

From: [Cruz Perez, Zahira](#)
To: [Jean Fleming](#)
Cc: [Bill Noval](#); [Matthew Johnson](#); [Walter Wittich](#); [Watson, Bruce](#)
Subject: Acceptance Review: Request for Exemption from 10 CFR 140.11(a)(4) Concerning Primary and Secondary Liability Insurance for Indian Point Energy Center
Date: Thursday, April 21, 2022 2:38:00 PM

Dear Ms. Fleming:

By letter dated March 25, 2022 (Agencywide Documents Access and Management System [ADAMS]) Accession No. Main Library [ML] ML22084A103), Holtec Decommissioning International, LLC (HDI) submitted an exemption request for Indian Point Nuclear Generating Units Nos. 1, 2 and 3, collectively referred to as Indian Point Energy Center (IPEC). The exemption request from 10 CFR 140.11(a)(4) for IPEC to (1) reduce the required level of primary offsite liability insurance to \$100,000,000 and (2) eliminate the requirement to carry secondary financial protection for IPEC.

HDI has performed analyses showing that 15 months after Indian Point Unit 3's shutdown, the spent fuel stored in each of the unit's spent fuel pools (SFP) will have decayed sufficiently such that there is a significant reduction in risk from a theoretical SFP draindown event. HDI's analyses reflecting this anticipated reduction in risk may support the basis for the proposed exemption from 10 CFR 140.11(a)(4). The 15-month spent fuel decay period for Indian Point Unit 3 will expire by August 1, 2022. Therefore, HDI requests NRC review and approval of the requested exemption by July 1, 2022, with an effective date of August 1, 2022, and a 30-day implementation period from the effective date.

The purpose of this e-mail is to provide the results of the NRC staff's acceptance review of this request. The acceptance review was performed to determine if there is sufficient technical information in scope and depth to allow the NRC staff to complete its detailed technical review. The acceptance review is also intended to identify whether the application has any readily apparent information insufficiencies in its characterization of the regulatory requirements or the licensing basis of the plant.

The NRC staff has reviewed your request and concluded that it does provide technical information in sufficient detail to enable the NRC staff to complete its detailed technical review and make an independent assessment regarding the acceptability of the proposed amendment in terms of regulatory requirements and the protection of public health and safety and the environment. Given the lesser scope and depth of the acceptance review as compared to the detailed technical review, there may be instances in which issues that impact the NRC staff's ability to complete the detailed technical review are identified despite completion of an adequate acceptance review. If additional information is needed, you will be advised through separate correspondence by mid-June 2022, and a response will be due 30 days from the receipt of the request for additional information.

The proposed exemption request from 10 CFR 140.11(a)(4) is predicated on current NRC staff's review of technical basis for approval of requests for exemptions from portions of 10 CFR 50.47(b); 10 CFR 50.47(c)(2); and 10 CFR Part 50, Appendix E, Section IV, which requires Commission approval. Therefore, the NRC staff expects to complete this review by February 3, 2023 (approximately 250 hours). If there are emergent complexities or challenges in our review that would cause changes to the initial forecasted completion date, the reasons for the changes, along with a new estimate, will be communicated during the

routine interactions with the assigned project manager.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this email will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of ADAMS. ADAMS is accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions, please contact me.

Zahira

Zahira Cruz

(Pronouns: [She/Her/Hers](#))

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