



September 15, 2026
BE-POV-LCNRG-LET-5002

10 CFR 50.12(b)
10 CFR 50.10(a)(1)

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

Project No.: 99902137

Subject: Submittal of Exemption Request from Activities Defined as Construction in 10 CFR 50.10(a)(1)

References: 1. Blue Energy Global Inc., "Submittal of Construction Permit Application Part 1: Limited Work Authorization Application and Exemptions in Support of the Blue Energy Center – Port of Victoria Nuclear Unit 1," Enclosure 2, "Preliminary Safety Analysis Report," September 2026.

2. Blue Energy Global Inc., "Submittal of Construction Permit Application Part 1: Limited Work Authorization Application and Exemptions in Support of the Blue Energy Center – Port of Victoria Nuclear Unit 1," Enclosure 3, "Limited Work Authorization Environmental Report," September 2026.

3. Blue Energy Global Inc., "Submittal of Construction Permit Application Part 1: Limited Work Authorization Application and Exemptions in Support of the Blue Energy Center – Port of Victoria Nuclear Unit 1," Enclosure 7, "Redress Plan," September 2026.

In accordance with the requirements of Title 10 of the Code of Federal Regulations (10 CFR) 50.12, "Specific Exemptions," Blue Energy Global Inc. (Blue Energy, the Applicant), on behalf of itself, as the controlling applicant, and Sister 1 LLC, as owner of the project, hereby submits the enclosed exemption request from the requirements of 10 CFR 50.10, *License required; limited work authorization*, specifically activities defined as construction in 10 CFR 50.10(a)(1) at the Blue Energy Center – Port of Victoria (BECPV) site prior to the issuance of a construction permit for BECPV Nuclear Unit 1 (BECPV-N01, the Project).

This exemption request, pursuant to 10 CFR 50.12(b), would allow the Applicant to conduct driving of piles, subsurface preparation, placement of backfill, concrete, or permanent retaining walls within an excavation, installation of foundations, or in-place assembly,





erection, fabrication, or testing, related to specified balance-of-plant (BOP) structures, systems, and components (SSCs) that are not classified as safety-related, prior to the issuance of a Construction Permit (CP). Some BOP SSCs meet the definition of “construction” in 10 CFR 50.10(a)(1). The purpose of 10 CFR 50.10(a)(1) is to identify which SSCs have a reasonable nexus to reactor safety, security, or emergency preparedness and allow the NRC to monitor early activities significant to reactor safety. Application of the regulation in this circumstance is not necessary to achieve the underlying purpose of the rule and 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.

Although the BOP will initially be part of a CCGT plant, the Applicant is requesting this proposed exemption to help mitigate the perceived regulatory and financial risks associated with early construction of the BOP SSCs. The Applicant may elect to transition existing BOP SSCs from a combined-cycle gas turbine (CCGT) plant, which the NRC has no purview over, to a BWRX-300 nuclear plant. This exemption request also maintains consistency with the intent of the regulations because some BOP SSCs would meet the criteria in 10 CFR 50.10(a)(1) when transitioned to nuclear plant operations.

The exemption request is permissible under 10 CFR 50.12 because it is authorized by law, will not present an undue risk to the public health and safety, is consistent with the common defense and security, and special circumstances are present. Moreover, there are no significant adverse effects to the environment resulting from specified activities related to the BOP SSCs.

Enclosure 1 contains the proprietary version of the exemption request. The non-proprietary version of this document is found in Enclosure 2. Attached to this enclosure is the proprietary Implementation of BE-BOPTR-02-P-A, "Resequencing BOP and Nuclear Island – Construction for Blue Energy Deployments Topical Report". Due to the extensiveness of proprietary information in this attachment, a non-proprietary version of this document is not included.

Enclosure 3 contains an Affidavit pursuant to 10 CFR 2.390.

The Applicant provided relevant sections of the Preliminary Safety Analysis Report (PSAR) as part of Enclosure 2 to its Construction Permit Application (CPA) Part 1 submittal (Reference 1). These sections are shown in Table 1. However, the Applicant is not requesting the NRC to approve the BOP design as part of this exemption request or CPA



Part 1. The Applicant also understands that issuance of an exemption shall not be deemed to constitute a commitment to issue a construction permit. The BOP design will be updated, if necessary, and included for NRC review as part of CPA Part 2. The Applicant also previously submitted a Limited Work Authorization Environmental Report (Reference 2) and Redress Plan (Reference 3), as part of its CPA Part 1, that are referenced within this enclosed exemption request.

Table 1: Crosswalk between Submittals and Applicable PSAR References

Submittal	Applicable PSAR References
Exemption Request from Activities Defined as Construction in 10 CFR 50.10(a)(1) and Implementation of BE-BOPTR-02-P-A, "Resequencing BOP and Nuclear Island – Construction for Blue Energy Deployments Topical Report"	Section 3.1, "Conformance with U.S. Nuclear Regulatory Commission General Design Criteria" Section 3.8, "Design of Category I Structures" Appendix 3A, "Safety Class, Quality Group, and Seismic Category Classification" Chapter 5, "Reactor Coolant System and Connected Systems" Chapter 7, "Instrumentation and Controls" Chapter 8, "Electric Power" Section 9.2, "Water Systems" Section 9.3, "Process Auxiliaries" Section 9.4, "Air Conditioning, Heating, Cooling, and Ventilation Systems" Section 9.5, "Other Auxiliary Systems" Chapter 10, "Steam and Power Conversion System" Chapter 11, "Radioactive Waste Management" Chapter 15, "Safety Analyses"

The Applicant requests that the NRC establish a review schedule that supports granting the exemption before October 1, 2027.

If you have questions regarding this submittal, please contact Antonios Zoulis, Blue Energy Director of Licensing, at Antonios@blueenergy.co.



I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 15, 2026.

Respectfully,

A handwritten signature in blue ink, appearing to read "C.J. Fong", written over a dashed horizontal line.

C.J. Fong, P.E.

Vice President, Regulatory Affairs

Blue Energy

Attachments:

- A. BE-POV-LCNRG-LIC-5008-P - Implementation of BE-BOPTR-02-P-A, "Resequencing Balance-of-Plant and Nuclear Island Construction for Blue Energy Deployments Topical Report"

Enclosures:

- 1. BE-POV-LCNRG-LIC-5004-P - Exemption Request from Activities Defined as Construction in 10 CFR 50.10(a)(1)
- 2. BE-POV-LCNRG-LIC-5004-NP - Exemption Request from Activities Defined as Construction in 10 CFR 50.10(a)(1)
- 3. BE-POV-LCNRG-LET-5003 - Affidavit Letter - Request for Withholding

CC:

Jeff Rady, Branch Chief, Advanced Reactor Licensing Branch 4

Chris Cook, Branch Chief, Advance Reactor Science Branch 4

Prosanta Chowdhury, Senior Project Manager, Advanced Reactor Licensing Branch 4

Marjorie McLaughlin, Project Manager, Advanced Reactor Licensing Branch 4