



Nuclear Regulatory Commission  
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NRC000118

Table 1: Comparison of AES and LES Requests for Exemptions and Special Authorizations

	AES Exemption and Special Authorization	LES Exemption and Special Authorization
<b>Exemption to provide forward-looking incremental funding for decommissioning</b>	<p>AES requested an exemption from decommissioning funding requirements of 10 CFR 40.36(d) and 10 CFR 70.25(e). The exemption request was for authorization to provide financial assurance on a forward-looking, incremental basis. The exemption request was approved. In addition, a separate license condition will be imposed to address AES's schedule for updating the decommissioning funding plan and financial assurance instruments over time. The discussion of this exemption and the corresponding license condition is provided in Chapter 10 of the SER.</p> <p>(AES SER, Section 1.2.4.2.1, Pages 1-13 to 1-14)</p>	<p>LES requested an exemption for the National Enrichment Facility to provide incremental funding for decommissioning to reflect the phased-approach for enrichment capacity and the expected rate for generating depleted uranium tails. Staff granted the exemption and imposed a license condition to address LES's commitments for updating the decommissioning funding plan over time.</p> <p>(LES License Conditions #16, 17, and 18) (Chapter 10.3.1.10 of LES SER)</p>
<b>Authorization to Make Certain License Application Changes Without Prior NRC Approval</b>	<p>AES requested an authorization to make certain changes in the license application or Safety Analysis Report without prior NRC approval. Based on lessons learned from the Operational Readiness Review for the NEF, staff determined that certain changes could be made without prior NRC approval, while others could not. The special authorization identifies the criteria to determine if a proposed change requires approval.</p> <p>The following license condition will be imposed for this special authorization for making changes:</p> <p>The licensee is hereby granted the special authorization as identified in Section 1.2.5 "Special Exemptions and Special Authorizations" of the Eagle Rock Enrichment Facility Safety Analysis Report:</p> <p>a. The licensee shall not make changes to the license application that decreases the effectiveness of safety commitments in the license application, without prior NRC approval. For these changes, the licensee shall submit to the NRC, for review and approval, an application to amend the license. Such changes shall not be implemented until approval is granted.</p>	<p>LES did not request a similar authorization.</p>

	<p>b. Upon documented completion of a change request for a facility or process, the licensee may make changes in the facility or process as presented in the license application, or conduct tests or activities not presented in the license application, without prior NRC approval, subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. There is no degradation in the safety commitments in the license application and</li> <li>2. The change, test, or activity does not conflict with any condition specifically stated in the license application.</li> </ol> <p>Records of such changes shall be maintained, including technical justification and management approval, in dedicated records to enable NRC inspection upon request at the facility. A report containing a description of each such change, and appropriate revised sections to the license application, shall be submitted to the NRC within three months of implementing the change.</p> <p>(AES SER, Section 1.2.4.2.2, Pages 1-14 to 1-15)</p>	
<p><b>Exemption for Preconstruction (ML093090152)</b></p>	<p>AES requested an exemption from the requirements of 10 CFR 30.4, 30.33(a)(5), 40.4, 40.32(e), 70.4, and 70.23(a)(7) which govern the commencement of construction. The request was approved by NRC. This exemption will allow AES to commence certain construction activities associated with the proposed Eagle Rock Enrichment Facility before completion of the NRC's environmental review under 10 CFR Part 51, provided that none of the facilities or activities subject to the exemption will be, at a later date, a component of AES's Physical Security Plan or its Standard Practice Procedures Plan for the Protection of Classified Matter, or otherwise subject to NRC review or approval.</p> <p>(ML093090152 – NRC letter to AES dated March 17, 2010)</p>	<p>LES did not request a similar authorization.</p>
<p><b>Exemption on Part 21 Definitions (ML101690142)</b></p>	<p>AES requested an exemption from the 10 CFR 21.3 definitions for "commercial grade item", "basic component", "critical characteristic", "dedication", and "dedicating entity." This request was approved and will be imposed as a license condition.</p> <p>(ML101690142 – NRC letter to AES dated July 28, 2010)</p>	<p>LES requested an exemption from the 10 CFR Part 21.3 definition for "commercial grade item." This request was approved and imposed as a license condition.</p> <p>(LES License Condition #28)</p>