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September 24, 2014

ATTN: Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

**BELL BEND NUCLEAR POWER PLANT
REQUEST FOR EXEMPTION FROM
10 CFR § 50.71(e)(3)(iii) FOR CY 2014
BNP-2014-108 Docket No. 52-039**

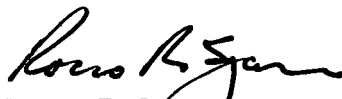
In accordance with the provisions of 10 CFR § 50.12, PPL Bell Bend, LLC (PPL) hereby requests an exemption from the requirements of 10 CFR § 50.71(e)(3)(iii) as applicable to the Bell Bend Nuclear Power Plant (BBNPP) Combined License Application (COLA) Part 2 Final Safety Analysis Report (FSAR).

Specifically, PPL requests an exemption from the requirement to submit the calendar year 2014 update to the BBNPP FSAR given that the FSAR review has been put on hold while further progress is being made on the safety review for the U.S. EPR Design Certification. If approved, the deadline for the next FSAR update would be December 31, 2015.

The Enclosure to this letter provides the basis for this exemption request.

Should you have any questions, please contact the undersigned at 610.774.7552.

Respectfully,


Rocco R. Sgarro

RRS/kw

Enclosure: As stated.

D102
NRO

cc: w/ Enclosure

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w/o Enclosure

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Enclosure

Basis for Exemption from 10 CFR § 50.71(e)(3)(iii)
Bell Bend Nuclear Power Plant

Proposed Exemption

As required in 10 CFR § 50.71(e)(3)(iii), applicants for a combined license under 10 CFR Part 52 shall, during the period from docketing of a combined construction permit and operating license application (COLA) until the U.S. Nuclear Regulatory Commission (NRC, or Commission) makes a finding under 10 CFR § 50.103(g) pertaining to facility operation, submit an annual update to the COLA Part 2 Final Safety Analysis Report (FSAR).

PPL Bell Bend, LLC (PPL) is requesting an exemption from the requirements of 10 CFR § 50.71(e)(3)(iii) to submit the calendar year 2014 update to the Bell Bend Nuclear Power Plant (BBNPP) FSAR. If approved, the deadline for the next required FSAR update would be December 31, 2015.

In summary, the requested exemption is a schedule change from the requirements of 10 CFR § 50.71(e)(3)(iii) that would recognize PPL's January 9, 2014 request¹ "...that the NRC withhold further review of the BBNPP COLA part 2 (FSAR) until further notice." This request was based on PPL's decision to monitor progress on the DC application before expending further significant resources on the safety review. Given the resulting lack of substantive change activity on the FSAR over this period, PPL believes that the request for exemption from the annual update for calendar year 2014 is appropriate.

Background

On October 10, 2008, PPL submitted to the NRC a COLA, under Title 10 of the Code of Federal Regulations (10 CFR), Subpart C of Part 52, to construct and operate a U.S. Evolutionary Power Reactor (U.S. EPR), to be designated Bell Bend Nuclear Power Plant, at the Bell Bend site in Luzerne County, Pennsylvania². The NRC Staff accepted and docketed the application on December 19, 2008.³

PPL submitted the most recent revision of the COLA FSAR, Revision 4, pursuant to 10 CFR § 50.71(e)(3)(iii) on April 12, 2013⁴, consistent with the NRC approved exemption⁵ for late filing of the calendar year 2012 FSAR update.

¹ R. R. Sgarro to U.S. NRC Document Control Desk, "Interim Safety Review Guidance," BNP-2014-005, dated January 9, 2014 (ML14030A074).

² T. L. Harpster to U.S. NRC Document Control Desk, "Application for the Combined License for the Bell Bend Nuclear Power Plant," BNP-2008-002, dated October 10, 2008 (ML082880580).

³ U.S. NRC to PPL Bell Bend, LLC, "Acceptance for Docketing of an Application for Combined License for Bell Bend Nuclear Power Plant Docket No. 52-039," dated December 19, 2008 (ML083510149).

⁴ R. R. Sgarro to U.S. NRC Document Control Desk, "Submittal of Bell Bend COLA, Revision 4," dated April 12, 2013 (ML13120A374).

⁵ J. Segala (NRC) to M.J. Caverly (PPL), "Bell Bend Nuclear Power Plant Combined License Application - Exemption from the Requirements of Title 10 of the *Code of Federal Regulations* Section 50.71(e)(3)(iii)," dated December 18, 2013 (ML13318A123).

Exemption Requirements

Pursuant to 10 CFR § 50.12(a)(1) and (2), the Commission 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.

Pursuant to 10 CFR § 50.12(a)(2), in part, "special circumstances" are present if:

- (a)(2)(ii): 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; or
- (a)(2)(v): 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.

Basis for the Exemption

A. *Authorized by Law*

10 CFR § 50.12 allows the NRC to grant exemptions from the requirements of 10 CFR § 50.71(e)(3)(iii) without violating the Atomic Energy Act of 1954, as amended, or the Commission's regulations. This exemption request is for a one-time schedule exemption that will only provide temporary relief from the requirements of 10 CFR § 50.71(e)(3)(iii). Therefore, the exemption is authorized by law.

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

The underlying purpose of 10 CFR § 50.71(e)(3)(iii) is to provide for timely, comprehensive updating of the FSAR associated with a COLA in order to support an effective and efficient review by NRC staff and issuance of the 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. Since a license has not been issued, the probability of postulated accidents is not increased. Additionally, given the administrative nature of the request, no new accident precursors are created by the exemption, therefore neither the probability nor the consequences of postulated accidents are increased. For these reasons, there is no undue risk to public health and safety.

C. *Consistent with Common Defense and Security*

The proposed exemption involves a schedule change for a COLA, and as such has no security implications. Accordingly, the common defense and security will not be impacted should this exemption be granted.

D. *Special Circumstances*

Special circumstances in accordance with 10 CFR § 50.12 (a)(2)(ii) are present because the “[a]pplication 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.”

The underlying purpose of 10 CFR § 50.71(e)(3)(iii) is to provide for timely, comprehensive updating of the FSAR associated with a COLA in order to support an effective and efficient review by NRC staff and issuance of the staff’s safety evaluation report. The rule targeted those applications that are being actively reviewed by the NRC.

In response to PPL’s letter¹ requesting that the Bell Bend COLA safety review be withheld until further notice, the NRC responded in separate correspondence⁶ that they “...will withhold the safety review portion of the COLA until such time that PPL formally requests that the NRC resume its review.” The NRC letter also states that “...pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 52.3(b)(6) and 10 CFR 50.71(e), PPL will be required to submit to the NRC updates to the Final Safety Analysis Report annually.” This exemption request is proposed to address the need for the FSAR update for calendar year 2014.

References 1 and 4 establish a special circumstance that supports the exemption request, in that the staff review has been temporarily put on hold, and therefore the update is not necessary to achieve the underlying purpose of the rule at this time.

Special circumstances in accordance with 10 CFR § 50.12 (a)(2)(v) are present because “[t]he 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.”

PPL is seeking temporary relief until December 31, 2015 to file the next update to the BBNPP COLA FSAR. PPL has made good faith efforts to comply with the rule based on its previous revisions, or requests for exemptions when justified.

Conclusion

Based on the above, the Commission should exempt PPL from the requirement to submit an annual update to the BBNPP COLA Part 2 FSAR in calendar year 2014.

⁶A. Bradford, NRC, to R. Sgarro, PPL, “Bell Bend Nuclear Power Plant Combined License Application - Request to Withhold Safety Review,” dated August 12, 2014 (ML14210A588).