

CNRO2025-00016

10 CFR 50.12
10 CFR 52.7

May 2, 2025

ATTN: Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Request for Exemption from 10 CFR 2.109(c) and 10 CFR 52.29(a)

Grand Gulf ESP Site
Early Site Permit No. ESP-002
NRC Docket Nos. 52-009

Reference: Nuclear Regulatory Commission letter to System Energy Resources,
"Issuance of Early Site Permit (ESP) for System Energy Resources, Inc. –
Grand Gulf ESP Site (ESP-002)," dated April 5, 2007

In the referenced letter, the Nuclear Regulatory Commission (NRC) issued Early Site Permit ESP-002 to System Energy Resources, Inc. (SERI), a subsidiary of the Entergy Corporation, for additional nuclear power plants, which may be modular, designed to operate at no more than 8600 megawatts thermal, collectively. ESP-002 is for a site located approximately 25 miles south of the city of Vicksburg, Mississippi and adjacent to the existing Grand Gulf Nuclear Station (GGNS). The ESP became effective on April 5, 2007, and expires on April 5, 2027.

In accordance with 10 CFR 52.7 and 10 CFR 50.12, "Specific exemptions," Entergy Operations, Inc. (Entergy), also a subsidiary of Entergy Corporation, on behalf of SERI, requests an exemption from 10 CFR 2.109, "Effect of timely renewal application," paragraph (c) and 10 CFR 52.29, "Application for renewal," paragraph (a). Paragraph (c) of 10 CFR 2.109 provides that if the holder of an ESP files a sufficient application for renewal "at least 12 months before the expiration of the existing early site permit, the existing permit will not be deemed to have expired until the application has been finally determined." Section 52.29(a) requires that "[n]ot less than 12, nor more than 36 months before the expiration date stated in the early site permit, or any later renewal period, the permit holder may apply for a renewal of the permit." Specifically, Entergy requests that it be permitted to submit the ESP-002 renewal application no later than 45 days prior to the expiration of the existing ESP and still receive timely renewal protection under 10 CFR 2.109(c) and 10 CFR 52.29.

The enclosure to this letter provides the rationale and justification for the exemption request. The requested exemption from 10 CFR 2.109(c) and 10 CFR 52.29(a) is permissible under 10 CFR 52.7 and 10 CFR 50.12 because it 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. In addition, special circumstances are present such that: (1) the application of 10 CFR 2.109(c) and 10 CFR 52.29(a) in this instance would not serve the underlying purpose of the rules, and (2) other material circumstances that were not considered when the regulations were adopted are present such that granting the exemption is in the public interest. Entergy requests approval of the proposed exemption by September 2, 2025.

There are no regulatory commitments contained in this letter.

Should you have any questions or require additional information, please contact me at 601-368-5102.

Respectfully,

Phil Couture

PC/dlw

Enclosure: Request for Exemption from 10 CFR 2.109(c) and 10 CFR 52.29(a)

cc: NRC Regional Administrator
NRC Senior Resident Inspector – GGNS
NRC Project Manager - GGNS

Enclosure

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Request for Exemption from 10 CFR 2.109(c) and 10 CFR 52.29(a)

TABLE OF CONTENTS

1.0 SPECIFIC EXEMPTION REQUEST 2

2.0 BACKGROUND..... 2

3.0 BASIS FOR EXEMPTION REQUEST..... 3

4.0 JUSTIFICATION FOR EXEMPTION AND SPECIAL CIRCUMSTANCES..... 4

 4.1 Exemption Justification..... 5

 4.1.1 The Exemption is Authorized by Law..... 5

 4.1.2 The Exemption will not Present an Undue Risk to Public Health and Safety 5

 4.1.3 The Exemption is Consistent with the Common Defense and Security..... 7

 4.2 Special Circumstances Supporting the Issuance of an Exemption 7

 4.2.1 Application of the regulation would not serve the underlying purpose..... 7

 4.2.2 Other material circumstance not considered when the regulation was adopted..... 8

5.0 ENVIRONMENTAL CONSIDERATION 8

 5.1 No Significant Hazards Consideration Analysis 9

 5.2 There is no significant change in the type or significant increase in the amounts of effluents that may be released offsite..... 10

 5.3 There is no significant increase in the cumulative public or occupational radiation exposure 10

 5.4 There is no significant construction impact 10

 5.5 There is no significant increase in the potential for or consequences from radiological accidents 10

 5.6 The requirements from which the exemption is sought involved § 51.22(c)(25)(vi)(G) and § 51.22(c)(25)(vi)(I) 10

6.0 CONCLUSIONS 11

7.0 REFERENCES..... 11

REQUEST FOR EXEMPTION FROM 10 CFR 2.109(c) and 10 CFR 52.29(a)

1.0 SPECIFIC EXEMPTION REQUEST

In accordance with 10 CFR 52.7 and 50.12, "Specific exemptions," Entergy Operations, Inc. (Entergy), on behalf of System Energy Resources, Inc. (SERI), requests an exemption from the 12-month time limit specified in the Nuclear Regulatory Commission's (NRC) timely renewal regulation in 10 CFR 2.109(c) and 10 CFR 52.29(a) for early site permits (ESPs). Specifically, Entergy requests that it be permitted to submit the ESP-002 renewal application no later than 45 days prior to the expiration of the existing ESP and still receive timely renewal protection under 10 CFR 2.109(c) and 10 CFR 52.29(a). Thus, if the NRC approves this exemption request, Entergy would be authorized to submit the ESP-002 renewal application by February 19, 2027 (i.e., 45 days before the ESP-002 expiration date of April 5, 2027), and still be granted the protections afforded by the timely renewal provision in 10 CFR 2.109(c) and 10 CFR 52.29(a).

2.0 BACKGROUND

The ESP process, offered under 10 CFR 52, Subpart A, was promulgated by the NRC in 1989 to address industry concerns with the former licensing process under 10 CFR 50. Previously, the licensing process required large expenditures of time and money by utilities well before key environmental, site safety, and emergency planning issues could be resolved. As envisioned, the ESP process is meant to resolve the key environmental, site safety, and emergency planning issues well in advance of when a decision is made to build a nuclear power facility and before substantial capital is invested in the construction of a new nuclear facility.

ESPs are valid for no more than 20 years from the date of issuance, but Part 52 also provides for renewal of ESPs. Sections 52.29 through 52.33 outline the basic requirements. Section 52.29(a) for example, states that "[n]ot less than 12, nor more than 36 months before the expiration date stated in the early site permit, or any later renewal period, the permit holder may apply for a renewal of the permit." Section 52.29(c) goes on to state: "[a]n early site permit, either original or renewed, for which a timely application for renewal has been filed, remains in effect until the Commission has determined whether to renew the permit." This is further reflected in the timely renewal regulations at 10 CFR 2.109(c), which states that "[i]f the holder of an early site permit . . . files a sufficient application for renewal under § 52.29 of this chapter at least 12 months before the expiration of the existing early site permit, the existing permit will not be deemed to have expired until the application has been finally determined."

The 12-month application requirement was added to the Commission's regulations as part of the original 1989 rulemaking establishing the Part 52 licensing process and opportunity for an ESP.¹ The rulemaking record does not discuss, however, the Commission's rationale for the 12-month time frame for timely renewal. Later, in 2007, the Commission added the

¹ Final Rule, Early Site Permits; Standard Design Certifications; and Combined Licenses for Nuclear Power Reactors, 54 FR 15,372 (April 18, 1989).

timely renewal provision for ESPs to 10 CFR 2.109(c) but also did not discuss the regulatory basis for the selected time frame.²

When the decision is made to proceed, having a preapproved site can dramatically shorten the time to bring a new plant to market. When the ESP is used with the NRC's combined construction and operating license (COL), the time required to build and start up a new plant can be shortened further. The NRC introduced ESPs and COLs as part of a more effective licensing process (i.e., 10 CFR Part 52) for new nuclear power plants. Congress affirmed and strengthened the new licensing process in the 1992 Energy Policy Act.

Historically, the NRC has reviewed proposed sites and designs in combination and approved the site/design combination simultaneously. Part 52 provides for the option to secure separate early approvals for proposed sites, designs, or both. In particular, the Part 52 ESP process reflects the longstanding Commission objective to decouple siting from design and is central to the early resolution of safety and environmental issues, a principal policy objective of Part 52.

Moreover, Part 52 recognizes that it is possible to obtain approval of a site for future nuclear power plants as a separate matter from, and well in advance of, decisions on what and when to build. In those instances where the ESP applicant has not selected a particular technology, ESP applications may nonetheless use the Plant Parameter Envelope (PPE) approach as a surrogate for actual facility information to support required safety and environmental reviews. Under the PPE approach, applications do not reference a single specific reactor technology and instead use a bounding set of parameters representative of a variety of designs with the expectation that the approved ESP will be applicable for a range of reactor designs.

In Reference 1, SERI submitted an ESP application based on the PPE approach. The ESP site was reserved for a nuclear facility to be operated as a utility generator plant. The NRC issued ESP-002 in Reference 2 for additional nuclear power plants, which may be modular, designed to operate at no more than 8600 megawatts thermal, collectively. ESP-002 is for a site located approximately 25 miles south of the city of Vicksburg, Mississippi and adjacent to the existing Grand Gulf Nuclear Station (GGNS). The ESP became effective on April 5, 2007, and expires on April 5, 2027.

Entergy is evaluating subsequent license renewal for existing nuclear units within the fleet, provided there is sustained favorable economic viability. Similarly, any decision to pursue construction of one or more new nuclear facilities at the ESP site would consider, in part, the economic viability of such a project. Given the uncertainties resulting from the changing economic and energy policy environments at both the state and federal levels, SERI, a subsidiary of the Entergy Corporation, continues to evaluate the appropriate scope for any nuclear project based on ESP-002.

3.0 BASIS FOR EXEMPTION REQUEST

Under Section 9(b) of the Administrative Procedure Act of 1946 (APA), 5 USC 558(c), "[w]hen the licensee has made timely and sufficient application for a renewal or a new license in accordance with agency rules, a license with reference to an activity of a continuing nature does

² Final Rule, Licenses, Certifications, and Approvals for Nuclear Power Plants, 72 FR 49,352 (Aug 28, 2007).

not expire until the application has been finally determined by the agency." This is known as the "timely renewal doctrine." For ESPs, the timely renewal doctrine is embodied in the NRC's regulations in 10 CFR 2.109(c) and 10 CFR 52.29, which collectively set forth the requirement that an ESP license renewal application must be filed 12 months before expiration to benefit from the timely renewal doctrine.

Entergy is currently assessing the feasibility of constructing one or more new nuclear power plants at the ESP site. Under 10 CFR 2.109(c) and 10 CFR 52.29, SERI would need to file an ESP renewal application by April 5, 2026, in order for the timely renewal doctrine to apply to the application. To meet that deadline, Entergy would need to expend significant resources preparing what could be a first-of-a-kind ESP renewal application starting in May 2025. As the current economic and energy policy environments continue to evolve, those factors can also influence the feasibility of a new nuclear construction project. Extending the deadline would allow Entergy additional time to continue assessing the feasibility of constructing a new nuclear project at the ESP site, which will result in more efficient use of both Entergy and NRC financial and other resources.

Furthermore, the proposed exemption is consistent with the intent of the "Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy Act of 2024" (ADVANCE Act) to modernize the regulatory framework and spur the deployment of advanced reactors. As an example, Subsection 501(a) of the ADVANCE Act, requires the NRC to update its mission statement to include that the licensing and regulation of radioactive materials and nuclear energy for civilian purposes be "conducted in a manner that is efficient and does not unnecessarily limit (1) the civilian use of radioactive materials and deployment of nuclear energy; or (2) the benefits of civilian use of radioactive materials and nuclear energy technology to society." In its updated mission statement, the NRC affirmed that it "protects public health and safety and advances the nation's common defense and security by enabling the safe and secure use and deployment of civilian nuclear energy technologies and radioactive materials through efficient and reliable licensing, oversight, and regulation for the benefit of society and the environment." (Reference 3). The enhanced mission statement directly aligns with the purpose of the ESP process, as discussed above in Section 2.0, in that the process was promulgated by the NRC in 1989 to address concerns with, and to improve the efficiency of, the licensing process for building and starting up a new nuclear facility.

4.0 JUSTIFICATION FOR EXEMPTION AND SPECIAL CIRCUMSTANCES

10 CFR 52.21, "Administrative review of applications; hearings," states that "[a]n early site permit is subject to all procedural requirements in 10 CFR part 2," which includes the timely renewal provision in 10 CFR 2.109(c) and 10 CFR 52.29. In addition, 10 CFR 52.7 provides that "[t]he Commission may...grant exemptions from the requirements of the regulations of this part," and "[t]he Commission's consideration will be governed by § 50.12 of this chapter" unless other criteria are specified (which is not the case here). Therefore, for the reasons discussed below, Entergy requests that this proposed exemption be granted because it meets the exemption criteria in 10 CFR 50.12.

4.1 Exemption Justification

4.1.1 The Exemption is Authorized by Law

10 CFR 50.12(a)(1) requires a demonstration that an exemption from NRC regulations is authorized by law. The NRC's timely renewal regulations for ESPs (10 CFR 2.109(c) and 10 CFR 52.29) implement APA Section 9(b), which states that "[w]hen a licensee has made timely and sufficient application for a renewal or a new license in accordance with agency rules, a license with reference to an activity of a continuing nature does not expire until the application has been finally determined by the agency."³

As discussed further in Section 4.2.1 of this exemption request, the 12-month limit (i.e., latest permitted date) for obtaining timely renewal protection for an ESP renewal application as specified in 10 CFR 2.109(c) and 10 CFR 52.29 is the result of a discretionary agency rulemaking under Sections 161 and 181 of the Atomic Energy Act of 1954, as amended (AEA), and not mandated by statute. No statute requires the NRC to specifically adopt a 12-month timely renewal limit for ESP renewal applications.

In fact, the timely renewal provisions in the Commission's regulations at Section 2.109 originally contained a 30-day renewal application-filing requirement for all licenses issued for activities "of a continuing nature." In 1989, the Commission originally included timely renewal provisions associated with the new Part 52 licensing process, specifically found at 10 CFR 52.29, and included the 12-month time frame. Later, in 2007, the Commission added timely renewal provisions specific to ESP renewals at 10 CFR 2.109, bringing forward the same 12-month time frame originally adopted in 1989.

Thus, neither the AEA nor the APA mandates a 12-month period for filing an ESP renewal application to comply with the timely renewal doctrine. As noted above, the Commission did not articulate a specific basis for the 12-month period in any of the associated rulemakings. Therefore, given that there is no special legal or regulatory significance attributable to that period, the NRC may shorten the period at its discretion and in accordance with agency rules through a change to, or exemption from, the existing regulation. Accordingly, this exemption request is authorized by law.

4.1.2 The Exemption will not Present an Undue Risk to Public Health and Safety

10 CFR 50.12(a)(1) requires a demonstration that the granting of an exemption from the requirement in question "will not present an undue risk to the public health and safety." As shown below, this exemption request fully satisfies that criterion.

There is no existing, operating nuclear facility associated with ESP-002. ESP-002 has never been referenced in an application for a construction permit (CP) under 10 CFR Part 50, or an application for a combined license (COL) under 10 CFR Part 52 since the original ESP was issued by the NRC in 2007. With no nuclear reactor on the site, there is no risk to the public health and safety as a result of shortening the timely renewal period for the ESP.

³ Administrative Procedure Act of 1964 (APA), 5 USC 558(c).

Furthermore, Entergy will need to satisfy applicable regulatory requirements in connection with the preparation and submittal of a sufficient ESP renewal application. If the proposed exemption is approved, Entergy would be able to submit the renewal application no later than 45 days prior to the ESP-002 expiration, and Entergy would have sufficient time to conduct any necessary technical reviews and evaluations for the requested renewal period.

The NRC would also have sufficient time to perform its acceptance review of the application. As stated in the Final Rule for the 2007 Part 52 rulemaking⁴, "[t]he NRC believes that timely renewal protection should only be provided to those applications which are of sufficient quality to be docketed." While NRR Office Instruction LIC-117, "Acceptance Review Process for New Nuclear Facility Licensing Applications," suggests that 60 days is an appropriate timeframe for all "new reactor" applications, it does not mandate that it must take that long. In fact, LIC-117 is clear that other timeframes can be considered and applied (i.e., on the order of 30 days or less). An ESP renewal application, based on the criteria in 10 CFR 52.29(a) that an application for renewal "must contain all information necessary to bring up to date the information and data contained in the previous application," would be much shorter than an initial ESP application. Therefore, the 45-day period described in the proposed exemption will afford the NRC a reasonable period of time to determine if the renewal application is sufficient for docketing in accordance with LIC-117.

In accordance with 10 CFR 52.31, "Criteria for renewal," a renewed ESP can only be granted if the NRC determines that:

- 1) The site complies with the Act, the Commission's regulations, and orders applicable and in effect at the time the site permit was originally issued; and
- 2) Any new requirements the Commission may wish to impose are:
 - (i) Necessary for adequate protection to public health and safety or common defense and security;
 - (ii) Necessary for compliance with the Commission's regulations, and orders applicable and in effect at the time the site permit was originally issued; or
 - (iii) A substantial increase in overall protection of the public health and safety or the common defense and security to be derived from the new requirements, and the direct and indirect costs of implementation of those requirements are justified in view of this increased protection.

The NRC would still perform this review, and nothing in the proposed exemption would obviate the NRC's required findings under Section 52.31 or limit public participation in the ESP renewal process. Furthermore, pending final action on any future renewal application, the NRC would retain its authority to conduct all regulatory activities associated with licensing, inspection, and oversight, and to take whatever action(s) may be necessary to ensure adequate protection of the public health and safety.

⁴ Licenses, Certifications, and Approvals for Nuclear Power Plants; Final Rule, 72 FR 49,377 (Aug. 28, 2007).

4.1.3 The Exemption is Consistent with the Common Defense and Security

Modification of the timely renewal application-filing deadline from 12 months to 45 days before ESP expiration would not affect continued protection of the common defense and security at the ESP site since there is no existing nuclear facility located at the ESP site. ESP-002 does not allow construction of a new nuclear facility. Rather, it is intended to be referenced in a future application for a CP under 10 CFR Part 50, or an application for a COL under 10 CFR Part 52.

4.2 Special Circumstances Supporting the Issuance of an Exemption

Under 10 CFR 50.12(a)(2), the NRC will not consider granting an exemption unless at least one of six "special circumstances" enumerated in the regulation is present. Two special circumstances apply to this request. First, under 10 CFR 50.12(a)(2)(ii), the underlying purpose of the rule can still be achieved if Entergy files an ESP renewal application 45 days before the current expiration date. Thus, application of the 12-month time limit in 10 CFR 2.109(c) and 10 CFR 52.29(a) is not necessary in this circumstance. Second, other material circumstances not considered when the regulation was adopted are present, such that granting the exemption is in the public interest (10 CFR 50.12(a)(2)(vi)).

4.2.1 Application of the regulation would not serve the underlying purpose.

The purpose of 10 CFR 2.109(c) and 10 CFR 52.29 is to implement the "timely renewal" doctrine of APA Section 9(b), which states:

When the licensee has made timely and sufficient application for a renewal or a new license in accordance with agency rules, a license with reference to an activity of a continuing nature does not expire until the application has been finally determined by the agency.

The underlying purpose of the APA's timely renewal provision is to "prevent the unfairness that would result if agency delay caused a licensee to lose a license despite having filed a timely renewal application."⁵ The NRC's regulation in Section 2.109 is therefore intended to protect a licensee who is engaged in an ongoing licensed activity and who has complied with agency rules in applying for a renewed license from facing license expiration due to delays in the administrative process.

While the rulemaking record for timely renewal for ESPs does not expressly explain the purpose for allowing a 12-month timeframe, the Commission's discussion of timely renewal in the context of license renewal is instructive. As stated in the 1991 Final Rule for License Renewal, the purpose of the filing deadline is to "provide the NRC a reasonable time to review an application for a renewed operating license for a nuclear power plant."⁶ Unfortunately, the rulemaking record for the ESP rule and the timely renewal provision is silent with respect to the rationale for the 12-month timeframe and whether there is any regulatory basis that ties that to the time NRC anticipated was necessary for an ESP renewal application review.

⁵ *Kay v. FCC*, 525 F. 3d 1277, 1279 (D.C. Cir. 2008) (citing *Miami MDS Co. v. FCC*, 14 F.3d 658, 659-60 (D.C. Cir. 1994)).

⁶ Nuclear Power Plant License Renewal; Final Rule, 56 FR at 64,962. The Attorney General's Manual on the Administrative Procedure Act (noted above) also points out that, under the APA, "Agencies, of course, may make reasonable rules requiring sufficient advance application."

If the underlying purpose of the timely renewal deadline for ESP is to provide a reasonable time to review an application, strict application of the 12-month application time frame is not necessary to achieve the underlying purpose of the rule. NRC can still complete its review of the ESP renewal application in an appropriate timeframe without risk to the public health and safety even if the ESP were to have passed the expiration date. As explained above, in the case of ESP-002 there is no operating facility, so there is no potential for a safety or security issue that could arise from continuing the ESP.

In sum, application of the 12-month timeframe in 10 CFR 2.109(c) and 10 CFR 52.29 is not necessary to achieve the underlying purpose of the rule, as required by 10 CFR 50.12(a)(2)(ii). Accordingly, special circumstances are present to justify the requested exemption.

4.2.2 Other material circumstance not considered when the regulation was adopted

As noted above, the rulemaking record associated with the ESP timely renewal provisions is silent as to why the NRC chose 12 months as the appropriate timeframe for NRC review of a renewal application. Nor did the Commission seem to consider what risks, if any, might be present by allowing an ESP to continue to remain active beyond its expiration date pending the NRC's review. But unlike the potential for concerns associated with allowing a facility to continue to operate even with an expired license, there is no facility or active application referencing the ESP. The lack of safety or security risk associated with allowing an ESP to remain active beyond the expiration date pending NRC review does not appear to be a material circumstance that was considered when the Commission issued the timely renewal requirements for ESPs.

Additionally, it would be in the public interest to grant this exemption. As described above, the economic and energy policy environments continue to evolve, and that evolution may influence Entergy's assessment of the feasibility of a new nuclear project at the ESP site. These dynamic market and political conditions constitute material circumstances that were not specifically considered when 10 CFR 2.109(c) and 10 CFR 52.29 became effective. It is in the public interest to grant the exemption based on these new and material circumstances, because it would allow for more prudent use of Entergy and NRC resources while having no impact on public health and safety. In addition, the proposed exemption is consistent with the intent of the ADVANCE Act of 2024 to modernize the regulatory framework and spur the deployment of advanced reactors. The proposed exemption ensures efficient use of Entergy and NRC resources in a manner that does not unnecessarily limit the civilian use or deployment of nuclear energy or its benefits to society.

5.0 ENVIRONMENTAL CONSIDERATION

Entergy has determined that the proposed exemption request meets the categorical exclusion provision in 10 CFR 51.22(c)(25). Specifically, the requested licensing action is an exemption from the requirements of the Commission's regulations and (1) there is no significant hazards consideration; (2) there is no significant change in the types or significant increases in the amounts of any effluents that may be released offsite; (3) there is no significant increase in individual or cumulative occupational radiation exposure; (4) there is no significant construction impact; (5) there is no significant increase in the potential for or consequences from radiological

accidents; and (6) the requirements from which an exemption is sought involve scheduling requirements and other requirements of an administrative nature.

Therefore, in accordance with 10 CFR 51.22(b), no environmental assessment or environmental impact statement needs to be prepared in connection with the proposed exemption request.

5.1 No Significant Hazards Consideration Analysis

Entergy has evaluated the proposed exemption using the criteria in 10 CFR 50.92, "Issuance of amendment," and has determined that the proposed exemption does not involve a significant hazards consideration. The following information is provided to support a finding of no significant hazards consideration.

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No

The proposed exemption would allow Entergy to submit the ESP-002 renewal application less than 12-months before expiration of the existing permit, while still maintaining timely renewal protection under 10 CFR 2.109(c) and 10 CFR 52.29. The ESP does not allow construction of a new nuclear facility. Rather, the ESP is intended to be referenced in a future application for a CP under 10 CFR Part 50, or an application for a COL under 10 CFR Part 52. The accident analyses associated with the ESP was based on source term parameters using surrogate reactor characteristics, in conjunction with specific site characteristics, for the purpose of assessing the suitability of the proposed ESP site. The conclusions of the accident analyses are subject to confirmation at the COL or CP stage. The proposed exemption only affects the timeframe for submitting the ESP-002 renewal application. Therefore, the proposed exemption does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No

The proposed exemption would allow Entergy to submit the ESP-002 renewal application less than 12 months before expiration of the existing permit, while still maintaining timely renewal protection under 10 CFR 2.109(c) and 10 CFR 52.29. The proposed exemption only affects the timeframe for submitting the ESP-002 renewal application. Therefore, the proposed exemption does not create the possibility of a new or different kind of accident from any accident previously analyzed.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No

The proposed exemption would allow Entergy to submit the ESP-002 renewal application less than 12 months before expiration of the existing permit, while still maintaining timely renewal protection under 10 CFR 2.109(c) and 10 CFR 52.29. Margin of safety is associated with confidence in the ability of the fission product barriers (i.e., fuel cladding, reactor coolant system pressure boundary, and containment structure) to limit the radiological dose to the public and control room operators in the event of an accident. The proposed exemption only affects the timeframe for submitting the ESP-002 renewal application. Therefore, the proposed exemption does not involve a significant reduction in a margin of safety. Based upon the reasoning presented above, Entergy concludes that the requested change involves no significant hazards consideration, as set forth in 10 CFR 50.92(c), "Issuance of Amendment."

- 5.2 There is no significant change in the type or significant increase in the amounts of effluents that may be released offsite

The proposed exemption only affects the timeframe for submitting the ESP-002 renewal application. The early site permit does not allow construction of a new nuclear facility. Rather, the early site permit is intended to be referenced in a future application for a CP under 10 CFR Part 50, or an application for a COL under 10 CFR Part 52. The proposed exemption will not cause any materials or chemicals to be introduced that could cause effluent release offsite. Therefore, the proposed exemption will result in no significant change to the types or significant increase in the amounts of any effluents that may be released offsite.

- 5.3 There is no significant increase in the cumulative public or occupational radiation exposure

The proposed exemption only affects the timeframe for submitting the ESP-002 renewal application. There are no changes that could lead to a significant increase in individual or cumulative occupational radiation exposure.

- 5.4 There is no significant construction impact

No construction activities are associated with the proposed exemption. The proposed exemption only affects the timeframe for submitting the ESP-002 renewal application.

- 5.5 There is no significant increase in the potential for or consequences from radiological accidents

See the no significant hazards considerations discussion in Section 5.1 above.

- 5.6 The requirements from which the exemption is sought involved § 51.22(c)(25)(vi)(G) and § 51.22(c)(25)(vi)(I)

The underlying purpose of the timely renewal requirement in 10 CFR 2.109(c) and 10 CFR 52.29 from which this exemption is sought is to protect a licensee who is engaged in an

ongoing licensed activity and who has complied with agency rules in applying for a renewed or new license from facing license expiration as the result of delays in the administrative process. The requested exemption, if granted, would allow Entergy to submit the early site permit renewal application with less than 12-months remaining before expiration of the permit while maintaining the protections of the timely renewal provision in 10 CFR 2.109(c) and 10 CFR 52.29, and allowing sufficient time for NRC review of the renewal application.

6.0 CONCLUSIONS

As demonstrated above, this request for an exemption from the requirements of 10 CFR 2.109(c) and 10 CFR 52.29 meets the criteria of 10 CFR 52.7 and 10 CFR 50.12 for specific exemptions. Specifically, the requested 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. In addition, the special circumstances described in 10 CFR 50.12(a)(2)(ii) and (vi) are present and warrant issuance of the exemption.

7.0 REFERENCES

1. Letter from W.A Eaton (SERI) to US NRC, "Early Site Permit Application (ML032960373), dated October 16, 2003.
2. Letter from D.B. Matthews (US NRC) to W.A. Eaton (SERI), "Issuance of Early Site Permit (ESP) for System Energy Resources, Inc. – Grand Gulf ESP Site (ESP-002)" (ML070780457), dated April 5, 2007.
3. SRM-SECY-24-0083, "Mission Statement Update Options Pursuant to Subsection 501(a) of the ADVANCE Act of 2024" (ML25024A040), dated January 24, 2025.