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November 17, 2026
XO1-26-025

10 CFR 50.12
10 CFR 2.101(a)(5)

ATTN: Document Control Desk
US Nuclear Regulatory Commission
Washington, DC 20555-0001

Cascade Advanced Energy Facility
NRC Docket No. 99902130

Subject: Request for Exemptions from Certain Requirements of 10 CFR 2.101(a)(5)

In accordance with the provisions of Title 10 of the *Code of Federal Regulations* (10 CFR) 50.12, "Specific Exemptions," Energy Northwest New Nuclear, LLC (ENNN) requests certain exemptions from portions of 10 CFR 2.101, "Filing of application." ENNN intends to submit a Construction Permit Application (CPA) in two parts in accordance with the provisions of 10 CFR 2.101(a)(5). The exemptions described below would provide for flexibility related to the sequence of the submittals of the Preliminary Safety Analysis Report (PSAR) and the Environmental Report (ER) associated with ENNN's CPA to license Small Modular Reactor(s) (SMR) at Cascade Advance Energy Generating Station (Cascade Station). The exemptions do not seek any relief from the technical requirements to be addressed by the CPA.

ENNN is requesting two exemptions from that portion of 10 CFR 2.101(a)(5) which states, *"[w]hichever part is filed first shall also include the fee required by § 50.30(e) or § 53.1100(e) and § 170.21 of this chapter and the information required by §§ 50.33, 50.34(a)(1), and 52.79(a)(1) of this chapter; or §§ 53.1109, 53.1309, and 53.1416 of this chapter, as applicable, and § 50.37 or § 53.1115, as applicable, of this chapter."* The following information is requested to be exempted from submittal in the first part of the CPA, and instead submitted in the second part of the CPA:

1) 10 CFR 50.34(a)(1) (PSAR)
2) 10 CFR 50.33(f) (Financial Qualification)

ENNN expects to be prepared to submit the ER to the U.S. Nuclear Regulatory Commission prior to the information required by 10 CFR 50.34(a)(1) (PSAR) and 10 CFR 50.33(f) (Financial Qualification). Because 10 CFR 2.101(a)(5) requires that the information required by 10 CFR 50.34(a)(1) and 10 CFR 50.33(f) be submitted in "whichever part is filed first," the regulation would prevent ENNN from utilizing the two-part submittal process outlined in 10 CFR 2.101(a)(5). These exemptions from 10 CFR 2.101(a)(5) would allow ENNN to submit the ER required by 10 CFR 50.30(f) in the first part of the CPA.

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The requested exemptions are permissible under 10 CFR 50.12 because they are authorized by law, will not present an undue risk to public health and safety, are consistent with the common defense and security, and present special circumstances. More specifically, consistent with 10 CFR 50.12(a)(2)(ii), application of the portions of regulation from which the exemptions are sought is not necessary to achieve the underlying purpose of the regulation. Based on the procedural nature of these exemption requests, these exemptions would not have an effect on the quality of human health or the environment.

Enclosure 1 to this submittal provides details regarding the requested exemptions from the specific provisions of 10 CFR 2.101(a)(5) identified above.

ENNN requests review and approval of the requested exemptions by December 18, 2026, to support the submittal of the first part of the CPA.

This letter contains no commitments. If you have any questions or need any additional information, please contact Nathan Clark at ndclark@energy-northwest.com or (509) 377-6069.

Sincerely,

DocuSigned by:
Lisa Williams
5B50974E99CD41E...

Lisa Williams
Operations, Licensing, Environmental Manager, Nuclear Development

Enclosures:
1) Request for Exemptions from Certain Requirements of 10 CFR 2.101(a)(5)

cc:
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Enclosure 1

Request for Exemptions from Certain Requirements of 10 CFR 2.101(a)(5)

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Request for Exemptions from Certain Requirements of 10 CFR 2.101(a)(5)

1.0 Description of Requirements and Exemptions

In accordance with Title 10 of the *Code of Federal Regulations* (10 CFR), Energy Northwest New Nuclear, LLC (ENNN) is applying for a Construction Permit Application (CPA) to license Small Modular Reactor(s) (SMR) at the Cascade Advance Energy Generating Station (Cascade Station) under the provisions of Part 50 in accordance with the requirements of Section 2.101(a)(5). ENNN is pursuing certain exemptions in accordance with provisions of Part 50, Section 12 (10 CFR 50.12), "Specific Exemptions." These exemption requests do not seek any relief from the technical requirements to be addressed by the CPA.

ENNN requests certain exemptions from the portion of 10 CFR 2.101, "Filing of application," paragraph (a)(5), which states, "*[w]hichever part is filed first shall also include the fee required by § 50.30(e) or § 53.1100(e) and § 170.21 of this chapter and the information required by §§ 50.33, 50.34(a)(1), and 52.79(a)(1) of this chapter; or §§ 53.1109, 53.1309, and 53.1416 of this chapter, as applicable, and § 50.37 or § 53.1115, as applicable, of this chapter.*" The following exemptions to this requirement are requested:

- **Exemption from including 10 CFR 50.34(a)(1) (PSAR) in the first part of the CPA**
  ENNN is requesting an exemption from the requirement of 10 CFR 2.101(a)(5) that the first part of its CPA must include the description and safety assessment of the site. Based on ENNN's current schedule for the development of the PSAR and ER, ENNN expects to be prepared to submit the ER to the U.S. Nuclear Regulatory Commission (NRC) prior to the information required by 10 CFR 50.34(a)(1) (PSAR). Because 10 CFR 2.101(a)(5) requires that the information required by 10 CFR 50.34(a)(1) be submitted in "whichever part is filed first," the regulation, as currently written, would prevent ENNN from utilizing the two-part submittal process outlined in 10 CFR 2.101(a)(5).

- **Exemption from including 10 CFR 50.33(f) (Financial Qualification) in the first part of the CPA**
  ENNN is requesting an exemption from the requirement of 10 CFR 2.101(a)(5) that the first part of its CPA must include information related to demonstrating the financial qualification of the applicant. Based on ENNN's current schedule for the development of the PSAR and ER, ENNN expects to be prepared to submit the ER to the NRC prior to the information required by 10 CFR 50.33(f) (Financial Qualification). Because 10 CFR 2.101(a)(5) requires that the information required by 10 CFR 50.33(f) be submitted in "whichever part is filed first," the regulation, as currently written, would prevent ENNN from utilizing the two-part submittal process outlined in 10 CFR 2.101(a)(5).

Upon approval of the exemptions, ENNN will submit a CPA in two parts, in accordance with the provisions of 10 CFR 2.101(a)(5). The requested exemptions would allow ENNN to submit the ER required by 10 CFR 50.30(f) in the first part of the CPA, preceding the information required by both 10 CFR 50.34(a)(1) (PSAR) and 10 CFR 50.33(f) (Financial Qualification), which would both be submitted in the second part of the CPA.

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2.0 Regulatory Evaluation

ENNN will be an applicant for a construction permit under 10 CFR Part 50 for a utilization facility subject to 10 CFR 50.22 thereby meeting the prerequisite conditions stipulated in 10 CFR 2.101(a)(5) for the use of the two-part submittal allowance. The requirements of 10 CFR 2.101(a)(5) address the content of both parts of a two-part application stating that "*[o]ne part shall be accompanied by the information required by 10 CFR 50.30(f)* [Environmental Report]," while "*[t]he other part shall include information required by 10 CFR 50.34(a)* (PSAR) *and, if applicable, 10 CFR 50.34a*." The requirements of 10 CFR 2.101(a)(5) also state that whichever part is filed first shall contain the following as part of the submittal:

- The filing fee required by 10 CFR 50.30(e) and 10 CFR 170.21;
- The general information required by 10 CFR 50.33;
- The description and safety assessment of the site required by 10 CFR 50.34(a)(1) (PSAR); and
- The agreement limiting access to Classified Information required by 10 CFR 50.37.

The underlying purpose of 10 CFR 2.101(a)(5) is to facilitate the CPA process by allowing applicants to submit an application for a construction permit in two parts, as long as the first submission contains the information listed in the preceding bullets and submission of one part of the CPA does not precede or follow the other by longer than six months. The provisions for two-part CPA submittals were added as an amendment to the regulations of 10 CFR Part 2 on April 24, 1974, in the Federal Register. The intent of this final rule was to "*reduce the time required to bring on line nuclear power plants which satisfy all environmental and safety requirements.…[and remove] unnecessary obstacles to the construction of power plants needed to meet the nation's energy needs*" (Federal Register, 1974a).

3.0 Technical Evaluation

NRC approval of the requested exemptions will allow ENNN to submit the ER required by 10 CFR 50.30(f) in the first part of the CPA, prior to submitting the information required by 10 CFR 50.34(a)(1) (PSAR) and 10 CFR 50.33(f) (Financial Qualification). NRC approval of these exemptions will not affect the NRC's safety and environmental reviews of the CPA. Submitting the ER in advance of the PSAR and financial qualification will allow the NRC to initiate its environmental review at an earlier date, potentially allowing for an earlier completion. The two-part submittal will assist with facilitating the adoption of an environmental decision document by Washington State's Energy Facility Site Evaluation Council (EFSEC) in a timely manner that supports both the NRC and EFSEC's siting timelines. Issuance of a Site Certification Agreement by EFSEC is required prior to site preparation, nuclear construction, and operation. The applicant requests that the NRC begin its review and development of a draft environmental decision document upon submission of the ER. It is expected that the NRC's environmental decision document will be used by EFSEC to complete their site certification process, including adjudication under Washington Administrative Code 463-30, and that the adoption of the NRC's final environmental decision document and site certification will follow. Additionally, the full right of the public to participate in the licensing process will be maintained in accordance with the Commission's regulations.

ENNN proposes to submit the following information in the first part of the CPA to be filed:

- The filing fee required by 10 CFR 50.30(e) and 10 CFR 170.21;
- The general information required by 10 CFR 50.33, except 50.33(f);

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- The agreement limiting access to Classified Information required by 10 CFR 50.37; and
- The Environmental Report required by 10 CFR 50.30(f).

ENNN proposes submitting the following information in the second part of the CPA to be filed:

- The description and safety assessment of the site required by 10 CFR 50.34(a)(1) (this includes information prescribed in 10 CFR 50.34(a)(2) through (a)(8));
- Information required by 10 CFR 50.34a(a) and (b); and
- Information required by 10 CFR 50.33(f) (Financial Qualifications).

The proposed content of both parts of the CPA will be sufficient to allow for an efficient and thorough review.

4.0 Justification for Exemptions and Special Circumstances

In accordance with 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50 which are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. The Commission will not consider granting an exemption unless special circumstances are present. Given the dependency of docketing a CPA in accordance with 10 CFR 2.101(a), in order to satisfy other requirements of 10 CFR Part 50, ENNN has determined it is appropriate to evaluate these exemptions using the criteria of 10 CFR 50.12.

As discussed below, these exemption requests satisfy the following provisions of 10 CFR 50.12:

(1) The exemptions are authorized by law
The exemptions would allow ENNN to submit the ER required by 10 CFR 50.30(f) in the first part of the CPA, and defer the information required by 10 CFR 50.34(a)(1) and 10 CFR 50.33(f) to the second part of the CPA. The proposed exemptions would not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations. Therefore, the exemptions are authorized by law.

(2) The exemptions will not present an undue risk to public health and safety
The provisions of 10 CFR 2.101(a)(5) allow for either part of the CPA to be submitted first, as long as the first submission contains the information listed in Section 2.0 and submission of one part of the CPA does not precede or follow the other by longer than six months.

ENNN recognizes that conforming information may be included in both parts of the application. ENNN will maintain processes and procedures to identify and address any changes to the first part of the application that result from the ongoing development of the second part of the application. If necessary, ENNN will supplement the first part of the application to ensure conformance between information provided in the two parts of the application.

Based on the administrative nature of the exemption requests, as described above, no new accident precursors are created by allowing ENNN to defer submittal of the PSAR or financial qualification information required by 10 CFR 50.34(a) and 10 CFR 50.33(f) to the second part of the CPA. Thus, the probability and consequence of postulated accidents is not increased.

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The Commission will continue to have a full opportunity to conduct a complete and thorough safety and environmental review of the CPA, and the full right of the public to participate in the licensing process will be maintained in accordance with the Commission's regulations. The NRC will not issue the construction permit for the Cascade Station unless and until it makes the requisite findings under 10 CFR Parts 50 and 51. Therefore, there is no undue risk to public health and safety.

(3) The exemptions are consistent with the common defense and security

As discussed above, the proposed exemptions would allow ENNN to defer submittal of the PSAR required by 10 CFR 50.34(a) to the second part of the CPA. The order for submitting a construction permit application has no relation to security issues. Therefore, the common defense and security is not affected by these exemptions.

(4) Special circumstances are present, such that the exemption requests should be granted

In accordance with 10 CFR 50.12(a)(2), the NRC will not consider granting an exemption to its regulations unless special circumstances are present. As stipulated in 10 CFR 50.12(a)(2)(ii), special circumstances are present whenever application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule. The underlying purpose of 10 CFR 2.101(a)(5), as discussed previously, is to facilitate the application submittal process for construction permit applicants when it is in the interest of the public to remove unnecessary obstacles to meet the needs of the nation.

When 10 CFR 2.101(a)(5) was originally written, the regulation was intended to "*reduce the time required to bring on line nuclear power plants which satisfy all environmental and safety requirements*" (Federal Register, 1974b). As noted above, the requested exemptions would allow ENNN to submit the ER required by 10 CFR 50.30(f) in the first part of the CPA, prior to submitting the information required by 10 CFR 50.34(a)(1) and 10 CFR 50.33(f). Application of the rule, as written, could potentially prohibit the submittal of the ER required by 10 CFR 50.30(f) prior to submittal of the PSAR and financial qualification information, thereby delaying, rather than facilitating, the application submittal process, which would not serve the underlying purpose of the regulation.

NRC approval of these exemptions allow submittal of the ER in advance of the PSAR allowing the NRC to initiate its environmental review at an earlier date, thereby allowing for an earlier completion. The ability of ENNN and the NRC to disposition the environmental aspects of the CPA earlier will facilitate the licensing process. Specifically, the NRC's environmental decision document will be used by EFSEC to complete their site certification process, including adjudication under Washington Administrative Code 463-30, and that the adoption of the NRC's final environmental decision document and site certification will follow. Since approvals by both NRC and EFSEC are required prior to initiating construction of the Cascade Station, approval of the exemption requests will enable the deployment of civil nuclear energy technologies through efficient licensing consistent with the NRC's mission.

Therefore, because the application of the relevant portions of 10 CFR 2.101(a)(5) is not necessary to achieve the underlying purpose of this regulation, the special circumstances required by 10 CFR 50.12 for the granting of an exemption from 10 CFR 2.101(a)(5) exist.

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5.0 Precedent

In accordance with the provisions of Title 10 of the Code of Federal Regulations (10 CFR), Part 50, Section 12 (10 CFR 50.12), "Specific Exemptions," Tennessee Valley Authority (TVA) requested an exemption from portions of 10 CFR 2.101, "Filing of application," paragraph (a)(5). This exemption is contained in the TVA Letter NNP-23-003 to NRC, entitled "Request for Exemption from Certain Requirements of 10 CFR 2.101(a)(5)" (TVA, 2023).

TVA intended to submit a CPA for a SMR at the Clinch River Nuclear (CRN) Site in two parts, in accordance with the provisions of 10 CFR 2.101(a)(5). The requested exemption allowed TVA to submit the ER required by 10 CFR 50.30(f) in the first part of the CPA, preceding the information required by 10 CFR 50.34(a)(1) (PSAR), which would be submitted in the second part of the CPA. The requested exemption was intended to provide for flexibility related to the sequence of the submittal of the PSAR and the ER associated with TVA's CPA to license a SMR at the CRN Site. The exemption did not seek any relief from the technical requirements to be addressed by the CPA.

In response to the TVA letter dated August 17, 2023, entitled "Request for Exemption from Certain Requirements of 10 CFR 2.101(a)(5)," the NRC granted the exemption from a specific requirement of Title 10 of the Code of Federal Regulations (10 CFR), Section 2.101(a)(5), for TVA's CPA for the Clinch River Nuclear Site (NRC, 2023). Section 2.101(a)(5) contains the requirements for submitting a CPA under Part 50 in two parts, stating that information required by 10 CFR 50.34(a)(1) (a portion of the PSAR) must be submitted in "whichever part is filed first." The exemption permits TVA to submit the information required under 10 CFR 50.34(a)(1) as part of the second part of the application.

6.0 Environmental Assessment

The submission of a CPA in two parts in an order different than required by 10 CFR 2.101 is related to a scheduling requirement and is administrative in nature. These exemptions would not require additional information that assists the NRC Staff in addressing environmental considerations in accordance with 10 CFR 51.41.

7.0 Conclusion

ENNN has concluded, based on the information provided above, that the requested exemptions are authorized by law, will not present an undue risk to public health and safety, and is consistent with the common defense and security. Additionally, special circumstances are present. Based on the procedural nature of these exemption requests, ENNN has concluded that granting these exemptions would not have an effect on the quality of human health or the environment.

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8.0 References

Federal Register. (1974, April 24) a. Vol. 39, No. 80 (39 FR 14506), *Pre-Construction Permit Activities*, https://archives.federalregister.gov/issue_slice/1974/4/24/14505-14509.pdf#page=2, Accessed on November 16, 2026.

Federal Register. (1974, April 24) b. Vol. 39, No. 80 (39 FR 14508)

Tennessee Valley Authority (TVA). (2023, August 17). *Request for Exemption from Certain Requirements of 10 CFR 2.101(a)(5)*, (ADAMS Accession No. ML23229A569) [Letter NNP-23-003 to the U.S. Nuclear Regulatory Commission]

U.S. Nuclear Regulatory Commission (NRC). (2023, November 21). *Response to Tennessee Valley Authority Request for Exemption from Certain Requirements of Title 10 of The Code of Federal Regulations Section 2.101(a)(5)*, (ADAMS Accession No. ML23045A008), [NRC Letter to Tennessee Valley Authority]

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