

## OFFICE OF NUCLEAR REACTOR REGULATION

LIC-103, Revision 2	Exemptions from NRC Regulations	
Volume 100	Licensing Processes	
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Summary: This issuance of LIC-103, Revision 2, "Exemptions from NRC Regulations," addresses the necessary updates supporting the NRR/NRO reunification, reflects the changes to the exemption process as a result of a rulemaking that amended 10 CFR Part 51, revises the exemption letter and <i>Federal Register</i> notice templates, reflects the expectation to send certain emergency plan revisions to the Commission, and makes other changes related to State notification.		
Training: None.		
ADAMS Accession Number: ML19155A121		

### TABLE OF CONTENTS

1.	POLICY .....	2
2.	OBJECTIVES .....	4
3.	BACKGROUND .....	5
4.	BASIC REQUIREMENTS .....	5
5.	RESPONSIBILITIES AND AUTHORITIES .....	17
6.	PERFORMANCE MEASURES .....	22
7.	PRIMARY CONTACTS .....	22
8.	RESPONSIBLE ORGANIZATION .....	22
9.	EFFECTIVE DATE .....	22
10.	CERTIFICATION DATE .....	22
11.	REFERENCES .....	22

Office Instruction: LIC-103, Revision 2, "Exemptions from NRC Regulations"  
 Dated: July 1, 2020

**ADAMS Accession No: ML19155A121**

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## 1. POLICY

Title 10 of the *Code of Federal Regulations* (10 CFR) permits licensees and other parties to request, and the Commission to grant, exemptions from the requirements of U.S. Nuclear Regulatory Commission (NRC) regulations. Within the jurisdiction of the Office of Nuclear Reactor Regulation (NRR), exemptions may be approved for the following regulations:

- **10 CFR Part 20 (regarding standards for protection against radiation)** - Pursuant to Section 20.2301, the Commission may, upon its own initiative or upon application by a licensee, grant an exemption from the requirements of Part 20 if it determines that the exemption is authorized by law and would not result in undue hazard to life or property.
- **10 CFR Part 21 (regarding reporting of defects and noncompliance)** - Pursuant to Section 21.7, the Commission may, either on its own initiative or upon application by an interested person, grant an exemption from the requirements of Part 21 if it determines that the exemption is authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.
- **10 CFR Part 26 (regarding fitness for duty programs)** - Pursuant to Section 26.9, the Commission may, upon its own initiative or upon application of any interested person, grant an exemption from the requirements of Part 26, if it determines the exemption is authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest.
- **10 CFR Part 30, Parts 31-36, and Part 39 (regarding byproduct material, industrial radiography, irradiators, and well logging)** - Pursuant to Section 30.11(a), the Commission may, upon its own initiative or upon application of any interested person, grant an exemption from the requirements of Part 30 and Parts 31 through 36 and 39, if it determines that the exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest.
- **10 CFR Part 40 (regarding source material)** - Pursuant to Section 40.14, the Commission may, upon application of any interested person or upon its own initiative, grant exemption from the requirements of Part 40 as it determines is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest.
- **10 CFR Part 50 (regarding licensing of production and utilization facilities)** - Pursuant to Section 50.12(a), the Commission may, either on its own initiative or upon application by any interested person (e.g., a licensee), grant an exemption from the requirements of Part 50, which is authorized by law, does not present an undue risk to the public health and safety, is consistent with the common defense and security, and special circumstances are present.
- **10 CFR Part 51 (regarding environmental protection)** - Pursuant to Section 51.6, the Commission may, either on its own initiative or upon application from any

interested person (e.g., a licensee), grant an exemption from the requirements of 10 CFR Part 51, which is authorized by law and is otherwise in the public interest.

- **10 CFR Part 52 (regarding early site permits, standard design certifications, and combined licenses)** - Pursuant to Section 52.7, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 52. The Commission's consideration will be governed by Section 50.12, unless other criteria are provided for in Part 52. The Commission's consideration of requests for exemption from requirements of other NRC regulations, shall be governed by the exemption requirements of those parts. Pursuant to Section 52.93(a), applicants for a combined license or applicants for an amendment to a combined license may request an exemption under 10 CFR 50.12. If the request is for an exemption from any part of a referenced design certification rule, the Commission may grant such an exemption if it determines that the exemption will comply with any exemption provisions of the referenced design certification rule, or with 10 CFR 52.63(b)(1) if there are no applicable exemption provisions in the referenced design certification rule. For all other requests for exemptions, the Commission may grant a request if it determines that the exemption complies with 10 CFR 52.7.
- **10 CFR Part 54 (regarding license renewal)** – Pursuant to Section 54.15, the Commission permits exemptions to Part 54 be granted in accordance with 10 CFR 50.12.
- **10 CFR Part 55 (regarding operators' licenses)** - Pursuant to Section 55.11, the Commission may, either on its own initiative or upon application by an interested person, grant an exemption from Part 55 requirements if it determines that the exemption is authorized by law and will not endanger life or property and is otherwise in the public interest.
- **10 CFR Part 70 (regarding special nuclear material)** - Pursuant to Section 70.17, the Commission may, either on its own initiative or upon application by any interested person, grant an exemption from requirements of Part 70, when the Commission determines that the request is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest.
- **10 CFR Part 72 (regarding Independent Spent Fuel Storage Installations)** – Pursuant to Section 72.7, the Commission may, either on its own initiative or upon application by an interested person, grant an exemption from requirements of Part 72, when the Commission determines that the request is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest.
- **10 CFR Part 73 (regarding physical protection of plants and materials)** – Pursuant to Section 73.5, the Commission may, either on its own initiative or upon application by an interested person, grant an exemption from requirements of Part 73, when the Commission determines that the request is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest.

- **10 CFR Part 74 (regarding material control and accountability of special nuclear material)** – Pursuant to Section 74.7, the Commission may, either on its own initiative or upon application by an interested person, grant an exemption from requirements of Part 74, when the Commission determines that the request is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest.
- **10 CFR Part 76 (regarding gaseous diffusion plants)** – Pursuant to Section 76.23, the Commission may, either on its own initiative or upon application by an interested person, grant an exemption from requirements of Part 76, when the Commission determines that the request is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest.
- **10 CFR Part 140 (regarding financial protection and indemnity)** – Pursuant to Section 140.8, the Commission may grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and are otherwise in the public interest.

If the NRC approves the application, the exemption relieves the licensee from compliance with the regulation involved. An exemption may be of a temporary or permanent duration.

## 2. **OBJECTIVES**

This office instruction (OI) provides NRR staff members the basic framework for processing exemptions as listed in Section 1 above.

These procedures are intended to enhance NRR's efficiency in responding to the needs of licensees or applicants and the public. Specific objectives include the following:

- ensure public health, safety, and protection of the environment are maintained,
- promote consistency in the processing of exemptions by providing the NRR staff with an improved framework for the process,
- improve internal and external communications,
- increase technical consistency, and
- improve public confidence in NRC's decisions regarding exemptions.

The guidance in this OI is applicable to exemptions applied for by holders of existing licenses (e.g., standalone exemptions or exemptions within a license amendment request submitted by "post-licensing" applicants). Exemptions applied for by "pre-licensing" applicants that are contained within initial licensing applications (e.g., construction permits, new operating licenses or combined licenses) are also reviewed according to the legal standards discussed in this guidance. However, reviewers of such applications may need additional guidance regarding the review process (e.g., preparation of an environmental impact statement for a power reactor license). NRC staff and process owners reviewing such applications may use the guidance in this OI as a best practice for the preparation and processing of such submittals. However, NRC staff and process owners should consult applicable guidance or the Office of the General Counsel (OGC) to understand how the regulations apply to the particular submittal.

### 3. **BACKGROUND**

NRR Office Instruction LIC-103, "Requests for Exemption From NRC Regulations," was issued on July 26, 2002. Prior to the issuance of this OI, NRR staff members relied upon the guidance provided in LIC-101, "License Amendment Review Procedures," for general guidance. LIC-103, Revision 2, "Exemptions from NRC Regulations," is intended to provide specific guidance for handling exemptions.

### 4. **BASIC REQUIREMENTS**

#### 4.1 Exemption processing

The NRC staff's review of an exemption request should be consistent with Appendix B of LIC-101. The following section describes activities specific to the review of an exemption request.

#### 4.2 Review Request for Completeness and Acceptability

After initiating a project in RPS, the PM should review the exemption application for completeness and acceptability following the guidance of NRR Office Instruction, LIC-109, "Acceptance Review Procedures."

Exemptions submitted in support of the decommissioning process should still use the guidance in LIC-109 to determine the sufficiency of the information and the completeness of the submittal.

In addition to following the general guidance of LIC-109, the exemption application should:

- Include a description of the exemption being sought, the regulatory requirements involved, why it is being requested, how it relates to plant operations, whether the licensee is requesting a temporary or permanent exemption, and any effect on the plant's licensing basis.
- Include the licensee's analysis of and justification for the proposed exemption. The licensee should address why it believes that the exemption being sought is authorized by law, how approval will not present an undue risk to the public health and safety, and why it is consistent with the common defense and security.
- Include a description of why the licensee believes that one of the Special circumstances provided in 10 CFR 50.12(a)(2) is present and must be included, if the exemption application was submitted under 10 CFR 50.12 or under a regulation that references the requirements of Section 50.12(a).
- The licensee's requested schedule for staff issuance of the exemption, and any plant operational considerations affected by the staff's decision.

- Include any information that the licensee deems appropriate to assist the NRC staff in addressing environmental considerations in accordance with 10 CFR 51.41.

#### 4.3 Search for Precedent Exemptions

The PM is cautioned in the use of previously-approved exemptions as precedents for a new application for exemption. For example, a potential precedent does not relax 10 CFR 50.12 requirements, and may not necessarily show that special circumstances would exist for the proposed exemption. Special circumstances may be unique for each application and should be reviewed on a case-by-case basis.

Precedents for exemptions are those involving identical NRC requirements and a similar regulatory basis. Searching for, identifying, and using precedents in the review process maximizes staff efficiency, focuses requests for additional information, and ensures consistency. The licensee may (or may not) identify a potential precedent in its application for exemption. If a precedent is identified, the PM needs to verify whether that precedent is applicable to the proposed exemption. If there are any questions about whether or not a precedent is appropriate, the PM should consult with the affected technical branch (TB). If the licensee does not identify a precedent, the PM should search for a precedent until he/she identifies an appropriate precedent or is reasonably satisfied that a precedent does not exist. PMs have the primary responsibility for conducting a precedent search but can be assisted by TB staff familiar with specific technical areas. In general, preference should be given to the most recent precedents identified.

#### 4.4 Determine Whether 10 CFR 50.12 Requirements are Met

If the licensee submits the application for exemption under 10 CFR 50.12, or if the regulation cites references to the requirements of Section 50.12(a), the NRC may not consider granting an exemption unless 10 CFR 50.12(a) requirements are met. The PM is primarily responsible for reviewing the request to determine whether the licensee's justification meets these conditions. In the case of exemptions submitted under Sections 20.2301, 26.9, 30.11, 40.14, 51.6, 55.11, 70.17, 72.7, 73.5, 74.7, 76.23, and 140.8, the regulations do not explicitly cite 10 CFR 50.12 requirements. However, the NRR staff is expected to use the principles described below to ensure that the requests are "authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest."

For exemptions submitted pursuant to Section 52.7 and 54.15, the respective section mandates that the licensee demonstrate that the requirements of 10 CFR 50.12(a) are met. Specifically, the PM should review the application to ensure that the following criteria from 10 CFR 51.12(a)(1) are satisfied:

- Will the exemption be authorized by law?

- Will the exemption not present an undue risk to the public health and safety?
- Will the exemption be consistent with the common defense and security?

If any one of these questions is answered 'no,' then the Commission may not grant an exemption. If the criteria of 10 CFR 50.12(a)(1) are satisfied, the PM should determine whether any one of the requirements for special circumstances delineated in 10 CFR 50.12(a)(2) is met. The PM should further consult with the TB staff familiar with the particular rule and technical area for additional guidance. For example, 10 CFR 50.12(a)(2)(ii) states that special circumstances exist if application of the regulation would not serve the underlying purpose of the rule.

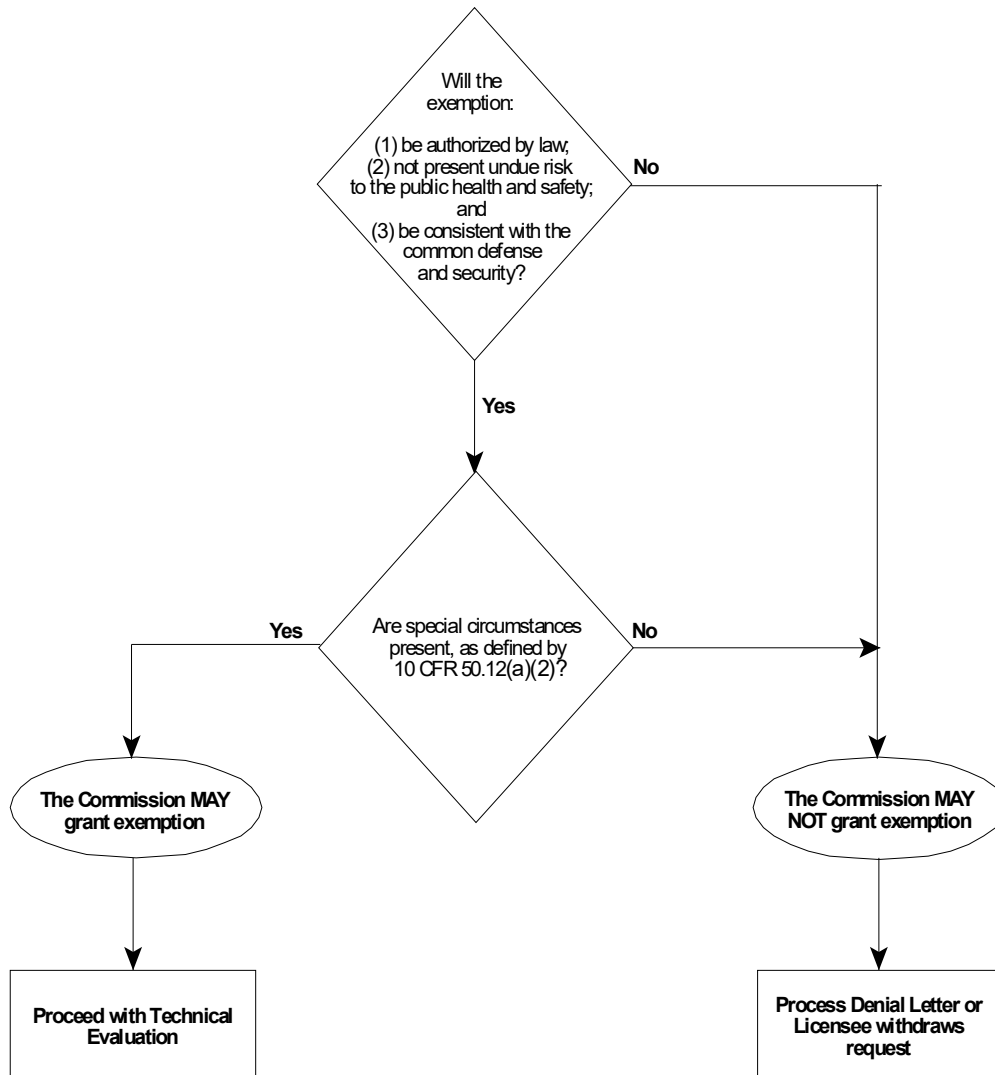
The TB staff is more familiar with the technical requirements associated with a particular regulation and is expected to have a good understanding of the underlying purpose of the rule. Thus, the TB may be in a better position to evaluate whether special circumstances exist for a specific exemption request. The regulations in 10 CFR 50.12(a)(2) list the following as special circumstances:

- (i) Application of the regulation in the particular circumstances conflicts with other rules or requirements of the Commission; or
- (ii) 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; or
- (iii) 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; or
- (iv) The exemption would result in benefit to the public health and safety that compensates for any decrease in safety that may result from the grant of the exemption; or
- (v) The exemption would provide only temporary relief from the applicable regulation and the licensee or applicant has made good faith efforts to comply with the regulation; or
- (vi) There is present any other material circumstance not considered when the regulation was adopted for which it would be in the public interest to grant an exemption. If such condition is relied on exclusively for satisfying paragraph (a)(2) of this section, the exemption may not be granted until the Executive Director for Operations has consulted with the Commission.

Figure 2 below shows the process used to determine if the application for exemption meets the requirements of 10 CFR 50.12(a).



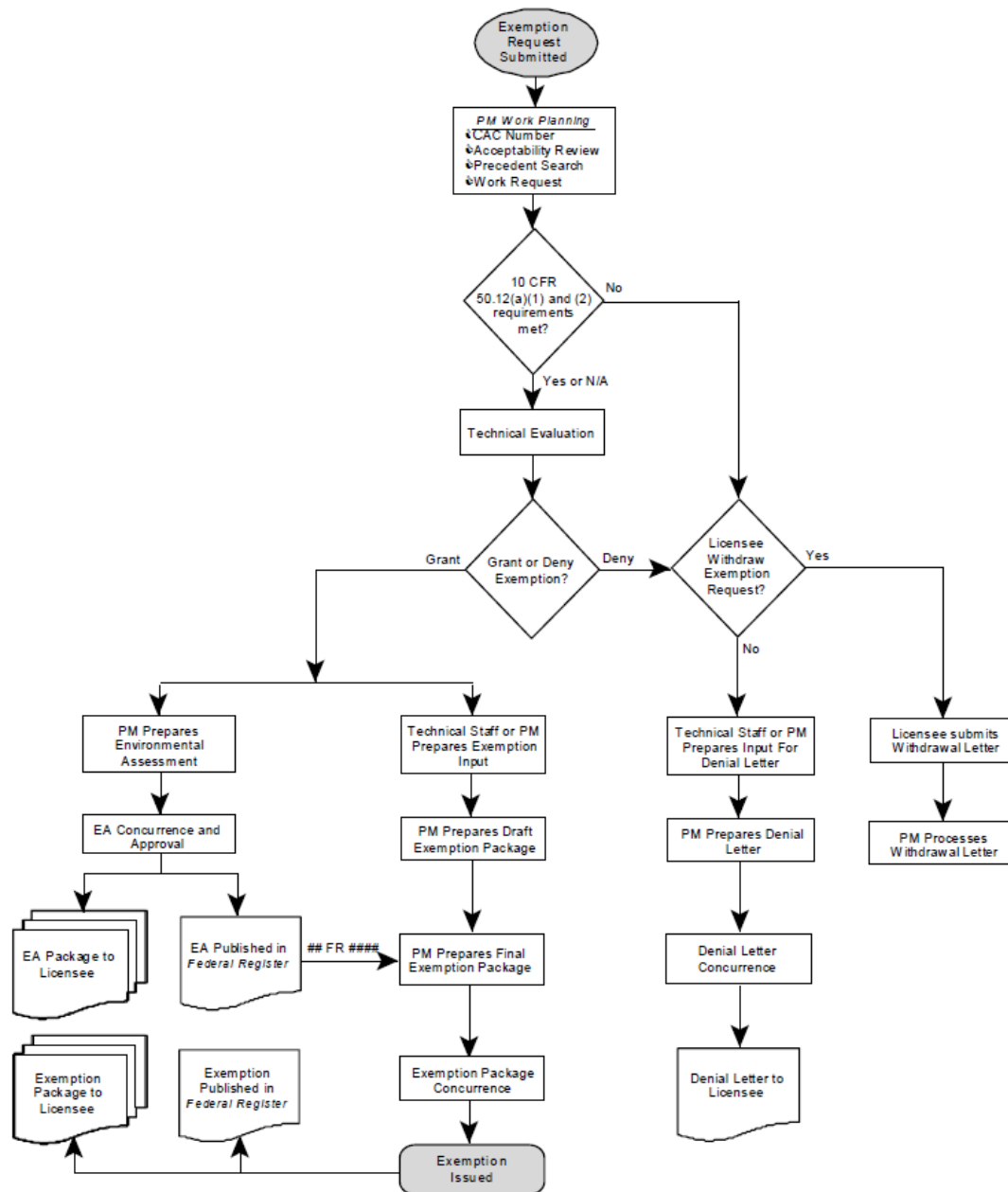
**Figure 2 – General Process to Determine Whether the Requirements of 10 CFR 50.12(a)(1) and (2) are Met**



4.5 Technical Review of the Proposed Exemption

Figure 3 below provides a broad overview of the exemption review process. The staff will culminate its technical review by determining whether it will grant or deny the exemption request. Note that this phase may include requests for additional information (RAIs) if the licensee’s application does not contain sufficient information or justification to support the request. LIC-115 “Processing Requests for Additional Information” provides staff guidance on the RAI process.

**Figure 3 – Exemption Review Process**



#### 4.6 Environmental Review

Granting of an exemption from the requirement of any regulation in 10 CFR will require an environmental review in accordance with the National Environmental Policy Act and 10 CFR Part 51. Detailed discussion of environmental reviews, including a categorical exclusion (CATX), EAs, environmental impact statements (EISs), and guidance for preparing them, are contained in LIC-203, "Procedural Guidance for Preparing Categorical Exclusions, Environmental Assessments and Considering Environmental Issues."

The NRC has previously determined that certain categories of actions do not have significant impacts on the environment. For those categories of actions, the NRC has established categorical exclusions, which are listed in 10 CFR 51.22(c). If an exemption falls within the scope of a listed categorical exclusion, the NRC does not need to prepare an EA. For exemptions that are not covered by a 10 CFR 51.22(c) categorical exclusion or that do not meet the criteria of a categorical exclusion, or where there are "special circumstances" (see 10 CFR 51.22(b)),<sup>1</sup> the NRC will need to prepare an EA. An EA documents the evaluation of whether an action constitutes a "major Federal action" significantly affecting the human environment. If the review documented in the EA demonstrates that the proposed action will not have a significant impact on the environment, a finding of no significant impact (FONSI) is prepared in accordance with the criteria of 10 CFR 51.32.

##### 4.6.1 Exemptions Using the Categorical Exclusion (CATX)

On April 19, 2010, NRC amended the list of categorical exclusions set forth in 10 CFR 51.22(c) (75 FR 20248), in part, to address exemptions. Specifically, the rulemaking modified 10 CFR 51.22(c)(9) to broaden the scope of the categorical exclusions to include the granting of a power reactor license exemption request from a requirement pertaining to the installation or use of a facility component located within the restricted area. The rulemaking also added a new categorical exclusion 10 CFR 51.22(c)(25) to include exemptions that are more administrative in nature (i.e., 10 CFR 51.22(c)(25)(vi)).

For exemptions using a CATX under 10 CFR 51.22(c)(9) or (c)(25), the PM will prepare a brief explanation as to how each of the criteria in 10 CFR 51.22(c)(9) (i)-(iii) or (c)(25)(i)-(vi) has been met. Guidance for documenting the categorical exclusion is provided in Appendix B of LIC-203. These determinations are the responsibility of the PM and not the licensee and should affirmatively be recorded in the exemption. PMs should note that many exemptions have already been issued and available to PMs who need samples on CATX writing. If a proposed action meets the criteria for a particular categorical exclusion and the NRC staff wishes to rely upon that categorical exclusion, the staff must determine that no special circumstances are present that will preclude use of that categorical exclusion.

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<sup>1</sup> The NRC uses the term "special circumstances" in 10 CFR 51.22(b). The term "special circumstances" is interpreted to be analogous to "extraordinary circumstances," the phrase used by the Council on Environmental Quality and virtually all other Federal agencies. As applied in Section 51.22(b), the term "special circumstances" has no relation to the term "special circumstances" in section 50.12(a).

Special circumstances are those in which a normally excluded action has the potential to have a significant environmental effect. Use of a categorical exclusion would not be appropriate in those situations in which special circumstances are present; instead, the staff would prepare an EA unless an EIS is necessary (as described in Section 4.8.2 below). The PM should use the checklist provided in Appendix B of LIC-203 to identify if any special circumstances exist that may prevent the use of a categorical exclusion.

A categorical exclusion is prepared by the NRC. Whether a licensing action meets the criteria for categorical exclusion is a determination made by the NRC (i.e., not the licensee). While the licensee may submit an exemption request and assert categorical exclusion pursuant to 10 CFR 51.22, the NRC staff will review and assess whether the licensee's request meets the regulatory criteria for exclusion. If the staff (i.e., the PM in consultation with the EnvCOE staff) confirms that the request meets the CATX criteria, no further environmental review is necessary for the proposed action, and the appropriate categorical exclusion can be applied.

Note that the NRC staff has the option to prepare and issue an EA or EIS for any proposed action, even if the proposed action meets the criteria in 10 CFR 51.22(b) for a particular categorical exclusion. Using the checklist provided in Appendix B of LIC-203, the PM may identify a special or extraordinary circumstance that may prevent the use of the CATX, and require, instead, the preparation of an EA. The PM should fully understand the proposed action and the environmental features within or near the project area that could be impacted by the proposed action.

Other considerations for the proposed action include the degree of public interest related to the exemption or whether the proposed action would be highly controversial or result in uncertainty about the proposed action's potential impacts. For example, in exemption requests for power reactors transitioning to decommissioning, the NRC staff has determined that a significant number of these exemptions meets the criteria for categorical exclusion, and therefore, no EA is required. However, based on an increased public interest related to EP exemptions for certain decommissioning plants, the NRC staff may take a more conservative approach by conducting an environmental review and preparing an EA.

An example of a draft EA prepared for an EP exemption is available in Agencywide Documents Access and Management (ADAMS) Accession No. ML15103A419. An example of a final EA addressing public comments is available at Accession No. ML15180A067.

Both 10 CFR 51.22(c)(9) and (c)(25) require that the exemption involve no significant hazards consideration (NSHC), among other criteria. The regulations, however, do not require publication of a proposed NSHC determination in order to apply one of these categorical exclusions to an action granting an exemption. Further, the application need not include a proposed NSHC determination. However, the NSHC determination must include a discussion of how all criteria identified in 10 CFR 51.22(c)(9) or (c)(25) are satisfied, and the NSHC must be

placed in its entirety in the exemption as part of the “Environmental Considerations” (see Attachment 1).

#### 4.6.2 Exemptions Requiring Environmental Assessments

The regulation in 10 CFR 51.21, “Criteria for and identification of licensing and regulatory actions requiring environmental assessments,” specifies that an EA be prepared for those actions, including exemptions, that are not identified in 10 CFR 51.20(b) as requiring an EIS, in 10 CFR 51.22(c) as categorical exclusions, or those actions described in 10 CFR 51.22(d) as not requiring an environmental review. The PM should determine, in consultation with the EnvCOE staff early in the review process, whether an EA is needed. The EnvCOE staff can assist the PM with the preparation and review of the EA and will concur on the EA.

In accordance with Section 51.31, if the review documented in the EA concludes that the proposed action will not have a significant impact on the environment, the staff will prepare a finding of a FONSI in accordance with the criteria of 10 CFR 51.32. The FONSI may be set forth in the conclusion section of the EA.

Section 51.35(b) prohibits the Commission from taking a proposed action (i.e., granting the exemption) until after a finding of no significant impact (FONSI) is published in the *Federal Register*. Therefore, if issuance of the exemption is time-sensitive and requires an EA with a FONSI, the PM should consult with the assigned licensing assistant and EnvCOE staff in the early stages of review regarding the logistics of completion of this document.

For exemptions, the EA with the FONSI is usually published only in final form. In certain situations, it may be appropriate to publish a draft EA and FONSI for public comment prior to publishing it as final, in accordance with provisions of 10 CFR 51.33. The PM is to consult with the DORL Deputy Director to determine if the EA should be first published in draft for public comment. If this action is needed, then the draft EA would need to be published early enough (i.e., typically 30-60 days) for public comment and subsequent publication in final form (i.e., the PM needs to discuss with the assigned licensing assistant to work out a schedule for draft EA and final EA publication).

#### 4.7 Exemptions that Result in a Decrease in Effectiveness of the Emergency Plan

Consistent with SRM SECY 08-0024, “Delegation of Commission Authority to Staff to Approve or Deny Emergency Plan Changes that Represent a Decrease in Effectiveness,” the staff is required to request Commission approval for any reduction in the effectiveness of a licensee’s EP that requires an exemption from the requirements of 10 CFR 50.47(b) or Appendix E to 10 CFR Part 50. To facilitate this requirement, some aspects of the technical review have been added:

- The Office of Nuclear Security and Incident Response (NSIR) TB will compose a SECY paper to the Commission explaining the issue under review

and the safety basis supporting the staff's recommendation to grant the exemption.

- The Commission will issue an approval or denial of the exemption request by SRM SECY.
- The NSIR technical staff will draft the exemption or proposed denial input and submit the input to the licensing branch in DORL by internal memorandum.
- The PM should ensure appropriate management and OGC notification and review of any denial correspondence if the exemption request is denied. Initial communication with the licensee regarding a proposed denial of the exemption should be made by the cognizant Deputy or Division Director in a timely manner.
- The PM should proceed with processing of the input as discussed later in this OI.

#### 4.8 Exemptions Referencing a Design Certification Rule

Section 52.63(b)(1) of 10 CFR allows a licensee who references a design certification rule to request an exemption from elements of the certification information. This would apply for any Tier 1 information the licensee seeks to depart from. As such, in many cases, an exemption is related to and necessary for granting of the license amendment. Because of this relationship, the exemption and amendment are issued concurrently. If there is an associated amendment, the process outlined in this office instruction is followed with some differences. Generally, no environmental assessment is needed, and a categorical exclusion is applied, as described in Section 4.8.1 above. However, the technical review of the exemption is addressed in the safety evaluation with the amendment. It is issued concurrently in a letter with the amendment, not as a notice in the *Federal Register*. If there is no associated amendment, the exemption process, as outlined in this OI, should be followed.

Additionally, with 10 CFR Part 52 plants, any change to Tier 1 information requires an exemption; therefore, LARs that request such a change will have an associated exemption request, and additional information is provided in the notice of issuance. See ADAMS Accession Nos. ML19224D388 and ML19224D393 for templates of the cover letter and amendment, respectively, for issuing an exemption with a license amendment. See ADAMS Accession No. ML19224D405 for an exemption template referencing a design certification rule.

#### 4.9 Denial of Application for Exemption

If the NRC staff concludes that the licensee's requested exemption cannot be granted (at any time during the exemption request review process), the PM and licensee may mutually agree that the application be withdrawn. However, if the licensee does not elect to withdraw the application, the PM shall prepare a letter notifying the licensee that the NRC is denying the exemption request. The letter

must include the basis for the NRC staff's denial. As such, the level of detail for the staff's basis for denial is expected to meet the same standards as the staff's evaluation in granting the exemption. LIC-101 provides additional guidance on the denial or withdrawal of an application.

#### 4.10 Preparation of Work Products, Exemption Document

Attachment 1 provides the format of a typical exemption and cover letter; however, the PM should use the latest version of the exemption template found on the DORL homepage or at ADAMS Accession No ML082110389.

##### **NOTE**

In the past, the TB staff may have conveyed its review results in the form of a draft exemption with an accompanying safety evaluation (SE) or an SE only. However, since exemptions are expected to be stand-alone documents, all relevant information, including evaluation of special circumstances needed to support safety conclusions, must be in the body of the exemption itself. Therefore, the TB staff should provide its technical input to the PM only in the form of a draft exemption document consistent with the enclosure to Attachment 1.

If a sufficient basis exists, the staff will issue an exemption. The exemption document is also published in its entirety in the Federal Register. Because the exemption package does not contain an accompanying SE, the exemption is expected to provide the complete technical, safety, and legal basis for the NRC's disposition of an exemption request. The document should provide sufficient information to explain the staff's rationale for exempting a licensee from certain NRC requirements to someone unfamiliar with the licensee's request. As a result, the exemption will include a brief description of the proposed request, the regulatory requirements related to the issue, and an evaluation that explains the staff's disposition of the request. Given that the exemption serves as the record of the staff's disposition of the licensee's request, the PM shall ensure that all incoming and outgoing correspondence leading to the exemption, as well as all informal communication, meets the standards for official agency records. The PM will ensure that an adequate record of the staff's decision-making process is captured as an Official Agency Record and preserved in ADAMS consistent with the guidance in NRC Management Directive 3.53, "NRC Records Management Program."

#### Exemption Format

##### Section 1.0 – Background

This section identifies the licensee, plant name, docket number(s), license number(s), and the name of the county and state where the plant is located. The PM should refer to the latest exemption template for the proper format of this section.

### Section 2.0 – Request Action

This section provides a summary of applicable regulations and a complete description of the licensee's request:

- Identify applicable sections of 10 CFR for the regulation(s) cited in the application for exemption. Provide a summary of regulatory requirements.
- Describe fully the licensee's specific request(s).
- Identify the duration of the exemption and/or proposed event sequence in this section if the exemption is to be of a temporary duration or based on a proposed event sequence.
- Explain the circumstances and summarize applicable correspondence as to why the Commission is taking this action on its own initiative if the NRC is acting on its own initiative to grant the exemption. Note that the NRC rarely grants an exemption on its own initiative; however, an example may be found at ADAMS Accession No. ML021150604.

### Section 3.0 – Discussion

This section provides the NRC staff's evaluation of the licensee's application with respect to public health and safety (e.g., 10 CFR 50.12(a)(1) requirements), and if applicable, an evaluation of special circumstances required by 10 CFR 50.12(a)(2). The staff's evaluation includes the following information:

- A statement describing under what authority the NRC is granting the exemption. For example, pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50 when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present.
- Provide the NRC staff's independent evaluation with respect to whether a request for an exemption under 10 CFR 50.12 (1) is authorized by law, (2) will not present an undue risk to public health or safety, and (3) is consistent with the common defense and security. Applications that do not cite 10 CFR 50.12 have similar requirements. The staff's evaluation of the licensee's justification should determine whether the proposed exemption is acceptable in terms of public health and safety. Broad statements such as "the staff evaluated the licensee's proposal and found it acceptable (or not to be acceptable)" do not provide sufficient justification for an exemption or any other licensing action.
- Provide a summary of the licensee's stated special circumstances followed by the staff's evaluation of the licensee's justification if the requirements of 10 CFR 50.12(a)(2) apply to the application. Depending upon which paragraph of Section 50.12(a)(2) the licensee has cited, the NRC staff may



choose to separate or combine its evaluation of special circumstances with the discussion of the exemption's impact on public health and safety. For example, the licensee may cite undue hardship under Section 50.12(a)(2)(iii) in its application. In this case, the licensee must justify why application of the rule in question results in an undue hardship, in addition to explaining how public health and safety is maintained if the NRC grants the exemption. Consequently, the staff may evaluate each of these points separately. On the other hand, the distinction between Section 50.12(a)(1) and (a)(2) requirements may be less clear. For example, licensees often base proposed exemptions on Section 50.12(a)(2)(iii), stating that application of the regulation is not necessary to achieve the underlying purpose of the rule. Because public health and safety is a cornerstone for all NRC regulations, the licensee's justification for Section 50.12(a)(1) and (a)(2) requirements would be expected to contain many of the same elements. Hence, the staff may combine its evaluation of these two key requirements. In the latter example, the special circumstances evaluation might culminate with the statement that "the staff concludes that the underlying purpose of the rule will be met."

- For applications submitted under 10 CFR 52.93(a) involving any part of the design certification rule, the requirements of Section 52.63(b)(1) will apply. The regulation in 10 CFR 52.63(b)(1) states that an applicant or licensee who references a standard design certification may request an exemption from one or more elements of the design certification. The referenced regulation further states that the Commission may grant such a request only if it determines that the exemption will comply with the requirements of 10 CFR 50.12(a). In addition to the factors listed in 10 CFR 50.12(a), the staff must consider whether the special circumstances in 10 CFR 50.12(a)(2) required to be present outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption. Therefore, if an exemption is being granted under 10 CFR 52.93(a) and 52.63(b)(1), then this section must include the NRC staff's evaluation and justification for the special circumstances with respect to any decrease in safety that may result in granting an exemption to any part of the design certification rule.
- A discussion of the risk impact of the proposed exemption regarding Regulatory Guide 1.174 guidelines.
- If the exemption is being granted based on the licensee satisfying certain conditions, then these conditions are to be fully described and evaluated in this section. The staff should consult with OGC during the review process if it anticipates using conditions as a part of granting an exemption.

#### Section 4.0 – Environmental Considerations

This section follows the template paragraphs existing at the time of issuance of this OI:

- If an EA was prepared, provide the *Federal Register* citation where the EA associated with the exemption request was published.

- If a CATX is being used, include the determinations made to demonstrate the CATX applies consistently with 10 CFR 51.22(c)(9)(i)-(iii) or (c)(25)(i)-(vi).

#### Section 5.0 – Conclusion

This section follows the template paragraphs existing at the time of issuance of this OI:

- State whether the Commission is granting the exemption or not.
- If granting the exemption, conclude with a statement that the exemption will not have a significant effect on the quality of the environment.

#### 4.11 Review and Concurrence

Review and concurrence is the process by which the quality and consistency of the EA and exemption packages are verified. The PM is responsible for ensuring that appropriate concurrences are received for all packages. Preparation of the EA and exemption packages solely by PMs must be concurred on by the TB(s) associated with the technical area(s) of the proposed exemption, consistent with the assignments in RPS. The EnvCOE must review and concur on all EA packages (see LIC-203). In addition, OGC must review and concur on all EA and exemption packages for legal defensibility and completeness. The current version of NRR Office Instruction ADM-200, “Delegation of Authority,” provides guidance regarding signature authority on the EA, exemption, and cover letters.

Refer to Office Instruction ADM-200, which references Management Directive Handbook 3.57, “Correspondence Management,” for a discussion of the general principle of concurrence. For specific guidance regarding current concurrence practices, the PM should review recently issued exemptions and EAs and consult with the assigned licensing assistant.

#### 4.12 Issuance of Exemption

After the required concurrences and signatures are obtained, the responsible NRR PM issues the exemption package to the licensee and sends the exemption notice to the OGC Legal Research Center for publication in the *Federal Register*.

### **5. RESPONSIBILITIES AND AUTHORITIES**

All NRR staff members who support the exemption process are responsible for reading, understanding, and applying the guidance contained in this OI. They are also responsible for identifying possible improvements to this guidance and submitting suggestions for such improvements to the Process Improvement Program Coordinator, their management, or to the assigned contacts listed at the beginning of this OI. The following describes these responsibilities in greater detail.

## EXEMPTION REQUESTS

The sections that follow describe specific responsibilities and authorities for sub-tasks associated with processing an application for an exemption from NRC regulations.

### **NOTE**

For most exemption requests, the responsible Division will be DORL; however, staff members from other NRR Divisions may serve as PMs for exemption requests assigned to their respective organizations.

#### A. WORK PLANNING

##### Responsible Division

PMs are responsible for the general oversight and coordination of NRR activities related to processing exemption requests. They are responsible for the following specific work planning activities.

Initiate a project in RPS to create an EPID for the exemption request to ensure fee recovery and allow tracking of the work activities.

- Review the application for exemption for completeness and acceptability.
- Verify the licensee's information and/or perform the initial search for precedent exemptions.
- Determine the scope of review, resources required, and schedule by interfacing with the licensee and appropriate technical review staff.
- Coordinate planning activities, as necessary, with the TBs.
- Determine, with assistance from personnel from the responsible TB, who will perform the safety review (the PM or TB staff).
- When a CATX under 10 CFR 51.22(c) is used, the PM should prepare the wording to support how the CATX criteria are met.

The branch chiefs and other managers shall assist the PM in planning exemption request tasks, as necessary, to ensure effective allocation of resources, responsiveness to licensees' requests and the safety significance of the issues involved, and work quality.

##### Technical Divisions/Branches

Staff from the TB shall work with the PM, as requested, to ensure that the exemption processing plan is complete and the scope, resources, and schedule are sufficient to perform the required safety review. TB staff will assist the PM in determining who should perform the safety review.

The branch chiefs, senior staff, and other managers shall, as necessary, help in the development and approval of work plans to ensure effective allocation of resources, minimal changing of staff reviewers midstream, responsiveness to licensees' applications and the safety significance of the issues involved, and work quality.

## B. EVALUATION OF SPECIAL CIRCUMSTANCES

### Responsible Division

When appropriate, the PM shall ensure that the licensee has identified special circumstances in accordance with 10 CFR 50.12(a)(2). The PM is primarily responsible for verifying the applicability of special circumstances.

### Technical Divisions/Branches

Staff from the TBs shall assist the PM, as requested, in verifying the applicability of special circumstances related to the TBs' area of expertise.

## C. PREPARATION OF THE ENVIRONMENTAL ASSESSMENT OR CATEGORICAL EXCLUSION

### Responsible Division

PMs are responsible for the following in preparing the EA:

PMs are responsible for preparation of EAs in accordance with LIC-203. The PM should consult with the EnvCOE staff when reviewing environmental issues and obtain concurrence from the EnvCOE on the EA.

- Coordinate additional assistance from TB personnel, as necessary.
- Coordinate consultation with OGC, necessary.
- Coordinate the review and concurrence of the EA.

If the PM determines that use of a CATX is appropriate, he/she is responsible for writing the basis, in consultation with the EnvCOE staff, as necessary, explaining why the CATX applies and demonstrating that the CATX criteria are met.

### NMSS EnvCOE Staff

- Staff members from the EnvCOE are responsible for reviewing and concurring on the EAs prepared by the PM.
- The EnvCOE staff may be asked to support the PM on environmental issues by providing insights based on experience with previous EAs and assist the PM by identifying appropriate regulatory language to be used to address environmental issues in the EA.

## D. PREPARATION OF EXEMPTION PACKAGE

### Responsible Division

PMs are responsible for the following in preparing the exemption:

- Coordinate assistance from TB personnel, as required.
- Coordinate with TB personnel if scope, resources, or due dates need to be changed for any reason.
- Perform the safety review, if appropriate and as agreed upon, with the appropriate TBs. The PM shall base this decision on the complexity of the exemption request, the availability of TB resources, the existence of appropriate precedent exemptions, and other factors.
- Ensure that the regulatory basis and framework are clearly articulated in the exemption.

### Technical Divisions/Branches

Staff from the TB are responsible for the following in preparing the draft exemption:

- Perform safety reviews of the licensee's proposed exemptions, when appropriate, within scope, resources, and time limits negotiated with the PM.
- Coordinate with the PM if scope, resources, or due dates need to be changed for any reason.
- Provide informal guidance when the TB agrees that the PM can perform the safety review. This guidance includes identifying appropriate precedent exemptions, technical review information, and applicable regulatory requirements necessary to complete the review.
- Ensure that the regulatory basis and framework are clearly articulated in the draft exemption. This is particularly important regardless of whether or not the proposed exemption request is approved or denied.
- Draft any needed correspondence to the Commission for exemptions explicitly requiring prior Commission approval.

### NRR Management

- Division Directors will sign all exemptions or denials in accordance with ADM-200. However, for EP reduction in effectiveness an exemption is required, as described in Section 4.9 above. Such authority is coordinated between NSIR and the Commission.

- NRR management will support resolution of any disagreements between PMs and technical staff regarding the scope, resources, and deadlines for safety reviews.

#### E. REVIEW OF AND CONCURRENCE ON THE EA AND EXEMPTION PACKAGES

##### Responsible Division

PMs are responsible for the following activities regarding review and concurrence:

- Ensure that the review and concurrence chain include all of the individuals responsible for the quality and technical adequacy of the exemption.
- Ensure signatures conform to ADM-200.
- Coordinate with OGC the review and concurrence for legal adequacy and defensibility.
- Track the status of the EA and compare its progress to the current work plan schedule as it moves through the review and concurrence process. Licensing assistants shall review the exemption request package and ensure that it is complete.

##### Technical Divisions/Branches

Staff from the TBs are responsible for the following activities:

- Review and concur on all EAs.
- Review and concur on the exemption request package if the exemption was not prepared by TB staff.
- Review and concur on the exemption request package if the exemption was prepared by TB staff when the PM has made substantial changes.
- Review and concur in a timely manner, consistent with the exemption implementation schedule, NRR Operating Performance Plan goals and NRC concurrence policies.

##### Office of the General Counsel

OGC shall review all exemption packages for legal adequacy and defensibility (i.e., no legal objection). Refer to NRR Office Instruction COM-109, "NRR Interfaces with the Office of General Counsel," for further details regarding OGC review.

**F. ISSUANCE OF THE EXEMPTION AND PUBLIC NOTIFICATION****Responsible Division**

The NRR PMs, licensing assistants, and administrative assistants shall coordinate and perform those activities related to issuing the approval or denial of the exemption. The PM is to ensure that, upon dispatch, the administrative assistant has completed the appropriate action of forwarding the exemption package to the OGC Legal Research Center for publication in the *Federal Register*.

**6. PERFORMANCE MEASURES**

No specific performance measures for this OI have been developed in this update. In general, most performance measures for licensing actions can be found in the relevant fiscal year operating performance plan. Staff who are interested in the current performance measures can contact NRR's Division of Resource Management and Administration for the relevant operating performance plan or any additional performance measures.

**7. PRIMARY CONTACT**

Jennifer Tobin  
301-415-2328  
[Jennifer.Tobin@nrc.gov](mailto:Jennifer.Tobin@nrc.gov)

Richard Guzman  
301-415-1030  
[Richard.Guzman@nrc.gov](mailto:Richard.Guzman@nrc.gov)

**8. RESPONSIBLE ORGANIZATION**

DORL

**9. EFFECTIVE DATE**

July 6, 2020

**10. CERTIFICATION DATE**

July 6, 2025

**11. REFERENCES**

None

**Enclosures:**

1. Appendix A – Change History
2. Attachment – Format and Content of an Exemption Cover Letter, Exemption Federal Register Notice, and Exemption (ADAMS Template Accession Nos. ML082110388, ML17248A328, and ML082110389, respectively)

**Appendix A - Change History**

**Office Instruction LIC-103**

**“Exemption from NRC Regulations”**

<b>LIC-103 Change History - Page 1 of 1</b>			
<b>Date</b>	<b>Description of Changes</b>	<b>Method Used to Announce &amp; Distribute</b>	<b>Training</b>
07/26/2002	Initial issuance. The objective of this OI is to provide NRR staff with the basic framework for processing exemptions to the regulations.	E-mail to NRR staff	Required training for staff in DE, DLPM, and DSSA
07/06/2006	Revision 1. The revisions are editorial and administrative and reflect organizational changes and delete redundant or incorrect information.	E-mail to NRR staff	Required training for DORL and DLR staff.
07/01/2020	This issuance of LIC-103, Revision 2, “Exemptions from NRC Regulations,” addresses the necessary updates supporting the NRR/NRO reunification, reflects the changes to the exemption process as a result of a rulemaking that amended 10 CFR Part 51, revises the exemption letter and <i>Federal Register</i> notice templates, reflects the expectation to send certain emergency plan revisions to the Commission, and makes other changes related to State notification.	E-mail to NRR staff	None



**Attachment - Format and Content of an Exemption Cover Letter,  
Exemption Federal Register Notice, and Exemption**

[Addressee]

SUBJECT: [PLANT NAME, UNIT(S)] - EXEMPTION FROM THE REQUIREMENTS  
OF 10 CFR PART 50 [OR 52], SECTION [50.XXXXX OR 52.XXX] (EPID XXXXX)

Dear

The Commission has approved the enclosed exemption from specific requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Section [50.XXXXX], for [Plant Name, Unit(s)]. This action is in response to your application dated XXXXX, as supplemented by letter(s) dated [dates], that requested [subject matter].

A copy of the exemption is enclosed. The exemption has been forwarded to the Office of the Federal Register for publication.

Sincerely,

, [Senior] Project Manager  
Plant Licensing Branch [X]  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No[s]. 50 [OR 52] -[XXX] and 50 [OR 52]-[XXX]

Enclosure:  
Exemption

cc: Listserv

Enclosure 2

**NUCLEAR REGULATORY COMMISSION**

**[Docket No(s). XX-XXX; NRC-20YY-XXXX]**

**<INSERT: Licensee>; <INSERT: Name of Facility, Unit Numbers>**

**[Brief Topic of Exemption]**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Exemption; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has issued an exemption in response to a <INSERT: date>, request from <INSERT: name of licensee> from <INSERT: description of what is being requested>.

**DATES:** The exemption was issued on <INSERT: staff should insert date>.

**ADDRESSES:** Please refer to Docket ID <INSERT: NRC-20YY-XXXX> <INSERT the following for hearing request notices: or NRC Docket No. XX-XXXX> when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- **Federal Rulemaking Web Site:** Go to <https://www.regulations.gov> and search for Docket ID <INSERT: NRC-20YY-XXXX>. Address questions about NRC docket IDs in Regulations.gov to Jennifer Borges; telephone: 301-287-9127; e-mail: [Jennifer.Borges@nrc.gov](mailto:Jennifer.Borges@nrc.gov). For technical questions, contact the individual(s) listed in the FOR FURTHER INFORMATION CONTACT section of this document.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly-available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "[Begin Web-based ADAMS Search](#)." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). <SELECT: **OPTION 1, OPTION 2, OR OPTION 3:** **OPTION 1:** The <INSERT: title of document(s)> <SELECT: is or are> available in ADAMS under Accession <INSERT: No. or Nos.> <INSERT: ADAMS ML#>. **OPTION 2:** The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. **OPTION 3:** For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the <SELECT: "Availability of Documents" section.>

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** <INSERT: Name, Office, telephone: 301-XXX-XXXX, e-mail: [First.Last@nrc.gov](mailto:First.Last@nrc.gov)> <INSERT; if more than one contact will be listed for this rulemaking: or Name, Office, telephone: 301-XXX-XXXX, e-mail: [First.Last@nrc.gov](mailto:First.Last@nrc.gov)> U.S. Nuclear Regulatory Commission, Washington DC 20555-0001.

**SUPPLEMENTARY INFORMATION:** The text of the exemption is attached.

**NUCLEAR REGULATORY COMMISSION**

**[Docket No(s). 50-XXX]**

**[Licensee]**

**[Plant Name, Unit No.]**

**Exemption**

**I. Background.**

[Company Name] (the licensee) is the holder of Facility Operating License No. [NPF- or DPR- ] which authorizes operation of [Plant Name]. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

[For exemptions for Decommissioned Reactors].

[Company Name] (the licensee) is the holder of [Renewed] facility Operating License No. {NPF or DPR}. By letter dated [Date] (ADAMS Accession No. [MLXXXXXXXXXX]), the licensee, submitted a certification to the U.S. Nuclear Regulatory Commission (NRC) indicating it would permanently cease power operations at the [Facility Name] on [Date]. On [Date of power cessation], (the licensee) permanently ceased power operation at [Facility Name]. On [Date], [the licensee] certified that it had permanently defueled the [Facility Name] reactor vessel (ADAMS Accession No. [MLXXXXXXXXXX]).

The facility consists of a [boiling-/pressurized-] water reactor located in [name] County in [State].

**II. Request/Action.**

On <INSERT: date>, <INSERT: name of licensee> submitted a request for exemption from the <INSERT: specific regulations/sections that licensee is requesting exemption from and authority under which such a request may be made>. Title 10 of the *Code of Federal Regulations* (10 CFR), Part XX, requires that [list all regulations for which exemption is needed.]

[Explain exemption request here.]

In summary, [summarize correspondence setting forth the application for exemption or explain circumstances leading the Commission to act on its own initiative].

**III. Discussion.**

Pursuant to 10 CFR 50.12 [or other regulation], the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part \_\_\_ when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present.

**A. Special Circumstances**

[For regulations that require special circumstances for exemptions] Special circumstances, in accordance with 10 CFR \_\_\_\_\_, are present whenever application of the regulation in the particular circumstances would not [quote the special circumstances cited by the regulation at issue, e.g., serve the underlying purpose of the rule, is not necessary to achieve the underlying purpose of the rule]. The underlying purpose of 10 CFR \_\_\_\_\_ is [explain the underlying purpose of the rule and how the underlying purpose will be met under the terms of the proposed exemption using 10 CFR 50.12(a)(2)(i-vi) as applicable]. Therefore, since the underlying purpose of 10 CFR \_\_\_\_\_ is achieved [add explanation as needed], the special circumstances required by 10 CFR \_\_\_\_\_ for the granting of an exemption from 10 CFR \_\_\_\_\_ exist.

**B. Authorized by Law**

This exemption would [state what the exemption would do, i.e., results in changes to operation of the plant by...or allows the licensee to....results in changes to operation of the plant by allowing....]. As stated above, 10 CFR 50.12 allows the NRC to grant exemptions from the requirements of 10 CFR Part \_\_\_\_\_. As special circumstances are present, the NRC staff has determined that granting of the licensee's proposed exemption will not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations. Therefore, the exemption is authorized by law.

**C. No Undue Risk to Public Health and Safety**

The underlying purpose of 10 CFR \_\_\_\_\_ is to [i.e., explain the underlying purpose of the regulation and why no new accident precursors are created with the proposed exemption]. Based on the above, no new accident precursors are created by [state what the exemption would do/allow], thus, the probability of postulated accidents is not increased. Also, based on the above [or give some other reason], the consequences of postulated accidents are not increased. Therefore, there is no undue risk [since risk is probability x consequences] to public health and safety.

**D. Consistent with Common Defense and Security**

The proposed exemption would [state what the exemption would do/allow]. This change [to the plant, to the operation of the plant, etc.] has no relation to security issues. Therefore, the common defense and security is not impacted by this exemption.

**E. Environmental Considerations**

**[For exemptions that meet categorical exclusion 10 CFR 51.22(c)(9), use this paragraph.]** The Commission has determined that the requested exemption is from a requirement concerning the installation or use of a facility component located within the restricted area, as defined in 10 CFR Part 20. The Commission has further determined that the granting of this 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; and (iii) no significant increase in individual or cumulative occupational radiation exposure. The exemption discussed herein meets the eligibility criteria for the categorical exclusion set forth in 10 CFR 51.22(c)(9).

Therefore, in accordance with 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the NRC's consideration of this exemption request.

[Paragraphs addressing the basis for how 10 CFR 51.22(c)(9)(i)-(iii) are met]

**[For exemptions that meet categorical exclusion 10 CFR 51.22(c)(25), use this paragraph]** The Commission has determined that granting this exemption from the requirements **[identify NRC regulation]** 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, and (v) no significant increase in the potential for or consequences from radiological accidents.

(Paragraphs addressing the basis for how 10 CFR 51.22(c)(25)(i)-(vi) are met)

In addition, the requirements from which this exemption is sought involve **[insert appropriate category from 51.22(c)(25)(vi)(A)-(I)]**. Accordingly, the exemption meets the eligibility criteria for categorical exclusion set forth in [10 CFR 51.22(c)(25)(i)-(vi)]. Therefore, in accordance with 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the NRC's consideration of this exemption request.

**[For exemptions that do not meet any categorical exclusion, use this paragraph].** In accordance with 10 CFR 51.31(a), the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment [in parentheses, enter the *Federal Register* citation for the Environmental Assessment/Finding of No Significant Impact in the parentheses cite *Federal Register* citation (XX FR XXXX) .

#### IV. Conclusion.

Accordingly, the Commission has determined that, pursuant to 10 CFR \_\_\_\_\_, the 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. **INSERT IF APPLICABLE:** Also, special circumstances are present. Therefore, the Commission hereby grants <INSERT: name of licensee> a one-time exemption from <INSERT: 10 CFR Section XX.XX [be specific] to <INSERT: a short description repeating general nature of the exemption request>.

Dated at Rockville, Maryland, this [date] day of [Month, Year].

FOR THE NUCLEAR REGULATORY COMMISSION  
**[Signature Authority as Outlined in the Current  
Version of NRR Office Instruction ADM-200]**

, Director,  
Division of [ ],  
Office of Nuclear Reactor Regulation.