

### *Consistent With Common Defense and Security*

The requested exemption would allow Luminant to submit the FSAR annual update (Revision 4) scheduled for June 2013, on or before November 30, 2013, and to submit the subsequent FSAR annual update in November 2014. 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)); (2) "Compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated" (10 CFR 50.12(a)(2)(iii)); or (3) "The exemption would provide only temporary relief from the applicable regulation and the licensee 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 Luminant time to carefully review Revision 4 of the US-APWR DCD and fully incorporate DCD revisions into a comprehensive update of the CPNPP, Units 3 and 4, FSAR associated with the COL application. This one-time exemption will support the NRC staff's effective and efficient review of the COL application and issuance of the safety evaluation report, and therefore does not affect the underlying purpose of 10 CFR 50.71(e)(3)(iii). Because the application of 10 CFR 50.71(e)(3)(iii) in the particular circumstances is not necessary to achieve the underlying purpose of that rule; granting a one-time

exemption from 10 CFR 50.71(e)(3)(iii) would provide only temporary relief; and Luminant has made good faith efforts to comply with the regulation, 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.

### **4.0 Conclusion**

Accordingly, the NRC has determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law and 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 Luminant a one-time exemption from the requirements of 10 CFR 50.71(e)(3)(iii) pertaining to the CPNPP, Units 3 and 4, COL application to allow the submittal of the FSAR update scheduled for June 2013, on or before November 30, 2013, and to submit the subsequent FSAR annual update in November 2014.

Pursuant to 10 CFR 51.32, the NRC has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (78 FR 25486).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 8th day of May 2013.

For the Nuclear Regulatory Commission.

**Samuel Lee,**

*Chief, Licensing Branch 2, Division of New Reactor Licensing, Office of New Reactors.*

[FR Doc. 2013-11934 Filed 5-17-13; 8:45 am]

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## **NUCLEAR REGULATORY COMMISSION**

[NRC-2013-0098]

### **Embedded Digital Devices in Safety-Related Systems, Systems Important to Safety, and Items Relied on for Safety**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Draft regulatory issue summary; request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment Draft Regulatory Issue Summary (RIS) 2013-XX, "Embedded Digital Devices in Safety-Related Systems, Systems Important to Safety, and Items Relied on For Safety." The NRC staff has developed the draft RIS to clarify the NRC's technical position on existing regulatory requirements for the

quality and reliability of basic components with embedded digital devices.

**DATES:** Submit comments by July 19, 2013. Comments received after this date will be considered, if it is practical to do so, but the NRC staff is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** You may submit comment by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2013-0098. Address questions about NRC dockets to Carol Gallagher; telephone: 301-492-3668; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

- *Fax comments to:* RADB at 301-492-3446.

For additional direction on accessing information and submitting comments, see "Accessing Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Mr. Eugene Eagle, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; Telephone: 301-415-3706; email: [Eugene.Eagle@nrc.gov](mailto:Eugene.Eagle@nrc.gov).

### **SUPPLEMENTARY INFORMATION:**

#### **I. Accessing Information and Submitting Comments**

##### *A. Accessing Information*

Please refer to Docket ID NRC-2013-0098 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly-available, by the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2013-0098.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search,

select “ADAMS Public Documents” and then select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The draft RIS is available in ADAMS under Accession No. ML12248A065.

- *NRC’s PDR:* You may examine and purchase copies of public documents at the NRC’s PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

### B. Submitting Comments

Please include Docket ID NRC–2013–0098 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at <http://www.regulations.gov> as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

## II. Background

The RIS discusses, and clarifies, the NRC’s technical position on existing regulatory requirements for the quality and reliability of basic components with embedded digital devices. Further, the purpose is to also raise awareness that there may be potential safety issues from a postulated common cause failure (CCF) if an undetected software error should occur in embedded digital devices located in multiple trains of redundant safety equipment in nuclear facilities.

The NRC plans to hold a public meeting to discuss this RIS and the issues associated with embedded digital devices. All comments that are to receive consideration in the final RIS must still be submitted electronically or in writing as indicated below.

Additional details regarding the meeting will be posted at least 10 days prior to the public meeting on NRC’s Public Meeting Schedule Web site at <http://www.nrc.gov/public-involve/public-meetings/index.cfm>.

The NRC issues RISs to communicate with stakeholders on a broad range of matters. This may include communicating staff technical positions on matters that have not been communicated to, or, are not broadly understood by the nuclear industry.

### Proposed Action

The NRC is requesting public comments on the draft RIS. The NRC plans to hold a public meeting in the near future to discuss Draft Regulatory Issue Summary (RIS) 2013–XX, “Embedded Digital Devices in Safety-Related Systems, Systems Important to Safety, and Items Relied on For Safety,” and to obtain feedback from members of the public. The meeting agenda will be posted at least 10 days prior to the public on the NRC’s Public Meeting Schedule Web site at <http://www.nrc.gov/public-involve/public-meetings/index.cfm>. Information regarding topics to be discussed, changes to the agenda, whether the meeting has been cancelled or rescheduled, and the time allotted for public comments can be obtained from the Public Meeting Schedule Web site.

Dated at Rockville, Maryland, this 8th day of May 2013.

For the Nuclear Regulatory Commission,  
**Ian C. Jung,**  
*Chief, Instrumentation, Controls and Electronics Engineering Branch 2 Division of Engineering, Office of New Reactor.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50–186; NRC–2013–0090]

### University of Missouri—Columbia Facility Operating License No. R–103

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** License renewal application; docketing; opportunity to comment; opportunity to request a hearing and petition for leave to intervene; order.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is considering an application for the renewal of Facility Operating License No. R–103 (“Application”), which currently authorizes the Curators of the University of Missouri—Columbia (the licensee) to operate the Missouri University

Research Reactor (MURR) at a maximum steady-state thermal power of 10 megawatts (MW). The renewed license would authorize the licensee to operate the MURR up to a steady-state thermal power of 10 MW for an additional 20 years from the date of issuance.

**DATES:** Submit comments by June 19, 2013. Requests for a hearing or leave to intervene must be filed by July 19, 2013. Any potential party as defined in Section 2.4 of Title 10 of the *Code of Federal Regulations* (10 CFR), who believes access to Sensitive Unclassified Non-Safeguards Information (SUNSI) is necessary to respond to this notice must request document access by May 30, 2013.

**ADDRESSES:** You may submit comment by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC–2013–0090. Address questions about NRC dockets to Carol Gallagher; telephone: 301–492–3668; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: TWB–05–B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

- *Fax comments to:* RADB at 301–492–3446.

For additional direction on accessing information and submitting comments, see “Accessing Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Geoffrey Wertz, Project Manager, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0893; email: [geoffrey.wertz@nrc.gov](mailto:geoffrey.wertz@nrc.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Accessing Information and Submitting Comments

##### A. Accessing Information

Please refer to Docket ID NRC–2013–0090 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is