

Karl Feintuch

From: Karl Feintuch
Sent: Wednesday, April 08, 2009 1:21 PM
To: 'Browning, Tony'
Cc: 'Catron, Steve'
Subject: ME0789 - Application for Exemption to Portions of 10CFR50, Appendix J - Results of Acceptance Review - accepted

By letter dated March 4, 2009, FPL Energy Duane Arnold, LLC (the licensee) submitted a request for exemption the Duane Arnold Energy Center (DAEC). The letter is available in the Agencywide Documents Access and Management System (ADAMS) with an ADAMS Accession Number of ML090680040. The proposed exemption would be from certain portions of 10 CFR Part 50, Appendix J, Option B.

The purpose of this email is to provide the results of the U.S. Nuclear Regulatory Commission (NRC) staff's acceptance review of this request for exemption. The acceptance review was performed to determine if there is sufficient technical information in scope and depth to allow the NRC staff to complete its detailed technical review. The acceptance review is also intended to identify whether the application has any readily apparent information insufficiencies in its characterization of the regulatory requirements or the licensing basis of the plant.

Section 50.12 of Title 10 of the *Code of Federal Regulations* (10 CFR) states, in part, that the Commission may grant exemptions which are authorized by law, will not present an undue risk to public health and safety, is consistent with common defense and security, and special circumstances are present. 10 CFR 50.12(a)(2) provides the types of special circumstances that would allow the Commission to consider granting an exemption. In your letter you cited the criterion in 10 CFR 50.12(a)(2)(ii) as the special circumstance that applies. also, an application for an exemption should include the regulatory and technical basis that demonstrates that the above requirements are met.

The NRC staff has reviewed your application and concluded that it does provide technical information in sufficient detail to enable the staff to proceed with its detailed technical review and make an independent assessment regarding the acceptability of the proposed amendment in terms of regulatory requirements and the protection of public health and safety and the environment. If additional information is needed for the staff to complete its technical review, you will be advised by separate correspondence.

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