

information on matters of common concern pertinent to this MOU. Unless otherwise agreed, such meetings will be held in the NRC Headquarters Operations Center. The affected utilities will be kept informed of pertinent information covered by this MOU.

c. To preclude the premature release of sensitive information, NRC will protect sensitive information to the extent permitted by the Freedom of Information Act, 5 U.S.C. 552, Title 10 of the Code of Federal Regulations, Part 2.790, and all other applicable authority. The State of Texas will protect sensitive information to the extent of the Texas Government Code, Chapter 552, Public Information.

d. NRC will conduct periodic tests of licensee ERDS data links. A copy of the test schedule will be provided to the Texas Department of State Health Services by the NRC. The Texas Department of State Health Services may test its ability to access ERDS data during these scheduled tests, or may schedule independent tests of the State link with the NRC.

e. NRC will provide access to ERDS for emergency exercises with reactor units capable of transmitting exercise data to ERDS. For exercises in which the NRC is not participating, the Texas Department of State Health Services will coordinate with the NRC in advance to ensure ERDS availability. NRC reserves the right to preempt ERDS use for any exercise in progress in the event of an actual event at any licensed nuclear power plant.

VII. Contacts

A. The principal senior management contacts for this MOU will be the Director, Division of Preparedness and Response, Office of Nuclear Security and Incident Response for the NRC, and the Director, Client Services Contracting Unit, Texas Department of State Health Services, for the State of Texas. These individuals may designate appropriate staff representatives for the purpose of administering this MOU.

B. Identification of these contacts is not intended to restrict communication between NRC and Texas Department of State Health Services staff members on technical and other day-to-day activities.

VIII. Resolution of Disagreements

A. If disagreements arise about matters within the scope of this MOU, NRC and the State of Texas will work together to resolve these differences.

B. Differences between the State of Texas and NRC staff over issues arising out of this MOU will, if they cannot be resolved in accordance with Section

VIII.A, be resolved by the Director of the NRC Division of Preparedness and Response, Office of Nuclear Security and Incident Response.

C. Differences which cannot be resolved in accordance with Sections VIII.A and VIII.B will be reviewed and resolved by the NRC's Director, Office of Nuclear Security and Incident Response.

D. The NRC's General Counsel has the final authority to provide legal interpretation of the Commission's regulations.

IX. Effective Date

This MOU will take effect after it has been signed by both parties.

X. Duration

A formal review, not less than 1 year after the effective date, will be performed by the NRC to evaluate implementation of the MOU and resolve any problems identified. This MOU will be subject to periodic reviews and may be amended or modified upon written agreement by both parties, and may be terminated upon 30 days written notice by either party.

XI. Separability

If any provision(s) of this MOU, or the application of any provision(s) to any person or circumstances is held invalid, the remainder of this MOU and the application of such provisions to other persons or circumstances will not be affected.

For the U.S. Nuclear Regulatory Commission.

Dated: January 23, 2009.

R. William Borchardt,
*Executive Director for Operations, U.S.
Nuclear Regulatory Commission.*

For the State of Texas.

Dated: January 6, 2009.

Bob Burnette,
*Director, Client Services Contracting Unit,
Department of State Health Services.*

[FR Doc. E9-2617 Filed 2-6-09; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS) Meeting of the Subcommittee on Digital Instrumentation and Control Systems; Notice of Meeting

The ACRS Subcommittee on Digital Instrumentation and Control Systems will hold a meeting on February 26-27, 2009, in Room T-2B3, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland.

A portion of this meeting may be closed to discuss and protect information classified as National Security Information as well as Safeguards Information pursuant to 5 U.S.C. 552b(c)(1) and (3).

The agenda for the subject meeting shall be as follows:

Thursday, February 26, 2009—8:30 a.m., Until the Conclusion of Business; Friday, February 27, 2009—8:30 a.m., Until the Conclusion of Business

The Subcommittee will review Draft ISG-5 "Highly-Integrated Control Rooms—Human Factors Issues" on manual operator actions, Draft ISG-6 "Licensing Process" and Draft RG 5.71 "Cyber Security Programs for Nuclear Facilities." In addition, the Subcommittee will discuss Draft NUREG/CR-xxxx, "Diversity Strategies for Nuclear Power Plant Instrumentation and Control Systems," and operating experience insights on Common-Cause Failures and Benefits and Risks Associated with expanding Automated Diverse Actuation System Functions, and other related matters. The Subcommittee will hear presentations by and hold discussions with representatives of the NRC staff, Nuclear Energy Institute, 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, Ms. Christina Antonescu (telephone 301/415-6792) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Electronic recordings will be permitted. Detail 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 7:15 a.m. and 5 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 3, 2009.

Antonio Dias,
*Chief, Reactor Safety Branch B, Advisory
Committee on Reactor Safeguards.*

[FR Doc. E9-2622 Filed 2-6-09; 8:45 am]

BILLING CODE 7590-01-P