



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

November 16, 2023

Jean A. Fleming
Vice President, Licensing,
Regulatory Affairs, and PSA
Holtec International, LLC
Krishna P. Singh Technology Campus
1 Holtec Boulevard
Camden, NJ 08104

SUBJECT: INDIAN POINT ENERGY CENTER GENERATING UNITS 1, 2, AND 3 –
EXEMPTION FROM THE REQUIREMENTS OF 10 CFR 140.11(a)(4)
CONCERNING OFFSITE PRIMARY AND SECONDARY LIABILITY
INSURANCE AND AMENDMENT NO. 27 TO INDEMNITY AGREEMENT
NO. B-19 (EPID L-2022-LLE-0012)

Dear Jean Fleming:

The U.S. Nuclear Regulatory Commission (NRC) has approved the enclosed exemption from the requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 140.11(a)(4), "Amounts of financial protection for certain reactors," concerning offsite primary and secondary liability insurance for the Indian Point Nuclear Generating Unit Nos. 1, 2, and 3, collectively referred to as the Indian Point Energy Center (IPEC). The exemption was submitted by Holtec Decommissioning International, LLC (HDI), on behalf of Holtec Indian Point 2, LLC (Indian Point Nuclear Generating Unit Nos. 1 and 2) and Holtec Indian Point 3, LLC (Indian Point Nuclear Generating Unit No. 3).

This action is in response to the application dated March 25, 2022 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML22084A103), requesting an exemption to reduce the required level of primary offsite liability insurance from \$450 million to \$100 million and to eliminate the requirement to carry secondary financial protection for IPEC.

This exemption is effective as of November 16, 2023. These reductions are a standard action for decommissioning nuclear power reactors and reflect the reduced risk of radiological accidents and associated consequences once the facility has permanently ceased operation. Additionally, the risk of radiological accidents is sufficiently low 15 months after the IPEC reactors have been permanently shutdown, which is part of the basis for approval of the current exemption related to offsite primary and secondary liability insurance for IPEC.

Enclosure 1 to this letter contains a copy of the exemption. The exemption has been forwarded to the Office of the Federal Register for publication.

Enclosure 2 contains a digitally signed copy of Amendment No. 27 to Indemnity Agreement No. B-19 for HDI, Holtec Indian Point 2, LLC, and Holtec Indian Point 3, LLC's signatures. We request that a representative of HDI, Holtec Indian Point 2, LLC, and Holtec Indian Point 3, LLC sign the amendment and keep one copy for your records. Please return one copy including all

signatures to NRC's Document Control Desk as proof of acceptance of the amended indemnity agreement.

In accordance with 10 CFR 2.390, "Public inspections, exemptions, requests for withholding," of the NRC's "Agency Rules of Practice and Procedure," 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 NRC's ADAMS. ADAMS is accessible from the NRC website at <https://www.nrc.gov/reading-rm/adams.html>.

If you have any questions concerning the above, please contact me at 301-415-8534 or via email to Karl.Sturzebecher@nrc.gov.

Sincerely,

/RA/

Karl J. Sturzebecher, Project Manager
Reactor Decommissioning Branch
Division of Decommissioning, Uranium Recovery
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

Docket Nos. 50-003, 50-247, 50-286, and 73-051
Provisional License No. DPR-5
Renewed Facility License Nos. DPR-26 and DPR-64

Enclosures:

1. Amendment No. 27 to Indemnity Agreement No. B-19
2. Exemption

cc w/enclosures: Indian Point ListServ

ENCLOSURE 1

AMENDMENT NO. 27 TO INDEMNITY AGREEMENT NO. B-19

HOLTEC DECOMMISSIONING INTERNATIONAL, LLC,

HOLTEC INDIAN POINT 2, LLC, AND HOLTEC INDIAN POINT 3, LLC

INDIAN POINT ENERGY CENTER

DOCKET NOS. 50-003, 50-247, 50-286, and 72-051



UNITED STATES
NUCLEAR REGULATORY COMMISSION
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Docket Nos. 50-003
50-247
50-286
72-051

AMENDMENT TO INDEMNITY AGREEMENT NO. B-19
AMENDMENT NO. 27

Effective _____, 2023, Indemnity Agreement No. B-19 between Holtec Decommissioning International, LLC, Holtec Indian Point 2, LLC, Holtec Indian Point 3, LLC, and the United States Nuclear Regulatory Commission, dated January 12, 1962, as amended, is hereby further amended as follows:

Article VIII of the Indemnity Agreement is deleted in its entirety wherever it appears in the Indemnity Agreement, and is substituted therein by the requirements of the exemption permitting a reduction in primary financial protection from \$450,000,000 to \$100,000,000, and withdrawal from participation in the secondary layer of financial protection.

Item 2a of the Attachment to the Indemnity Agreement is deleted in its entirety and the following substituted therefor:

Item 2 – Amount of financial protection

a. \$100,000,000 (From 12:01 a.m., _____, 2023)

In light of the above, Indemnity Agreement No. B-19 is between “Holtec Decommissioning International, LLC, Holtec Indian Point 2, LLC, Holtec Indian Point 3, LLC,” and the United States Nuclear Regulatory Commission.

FOR THE UNITED STATES NUCLEAR REGULATORY COMMISSION

Kenneth M. Kline, Acting Chief
Financial Assessment Branch
Division of Rulemaking, Environmental, and Financial Support
Office of Nuclear Material Safety and Safeguards

Accepted _____, 2023

By _____
Holtec Decommissioning International, LLC

Accepted _____, 2023

By _____
Holtec Indian Point 2, LLC

Accepted _____, 2023

By _____
Holtec Indian Point 3, LLC

ENCLOSURE 2

EXEMPTION

HOLTEC DECOMMISSIONING INTERNATIONAL, LLC,
HOLTEC INDIAN POINT 2, LLC, AND HOLTEC INDIAN POINT 3, LLC
INDIAN POINT ENERGY CENTER
DOCKET NOS. 50-003, 50-247, 50-286, AND 72-051

Indian Point Energy Center Generating Units 1, 2, and 3 Exemption for Offsite Primary and Secondary Liability Insurance Indemnity Agreement DATE November 16, 2023

DISTRIBUTION:

ADAMS Accession No.: ML23100A124; Ltr ML23100A125

*** via email**

OFFICE	NMSS/DWUP/RDB	NMSS/REFS/FAB	NMSS/REFS/FAB	NMSS/DUWP/RDB*
NAME	KSturzebecher <i>KS</i>	RTurtill <i>RT</i>	FMiller <i>FM</i>	SAnderson <i>SA</i>
DATE	Apr 10, 2023	Apr 27, 2023	Apr 27, 2023	Nov 8, 2023
OFFICE	NMSS/DUWP	NMSS/REFS/FAB		
NAME	JMarshall <i>JM</i>	FMiller KKline for <i>KK</i>		
DATE	Nov 14, 2023	Nov 16, 2023		

OFFICIAL RECORD COPY