



Entergy Nuclear Operations, Inc.  
1340 Echelon Parkway  
Jackson, MS 39213

Mandy K. Halter  
Director, Nuclear Licensing

PNP 2018-037

10 CFR 50.12  
10 CFR 50.54(w)(1)

August 10, 2018

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

SUBJECT: Request for Exemption from 10 CFR 50.54(w)(1)  
Big Rock Point Independent Spent Fuel Storage Installation

Docket No. 50-155 and 72-043  
License No. DPR-6 and SFGL-16

REFERENCES: 1) Letter, USNRC to Consumers Power Company, "Big Rock Point – Excess Property Damage Insurance Exemption," (8211080181) dated November 3, 1982

2) Letter, USNRC to Big Rock Point Restoration Project, "Big Rock Point – Release of Land from Part 50 License for Unrestricted Use," (ML063410361) dated January 8, 2007

3) Letter, Entergy to USNRC, "Big Rock Point, "Big Rock Point License Termination Plan," Revision 3," (ML13204A012) dated July 17, 2013

Dear Sir or Madam:

Pursuant to Title 10 of the Code of Federal Regulations Part 50 Section 12 (10 CFR 50.12), *Specific Exemptions*, Entergy Nuclear Operations, Inc. (ENO) requests a permanent exemption from 10 CFR 50.54(w)(1), for Big Rock Point (BRP) Independent Spent Fuel Storage Installation (ISFSI). 10 CFR 50.54, *Conditions of licenses, Section (w)(1)* requires individual power reactor licensees to obtain insurance coverage from private sources to provide protection covering the licensee's obligation, in the unlikely event of an accident, to stabilize and decontaminate the reactor and the reactor site. Specifically, licensees must obtain insurance having a minimum coverage limit for each reactor station site of either \$1.06 billion or whatever amount of insurance is generally available from private sources, whichever is less. This insurance coverage is referred to as "onsite coverage" or "onsite insurance coverage."

The underlying purpose of 10 CFR 50.54(w)(1) is to require sufficient property damage insurance to ensure adequate funding of onsite post-accident recovery, stabilization and decontamination costs following an accident at an operating nuclear power plant. However, the regulation does not take into consideration the reduced potential for, and consequences of, such nuclear incidents at permanently shutdown ISFSI only facilities.

The NRC issued to BRP an exemption from the 50.54(w)(1) onsite insurance coverage requirement of \$1.06 billion, reducing the requirement for BRP to \$500 million (Ref. 1). Since issuance of this exemption the BRP single reactor facility has ceased operation, permanently defueled, and transferred all Spent Nuclear Fuel (SNF), Special Nuclear Material (SNM), and Greater Than Class C (GTCC) waste to dry fuel storage (DFS) casks stored in an Independent Spent Fuel Storage Installation (ISFSI). Additionally, site lands not associated with the ISFSI have been released for unrestricted usage (Ref. 2). Decommissioning details including a timeline and current status of the BRP ISFSI facility is provided in the updated license termination plan (Ref. 3). Therefore, this proposed exemption would allow a reduction in the level of onsite insurance coverage for BRP to a level that is commensurate with an ISFSI only facility which is consistent with the underlying purpose of the rule.

ENO is requesting an exemption to 10 CFR 50.54(w)(1) to reduce the minimum coverage limit of 10 CFR 50.54(w)(1) to \$50 million for BRP. The exemption request is provided in the attachment to this letter.

Approval of the exemption is requested by August 15, 2019. This letter contains no new or revised commitments.

If you have any questions, please contact Mr. Bryan Ford, Senior Manager, Fleet Regulatory Assurance, at (601) 368-5516.

Sincerely,

A handwritten signature in black ink that reads "Mandy K. Hatter". The signature is written in a cursive, flowing style.

MKH/chm/rf

Attachment: Big Rock Point Independent Spent Fuel Storage Installation  
Request for Exemption from 10 CFR 50.54(w)(1)

cc:

USNRC Regional Administrator, Region III  
USNRC Project Manager, Region III ISFSIs  
USNRC Decommissioning Inspector, Big Rock Point  
State of Michigan

**Attachment**

**PNP 2018-037**

**Big Rock Point Independent Spent Fuel Storage Installation  
Request for Exemption from 10 CFR 50.54(w)(1)**

**Big Rock Point Independent Spent Fuel Storage Installation  
Request for Exemption from 10 CFR 50.54(w)(1)**

**I. DESCRIPTION**

Pursuant to Title 10 of the Code of Federal Regulations Part 50 Section 12 (10 CFR 50.12), Specific Exemptions, Entergy Nuclear Operations, Inc. (ENO) requests a permanent exemption from 10 CFR 50.54(w)(1), for Big Rock Point (BRP) Independent Spent Fuel Storage Installation (ISFSI). 10 CFR 50.54, Conditions of licenses, Section (w)(1) requires individual power reactor licensees to obtain insurance coverage from private sources to provide protection covering the licensee's obligation, in the unlikely event of an accident, to stabilize and decontaminate the reactor and the reactor site. Specifically, licensees must obtain insurance having a minimum coverage limit for each reactor station site of either \$1.06 billion or whatever amount of insurance is generally available from private sources, whichever is less. This insurance coverage is referred to as "onsite coverage" or "onsite insurance coverage."

The NRC issued to BRP an exemption from the 50.54(w)(1) onsite insurance coverage requirement of \$1.06 billion, reducing the requirement for BRP to \$500 million (Ref. 1). Since issuance of this exemption the BRP single reactor facility has ceased operation, permanently defueled, and transferred all Spent Nuclear Fuel (SNF), Special Nuclear Material (SNM), and Greater Than Class C (GTCC) waste to dry fuel storage (DFS) casks stored in an Independent Spent Fuel Storage Installation (ISFSI). Additionally, site lands not associated with the ISFSI have been released for unrestricted usage (Ref. 2). Decommissioning details including a timeline and current status of the BRP ISFSI facility is provided in the updated license termination plan (Ref. 3). Therefore, this proposed exemption would allow a reduction in the level of onsite insurance coverage for BRP to a level that is commensurate with an ISFSI only facility which is consistent with the underlying purpose of the rule.

ENO is requesting an exemption to 10 CFR 50.54(w)(1) to reduce the minimum coverage limit of 10 CFR 50.54(w)(1) to \$50 million for BRP.

10 CFR 50.54(w)(1) reads as follows:

*“(w) Each power reactor licensee under this part for a production or utilization facility of the type described in §§ 50.21(b) or 50.22 shall take reasonable steps to obtain insurance available at reasonable costs and on reasonable terms from private sources or to demonstrate to the satisfaction of the NRC that it possesses an equivalent amount of protection covering the licensee's obligation, in the event of an accident at the licensee's reactor, to stabilize and decontaminate the reactor and the reactor station site at which the reactor experiencing the accident is located, provided that:*

*(1) The insurance required by paragraph (w) of this section must have a minimum coverage limit for each reactor station site of either \$1.06 billion or whatever amount of insurance is generally available from private sources, whichever is less. The required insurance must clearly state that, as and to the extent provided in paragraph (w)(4) of this section, any proceeds must be payable first for stabilization of the reactor and next*

*for decontamination of the reactor and the reactor station site. If a licensee's coverage falls below the required minimum, the licensee shall within 60 days take all reasonable steps to restore its coverage to the required minimum. The required insurance may, at the option of the licensee, be included within policies that also provide coverage for other risks, including, but not limited to, the risk of direct physical damage."*

## **II. PURPOSE**

The underlying purpose of 10 CFR 50.54(w)(1) is to require sufficient property damage insurance to ensure adequate funding of onsite post-accident recovery, stabilization and decontamination costs following an accident at an operating nuclear power plant. However, the regulation does not take into consideration the reduced potential for, and consequences of, such nuclear incidents at permanently shutdown ISFSI only facilities. The BRP single reactor facility ceased operation, permanently defueled, and transferred all Spent Nuclear Fuel (SNF), Special Nuclear Material (SNM), and Greater Than Class C (GTCC) waste to DFS casks stored in an Independent Spent Fuel Storage Installation (ISFSI). Additionally, on January 8, 2007 the utility received the release of the power reactor and non-ISFSI portions of the site from the BRP License per NRC Letter, "Big Rock Point - Release of Land from Part 50 License for Unrestricted Use" (Ref. 2). The proposed exemption would allow a reduction in the level of onsite insurance coverage for BRP to a level that is commensurate with the current status of the facility and the underlying purpose of the rule.

## **III. BACKGROUND**

BRP is located in Charlevoix County, Michigan, approximately four miles northeast of Charlevoix, Michigan, and approximately eleven miles west of Petoskey, Michigan, on the northern shore of Michigan's Lower Peninsula. The BRP site is owned by Entergy Palisades LLC. The BRP Nuclear Plant was a boiling water reactor rated at 75mW electric, designed by General Electric Company.

For the BRP Nuclear Plant, Operating License Docket No. 50-155 (License Number DPR-6) and General Independent Spent Fuel Storage Installation (ISFSI) License Docket Number 72-043, past events that are pertinent to this exemption request are:

- Provisional Operating License issued August 30, 1962
- The NRC issued Consumers Power Company (CPC) an exemption to the excess insurance requirements of 10 CFR 50.54(w)(1)(ii) *[as stated in 1982]* (\$1.06 million) for BRP because CPC demonstrated that the decontamination and cleanup costs occurring as a result of an accident at a reactor of BRP's small size would, with a reasonable degree of assurance, be covered by \$500 million insurance. NRC Letter, November 3, 1982 (Ref. 1)
- Operation permanently ceased August 29, 1997
- Fuel permanently removed from the reactor vessel September 20, 1997
- All Spent Nuclear Fuel (SNF), Special Nuclear Material (SNM), and Greater Than Class C (GTCC) waste stored in an Independent Spent Fuel Storage Installation (ISFSI) as of May 2, 2003
- Release of the power reactor and non-ISFSI related portions of the site from the NRC License on January 8, 2007 (Ref. 2)

- License transfer of the BRP ISFSI to Entergy Palisades LLC on April 6, 2007 (Ref. 4)

After the release of land from the NRC License in January 2007, the remaining onsite area is a parcel of land approximately 30 acres, within which the ISFSI itself resides, and an additional parcel of approximately 75 acres adjacent to the ISFSI. (Ref. 2)

This second exemption from 10 CFR 50.54(w)(1) is requested in order to allow reduced insurance coverage commensurate with the significantly reduced risks associated with a single reactor facility that has ceased operation, permanently defueled, and transferred all SNF, SNM, and GTCC waste to dry spent fuel storage casks stored in an ISFSI.

ENO has determined that this exemption allowing a reduction from the current \$500 million to \$50 million insurance for onsite coverage would provide significant premium cost savings.

#### **IV. DISCUSSION**

The underlying purpose of 10 CFR 50.54(w)(1) is to require sufficient property damage insurance to ensure adequate funding of onsite post-accident recovery, stabilization and decontamination costs following an accident at an operating nuclear power plant. The requirements of 10 CFR 50.54(w)(1) were developed taking into consideration the risks associated with an operating nuclear power reactor, including the potential consequences of a release of radioactive material from the reactor.

This regulation does not take into consideration the reduced potential for, and consequences of, such nuclear incidents at permanently shut down ISFSI only facilities. The BRP facility is a single reactor site and the reactor has been permanently shut down, defueled, removed from the site, with all SNF, SNM, and GTCC waste stored in an ISFSI. Plant structures have been removed from the site. The power reactor and non-ISFSI related portions of the site have been release from the BRP Part 50 License for unrestricted use (Ref. 2). The proposed exemption would allow a reduction in the level of onsite insurance coverage for BRP to a level that is commensurate with the current status and the underlying purpose of the rule.

Although the potential for, and consequences of, nuclear accidents decline substantially after a plant permanently defuels its reactor, they are not completely eliminated. A site with a permanently shutdown and defueled reactor may contain an inventory of radioactive liquids, activated reactor components, and contaminated materials. For purposes of modifying the amount of onsite insurance coverage maintained by a permanently shutdown and defueled reactor licensee, the potential radiological consequences of these non-operating reactor nuclear incidents are appropriate to consider, despite their very low probability of occurrence.

##### Reduced Scope and Severity of Radiological Events at BRP under Part 50 (Non-ISFSI)

All BRP spent fuel is stored in dry fuel storage casks in an ISFSI as of May 2, 2003 (Ref. 3). As a result, a fuel handling accident and a fuel zirconium fire are no longer considered credible events. Site systems, structures and components (SCCs) not associated with the ISFSI, including the reactor vessel and spent fuel pool; have been dismantled and removed from the site.

In the current state of decommissioning, no liquid and airborne effluent releases resulting from decommissioning activities are considered credible events. Source terms have been removed by placing all SNF, SNM and GTCC waste in DFS casks in an ISFSI. Decontamination activities have been completed and the site lands other than those associated with the ISFSI have been released from the BRP Part 50 License.

The BRP License Termination Plan provides the latest survey data for the BRP site and provides the Final Status Survey Plan. This information was available for the NRC as input to the January 8, 2007 (Ref. 2) letter which released the land from Part 50 License for unrestricted use.

#### NRC Proposed Rulemaking

Proposed changes to regulations governing onsite insurance coverage were previously included in a risk-informed, integrated rulemaking initiative for decommissioning nuclear power plants, which is now being acted upon with a proposed draft rule expected in 2018. This rulemaking initiative, documented in SECY-00-0145 (Ref. 5), included onsite insurance coverage requirements. The rulemaking, as incorporated into SECY-00-0145, would have allowed the minimum onsite insurance coverage to be reduced to \$50 million once the spent fuel in the spent fuel pool is no longer thermal-hydraulically capable of sustaining a zirconium fire, based on a plant-specific analysis.

On November 20, 2017, the NRC issued Regulatory Basis Document, "Regulatory Improvements for Power Reactors Transitioning to Decommissioning," (Ref. 7). Appendix G, "Offsite and Onsite Financial Protection Requirements and Indemnity Agreements," discusses rulemaking changes for existing financial protection regulations including onsite insurance coverage as defined in 10 CFR 50.54(w)(1). Currently, licensees of a decommissioning reactor typically prepare and submit regulatory exemption requests that would allow them to be excluded from these requirements. To address this inefficiency, the NRC is recommending in this rulemaking an expansion of its financial protection regulations to cover the situation presented by a decommissioning reactor. These changes would provide regulatory certainty by minimizing the need for the licensees of decommissioning reactors to request regulatory exemptions for relief from requirements that should apply only to operating reactor licensees.

Several onsite and offsite insurance coverage options are discussed for decommissioning facilities. Option 2, which is the recommended option as discussed in Appendix G, Section 10, proposes reducing the onsite insurance coverage requirement to \$50 million for decommissioning facilities where a fuel zirconium fire is no longer possible. This exemption request is consistent with the proposed rulemaking guidance.

#### Previous Exemptions

Other decommissioning plants have been granted exemptions allowing reductions to onsite insurance coverage. Specific examples include Kewaunee Power Station (Ref. 8) and Vermont Yankee (Ref. 6).



### Summary

Based on the BRP site remaining radiological hazards discussed above, ENO concludes that the criteria for reducing the minimum onsite insurance coverage limit required by 50.54(w)(1) from \$500 million (Previous Exemption-Ref. 1) to \$50 million, as established in SECY-00-0145 and the Regulatory Basis Document for decommissioning rulemaking, is satisfied at BRP. Therefore, ENO believes that the proposed exemption is justified.

## **V. JUSTIFICATION FOR EXEMPTION AND SPECIAL CIRCUMSTANCES**

10 CFR 50.12 states that the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of the regulations of Part 50 which are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. 10 CFR 50.12 also states that the Commission will not consider granting an exemption unless special circumstances are present. As discussed below, this exemption request satisfies the provisions of 10 CFR 50.12.

### **A. The exemption is authorized by law**

The requested exemption is authorized by law and similar exemptions have been granted by the Commission. Other permanently shutdown plants that have been granted similar exemptions are discussed above. In addition, the requested exemption is consistent with the guidelines presented by the NRC staff in SECY-00-0145 and the November 2017 Regulatory Basis Document for decommissioning rulemaking. The proposed exemption is not contrary to the Atomic Energy Act of 1954, as amended, or the Commission's regulations. Therefore, the exemption is authorized by law.

### **B. The exemption will not present an undue risk to public health and safety**

The requirements of 10 CFR 50.54(w)(1) and the existing level of onsite insurance coverage for BRP are predicated on the assumption that the reactor is operating. However, the BRP reactor has been permanently shutdown, defueled, removed from the site, with all Spent Nuclear Fuel (SNF), Special Nuclear Material (SNM), and Greater Than Class C (GTCC) waste stored in an ISFSI. Plant structures associated with reactor operations have been removed from the site. This results in a significant reduction in the number and severity of potential accidents, and correspondingly, a significant reduction in the potential for and severity of onsite property damage. The proposed reduction in the amount of onsite insurance coverage does not impact the probability or consequences of potential accidents. The proposed level of insurance coverage is commensurate with the reduced risk and reduced cost consequences of potential nuclear accidents at BRP. Therefore, granting the requested exemption will not present an undue risk to the health and safety of the public.

### **C. The exemption is consistent with the common defense and security**

The proposed exemption would not eliminate any requirements associated with physical protection of the site and would not adversely affect BRP's ability to physically secure the site or protect special nuclear material. Physical security measures at BRP are not affected by the requested exemption. Therefore, the proposed exemption is consistent with the common defense and security.

### **D. Special Circumstances**

Pursuant to 10 CFR 50.12(a)(2), the NRC will not consider granting an exemption to its regulations unless special circumstances are present. Special circumstances are present because the reactor has been permanently shutdown, defueled, removed from the site, with all SNF, SNM, and GTCC waste stored in an ISFSI, and the radiological source term at the site will be reduced from that associated with reactor power operation. Also, the DBAs and transients postulated to occur during reactor operation will no longer be possible. In particular, the potential for a release of a large radiological source term to the environment from the high pressures and temperatures associated with reactor operation no longer exist.

#### **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))**

The underlying purpose of 10 CFR 50.54(w)(1) is to require sufficient property damage insurance to ensure funding of onsite post-accident recovery stabilization, and decontamination costs following an accident at an operating nuclear power plant. The requirements of 10 CFR 50.54(w)(1) were developed taking into consideration the risks associated with the operation of an operating nuclear power reactor, including the potential consequences of a release of radioactive material from the reactor. However, the regulation does not take into consideration the reduced potential for, and consequences of, nuclear incidents at decommissioned ISFSI only facilities.

In the current state of decommissioning, no liquid and airborne effluent releases resulting from decommissioning activities are considered credible events. Source terms have been removed by placing all SNF, SNM and GTCC waste in DFS casks in an ISFSI. Decontamination activities associated with the operating reactor have been completed and the site lands released from the BRP Part 50 License for unrestricted use with only the area supporting the ISFSI remaining. The radiological consequences of accidents that will remain possible at BRP in the decommissioned ISFSI only condition are substantially lower than those at an operating plant.

The proposed reduction in the level of onsite insurance coverage from \$500 million to \$50 million would continue to serve the underlying purpose of the rule by requiring a conservative level of financial protection considered commensurate with the significant reduction in the probability and consequences of nuclear incidents at BRP. Consistent with the NRC's conclusions documented in SECY-00-0145 (Ref. 5) and the 2017 regulatory basis document, the proposed reduction in the level of

onsite insurance coverage would continue to require sufficient property damage insurance to ensure funding for onsite post-accident recovery, stabilization, and decontamination costs in the unlikely event of an accident at BRP.

Therefore, application of the requirement in 10 CFR 50.54(w)(1) to maintain the current exemption approved amount of \$500 million (Ref. 1) in onsite insurance coverage is not necessary to achieve the underlying purpose of this rule and special circumstances are present as defined in 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))**

Continued compliance with 10 CFR 50.54(w)(1) and the approved exemption would require that BRP maintain \$500 million in onsite insurance coverage. The reduction in onsite insurance coverage from \$500 million to \$50 million would maintain a require level of financial protection commensurate with the underlying purpose of the rule while eliminating an unnecessary financial burden.

Continued application of the requirement to maintain \$500 million in onsite insurance coverage for BRP would result in undue hardship and costs being incurred by ENO for the purchase of unnecessary levels of onsite insurance coverage. The NRC has granted similar exemptions to other decommissioning facilities.

Therefore, compliance with the rule would result in an 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. Therefore, the special circumstances are present as defined in 10 CFR 50.12(a)(2)(iii).

## **VI. ENVIRONMENTAL ASSESSMENT**

The proposed exemption meets the eligibility criterion for categorical exclusion set forth in 10 CFR 51.22(c)(25), because the proposed exemption involves: (i) no significant hazards consideration; (ii) no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (iii) no significant increase in individual or cumulative public or occupational radiation exposure; (iv) no significant construction impact; (v) no significant increase in the potential for or consequences from radiological accidents; and (vi) the requirements from which the exemption is sought involve surety, insurance or indemnity requirements. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the proposed exemption.

### **(i) No Significant Hazards Consideration Determination**

Pursuant to 10 CFR 50.12, "Specific exemptions," Entergy Nuclear Operations, Inc. (ENO) requests a permanent exemption from 10 CFR 50.54(w)(1) for BRP. ENO is proposing an exemption to 10 CFR 50.54(w)(1) to reduce the minimum coverage limit of 10 CFR

50.54(w)(1) from the current approved amount of \$500 million (Ref. 1) to \$50 million: ENO has evaluated the proposed exemption to determine whether or not a significant hazards consideration is involved by focusing on the three standards set forth in 10 CFR 50.92 as discussed below:

1. Does the proposed exemption involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed exemption has no effect on structures, systems, and components (SSCs) and no effect on the capability of any plant SSC to perform its design function. The proposed exemption would not increase the likelihood of the malfunction of any plant SSC. The proposed exemption would have no effect on the probability of consequences of any of the previously evaluated accidents. Therefore, the proposed exemption does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed exemption create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed exemption does not involve a physical alteration of the plant. No new or different type of equipment will be installed and there are no physical modifications to existing equipment associated with the proposed exemption. Similarly, the proposed exemption will not physically change any SSCs involved in the mitigation of any accidents. Thus, no new initiators or precursors of a new or different kind of accident are created. Furthermore, the proposed exemption does not create the possibility of a new accident as a result of new failure modes associated with any equipment or personnel failures. No changes are being made to parameters within which the plant is normally operated, or in the setpoints which initiate protective or mitigative actions, and no new failure modes are being introduced. Therefore, the proposed exemption does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed exemption involve a significant reduction in a margin of safety?

The proposed exemption does not alter the design basis or any safety limits for the plant. The proposed exemption does not impact station operation or any plant SSC that is relied upon for accident mitigation. Therefore, the proposed exemption does not involve a significant reduction in a margin of safety.

Based on the above, ENO concludes that the proposed exemption presents no significant hazards consideration, and, accordingly, a finding of "no significant hazards consideration" is justified.

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

There are no changes in the types, characteristics, or quantities of effluents discharged to the environment associated with the proposed exemption. There are no materials or chemicals introduced into the plant that could affect the characteristics or types of effluents

released offsite. In addition, the method of operation of waste processing systems will not be affected by the exemption. The proposed exemption will not result in changes to the design basis requirements of SSCs that function to limit or monitor the release of effluents. All the SSCs associated with limiting the release of effluents will continue to be able to perform their functions. Therefore, the proposed exemption will result in no significant change to 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.**

The exemption would result in no expected increases in individual or cumulative occupational radiation exposure on either the workforce or the public. There are no expected increases in normal occupational doses.

**(iv) There is no significant construction impact.**

No construction activities are associated with the proposed exemption.

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

See the no significant hazards considerations discussion in Item (i)(1) above.

**(vi) The requirements from which exemption is sought involve surety, insurance or indemnity requirements.**

The requirements from which the exemption is sought involve financial protection and for the indemnification and limitation of liability of licensees pursuant to Section 170 of the Atomic Energy Act of 1954, as amended and 10 CFR 50.54(w)(1).

## **VII. CONCLUSION**

Pursuant to the provisions of 10 CFR 50.12, ENO is requesting a permanent exemption from 10 CFR 50.54(w)(1) for BRP. Based on the considerations discussed above, the requested 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. In addition, special circumstances are present as set forth in 10 CFR 50.12.

## References

1. Letter, USNRC to Consumers Power Company, "Big Rock Point – Excess Property Damage Insurance Exemption," (8211080181) dated November 3, 1982
2. Letter, USNRC to Big Rock Point Restoration Project, "Big Rock Point – Release of Land from Part 50 License for Unrestricted Use," (ML063410361) dated January 8, 2007
3. Letter, Entergy to USNRC, "Big Rock Point, "Big Rock Point License Termination Plan," Revision 3," (ML13204A012) dated July 17, 2013
4. Letter, USNRC to Consumers Energy Company, "Order Approving Transfer of License and Conforming Amendment Relating to the Big Rock Point Site (Docket Numbers 50-155 and 72-043)," (ML070740753, ML070740758, ML070740762, ML070920385) dated April 6, 2007
5. SECY-00-0145, "Integrated Rulemaking Plan for Nuclear Power Plant Decommissioning," dated June 28, 2000.
6. Letter, USNRC to Entergy Nuclear Operations, Inc., "Vermont Yankee Nuclear Power Station – Exemption from the Requirements of Title 10 of the Code of Federal Regulations, Part 50, Section 50.54(w)(1) Concerning Insurance for Post-Accident Site Decontamination (CAC No. MF3981)," (ML16012A144) dated April 15, 2016
7. Report, NRC issued Regulatory Basis Document, "Regulatory Improvements for Power Reactors Transitioning to Decommissioning," RIN No: 3150-AJ59, NRC Docket ID: NRC-2015-0070, dated November 20, 2017
8. Letter, USNRC to Dominion Energy Kewaunee, Inc., "Kewaunee Power Station – Exemption From the Requirements of Title 10 the Code of Federal Regulations, Part 50, Section 50.54(w)(1) Concerning Insurance for Post-Accident Site Decontamination (TAC No. MIF3915)," (ML15033A245) dated April 3, 2015