular needs.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by contacting Mr. Howard J. Larson.

ACNW meeting notices, meeting transcripts, and letter reports are now available for downloading or viewing on the internet at <http://www.nrc.gov/ACRSACNW>.

Videoteleconferencing service is available for observing open sessions of ACNW meetings. Those wishing to use this service for observing ACNW meetings should contact Mr. Theron Brown, ACNW Audiovisual Technician (301/415-8066), between 7:30 a.m. and 3:45 p.m. EST at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the videoteleconferencing link. The availability of videoteleconferencing services is not guaranteed.

Dated: March 26, 2002.

**Andrew L. Bates,**

*Advisory Committee Management Officer.*  
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## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Nuclear Waste; Meeting on Planning and Procedures; Notice of Meeting

The ACNW will hold a Planning and Procedures meeting on April 16, 2002, Room T-2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c) (2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACNW, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

**Tuesday, April 16, 2002—8:30 a.m.—10:30 p.m.**

The Committee will discuss proposed ACNW activities and related matters. The purpose of this meeting is to gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify the Designated Federal Official named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefor can be obtained by contacting the Designated Federal Official, Howard J. Larson (telephone: 301/415-6805) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any changes in schedule that may have occurred.