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#### SUPPLEMENTARY INFORMATION:

*Background:* The Institute of Museum and Library Services is an independent Federal grant-making agency authorized by the Museum and Library Services Act, 20 U.S.C. 9101, *et seq.* The IMLS provides a variety of grant programs to assist the nation's museums and libraries in improving their operations and enhancing their services to the public. Museums and libraries of all sizes and types may receive support from IMLS programs. The Museum and Library Services Act, 20 U.S.C. 9101, *et seq.* authorizes the Director of the Institute of Museum and Library Services to make grants to museums and other entities as the Director considers appropriate, and to Indian tribes and to organizations that primarily serve and represent Native Hawaiians.

I. The Institute of Museum and Library Services published an initial Notice for Requests for Information Collection in the 68 FR 42782, July 16, 2004. In response to this initial 60-day comment period, the agency received a few questions and takes this opportunity to clarify the eligibility requirements for the Native American/ Native Hawaiian Museum Services grant program. IMLS's authorizing legislation requires the Director of the agency to award financial assistance under this program to eligible Native American tribes that are "recognized by the Secretary of the Interior as eligible for special programs and services provided by the United States to Indians because of their status as Indians," as well as organizations that primarily serve and represent Native Hawaiians. *See* 20 U.S.C. 9101(4) and 9173(d). Museums with 501(c)3 status under the Internal Revenue Code, that are located within tribes or within the U.S., U.S. territories, or Freely-Associated States, are not eligible to apply directly to this program, but may partner with an eligible tribe or organization. In addition, museums are eligible for other IMLS grant programs, as described in the agency's program guide located at <http://www.imls.gov>.

The Institute of Museum and Library Services also received a small number of comments regarding the agency's guidelines for the 21st Century Museum Professionals grant program. Most responses related to the scope of professional development activities contemplated by the program. Responders suggested specific areas that could be funded through the program (e.g., financial management and scholarly research on collections). IMLS

has clarified sections of the guidelines that seem to have caused confusion and misunderstanding as to the scope of the program.

#### II. Current Actions

To administer these programs of grants, cooperative agreements and contracts, IMLS must develop application guidelines, reports and customer service surveys.

*Agency:* Institute of Museum and Library Services.

*Title:* Application Guidelines.

*OMB Number:* n/a.

*Agency Number:* 3137.

*Frequency:* Annually.

*Affected Public:* Museums, museum organizations, Indian tribes and to organizations that primarily serve and represent Native Hawaiians.

*Number of Respondents:* 150.

*Estimated Time Per Respondent:* 10-35 hours.

*Total Burden Hours:* 2750.

*Total Annualized Capital/Startup*

*Costs:* 0.

*Total Annual Costs:* 0.

**CONTACT:** Rebecca Danvers, Director of the Office of Research and Technology, Institute of Museum and Library Services, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, telephone (202) 606-2478.

Dated: November 3, 2004.

**Rebecca Danvers,**

*Director, Office of Research and Technology.*

[FR Doc. 04-24894 Filed 11-8-04; 8:45 am]

**BILLING CODE 7036-01-M**

#### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

##### National Endowment for the Arts; Arts Advisory Panel

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that eight meetings of the Arts Advisory Panel to the National Council on the Arts will be held at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 as follows:

*Museums* (Access to Artistic Excellence): November 30-December 2, 2004, Room 716. This meeting, from 9 a.m. to 5:30 p.m. on November 30th, from 9 a.m. to 6 p.m. on December 1st, and from 9 a.m. to 3 p.m. on December 2nd, will be closed.

*Theater/Musical Theater* (Access to Artistic Excellence, Panel B): December 1-2, 2004, Room 730. A portion of this meeting, from 2:30 p.m. to 3:30 p.m. on December 2nd, will be for policy discussion and will be open to the

public. The remainder of the meeting, from 9 a.m. to 6 p.m. on December 1st, and from 9 a.m. to 2:30 p.m. and from 3:30 p.m. to 5 p.m. on December 2nd, will be closed.

*Arts Education* (Learning in the Arts for Children & Youth, Panel B3):

December 2-3, 2004, Room 714. A portion of this meeting, from 3:45 p.m. to 4:15 p.m. on December 3rd, will be for policy discussion and will be open to the public. The remainder of the meeting, from 9 a.m. to 6 p.m. on December 2nd, and from 9 a.m. to 3:45 p.m. and 4:15 p.m. to 4:45 p.m. on December 3rd, will be closed.

*Multidisciplinary* (Access to Artistic Excellence): December 7-10, 2004, Room 716. A portion of this meeting, from 3 p.m. to 4 p.m. on December 10th, will be for policy discussion and will be open to the public. The remainder of the meeting, from 9 a.m. to 5:30 p.m. on December 7th-9th, and from 9 a.m. to 3 p.m. and 4 p.m. to 4:50 p.m. on December 10th, will be closed.

*Literature* (Access to Artistic Excellence): December 8-10, 2004, Room 714. A portion of this meeting, from 11 a.m. to 12 p.m. on December 10th, will be for policy discussion and will be open to the public. The remainder of the meeting, from 9 a.m. to 6 p.m. on December 8th and December 9th, and from 9 a.m. to 11 a.m. and 12 p.m. to 3 p.m. on December 10th, will be closed.

*Arts Education* (Learning in the Arts for Children & Youth, Panel D2):

December 13, 2004, Room 716. A portion of this meeting, from 4:30 p.m. to 5 p.m., will be for policy discussion and will be open to the public. The remainder of the meeting, from 8:30 a.m. to 4:30 p.m. and 5 p.m. to 5:30 p.m., will be closed.

*Arts Education* (Learning in the Arts for Children & Youth, Panel D3):

December 14-16, 2004, Room 716. A portion of this meeting, from 3 p.m. to 4 p.m. on December 15th, will be for policy discussion and will be open to the public. The remainder of the meeting, from 9 a.m. to 5:30 p.m. on December 14th and 16th, and from 9 a.m. to 3 p.m. and 4 p.m. to 5:30 p.m. on December 15th, will be closed.

*Arts Education* (Learning in the Arts for Children & Youth, Panel D4):

December 17, 2004, Room 716. A portion of this meeting, from 4:30 p.m. to 5 p.m., will be for policy discussion and will be open to the public. The remainder of the meeting, from 9 a.m. to 4:30 p.m. and 5 p.m. to 5:30 p.m., will be closed.

The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and

recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of April 14, 2004, these sessions will be closed to the public pursuant to subsection (c)(6) of 5 U.S.C. 552b.

Any person may observe meetings, or portions thereof, of advisory panels that are open to the public, and if time allows, may be permitted to participate in the panel's discussions at the discretion of the panel chairman.

If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532, TDY-TDD 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to these meetings can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5691.

Dated: November 3, 2004.

**Kathy Plowitz-Worden,**

*Panel Coordinator, Panel Operations,  
National Endowment for the Arts.*

[FR Doc. 04-24908 Filed 11-8-04; 8:45 am]

BILLING CODE 7537-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-219]

### **AmerGen Energy Company, LLC; Oyster Creek Nuclear Generating Station; Exemption**

#### **1.0 Background**

AmerGen Energy Company, LLC (the licensee), is the holder of Facility Operating License No. DPR-16, which authorizes operation of the Oyster Creek Nuclear Generating Station (OCNGS).

The facility consists of a boiling-water reactor (BWR), located in Ocean County, New Jersey. 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.

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

Title 10 of the Code of Federal Regulations (10 CFR) part 50, Appendix J, Option B, Section III.B., "Type B and C Tests," states, in part, that containment leakage tests must

demonstrate that the sum of the leakage rates at accident pressure of Type B tests, and pathway leakage rates from Type C tests, is less than the performance criterion ( $L_a$ ) with margin as specified in the Technical Specifications (TSs). In this context, "accident pressure,"  $P_a$ , was previously analyzed to be 35 psig at OCNGS. Accordingly, for main steam isolation valves (MSIVs), leakage rate testing is to be done at this peak containment calculated pressure, *i.e.*, 35 psig.

By letter dated December 23, 2003, the licensee requested a permanent exemption from the requirements of the subject provision of Appendix J, such that the MSIVs may be tested at lower pressures but not lower than 20 psig. By separate application also dated December 23, 2003, the licensee proposed to revise the OCNGS TSs, Section 4.5.D, to specify the lower test pressure and leakage rate; the NRC staff will communicate the results of its review of this proposed license amendment by separate correspondence.

In summary, in order for the NRC staff to approve the lower leakage rate test pressure for the TSs, the licensee first needs an exemption from the subject regulation.

#### **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. These circumstances include situations where the regulation would not serve the underlying purpose of the rule.

OCNGS has two main steam lines, each having two MSIVs. The MSIVs are 24-inch angled globe valves of "Y" configuration. The cup-shaped poppet moves on a centerline that is 45 degrees upward from the horizontal centerline of the piping run. Each MSIV is oriented to provide effective sealing in the direction of post-accident containment atmosphere leakage, *i.e.*, the forward direction, as compared to the between-the-valve Type C test which tends to unseat the inboard valve. The design of the steam lines is such that the preferred method of Type C testing is through the use of a between-the-valves test tap. Periodic Type C testing verifies that the leakage assumed in the radiological analysis is not exceeded. The licensee is requesting this exemption and

associated amendment to the TSs in order to reduce the probability of lifting the inboard MSIVs during testing. Testing of the two MSIVs simultaneously at  $P_a$ , by pressurizing between the valves tends to lift the disc of the inboard valve. This results in test results which may not accurately reflect the isolation capabilities of the MSIVs. Therefore, testing the two MSIVs simultaneously at  $P_a$  does not serve the underlying purpose of the rule.

In conjunction with the proposed exemption, the licensee proposed an amendment to the TSs, specifying testing at a minimum of 20 psig between the 2 MSIVs, and an acceptance pathway leakage rate of 11.9 standard cubic feet per hour. The proposed 20 psig pressure is greater than one-half of  $P_a$ , and the licensee stated that it would avoid lifting the disc of the inboard valve. As shown in the OCNGS Updated Final Safety Analysis Report, Figure 6.2-3, the primary containment pressure following a design-basis loss-of-coolant accident reaches its peak within 2 to 3 seconds, and rapidly drops below 20 psig. The NRC staff has previously approved testing of MSIVs at reduced pressure at many other BWR plants. Industry experience in testing these valves at a pressure in the range of 20 psig and with an acceptance criterion of approximately 11.9 standard cubic feet per hour has been shown to be effective in determining the condition of these valves.

The underlying purpose of the requirements of 10 CFR part 50, Appendix J, Option B, Section III.B is to demonstrate by periodic testing that the primary reactor containment will be able to perform its function of providing a leak-tight barrier against uncontrolled release of radioactivity to the environment. As stated above, the NRC staff examined the licensee's rationale to support the exemption and concluded that MSIV leakage testing at accident pressure does not serve the underlying purpose of the rule, and fulfillment of the proposed alternative testing criteria would demonstrate leak-tightness of the MSIVs. Thus, the underlying purpose of the subject regulation is achieved and served by the licensee's proposed criteria.

Based upon a consideration of the information submitted by the licensee, the NRC staff concludes that the licensee's proposed reduced test pressure for Type C testing of MSIVs is justified.

Therefore, the NRC staff concludes that pursuant to 10 CFR 50.12(a)(2), special circumstances are present in that application of the Appendix J