

NUCLEAR REGULATORY COMMISSION  
ENTERGY NUCLEAR OPERATIONS, INC.  
BIG ROCK POINT 50-155 AND 72-43  
ISSUANCE OF ENVIRONMENTAL ASSESSMENT  
AND FINDING OF NO SIGNIFICANT IMPACT  
REGARDING AN EXEMPTION REQUEST FROM PORTIONS OF  
TITLE 10 OF THE CODE OF FEDERAL REGULATIONS PART 50 APPENDIX E, AND  
TITLE 10 OF THE CODE OF FEDERAL REGULATIONS PART 50.47

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Issuance of Environmental Assessment and Finding of No Significant Impact.

**FOR FURTHER INFORMATION CONTACT:** Pamela Longmire, Ph.D., Project Manager, Division of Spent Fuel Storage and Transportation, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone: (301) 287-0829; Fax number: (301) 287-9341; E-mail: [pamela.longmire@nrc.gov](mailto:pamela.longmire@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. INTRODUCTION**

The Nuclear Regulatory Commission (NRC or Commission) is considering issuance of an exemption to Entergy Nuclear Operations, Inc. (ENO) (the applicant or the licensee) pursuant to 10 CFR 50.12, *Specific Exemptions*, from specific portions of the requirements of 10 CFR 50.47 and 10 CFR Part 50 Appendix E, Emergency Planning and Preparedness for Production and Utilization Facilities, for the Big Rock Point (BRP) Independent Spent Fuel Storage Installation (ISFSI). The applicant submitted its exemption request by letter dated June 20, 2012

(Agencywide Documents Access and Management System (ADAMS) Accession No. ML12173A066).

## II. ENVIRONMENTAL ASSESSMENT (EA)

*Background:* Entergy Nuclear Operations, Inc. (ENO) is the holder of Facility Operating License DPR-6 for the BRP Station. The license, issued pursuant to the Atomic Energy Act of 1954, as amended, and Part 50 of Title 10 of the Code of Federal Regulations (10 CFR), allows ENO to possess and store spent nuclear fuel at the permanently shutdown and decommissioned facility under the provision of 10 CFR Part 72, Subpart K, "General License for Storage of Spent Fuel at Power Reactor Sites." In a letter dated June 26, 1997 (ADAMS Legacy Accession No. 9707030167), Consumers Energy Company (CEC), then holder of DPR-6, informed the NRC that the BRP facility had permanently ceased power operations. In a letter dated September 23, 1997 (ADAMS Legacy Accession No. 9709300363), CEC informed the NRC that it had permanently moved the fuel from the reactor to the spent fuel pool.

After ceasing reactor operations, CEC began transferring spent nuclear fuel from the spent fuel pool to the BRP ISFSI for long term dry storage. These activities were completed in 2003 and final decommissioning of the reactor site was completed in 2006. The BRP ISFSI is a stand-alone ISFSI located on approximately 30 acres in Charlevoix County, on the northern shore of Michigan's Lower Peninsula.

On November 23, 2011, the U.S. Nuclear Regulatory Commission (NRC) issued a final rule amending certain emergency planning (EP) requirements in the regulations that govern domestic licensing of production and utilization facilities (76 Federal Register (FR) 72560; November 23, 2011) (EP Final Rule). The EP Final Rule was effective on December 23, 2011, with various implementation dates for each of the rule changes. With the EP Final Rule, several

requirements in 10 CFR Part 50 was modified or added including changes in Section 50.47 and Appendix E.

On June 20, 2012, ENO submitted a letter, "Request for Exemption from Emergency Planning and Preparedness Requirements" (ML12173A066), requesting exemption from specific emergency planning requirements of 10 CFR 50.47 and Appendix E to 10 CFR Part 50 for the BRP ISFSI.

ENO states that this exemption request and its impact on the corresponding emergency plan: (1) is authorized by law; (2) will not present an undue risk to the public health and safety; and (3) is consistent with the common defense and security in accordance with 10 CFR 50.12. ENO states that its intent in submitting this exemption request is to maintain the regulatory structure in place prior to the issuance of the EP Final Rule and, therefore, does not propose any changes to its emergency plan or implementing procedures other than simple regulatory reference changes that can be implemented under 10 CFR 50.54(q).

*Identification of Proposed Action:* By letter dated June 20, 2012, ENO submitted an exemption request in accordance with 10 CFR 50.12 from specific EP requirements in 10 CFR 50.47 and Appendix E to 10 CFR Part 50 for the BRP ISFSI. Specifically, the exemption would eliminate unnecessary requirements associated with offsite consequences, protective actions, hostile action and emergency facilities due to the current status of the BRP ISFSI.

*Need for the Proposed Action:* In accordance with 10 CFR 50.82, the 10 CFR Part 50 licensed area for BRP has been reduced to a small area surrounding the ISFSI. In this condition, BRP poses a significantly reduced risk to public health and safety from design basis accidents or credible beyond design basis accidents since these cannot result in radioactive releases which

exceed the U.S. Environmental Protection Agency (EPA) Protective Action Guides (PAGs) at the site boundary. Because of this reduced risk, compliance with all the requirements in 10 CFR 50.47 and 10 CFR Part 50, Appendix E is not appropriate. The requested exemption from portions of 10 CFR 50.47 and 10 CFR Part 50, Appendix E is needed to continue implementation of the BRP ISFSI Emergency Plan that is appropriate for a stand-alone ISFSI and is commensurate with the reduced risk posed by the facility. The requested exemption will allow spent fuel storage to continue without imposing burdensome and costly new requirements that provide no increased safety benefit.

*Environmental Impacts of the Proposed Action:* The NRC has determined that, given the continued implementation of the BRP ISFSI Emergency Plan, no credible events would result in doses to the public beyond the owner controlled area boundary that would exceed the EPA PAGs. Additionally, the staff has concluded that the BRP Emergency Plan provides for an acceptable level of emergency preparedness at the BRP facility in its shutdown and defueled condition, and also provides reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency at the BRP facility. Based on these findings, the NRC concludes that there are no radiological environmental impacts due to granting the approval of the exemption. The proposed action will not increase the probability or consequences of accidents. No changes are being made in the types or quantities of effluents that may be released offsite, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action. The proposed action does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological impacts associated with the proposed action. Based on the assessment above, the proposed action will not have a significant effect on the quality of the human environment.

*Alternative to the Proposed Action:* Since there is no significant environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact are not evaluated. The alternative to the proposed action would be to deny approval of the exemption. This alternative would have the same environmental impact.

*Agencies and Persons Consulted:* The environmental assessment associated with the exemption request was sent to Mr. Ken Yale, Section Chief of the Radiological Protection Section in the Office of Waste Management and Radiological Protection at the Michigan Department of Environmental Quality (DEQ) by email dated August 22, 2013 (ML13xxxxxxx). The state response was received by email dated August xx, 2013 (ML13xxxxxxxxxx). The email states that DEQ reviewed the draft EA and has no comments. The NRC staff has determined that a consultation under Section 7 of the Endangered Species Act is not required because the proposed action will not affect listed species or critical habitat. The NRC staff has also determined that the proposed action is not a type of activity that has the potential to impact historic properties because the proposed action would occur within the established BRP site boundary. Therefore, no consultation is required under Section 106 of the National Historic Preservation Act.

### III. Finding of No Significant Impact

The environmental impacts of the proposed action have been reviewed in accordance with the requirements set forth in 10 CFR Part 51. Based upon the EA, the NRC finds that the proposed action of granting the exemption from specific EP requirements in 10 CFR 50.47 and 10 CFR Part 50 Appendix E will not significantly impact the quality of the human environment.

Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed exemption and that a finding of no significant impact is appropriate.

#### IV. Further Information

In accordance with 10 CFR 2.390 of NRC's "Rules of Practice," final NRC records and documents regarding this proposed action are publicly available in the records component of NRC's Agencywide Documents Access and Management System (ADAMS). The request for exemption dated June 20, 2012 (ML12173A066), was docketed under 10 CFR Part 50, Docket 50-155 and under 10 CFR Part 72, Docket 72-43. These documents may be inspected at NRC'S Public Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. These documents may also be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), O1F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee. Persons who do not have access to ADAMS, or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, or (301) 415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this XX day of September, 2013.

FOR THE NUCLEAR REGULATORY COMMISSION

Michele Sampson, Chief  
Licensing Branch  
Division of Spent Fuel Storage and Transportation  
Office of Nuclear Material Safety  
and Safeguards

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Dated at Rockville, Maryland, this **XX** day of September, 2013.

FOR THE NUCLEAR REGULATORY COMMISSION

Michele Sampson, Chief  
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