

Dated: March 12, 2008.

**Cayetano Santos,**

*Branch Chief, ACRS.*

[FR Doc. E8-5515 Filed 3-18-08; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards (ACRS); Subcommittee Meeting on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on April 9, 2008, Room T-2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b (c) (2) and (6) to discuss organizational and personnel matters that relate solely to the internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

Wednesday, April 9, 2008, 12 p.m. until 1 p.m.

The Subcommittee will discuss proposed ACRS activities and related matters. 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 Officer, Mr. Sam Duraiswamy (*telephone: 301-415-7364*) between 7:30 a.m. and 4 p.m. (ET) five 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 September 26, 2007 (72 FR 54695).

Further information regarding this meeting can be obtained by contacting the Designated Federal Officer between 7:30 a.m. and 4 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 in the agenda.

Dated: March 12, 2008.

**Cayetano Santos,**

*Chief, Reactor Safety Branch.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-395]

### South Carolina Electric & Gas Company; Virgil C. Summer Nuclear Station, Unit No. 1; Exemption

#### 1.0 Background

The South Carolina Electric & Gas Company (SCE&G, the licensee) is the holder of the Renewed Facility Operating License No. NPF-12 which authorizes operation of the Virgil C. Summer Nuclear Station, Unit No. 1 (VCSNS). 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 Fairfield County in South Carolina.

#### 2.0 Request/Action

Pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.12, "Specific Exemptions," SCE&G has, by letters dated May 31 and October 11, 2007, requested an exemption from 10 CFR 50.46, "Acceptance Criteria for Emergency Core Cooling Systems for Light-Water Nuclear Power Reactors," and Appendix K to 10 CFR 50, "ECCS Evaluation Models," (Appendix K). The regulation in 10 CFR 50.46 contains acceptance criteria for emergency core cooling system (ECCS) for reactors fueled with zircaloy or ZIRLO™ cladding. In addition, Appendix K requires that the Baker-Just equation be used to predict the rates of energy release, hydrogen concentration, and cladding oxidation from the metal-water reaction. The exemption request relates solely to the specific types of cladding material specified in these regulations. As written, the regulations presume the use of zircaloy or ZIRLO™ fuel rod cladding. Thus, an exemption from the requirements of 10 CFR 50.46, and Appendix K is needed to irradiate a lead test assembly (LTA) comprised of different cladding alloys at VCSNS.

The exemptions requested by the licensee would allow the use of one LTA containing either all Optimized ZIRLO™ fuel rod cladding or a combination of Optimized ZIRLO™ and

AXIOM™ fuel rod cladding to continue to be irradiated up to a burnup of 75 gigawatt days per metric ton uranium (GWd/MTU).

Previously, by letter dated January 14, 2005, the NRC staff approved the irradiation of four LTAs containing fuel rods with Optimized ZIRLO™ and several different developmental clad (AXIOM™) alloys. That exemption was contingent on the fuel rod burnup remaining within the applicable licensed limits, which for burnup, was a value of 62 GWd/MTU. The licensee inserted those LTAs into VCSNS for irradiation in fuel cycles 16 and 17. In the licensee's letters of May 31 and October 11, 2007, the licensee requested an exemption to continue the irradiation of one of the four LTAs for a third operating cycle. This LTA would be irradiated in fuel cycle 18 in order to gain high burnup experience. The licensee requested to irradiate the LTA to a peak rod average of up to 75 GWd/MTU.

The licensee also requested an exemption from 10 CFR 50.44, "Combustible gas control for nuclear power reactors." The requested exemption from 10 CFR 50.44 is not being considered further by the NRC staff because revisions were made to 10 CFR 50.44 (68 FR 54123; September 16, 2003), such that it does not refer to specific types of zirconium cladding, thus removing the need for such an exemption.

#### 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. Under Section 50.12(a)(2) of 10 CFR, special circumstances include, among other things, when application of the specific regulation in the particular circumstance would not serve, or is not necessary to achieve, the underlying purpose of the rule.

#### *Authorized by Law*

This exemption would allow the licensee to re-insert one LTA containing either all Optimized ZIRLO™ fuel rod cladding or a combination of Optimized ZIRLO™ and AXIOM™ fuel rod cladding that does not meet the definition of Zircaloy or ZIRLO™ as specified by 10 CFR 50.46, and Appendix K, into the core of VCSNS