

**Federal Register** of a permit applications received. Permits were issued on October 1, 2007 to: Andrea Polli, Permit No. 2008-001. Robert A. Garrott, Permit No. 2008-016.

**Nadene G. Kennedy,**

*Permit Officer.*

[FR Doc. E7-19611 Filed 10-3-07; 8:45 am]

**BILLING CODE 7555-01-P**

## **NATIONAL SCIENCE FOUNDATION**

### **Notice of Permits Issued Under the Antarctic Conservation Act of 1978**

**AGENCY:** National Science Foundation.

**ACTION:** Notice of permits issued under the Antarctic Conservation of 1978, Public Law 95-541.

**SUMMARY:** The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

**FOR FURTHER INFORMATION CONTACT:**

Nadene G. Kennedy, Permit Office, Office of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

**SUPPLEMENTARY INFORMATION:** On August 27, 2007, the National Science Foundation published a notice in the **Federal Register** of a permit application received. A permit was issued on September 28, 2007 to: Mahlon C. Kennicutt, Permit No. 2008-014.

**Nadene G. Kennedy,**

*Permit Officer.*

[FR Doc. E7-19622 Filed 10-3-07; 8:45 am]

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## **NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-286]

### **Entergy Nuclear Operations, Inc., Entergy Nuclear Indian Point 3, LLC, Indian Point Nuclear Generating Unit No. 3.; Revision to Existing Exemptions**

#### **1.0 Background**

Entergy Nuclear Operations, Inc. (ENO or the licensee) is the holder of Facility Operating License No. DPR-64, which authorizes operation of the Indian Point Nuclear Generating Unit No. 3 (IP3). The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (NRC or the Commission) now or hereafter in effect.

The facility consists of a pressurized-water reactor located in Westchester County, New York.

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

Title 10 of the Code of Federal Regulations (10 CFR), Part 50, § 50.48, requires that nuclear power plants that were licensed before January 1, 1979, of which IP3 is one, must satisfy the requirements of 10 CFR Part 50, Appendix R, Section III.G. Subsection III.G.2 addresses fire protection features for ensuring that one of the redundant trains necessary to achieve and maintain hot shutdown conditions remains free of fire damage in the event of a fire. Subsection III.G.2.c provides use of a 1-hour fire barrier, in addition to installed fire detection and automatic fire suppression in the area, as one means for complying with this fire protection requirement.

In an NRC letter and safety evaluation (SE) dated February 2, 1984, the NRC granted the licensee exemptions from the requirements of Appendix R, Section III.G.2, for Fire Area ETN-4 (Fire Zones 7A, 60A and 73A) to the extent that redundant safe-shutdown trains are not separated by more than 20 feet without intervening combustibles or fire hazards, and that redundant safe-shutdown trains are not separated by 1-hour rated fire barrier in an area protected by automatic fire detection and suppression systems. The exemption was based on the minimum of 12' spatial separation between the redundant trains, minimal fire hazards in the area, the use of asbestos-jacketed flame-retardant cables, and the installed automatic fire detection and cable tray suppression systems.

Following a comprehensive reassessment of the IP3 Appendix R compliance basis, the licensee identified the need for additional separation measures and installed 1-hour rated fire wraps on several redundant safe-shutdown raceways in Fire Area ETN-4 (Fire Zones 7A, 60A and 73A). By SE dated January 7, 1987, the NRC accepted the use of 1-hour rated fire barriers in the above fire area and confirmed continued validity of the exemption granted by the February 2, 1984 SE. IP3 used the Hemyc fire barrier system to provide the 1-hour rated fire barriers. In the January 7, 1987 SE, the NRC also approved an exemption from Appendix R, Section III.G.2, separation requirements for Fire Area PAB-2 (Fire Zone 1) to the extent that redundant safe-shutdown trains are not separated by more than 20 feet without intervening combustibles or fire hazards, and that an automatic suppression system has not been

provided. The basis for this exemption included the partial spatial separation between the redundant safe-shutdown trains, the low fire loading in the area, and the existing fire protection features including an automatic fire detection system, manual hose stations and portable extinguishers, a partial-height non-combustible barrier designed to protect redundant equipment against radiant heat from a fire, and a 1-hour rated Hemyc cable wrap around the normal power feed to the redundant Component Cooling Water (CCW) Pump 33.

Testing by the NRC in 2005 identified Hemyc electrical raceway fire barrier system (ERFBS) as a potential nonconforming barrier, potentially not capable of providing a 1-hour fire rating, and Information Notice (IN) 2005-07, "Results of HEMYC Electrical Raceway Fire Barrier System Full Scale Fire Testing," and Generic Letter (GL) 2006-03, "Potentially Nonconforming Hemyc and MT Fire Barrier Configurations," were issued to licensees to inform them of the issue and to collect information regarding Hemyc fire barrier installations. In response to GL 2006-03, ENO informed the NRC that they had declared the Hemyc ERFBS at IP3 inoperable and implemented temporary compensatory measures including an hourly fire watch and verification that fire detection systems are operable in the affected fire areas until compliance is restored for the Hemyc ERFBS. In a letter dated July 24, 2006, ENO stated they would modify the installed Hemyc ERFBS based on the test results. This would provide at least a 24-minute rated fire barrier for cable tray configurations, and a 30-minute rating for conduit and box configurations, between redundant trains of safe-shutdown equipment and cables, which is less than the previously approved 1-hour fire barrier. ENO asserted that in light of the minimal fire hazards and the existing fire protection features in the affected fire areas, this configuration continues to satisfy the basis for an exemption in accordance with 10 CFR 50.12.

In summary, by letter dated July 24, 2006, and supplemental letters dated April 30, May 23, and August 16, 2007, responding to the NRC staff's request for additional information, ENO submitted a request for revision of existing exemptions for the Upper and Lower Electrical Tunnels (Fire Area ETN-4, Fire Zones 7A and 60A, respectively), and the Upper Penetration Area (Fire Area ETN-4, Fire Zone 73A), to the extent that 24-minute rated fire barriers are used to protect redundant safe-shutdown trains located in the above fire areas in lieu of the previously