



INFORMATION BULLETIN

From the UTC Legal/Regulatory Department

Re: Experimental Licenses for Part 74 Headsets Should be Renewed

Date: November 12, 2008

For several years, UTC, the Nuclear Energy institute (NEI) and individual utilities have been engaged in seeking relief for nuclear generating plants currently using two-way wireless headsets authorized in the Broadcast Auxiliary Service, Part 74 of the FCC's rules. While these headsets are uniquely appropriate for certain uses at nuclear plants, utilities generally are not eligible to acquire the required FCC licenses. Currently, utilities are authorized for restricted use of the Part 74 headsets pursuant to experimental licenses (Part 5 of the FCC's rules). Based on a Memorandum of Understanding negotiated with broadcast associations, all such experimental licenses will expire on February 17, 2009, the date of the transition to DTV broadcast operations.

Many UTC members have expressed mounting concern about their continued authorization to use the Part 74 headsets. **After discussions among the parties and with the FCC, UTC believes that a one-year renewal of the experimental licenses will be granted for continued use.** This comes as a result of pending changes at the FCC: with the turnover in administration, the leadership of the Commission will be changing, and this process will not be completed in time for another solution prior to February 2009. The FCC has informed the interested parties that it can discuss further relief later in 2009, but is proposing a maximum one-year renewal as immediate relief in the meantime.

The FCC rule concerning renewal of experimental licenses is found at § 5.59(c). Please note that the renewal application should be filed on Form 405. Further:

"A blanket application may be submitted for renewal of a group of station licenses in the same class in those cases in which the renewal requested is in exact accordance with the with the terms of the existing authorizations . . . **[E]ach application for renewal of license shall be filed at least 60 days prior to the expiration date of the license to be renewed.**" [emphasis added]

Therefore, Form 405 renewal applications should be filed no later than December 17, 2008. Should you require it, UTC Spectrum Services can assist with this filing, although frequency coordination is not required. Should you need to

make changes to any existing license, please consult Part 5 of the rules for appropriate actions; a modification of license is not treated the same as a renewal.

While UTC members generally are familiar with FCC filing procedures, note that these renewals are best filed electronically through the FCC's website, at <https://fjallfoss.fcc.gov/oetcf/els/forms/405RenewalEntry.cfm>. The filing fee, submitted as usual on Form 159, is \$60. An NEI-drafted attachment for the renewal application is appended to this Information Bulletin.

UTC and other parties will be meeting with the FCC to discuss longer-term relief as possible. Meanwhile, if there are any questions, please do not hesitate to contact the UTC Legal/Regulatory Department at 202.833.6805 or legal@utc.org.

EXHIBIT TO EXPERIMENTAL LICENSE RENEWAL APPLICATION

A. Background.

During the Spring of 2007, the Nuclear Energy Institute (“NEI”), the Utilities Telecom Council (“UTC”), Maximum Service Television (“MSTV”), the National Association of Broadcasters (“NAB”), and the Society of Broadcasters (“SBE”) agreed to a Consensus Plan through which the nuclear plants were permitted to continue to use certain communications equipment, subject to certain power restrictions, geographic limitations, frequency coordination and FCC reporting requirements (the “Consensus Plan”). The FCC issued experimental licenses to the nuclear plants beginning in the summer of 2007 (the “Experimental Licenses”). These Experimental Licenses have been operated consistent with the Consensus Plan but will expire on February 17, 2009. Applicant seeks to renew its Experimental License.

As also described in the original application for Experimental License, communication inside and around a nuclear reactor is a great challenge, not only because the walls can range in width from four (4) inches to four (4) feet of concrete and the built-in shielding of the reactor dome tends to serve as a deflector of certain wireless communications, but also because the need for reliable and effective communication is so critical. Under Nuclear Regulatory Commission (“NRC”) rules, licensed plants have the regulatory and licensing obligation to “make every reasonable effort to maintain exposure to radiation as far below NRC-established dose limits as is practical . . . (see 10 C.F.R. § 20.1003 et seq.) in order to protect plant workers from harmful doses of radiation (e.g., while they perform safety and maintenance operations in and around the nation’s nuclear plants).

The commercial nuclear industry’s use of certain Telex Part 74-certified wireless intercom equipment (the “Equipment”) serves the twin objectives of effective communication and facilitating protection of workers from unhealthy levels of radiation by providing communications features (wireless, hands-free, full duplex/multi-user, reliable, no “call drops,” no background noise, no inadvertent actuation, uninterrupted voice transmission, ease of use, and durability) that permit plant workers to efficiently conduct routine maintenance as well as activities required to be performed in an “outage” (when used (irradiated) fuel is replaced with fresh (non-irradiated) fuel and the used fuel is carefully moved to storage facilities). That is, the Equipment directly contributes to the protection of the health and safety of plant workers, as efficiencies gained from its use limit nuclear plant workers’ occupational exposure.

B. Proposed Experiments.

The plants intend to continue to conduct experiments using the Equipment, as well as other equipment that may serve as alternatives to the Equipment, through which they will establish a series of situational communications objectives within and around the plant and track the operating performance benchmarks for each objective. As previously reported by NEI, UTC and the plants in their License Reports, at least five (5) different types of alternative equipment during the license term, however, no suitable alternative equipment is currently available. The specific objectives to be accomplished:

1. Continued efforts to prioritize the operating features of the Equipment in order to inform our RFP on replacement equipment.
2. Continued efforts to establish performance benchmarks and power matrix in order to inform our RFP.

3. Continued efforts to evaluate new equipment entrants against the priorities and benchmarks established using the Equipment.
4. Creation of best practices generally for communicating in and around the nuclear plants, both with the Equipment and other equipment and methods.
5. Of particular interest is the simultaneous operation in many of the plants of the Equipment (together with all potential replacement equipment) and the electronic dosimeters, most of which operate at 2.4 GHz. Electronic dosimeters are worn by many plant employees while they participate in operations involving exposure to radiation. The dosimeter device measures the dose in real time and transmits the readings back to the communications control center, which is also the venue from which the safety experts communicate, via the Equipment, with the plant employees. In fact, it is often the case that the communication via the Equipment is to instruct the plant worker to move one way or another, in order to avoid areas where the dosimeter indicates there exist high doses of radiation.

While the simultaneous use of the Equipment with the 2.4 GHz dosimeter devices has not caused interference to either device (or, worse, caused one or both to shut down), the experiment will allow certain plants to test other equipment operating at the 2.4 GHz band to evaluate whether it can operate simultaneously with the dosimeter device. It will be important to experiment on the best practices for such simultaneous operation and to determine, as best one can, how far apart on the spectrum chart these often simultaneous transmissions must be, in order to avoid interference/shut-down.

C. Continuing Need.

The plants need to continue conducting experiments comparing the Equipment and potential replacement equipment against a series of situational communications objectives within and around the plant. This program of experimentation continues to contribute to the development, extension, expansion and utilization of the radio frequency because there has not previously been a full study of best communications practices inside and around nuclear plants. Continued authorization of the Equipment will allow the plants to further their research and development of best practices. This fact, together with the NRC mandates and the compelling desire to protect plant workers from unhealthy doses of radiation, will contribute to the development of alternative equipment that may be capable of operating under Part 90 and meeting the plants' safety and communications needs. Continued authorization of the Equipment will allow the plants to further their objectives as plant equipment changes.