

veterans, dependents, and other authorized individuals request information from or copies of documents in military personnel, military medical, and dependent medical records, they must provide on forms or in letters certain information about the veteran and the nature of the request. A major fire at the NPRC on July 12, 1973, destroyed numerous military records. If individuals' requests involve records or information from records that may have been lost in the fire, requesters may be asked to complete NA Form 13075, Questionnaire about Military Service, or NA Form 13055, Request for Information Needed to Reconstruct Medical Data, so that NPRC staff can search alternative sources to reconstruct the requested information. Requesters who ask for medical records of dependents of service personnel and hospitalization records of military personnel are asked to complete NA Form 13042, Request for Information Needed to Locate Medical Records, so that NPRC staff can locate the desired records. Certain types of information contained in military personnel and medical records are restricted from disclosure unless the veteran provides a more specific release authorization than is normally required. Veterans are asked to complete NA Form 13036, Authorization for Release of Military Medical Patient Records, to authorize release to a third party of a restricted type of information found in the desired record.

Dated: January 10, 2007.

**Martha Morphy,**

*Assistant Archivist for Information Services.*

[FR Doc. E7-495 Filed 1-16-07; 8:45 am]

**BILLING CODE 7515-01-P**

## **NATIONAL TRANSPORTATION SAFETY BOARD**

### **Sunshine Act Meeting; Agenda**

**TIME AND DATE:** 9:30 a.m., Tuesday, January 23, 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:**

7713A *Aircraft Accident Report—Crash During Approach to Landing, Circuit City Stores, Inc., Cessna Citation 560, N500AT, Pueblo, Colorado, February 16, 2005 (DCA05MA037)*

**NEWS MEDIA CONTACT:** Lauren Peduzzi, Telephone: (202) 314-6100.

Individuals requesting specific accommodations should contact Chris Bisett at (202) 314-6305 by Friday, January 19, 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 <http://www.nts.gov>.

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

Dated: January 12, 2007.

**Vicky D'Onofrio,**

*Federal Register Liaison Officer.*

[FR Doc. 07-185 Filed 1-12-07; 2:04 pm]

**BILLING CODE 7533-01-M**

## **NUCLEAR REGULATORY COMMISSION**

[ Docket No. 50-425]

### **Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Unit 2; Exemption**

#### **1.0 Background**

The Southern Nuclear Operating Company, Inc. (SNC/licensee), is the holder of Facility Operating License Nos. NPF-68 and NPF-81, which authorize operation of the Vogtle Electric Generating Plant, Units 1 and 2 (VEGP Unit 1 and VEGP Unit 2), respectively. The licenses provide, 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 (PWRs) supplied by Westinghouse Electric Corporation, each rated at 3565 megawatts (thermal). The facility is located in Burke County, Georgia. This exemption addresses VEGP Unit 2.

#### **2.0 Request/Action**

Title 10 of the Code of Federal Regulations (10 CFR), Part 54.17(c) stipulates that an application for a renewed license may not be submitted to the Commission earlier than 20 years before the expiration of the operating license currently in effect.

By letter dated May 22, 2006, the licensee requested a schedular exemption from the 20-year restriction specified in 10 CFR 54.17(c) for VEGP Unit 2 so that the license renewal application (LRA) for both Vogtle Electric Generating Plant units can be prepared and submitted concurrently, with the goal of attaining efficiencies for preparation and review of the application. The current operating

license for VEGP Unit 1 expires on January 16, 2027, whereas the current operating license for VEGP Unit 2 expires on February 9, 2029. At the time the exemption request was filed, VEGP Unit 1 had over 19 years of operating experience and VEGP Unit 2 had over 17 years of operating experience.

This exemption is required in order to allow an application for renewal of the VEGP Unit 2 license to be prepared and submitted concurrently with the LRA for VEGP Unit 1. Based on an anticipated submittal of a renewal application on June 28, 2007, VEGP Unit 1 will meet the requirements of 10 CFR 54.17(c) and the license renewal request for VEGP Unit 2 would occur approximately 2 years earlier than the earliest date allowed by 10 CFR 54.17(c).

#### **3.0 Discussion**

Pursuant to 10 CFR 54.15, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 54, in accordance with the provisions of 10 CFR 50.12, (1) when 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.

#### *Authorized by Law*

The Commission's basis for establishing the 20-year limit contained in Section 54.17(c) is discussed in the 1991 Statements of Consideration for Part 54 of 10 CFR (56 FR 64963). The limit was established to ensure that substantial operating experience was accumulated by a licensee before a renewal application is submitted such that any plant-specific concerns regarding aging would be disclosed. In amending the rule in 1995, the Commission sought public comment on whether the 20-year limit should be reduced. The Commission determined that sufficient basis did not exist to generically reduce the 20-year limit. However, the Commission did indicate in the Statements of Consideration for the amended rule (60 FR 22488), that it was willing to consider plant-specific exemption requests by applicants who believe that sufficient information is available to justify applying for license renewal prior to 20 years from expiration of the current license. SNC's exemption request is consistent with the Commission's intent to consider plant-specific requests and is permitted by 10 CFR 54.15. Therefore, the exemption is authorized by law.

The current operating licenses for VEGP Unit 1 and Unit 2, were issued in accordance with the Atomic Energy Act of 1954, as amended (AEA), and 10 CFR 50.51, which limit the duration of an operating license to a maximum of 40 years. In accordance with 10 CFR 54.31, the renewed license will be of the same class as the operating license currently in effect and cannot exceed a term of 40 years. Therefore, the terms of the renewal licenses for VEGP Unit 1 and Unit 2, are limited both by law and the Commission's regulations to 40 years. Additionally, 10 CFR 54.31(b) states that "A renewed license will be issued for a fixed period of time, which is the sum of the additional amount of time beyond the expiration of the operating license (not to exceed 20 years) that is requested in a renewal application plus the remaining number of years on the operating license currently in effect. The term of any renewed license may not exceed 40 years."

The potential exists that, because SNC's decision to apply early for license renewal for VEGP Unit 2, SNC may not obtain the maximum 20-year extended operation permitted by 10 CFR 54.31(b). Any actual reduction will depend on the date the renewed licenses are issued. If a reduction in the 20-year extension is required, and SNC desires further extension of VEGP Units 2's operating licenses in the future, an additional renewal application can be submitted in accordance with 10 CFR Part 54.

Therefore, should the Commission determine to renew the VEGP Unit 2 operating license, the term of the license will not exceed 40 years, and granting of VEGP Unit 2's exemption request will not result in violation of the AEA or the Commission's regulations.

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

This exemption will not result in changes to the operation of the plant. SNC's exemption request seeks only schedular relief regarding the date of submittal, and not substantive relief from the requirements of Parts 51 or Part 54. SNC must still conduct all environmental reviews required by Part 51 and all safety reviews and evaluations required by Part 54 when preparing the applications for VEGP Units 1 and 2. The NRC staff's review will verify that all applicable Commission regulations have been met before issuing the renewed licenses. Therefore, the NRC staff finds that granting this schedular exemption will not represent an undue risk to public health and safety.

#### *Consistent With the Common Defense and Security*

As discussed previously, the exemption requested is only a schedular exemption. The NRC staff will review the LRA SNC submits pursuant to the requested exemption, to assure all applicable requirements are fully met. This change has no relation to security issues. Therefore, the common defense and security is not impacted by this exemption.

#### *Special Circumstances*

An exemption will not be granted unless special circumstances are present as defined in 10 CFR 50.12(a)(2). Specifically, Section 50.12(a)(2)(ii) states that a special circumstance exists when "application of the regulation in the particular circumstances \* \* \* is not necessary to achieve the underlying purpose of the rule." In initially promulgating Section 54.17(c) in 1991, the Commission stated that the purpose of the time limit was "to ensure that substantial operating experience is accumulated by a licensee before it submits a renewal application" (56 FR 64963). At that time, the Commission found that 20 years of operating experience provided a sufficient basis for renewal applications. However, in issuing the amended Part 54 in 1995, the Commission indicated it would consider an exemption to this requirement if sufficient information was available on a plant-specific basis to justify submission of an application to renew a license before completion of 20 years of operation (60 FR 22488). The 20-year limit was imposed by the Commission to ensure that sufficient operating experience was accumulated to identify any plant-specific aging concerns. As set forth below, VEGP Unit 1 is sufficiently similar to Unit 2, such that the operating experience for VEGP Unit 1 is applicable to VEGP Unit 2. In addition, VEGP Unit 2 has accumulated significant operating experience. Accordingly, under the requested exemption, sufficient operating experience will have been accumulated to identify any plant-specific aging concerns for both units.

SNC stated that special effort was made during construction of VEGP to keep the designs of the two units the same. Both units are PWRs supplied by Westinghouse Electric Corporation with a design net core output of 3565 megawatts (thermal). The containment for each of the VEGP units is a steel-lined, prestressed, post-tensioned concrete cylinder with a hemispherical dome. SNC states that the two units have similar materials of construction of

the systems, structures, and components and are typically identical.

These statements are supported by a review of the VEGP Updated Final Safety Analysis Report (UFSAR for Units 1 and 2). In particular, Section 1.3 of the UFSAR describes the similarities in design between VEGP Unit 1, VEGP Unit 2, and similar licensed reactor facilities. Table 1-3-1 of the UFSAR lists significant similarities between systems, structures and components installed at VEGP, including elements of the reactor system, the reactor coolant system, the engineered safety features, and auxiliary systems.

SNC also states that the Operating Experience Program ensures that operating experience originating from all sources is appropriately utilized at VEGP. Specifically, any operating experience originating with VEGP Unit 1 is systematically applied to Unit 2. Moreover, SNC states that since the two VEGP units are essentially the same in design, operation, maintenance, materials and environments, there will be little difference in the aging management analyses for the two units.

Based on the above discussion, the NRC staff concludes that, with respect to VEGP Unit 1 and VEGP Unit 2 containment design, structural configuration, and management of structural-related aging effects, the applicant has provided adequate justifications for the NRC consideration of granting the VEGP Unit 2 request for exemption from the requirements of 10 CFR 54.17(c).

Therefore, sufficient combined operating experience from VEGP Unit 1 and industry exists to satisfy the intent of 10 CFR 54.17(c), and the application of the regulation in this case is not necessary to achieve the underlying purpose of the rule. The NRC staff concludes that SNC's request meets the requirement, in Section 50.12(a)(2) of 10 CFR, that special circumstances exist to grant the exemption.

#### **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 SNC an exemption from the requirements of 10 CFR 54.17(c). Specifically, this schedular exemption allows SNC to apply for a renewed license for VEGP Unit 2 earlier than 20 years before the expiration of the license currently in effect.

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 (71 FR 58014).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 9th day of January 2007.

For the Nuclear Regulatory Commission.

**John W. Lubinski,**

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

[FR Doc. E7-501 Filed 1-16-07; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 030-07517]

### Issuance of Environmental Assessment and Finding of No Significant Impact for Amendment to Byproduct Materials License 53-00017-23 for the University of Hawaii in Honolulu, HI

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Issuance of Environmental Assessment and Finding of No Significant Impact for License Amendment.

**FOR FURTHER INFORMATION CONTACT:** D. Blair Spitzberg, PhD., Chief, Fuel Cycle and Decommissioning Branch, Division of Nuclear Materials Safety, Region IV, U.S. Nuclear Regulatory Commission, Arlington, Texas 76011. Telephone: (817) 860-8191; fax number: (817) 860-8188; or by e-mail: [dbs@nrc.gov](mailto:dbs@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of an amendment to Material License No. 53-00017-23. This license is held by the University of Hawaii (the Licensee), School of Medicine, located at Queen's Medical Center, University Towers in Honolulu, Hawaii (the Facility). Issuance of the amendment would authorize release of the Facility's 7th floor for unrestricted use. The Licensee requested this action in a letter dated January 19, 2006. The NRC has prepared an Environmental Assessment (EA) in support of this proposed action in accordance with the requirements of Title 10, Code of Federal Regulations (CFR), Part 51 (10 CFR Part 51). Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate with respect to

the proposed action. The amendment will be issued to the Licensee following the publication of this FONSI and EA in the **Federal Register**.

##### II. Environmental Assessment (EA)

*Identification of Proposed Action:* The proposed action is to approve the Licensee's January 19, 2006, license amendment request, resulting in release of the Facility's 7th floor, for unrestricted use. License No. 53-00017-23 was issued on July 29, 1991, pursuant to 10 CFR Part 30, and has been amended periodically since that time. This license authorized the Licensee to use byproduct material for purposes of research and development, calibration of instruments, instructional purposes, and for use in portable gauges.

The Facility is situated in three laboratory rooms (717, 720, and 722) of the University Towers. The Facility is located in a commercial area of Honolulu. Within the Facility, use of licensed material was confined to these three rooms.

During December 2002, the Licensee ceased licensed activities. The Licensee initiated a survey of the Facility during June-July 2004. Based on the Licensee's historical knowledge of the site and the conditions of the Facility, the Licensee determined that only routine decontamination activities, in accordance with their NRC-approved, operating radiation safety procedures, were required. The Licensee was not required to submit a decommissioning plan to the NRC because worker cleanup activities and procedures are consistent with those approved for routine operations. The Licensee conducted surveys of the Facility and provided information to the NRC to demonstrate that it meets the criteria in Subpart E of 10 CFR Part 20 for unrestricted release.

*The Need for the Proposed Action:* The Licensee has ceased conducting licensed activities at this Facility and seeks its unrestricted use.

*Environmental Impacts of the Proposed Action:* The historical review of licensed activities conducted at the Facility shows that such activities involved use of the following radionuclides with half-lives greater than 120 days: hydrogen-3 and carbon-14. Prior to performing the final status survey, the Licensee conducted decontamination activities, as necessary, in the areas of the Facility affected by these radionuclides.

The Licensee conducted a final status survey during June-July 2004. This survey covered Rooms 717, 720, and 722 in the University Towers. The final status survey report was attached to the

Licensee's amendment request dated January 19, 2006. The Licensee elected to demonstrate compliance with the radiological criteria for unrestricted release as specified in 10 CFR 20.1402 by using the screening approach described in NUREG-1757, "Consolidated NMSS Decommissioning Guidance," Volume 2. The Licensee used the radionuclide-specific derived concentration guideline levels (DCGLs), developed by the NRC, which comply with the dose criterion in 10 CFR 20.1402. These DCGLs define the maximum amount of residual radioactivity on building surfaces, equipment, and materials, and in soils, that will satisfy the NRC requirements in Subpart E of 10 CFR Part 20 for unrestricted release. The Licensee's final status survey results were below these DCGLs and are in compliance with the As Low As Reasonably Achievable (ALARA) requirement of 10 CFR 20.1402. The NRC thus finds that the Licensee's final status survey results are acceptable.

Based on its review, the staff has determined that the affected environment and any environmental impacts associated with the proposed action are bounded by the impacts evaluated by the "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities" (NUREG-1496) Volumes 1-3 (ML042310492, ML042320379, and ML042330385). The staff finds there were no significant environmental impacts from the use of radioactive material at the Facility. The NRC staff reviewed the docket file records and the final status survey report to identify any non-radiological hazards that may have impacted the environment surrounding the Facility. No such hazards or impacts to the environment were identified. The NRC has identified no other radiological or non-radiological activities in the area that could result in cumulative environmental impacts.

The NRC staff finds that the proposed release of the Facility for unrestricted use and the termination of the NRC materials license is in compliance with 10 CFR 20.1402. Although the Licensee will continue to perform licensed activities at other locations specified in the license, the Licensee must ensure that the Facility does not become recontaminated. Before the license can be terminated, the Licensee will be required to show that all areas in which licensed activities took place, including previously-released areas, comply with the radiological criteria in 10 CFR 20.1402. Based on its review, the staff