



September 15, 2026
BE-POV-LCNRG-LET-5004

10 CFR 50.12(b)
10 CFR 50.10(c)

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

Project No.: 99902137

**Subject: Submittal of Exemption Request to Allow Installation of Select
Fire-Protection-Related Structures, Systems, and Components**

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 to allow installation of select fire-protection-related structures, systems, and components (SSCs) 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).

In accordance with 10 CFR 50.10(a)(1)(vi), SSCs necessary to comply with 10 CFR 50.48, Fire Protection, and General Design Criterion 3 of 10 CFR Part 50, Appendix A, meet the



definition of “construction.” Thus, the Applicant is prohibited by 10 CFR 50.10(c) from installing a fire protection system (FPS) for a nuclear plant without a construction permit. Pursuant to 10 CFR 50.12(b), the Applicant is requesting an exemption related to 10 CFR 50.10(c), “Requirement for construction permit, early site permit authorizing limited work authorization activities, combined license, or limited work authorization,” to allow the installation of the portions of the fire protection system (FPS) needed to protect the balance-of-plant (BOP) SSCs that will support combined-cycle gas turbine (CCGT) plant operations before the Project transitions to nuclear operations.

The Applicant acknowledges that the CCGT plant is not within the jurisdiction of the NRC and is not requesting the NRC to review any information associated with the CCGT plant. Although the FPS 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 FPS and BOP SSCs and to be consistent with the intent of the regulations. The Applicant also understands that issuance of an exemption shall not be deemed to constitute a commitment to issue a construction permit.

The purpose of 10 CFR 50.10(c) is to prohibit onsite construction activities that have a reasonable nexus to nuclear safety or security prior to issuance of a construction permit. Application of 10 CFR 50.10(c) would delay the Project schedule and not serve the purpose of the rule because the BWRX-300 safety-related SSCs will not be installed until after the issuance of a construction permit.

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 installation of the FPS. However, the Applicant’s position is that the scope of this exemption request is not subject to 10 CFR Part 51 currently, because the FPS will initially be part of the CCGT plant.

Enclosure 1 contains the proprietary version of the exemption request. The non-proprietary version of this document is found in Enclosure 2.

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). Specifically, PSAR Table 3A-1, “Preliminary BWRX-300 Component



Classification List,” Section 9.5.1, Fire Protection System, and Appendix 9A, Fire Hazards Analysis, in that submittal, include information necessary for context to support this exemption request, as these sections describe the FPS and its requirements. However, the Applicant is not requesting the NRC to approve the FPS design as part of this exemption request or CPA Part 1. The FPS 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.

The Applicant requests that the NRC establish a review schedule that supports granting the exemption before October 1, 2027. The Applicant considers the requested timeline to be reasonable given that this is a single discipline review to allow construction, entirely at the Applicant’s risk, of BWRX-300 SSCs categorized as “non-seismic” and nonsafety-related that have recently been reviewed for the Clinch River Nuclear site, and the scope of the review is extremely limited because the staff will not need to review the design of the FPS.

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,

C.J. Fong, P.E.

Vice President, Regulatory Affairs

Blue Energy

Enclosures:

1. BE-POV-LCNRG-LIC-5005-P - Exemption Request to Allow Installation of Select Fire Protection Related Structures, Systems, and Components



2. BE-POV-LCNRG-LIC-5005-NP - Exemption Request to Allow Installation of Select Fire Protection Related Structures, Systems, and Components
3. BE-POV-LCNRG-LET-5005 - Affidavit Letter - Request for Withholding

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