

**FOR FURTHER INFORMATION CONTACT:**

Wendy Wigen at (703) 292-4873 or [wigen@nitrd.gov](mailto:wigen@nitrd.gov). Space is limited and on a first-come, first-served basis. The meeting will be webcast. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

**DATES:** January 17-18, 2012.

**SUMMARY:** Representatives from Federal research agencies, private industry, and academia will collaboratively define the concept and requirements of national level spectrum research, development, demonstration, and field trial facilities.

**SUPPLEMENTARY INFORMATION:**

*Overview:* This notice is issued by the National Coordination Office (NCO) for the Networking and Information Technology Research and Development (NITRD) Program. NITRD agencies are holding a series of technical workshops, this being the second, to bring together experts from private industry and academia to help create and implement a plan for the Department of Commerce regarding spectrum-sharing technologies. The workshop will take place on January 17, from 12 Noon to 5 p.m. Pacific Time, and January 18 from 8 a.m. to 5 p.m. Pacific Time in Berkeley, California at the Berkeley Wireless Research Center (BWRC), 2108 Allston Way, Suite 200, Berkeley, CA 94704-1302. This event will be webcast. For the event agenda and information about the webcast, go to <http://www.nitrd.gov/Subcommittee/wirelesspectrumrd.aspx>.

*Background:* The dramatic rise of radio frequency-based applications has sparked a new sense of urgency among federal users, commercial service providers, equipment developers, and spectrum management professionals to determine the optimal way to manage and use the radio spectrum. During Workshop I held at Boulder, Colorado on June 26, 2011, the industry expressed a critical need to increase the number and availability of national testing facilities to prove that spectrum sharing technologies are a viable approach to sharing spectrum among different users. Spectrum sharing technology experimentation in ideal environments was cited as a key element to catalyze future wireless innovation in a complex spectrum environment that stakeholders can trust and that will provide a technological basis for national policy and rule making. The Wireless Spectrum Research and Development Senior Steering Group (WSRD-SSG) was created by the White House Office

of Science and Technology Policy in late 2010. The committee was asked to identify current spectrum-related research projects funded by the Federal Government, and to work with the non-federal community, including the academic, commercial, and public safety sectors, to implement a plan that "facilitates research, development, experimentation, and testing by researchers to explore innovative spectrum-sharing technologies," in accordance with the Presidential Memorandum on Unleashing the Wireless Broadband Revolution. WSRD-SSG operates under the auspices of the Networking and Information Technology Research and Development (NITRD) Program of the National Coordination Office (NCO), and has recently put together a preliminary inventory of federal R&D in the spectrum arena. This second workshop—Workshop II—will present an opportunity for relevant interested parties, including technical experts from private industry and public safety, together with academic researchers, and Government agencies to collaboratively define the concept and requirements of national level spectrum research, development, demonstration, and field trial facilities. Participants will discuss the national facilities that are operational today and their availability. Participants, especially those from the industry and academia, will also be asked to identify infrastructure, toolsets, facilities and features that are important for spectrum innovation. The workshop will discuss potential payoffs, resource utilization and collaborative engagement frameworks that the national wireless industry can adopt that are consistent with the Federal Government's role in sponsoring "high-risk high-reward" research innovation and experimentation. The workshop will also address possible frameworks for supporting near-term and long-term research experimentation that may result in yet-to-be-conceived improvements and models for spectrum utilization. The workshop will discuss technology impacts on multiple sectors that can benefit from the use of national experimentation facilities including, government, public safety, commercial cellular, energy, transport, health, education and agricultural sectors.

Submitted by the National Science Foundation for the National Coordination Office (NCO) for Networking and Information

Technology Research and Development (NITRD) on December 23, 2011.

**Suzanne H. Plimpton,**

*Reports Clearance Officer, National Science Foundation.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 52-039; NRC-2008-0603]

### PPL Bell Bend, LLC; Combined License Application for Bell Bend Nuclear Power Plant; Exemption

#### 1.0 Background

PPL Bell Bend, LLC submitted to the U.S. Nuclear Regulatory Commission (NRC or the Commission) 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 Bell Bend Nuclear Power Plant (BBNPP), in Salem County, Pennsylvania. The BBNPP COL application incorporates by reference AREVA NP's application for a Standard Design Certification for the U.S. EPR. Additionally, the BBNPP 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 BBNPP COL application on October 10, 2008. 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 February 12, 2010, PPL Bell Bend, LLC submitted Revision 2 to the COL application, including updates to the FSAR. Pursuant to 10 CFR 50.71(e)(3)(iii), the next annual update is due by December 2011. PPL Bell Bend, LLC has requested a one-time exemption from the 10 CFR 50.71(e)(3)(iii) requirements to submit

the scheduled 2011 update, and proposed, for approval, a new submittal deadline of March 30, 2012, for the next FSAR update.

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 PPL Bell Bend, LLC to submit the next FSAR update at a later date. The current FSAR update schedule could not be changed, absent the exemption. PPL Bell Bend LLC requested the exemption by letter dated October 26, 2011 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML11307A414).

### 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 are present. 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)).

PPL Bell Bend LLC commits to submit the next FSAR update by March 30, 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).

#### *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 PPL Bell Bend LLC to submit the next BBNPP COL application FSAR update on or before March 30, 2012. As stated above, 10 CFR 50.12 allows the NRC to grant exemptions. The NRC staff has determined that granting PPL Bell Bend LLC 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. 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 PPL Bell Bend LLC to submit the next FSAR update on or before March 20, 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 PPL Bell Bend LLC 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 BBNPP 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 PPL Bell Bend LLC has made good faith efforts to comply with the regulation by submitting Revision 2 to the COL application on February 12, 2010. Revision 2 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). Under 10 CFR 51.22(c)(25), granting of an exemption from the requirements of any regulation of 10 CFR Chapter 1 is an action that is a categorical exclusion, provided that:

- (i) There is no significant hazards consideration;
- (ii) There is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite;
- (iii) There is no significant increase in individual or cumulative public or occupational radiation exposure;
- (iv) There is no significant construction impact;
- (v) There is no significant increase in the potential for or consequences from radiological accidents; and
- (vi) The requirements from which an exemption is sought involve:

(B) Reporting requirements; or (G) Scheduling requirements.

The NRC staff's determination that each of the applicable criteria for this categorical exclusion is met is justified as follows:

(i) There is no significant hazards consideration;

*Staff analysis:* The criteria for determining whether there is no significant hazards consideration are found 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 is currently underway. Therefore, there are no significant hazard 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;

*Staff analysis:* 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;

*Staff analysis:* 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;

*Staff analysis:* The proposed action involves only a schedule change which is administrative in nature; the application review is underway and no license will be issued prior to receipt of the afore-mentioned application's March 30, 2012 submittal of the revised FSAR, 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;

*Staff analysis:* 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; or (G) Scheduling requirements.

*Staff analysis:* The exemption request involves requirements in both of these categories because it involves submitting an updated FSAR by PPL Bell Bend, LLC and also 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 PPL Bell Bend LLC a one-time exemption from the requirements of 10 CFR 50.71(e)(3)(iii) pertaining to the BBNPP COL application to allow submittal of the next FSAR update, no later than March 30, 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 21st day of December, 2011.

For the Nuclear Regulatory Commission.

**John Segala,**

*Chief, Licensing Branch 1, Division of New Reactor Licensing, Office of New Reactors.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 52-016; NRC-2008-0250]

### UniStar Nuclear Energy; Combined License Application for Calvert Cliffs Nuclear Power Plant, Unit 3; Exemption

#### 1.0 Background:

UniStar Nuclear Energy (UNE) submitted to the U.S. Nuclear Regulatory Commission (NRC or the Commission) 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 Calvert Cliffs Nuclear Power Plant Unit 3 (CCNPP3) and located at a site in Calvert County, Maryland. The CCNPP3 COL

application incorporates by reference AREVA NP's application for a Standard Design Certification for the U.S. EPR. The NRC docketed the CCNPP3 COL application on June 3, 2008. The NRC is currently performing concurrent reviews of the CCNPP3 COL application, as well as the 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 December 20, 2010, UNE submitted Revision 7 to the COL application, including updates to the FSAR. Pursuant to 10 CFR 50.71(e)(3)(iii), the next annual update is due by December 2011. UNE has requested a one-time exemption from the 10 CFR 50.71(e)(3)(iii) requirements to submit the scheduled 2011 update, and proposed, for approval, a new submittal deadline of March 30, 2012, for the next FSAR update.

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. The current FSAR update schedule could not be changed, absent the exemption. UNE requested the exemption by letter dated November 8, 2011 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML11318A013).

#### 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 are present. 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