

fire hazards that could affect the pinch points. Although it is unlikely that a fire will affect the pinch points, if such damage were to occur and the CREVS was to be made inoperable, means to achieve safe shutdown remain available. First, the operators could shed loads to reduce the heat load in the Control Room so that Control Room abandonment is not required. Secondly, if Control Room abandonment is required, the alternate shutdown panel is available to shutdown the plant. The licensee performed a risk analysis of these configurations which is described above.

The risk analysis in the February 25, 2005, submittal is generally consistent with the NRC's fire protection significance determination process (Inspection Manual Chapter 0609, Appendix F). The results of the analysis are consistent with a change that would be acceptable when compared to the acceptance criteria described in Regulatory Guide 1.174, "An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis," Revision 1.

The evaluation that FENOC prepared assesses the impact of the change. This evaluation uses a combination of risk-insights and deterministic methods to show that sufficient safety margins are maintained.

The NRC staff examined the licensee's rationale to support the exemption request and concluded that adequate defense-in-depth and safety margins exist. Although fixed suppression is not installed in the area, the configuration of the area makes it unlikely that the cables of interest will be damaged by a fire in the area. Also, if the cables of interest are damaged, adequate assurance remains to demonstrate that the plant can be brought to a safe shutdown condition.

Based upon the above, the NRC staff concludes that application of the regulation is not necessary to achieve the underlying purpose of the rule. Therefore, the NRC staff concludes that pursuant to 10 CFR 50.12(a)(2)(ii), the requested exemption is acceptable.

5.0 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 FENOC an exemption from the requirements of 10 CFR part 50, appendix R, section

III.G.3 to install a fixed fire suppression system in Fire Area HH for DBNPS and to install fire detection in the approximately 4 percent of Fire Area HH (*i.e.*, Rooms 603A and 603B) not currently covered by a fire detection system. This exemption is based on the limited combustibles located in the fire area (including no storage of combustibles in Rooms 603A and 603B), the limited ignition sources in the fire area, administrative controls on both transient combustibles and hot work, the configuration of Room 603 that avoids in-situ combustible liquids from affecting the cables of interest, the fire detection and manual suppression capability available, and the availability of alternate means to achieve shutdown if a fire were to occur and cause damage to the cables of interest.

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 (70 FR 42112).

This exemption is effective upon issuance.

Dated in Rockville, Maryland, this 21 day of July 2005.

For the Nuclear Regulatory Commission
Ledyard B. Marsh,

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

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NUCLEAR REGULATORY COMMISSION

[Docket No. 55-22685; ASLBP No. 05-840-01-SP]

In the Matter of David H. Hawes; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28,710 (1972), and the Commission's regulations, *see* 10 CFR 2.104, 2.300, 2.303, 2.309, 2.311, 2.318, and 2.321, notice is hereby given that an Atomic Safety and Licensing Board is being established to preside over the following proceeding:

David H. Hawes (Reactor Operator License for Vogtle Electric Generating Plant)

This proceeding concerns a request for hearing submitted on June 28, 2005, by David H. Hawes in response to a June 20, 2005, NRC staff letter proposing the denial of his application for a reactor operator license for the Vogtle Electric Generating Plant. According to the staff

letter, the basis for the proposed denial action was Mr. Hawes's failure to obtain a passing grade on the May 27, 2005, written examination portion of his reactor operator license application for the Vogtle Electric Generating Plant.

The Board is comprised of the following administrative judges:

Ann M. Young, Chair, U.S. Nuclear
Regulatory Commission, Washington,
DC 20555-0001.

Michael C. Farrar, U.S. Nuclear
Regulatory Commission, Washington,
DC 20555-0001.

Dr. Peter S. Lam, U.S. Nuclear
Regulatory Commission, Washington,
DC 20555-0001.

All correspondence, documents, and other materials shall be filed with the administrative judges in accordance with 10 CFR 2.302.

Issued in Rockville, Maryland, this 22nd day of July, 2005.

G. Paul Bollwerk, III,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

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NUCLEAR REGULATORY COMMISSION

Announcement of a Public Meeting To Discuss Selected Topics for the Review of Emergency Preparedness (EP) Regulations and Guidance for Commercial Nuclear Power Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: The Nuclear Regulatory Commission's (NRC's) reassessment of emergency preparedness following September 11, 2001, terrorist attacks concluded that the planning basis for emergency preparedness (EP) remains valid. However, as part of our continuing EP review, some enhancements are being considered to EP regulations and guidance due to the terrorist acts of 9/11; technological advances; the need for clarification based upon more than 20 years of experience; lessons learned during drills and exercises; and responses to actual events.

Therefore, the NRC will hold a one and one-half-day public meeting to obtain stakeholder input on selected topics for the review of EP regulations and guidance for commercial nuclear power plants and to discuss EP-related issues that arose during an NRC/FEMA workshop at the 2005 National Radiological Emergency Preparedness (NREP) Conference.