The press and public may enter the NTSB Conference Center one hour prior to
the meeting for set up and seating.
Individuals requesting specific accommodations should contact Rochelle Hall at (202) 314–6305 by
Friday, June 17, 2011.
The public may view the meeting via a
live or archived webcast by accessing a
link under “News & Events” on the
NTSB home page at http://
www.ntsb.gov.

FOR MORE INFORMATION CONTACT: Candi
Bing, (202) 314–6403 or by e-mail at
binge@ntsb.gov.

Friday, June 3, 2011.
Candi R. Bing,
Federal Register Liaison Officer.

[FR Doc. 2011–14121 Filed 6–3–11; 4:15 pm]
BILLING CODE 7533–01–P

NUCLEAR REGULATORY
COMMISSION

[Docket No. 52–038; NRC–2008–0581]

Nine Mile Point 3 Nuclear Project, LLC
and UniStar Nuclear Operating
Services, LLC; Combined License
Application for Nine Mile Point 3
Nuclear Power Plant; Exemption

1.0 Background

Nine Mile Point 3 Nuclear Project,
LLC and UniStar Nuclear Operating
Services, LLC (UniStar) submitted to the
U.S. Nuclear Regulatory Commission
(NRC) a Combined License (COL)
Application for a single unit of AREVA
NP’s U.S. EPR in accordance with the
requirements of Title 10 of the Code of
Federal Regulations (10 CFR), subpart C
of part 52, “Licenses, Certifications, and
Approvals for Nuclear Power Plants.”
This reactor is to be identified as Nine
Mile Point 3 Nuclear Power Plant
(NMP3NPP), and located adjacent to the
current Nine Mile Point Nuclear Station,
Unit 1 and Unit 2, in Oswego County,
New York. The NMP3NPP COL
application incorporates by reference
AREVA NP’s application for a Standard
Design Certification for the U.S. EPR.
Additionally, the NMP3NPP COL
application is based upon the U.S. EPR
reference COL (RCOL) application for
UniStar’s Calvert Cliffs Nuclear Power
Plant, Unit 3 (CCNPP3). The NRC
docketed the NMP3NPP COL
application on December 12, 2008. On
December 1, 2009, UniStar Nuclear
Energy (UNE), which is acting on behalf
of the COL applicants Nine Mile Point
3 Nuclear Project, LLC and UniStar
Nuclear Operating Services, LLC,
requested that the NRC temporarily
suspend the NMP3NPP COL application
review, including any supporting
reviews by external agencies, until
further notice. Based on this request, the
NRC discontinued all review activities
associated with the NMP3NPP COL
application. The NRC is currently
performing a detailed review of the
CCNPP3 RCOL application, as well as
AREVA NP’s application for design
certification of the U.S. EPR.

2.0 Request/Action

The regulations specified in 10 CFR
50.71(e)(3)(iii), require that an applicant
for a combined license under 10 CFR
part 52 shall, during the period from
docketing of a COL application until the
Commission makes a finding under 10
CFR 52.103(g) pertaining to facility
operation, submit an annual update to
the application’s Final Safety Analysis
Report (FSAR), which is a part of the
application.

On March 31, 2009, UNE submitted
Revision 1 to the COL application,
including updates to the FSAR.
Pursuant to 10 CFR 50.71(e)(3)(iii), the
next annual update was due by
December 2010. UNE has requested a
one-time exemption from the 10 CFR
50.71(e)(3)(iii) requirements to submit
the scheduled 2010 and 2011 FSAR
updates, and proposed for approval a
new submittal deadline of December 31,
2012, for the next FSAR update. In
addition, UNE has committed to submit
an updated FSAR prior to resumption of
NRC review for the NMP3NPP COL
application.

In summary, the requested exemption
is a one-time schedule change from the
requirements of 10 CFR 50.71(e)(3)(iii).
The exemption would allow UNE to
submit the next FSAR update at a later
date, but still in advance of the NRC
reinstating its review of the application,
and in any event, by December 31, 2012.
The current FSAR update schedule
could not be changed, absent the
exemption. UNE requested the
exemption by letter dated December 9,
2010 (Agencywide Documents Access
and Management System (ADAMS)
Accession No. ML103480076). UNE has
affirmed that this request letter replaced
UNE’s previous correspondence of
November 18, 2010 (ML103260479), in
its entirety, on the same request for
exemption from 10 CFR 50.71(e)(3)(iii).
The NRC notes that the granting of the
exemption applies prospectively, rather
than retroactively, so this exemption
applies to required actions from the date
of exemption issuance and does not
retroactively authorize a previous
failure to take required action.

3.0 Discussion

Pursuant to 10 CFR 50.12, the NRC
may, upon application by any interested
person or upon its own initiative, grant
exemptions from the requirements of 10
CFR Part 50, including Section
50.71(e)(3)(iii) 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) special circumstances exist. As
relevant to the requested exemption,
special circumstances exist if: (1)
“Application of the regulation in the
particular circumstances would not
serve the underlying purpose of the rule
or is not necessary to achieve the
underlying purpose of the rule” (10 CFR
50.12(a)(2)(ii)); or (2) “The exemption
would provide only temporary relief
from the applicable regulation and the
licensee or applicant has made good
faith efforts to comply with the
regulation” (10 CFR 50.12(a)(2)(v)).

The review of the NMP3NPP COL
application FSAR has been suspended
since December 1, 2009. Since the COL
application incorporates by reference
the application for a Standard Design
Certification for the U.S. EPR, many
changes in the U.S. EPR FSAR require
an associated change to the COL
application FSAR, and because the NRC
review of the COL application is
suspended, the updates to the COL
application FSAR will not be reviewed by
the NRC staff until the NMP3NPP
COL application review is resumed.
Thus, the optimum time to prepare a
revision to the COL application FSAR is
sometime prior to UNE requesting the
NRC to resume its review. To prepare and
submit a COL application FSAR update when the review remains
suspended and in the absence of any
decision by UNE to request the NRC to
resume the review, would require UNE
to spend significant time and effort and
would be of no value, particularly due
to the fact that the U.S. EPR FSAR is
still undergoing periodic revisions and
updates. UNE commits to submit the
next FSAR update prior to any request
to the NRC to resume review of the COL
application and, in any event, by
December 31, 2012, and would need to
identify all changes to the U.S. EPR
FSAR in order to prepare a COL
application FSAR revision that
accurately and completely reflects the
changes to the U.S. EPR FSAR.

The requested one-time schedule
exemption to defer submittal of the next
update to the NMP3NPP COL
application FSAR would provide only
temporary relief from the regulations of
10 CFR 50.71(e)(3)(iii). UNE has made
good faith efforts to comply with 10 CFR
50.71(e)(3)(iii) by submitting Revision 1
to the COL application on March 31,
2009, prior to requesting the review.
suspension. Revision 1 incorporated information provided in prior supplements and standardized language with the RCOL application.

**Authorized by Law**

The exemption is a one-time schedule exemption from the requirements of 10 CFR 50.71(e)(3)(iii). The exemption would allow UNE to submit the next NMP3NPP COL application FSAR update on or before December 31, 2012. As stated above, 10 CFR 50.12 allows the NRC to grant exemptions. The NRC staff has determined that granting UNE the requested one-time exemption from the requirements of 10 CFR 50.71(e)(3)(iii) will provide only temporary relief from this regulation and will not result in a violation of the Atomic Energy Act of 1954, as amended, or the NRC’s regulations. Therefore, the exemption is authorized by law.

**No Undue Risk to Public Health and Safety**

The underlying purpose of 10 CFR 50.71(e)(3)(iii) is to provide for a timely and comprehensive update of the FSAR associated with a COL application in order to support an effective and efficient review by the NRC staff and issuance of the NRC staff’s safety evaluation report. The requested exemption is solely administrative in nature, in that it pertains to the schedule for submittal to the NRC of revisions to an application under 10 CFR Part 52, for which a license has not been granted. In addition, since the review of the application has been suspended, any update to the application submitted by UNE will not be reviewed by the NRC at this time. Based on the nature of the requested exemption as described above, no new accident precursors are created by the exemption; thus, neither the probability, nor the consequences of postulated accidents are increased. Therefore, there is no undue risk to public health and safety.

**Consistent With Common Defense and Security**

The requested exemption would allow UNE to submit the next FSAR update prior to requesting the NRC to resume the review and, in any event, on or before December 31, 2012. This schedule change has no relation to security issues. Therefore, the common defense and security is not impacted by this exemption.

**Special Circumstances**

Special circumstances, in accordance with 10 CFR 50.12(a)(2), are present whenever: (1) “Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule” (10 CFR 50.12(a)(2)(ii)); or (2) “The exemption would provide only temporary relief from the applicable regulation and the licensee or applicant has made good faith efforts to comply with the regulation” (10 CFR 50.12(a)(2)(v)).

The underlying purpose of 10 CFR 50.71(e)(3)(iii) is to provide for a timely and comprehensive update of the FSAR associated with a COL application in order to support an effective and efficient review by the NRC staff and issuance of the NRC staff’s safety evaluation report. As discussed above, the requested one-time exemption is solely administrative in nature, in that it pertains to a one-time schedule change for submittal of revisions to an application under 10 CFR Part 52, for which a license has not been granted. The requested one-time exemption will permit UNE time to carefully review the most recent revisions of the U.S. EPR FSAR, and fully incorporate these revisions into a comprehensive update of the FSAR associated with the NMP3NPP COL application. This one-time exemption will support the NRC staff’s effective and efficient review of the COL application when resumed, as well as issuance of the safety evaluation report. For this reason, application of 10 CFR 50.71(e)(3)(iii) in the particular circumstances is not necessary to achieve the underlying purpose of that rule. Therefore, special circumstances exist under 10 CFR 50.12(a)(2)(ii). In addition, special circumstances are also present under 10 CFR 50.12(a)(2)(v) because granting a one-time exemption from 10 CFR 50.71(e)(3)(iii) would provide only temporary relief, and UNE has made good faith efforts to comply with the regulation by submitting Revision 1 to the COL application on March 31, 2009, prior to requesting the review suspension. Revision 1 incorporated information provided in prior supplements and standardized language with the RCOL application. For the above reasons, the special circumstances required by 10 CFR 50.12(a)(2) for the granting of an exemption from 10 CFR 50.71(e)(3)(iii) exist.

**Eligibility for Categorical Exclusion From Environmental Review**

With respect to the exemption’s impact on the quality of the human environment, the NRC has determined that this specific exemption request is eligible for categorical exclusion as identified in 10 CFR 51.22(c)(25), and justified by the NRC staff as follows:

10 CFR 51.22:

(c) The following categories of actions are categorical exclusions:

(25) Granting of an exemption from the requirements of any regulation of this chapter, provided that—

(i) There is no significant hazards consideration;

The criteria for determining whether there is no significant hazards consideration are identified in 10 CFR 50.92. The proposed action involves only a schedule change regarding the submission of an update to the application for which the licensing review has been suspended. Therefore, there are no significant hazards considerations because granting the proposed exemption would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or

(3) Involve a significant reduction in a margin of safety.

(ii) There is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite;

The proposed action involves only a schedule change which is administrative in nature, and does not involve any changes to be made in the types or significant increase in the amounts of effluents that may be released offsite.

(iii) There is no significant increase in individual or cumulative public or occupational radiation exposure;

Since the proposed action involves only a schedule change which is administrative in nature, it does not contribute to any significant increase in occupational or public radiation exposure.

(iv) There is no significant construction impact;

The proposed action involves only a schedule change which is administrative in nature; the application review is suspended until further notice, and there is no consideration of any construction at this time, and hence the proposed action does not involve any construction impact.

(v) There is no significant increase in the potential for or consequences from radiological accidents; and

The proposed action involves only a schedule change which is administrative in nature, and does not impact the probability or consequences of accidents.

(vi) The requirements from which an exemption is sought involve:

(B) Reporting requirements;

The exemption request involves submitting an updated FSAR by UNE and

(C) Scheduling requirements:

The proposed exemption relates to the schedule for submitting FSAR updates to the NRC

**4.0 Conclusion**

Accordingly, the NRC has determined that, pursuant to 10 CFR 50.12, 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 NRC hereby grants UNE a one-time exemption from the requirements of 10 CFR 50.71(e)(3)(iii) pertaining to the NMP3NPP COL application to allow submittal of the next FSAR update prior to any request to the NRC to resume the review, and in any event, no later than December 31, 2012.

Pursuant to 10 CFR 51.22, the NRC has determined that the exemption request meets the applicable categorical exclusion criteria set forth in 10 CFR 51.22(c)(25), and the granting of this exemption will not have a significant effect on the quality of the human environment. This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 26th day of May 2011.

For the Nuclear Regulatory Commission.

Joseph Colaccino.
Chief, EPR Projects Branch, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2011–13816 Filed 6–6–11; 8:45 am]
BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Designation of Beneficiary (FERS) [SF 3102]


ACTION: 60-day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on a revised information collection request (ICR) 3206–0173, Designation of Beneficiary (FERS). As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency’s estimates of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

DATES: Comments are encouraged and will be accepted until August 8, 2011. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the U.S. Office of Personnel Management, Linda Bradford (Acting), Deputy Associate Director, Retirement Operations, Retirement Services, 1900 E Street, NW., Room 3305, Washington, DC 20415–3500 or sent via electronic mail to Martha.Moore@opm.gov.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street, NW., Room 4332, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to Cyrus.Benson@opm.gov.

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OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Health Benefits Election Form (OPM 2809)


ACTION: 60-Day Notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on an extension, without change, of a currently approved information collection request (ICR) 3206–0141, Health Benefits Election Form. As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

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