

procedures and materials for cold shutdown components, 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 (since risk is probability x consequences).

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

The proposed exemption would allow FCS, Unit No. 1, to not meet the requirements of 10 CFR Part 50, Appendix R, Section III.G.1.b for certain specified areas; thus, procedures and materials for the repair of redundant cold shutdown components within 72 hours in those areas would not be needed. This change to the operation of the plant has no relation to security issues. Therefore, the common defense and security is not impacted by this exemption.

#### *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. Part of the underlying purpose of 10 CFR Part 50, Appendix R, Section III.G, is to assure safe shutdown capability. OPPD states that, in the unlikely event all raw water pumps are lost for any reason, OPPD maintains an AOP for loss of the raw water system. If all raw water pumps are lost, due to any condition, the AOP directs the operators to trip the reactor and enter EOPs based on observed plant condition. Since these procedures help to assure safe shutdown capability, strict application of the requirements of 10 CFR Part 50, Appendix R, Section III.G.1.b, is not necessary to achieve the underlying purpose of the rule and the special circumstances required by 10 CFR 50.12(a)(2)(ii) for the granting of an exemption exist.

#### **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 OPPD an exemption from the requirements of Section III.G.1.b of 10 CFR Part 50, Appendix R, which is required by 10 CFR 50.48(b) for plants that were licensed to operate before January 1, 1979, to FCS, Unit No. 1.

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 (73 FR 80441; December 31, 2008).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 6th day of February 2009.

For the Nuclear Regulatory Commission.

**Joseph G. Gitter,**

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

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## **NUCLEAR REGULATORY COMMISSION**

### **Advisory Committee on Reactor Safeguards (ACRS), Meeting of the Subcommittee on Plant License Renewal; Notice of Meeting**

The ACRS Subcommittee on Plant License Renewal will hold a meeting on March 4, 2009, Room T-2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

*Wednesday, March 4, 2009—8:30 a.m.—5 p.m.*

The Subcommittee will discuss the Indian Point License Renewal application and the associated Safety Evaluation Report (SER) with Open Items prepared by the staff. The Subcommittee will hear presentations by and hold discussions with representatives of the NRC staff, Entergy, and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official, Mr. Peter Wen (telephone 301/415-2832) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Electronic recordings will be permitted. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 6, 2008 (73 FR 58268-58269).

Further information regarding this meeting can be obtained by contacting the Designated Federal Official between 6:45 a.m. and 3:30 p.m. (ET). Persons

planning to attend this meeting are urged to contact the above named individual at least two working days prior to the meeting to be advised of any potential changes to the agenda.

Dated: February 5, 2009.

**Cayetano Santos,**

*Chief, Reactor Safety Branch A, Advisory Committee on Reactor Safeguards.*

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## **NUCLEAR REGULATORY COMMISSION**

### **Advisory Committee on Reactor Safeguards Meeting of the ACRS Subcommittee on Reliability and Probabilistic Risk Assessment; Notice of Meeting**

The ACRS Subcommittee on Reliability and Probabilistic Risk Assessment (PRA) will hold a meeting on March 3, 2009, Room T-2-B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

*Tuesday, March 3, 2009—1 p.m. until the conclusion of business.*

The Subcommittee will review draft Final Regulatory Guide 5.73, "Fatigue Management for Nuclear Power Plant Personnel." The Subcommittee will hear presentations by and hold discussions with representatives of the NRC staff. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee. Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official, Harold VanderMolen (Telephone: 301-415-6236) 5 days prior to the meeting, if possible, so that appropriate arrangements can be made. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 6, 2008 (72 FR 54695).

Further information regarding this meeting can be obtained by contacting the Designated Federal Official between 8:30 a.m., and 4:30 p.m. (ET). Persons planning to attend this meeting are urged to contact the above named individual at least two working days prior to the meeting to be advised of any potential changes to the agenda.