



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

February 11, 2022

Paul Hansen, Decommissioning Director  
Duane Arnold Energy Center  
NextEra Energy Duane Arnold, LLC  
3277 DAEC Road  
Palo, IA 52324

SUBJECT: ISSUANCE OF ONE-TIME EXEMPTION FOR A FAILED FUEL CAN EXCEEDING TECHNICAL SPECIFICATIONS WEIGHT LIMIT PERTAINING TO CERTIFICATE OF COMPLIANCE, NO. 1004 RENEWED AMENDMENT 17, 61BTH TYPE 2 DRY SHIELDED CANISTER, DUANE ARNOLD ENERGY CENTER INDEPENDENT SPENT FUEL STORAGE INSTALLATION

Dear Paul Hansen:

By letter dated October 21, 2021 (Agencywide Documents Access and Management System [ADAMS] Accession No. ML21294A280), as supplemented by letters dated December 10, 2021 (ADAMS Accession No. ML21344A186), and January 6, 2022 (ADAMS Accession No. ML22006A105), NextEra Energy Duane Arnold, LLC (NEDA) submitted a one-time exemption request to the U.S. Nuclear Regulatory Commission (NRC) for the Duane Arnold Energy Center (DAEC) Independent Spent Fuel Storage Installation (ISFSI), in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 72.7, "Specific exemptions," from the requirements of 10 CFR 72.212 (a)(2), (b)(2), (b)(3), (b)(4), (b)(5)(i), (b)(11), and 72.214. Specifically, the one-time exemption request would, if granted, permit a failed fuel can (FFC) and its contents at DAEC to exceed the limits specified in Table 1-1t in Appendix B of NRC Certificate of Compliance (CoC) No. 1004, Renewed Amendment No. 17 (ADAMS Package Accession No. ML21109A325).

Based upon the staff's evaluation, the NRC has determined that, pursuant to 10 CFR 72.7, "Specific Exemptions," the exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Accordingly, the NRC, grants NEDA a one-time exemption from 10 CFR 72.212 (a)(2), (b)(2), (b)(3), (b)(4), (b)(5)(i), (b)(11), and 72.214, pursuant to 10 CFR 72.7, permitting DAEC ISFSI to deviate from a specific requirement contained in Table 1-1t in Appendix B of NRC CoC No. 1004, Renewed Amendment No. 17, that the combined weight of FFC and its contents be less than 705 lbs. The exemption is effective immediately. As a condition of this exemption, however, NEDA is required to leave at least two adjacent DSC fuel cells empty in its spent fuel pool off-load campaign to increase the available margin for weight. All other relevant requirements shall be met. Enclosed is the NRC staff's safety evaluation report for the exemption request.

In addition to the review of NEDA's October 21, 2021 exemption request and the supplements, the NRC staff completed an environmental review. For this action, an Environmental Assessment and Finding of No Significant Impact was prepared and published in the *Federal Register* under the Docket ID: NRC-2022-0024 (87 FR 5847), dated February 2, 2022.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the publicly available records component of the NRC's document system, 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 at (301) 415-8064, or Tilda Liu of my staff at (404) 997-4730.

Sincerely,

**Yaira K. Diaz-  
Sanabria**

Digitally signed by Yaira K.  
Diaz-Sanabria  
Date: 2022.02.11 10:16:45  
-05'00'

Yaira K. Diaz-Sanabria, Chief  
Storage and Transportation Licensing Branch  
Division of Fuel Management  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 72-32  
Renewed Op. License No. DPR-49  
EPID No. L-2021-LLE-0050

Enclosure:  
Safety Evaluation Report

cc: Listserv

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