

ichi Nuclear Power Plant in March 2011. Order EA-12-049 requires all licensees and construction permit holders to develop a three-phase approach for mitigating beyond-design-basis external events. The initial phase requires the use of installed equipment and resources to maintain or restore core cooling, containment, and spent fuel pool cooling. The transition phase requires providing sufficient, portable, onsite equipment and consumables to maintain or restore these functions until they can be accomplished with resources brought from off site. The final phase requires obtaining sufficient offsite resources to sustain those functions indefinitely. Order EA-12-049 also specified that the NRC would issue final interim staff guidance in August 2012, to provide additional details on an acceptable approach for complying with Order EA-12-049.

The original version of this ISG, which endorsed the original NEI 12-06, was issued on August 29, 2012. Revision 1 to JLD-ISG-2012-01 incorporated acceptable alternative approaches to compliance proposed by licensees, as well as the NRC's review strategy described in COMSECY-14-0037, "Integration of Mitigating Strategies for Beyond-Design Basis External Events and the Reevaluation of Flooding Hazards" (ADAMS Accession No. ML14238A616), which clarified the NRC's position on the interdependency of the mitigating strategies responses and the responses to the seismic and flooding reevaluations. The NRC has further revised this ISG in Revision 2 in order to include additional guidance regarding reevaluated seismic hazard information and changes based on lessons learned related to mitigating strategies implementation. This revised guidance will be publicly available and used by members of the industry to help develop their responses to Order EA-12-049, including impacts of the reevaluated seismic and flooding information, and by the NRC in its reviews of licensee strategies. On November 10, 2016 (81 FR 79056), the NRC requested public comments on draft Revision 2 to JLD-ISG-2012-01. The NRC received comments from seven stakeholders, which were considered in the development of the final Revision 2 to JLD-ISG-2012-01. The questions, comments, and NRC resolutions of those comments are contained in "NRC Responses to Public Comments: Revision 2 to JLD-ISG-2012-01, Compliance with Order EA-12-049, 'Order Modifying Licenses with Regard to Requirements for Mitigation Strategies for Beyond-Design-Basis

External Events'" (ADAMS Accession No. ML17005A187).

## II. Congressional Review Act

This ISG revision is a rule as defined in the Congressional Review Act (5 U.S.C. 801-808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

## III. Backfitting and Issue Finality

This ISG provides guidance on an acceptable method for implementing the requirements contained in Order EA-12-049. Licensees may voluntarily use the guidance in Revision 2 to JLD-ISG-2012-01 to demonstrate compliance with Order EA-12-049. Methods or solutions that differ from those described in this ISG may be deemed acceptable if they provide sufficient basis and information for the NRC to verify that the proposed alternative demonstrates compliance with Order EA-12-049.

Issuance of this ISG does not constitute backfitting as defined in section 50.109 of title 10 of the *Code of Federal Regulations* (10 CFR), "Backfitting" (the Backfit Rule), and is not otherwise inconsistent with the issue finality provisions in 10 CFR part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants."

Dated at Rockville, Maryland, this 19th day of April, 2018.

For the Nuclear Regulatory Commission.

**Anita L. Lund,**

*Director, Division of Licensing Projects, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

**[Docket Nos. 52-040 and 52-041; NRC-2009-0337]**

### Florida Power & Light Company; Turkey Point Units 6 and 7

**AGENCY:** Nuclear Regulatory Commission

**ACTION:** Notice of intent to enter into a modified indemnity agreement.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing a notice of intent to enter into a modified indemnity agreement with Florida Power & Light Company (FPL) to operate Turkey Point Units 6 and 7. The NRC is publishing notice of its intent to enter into an indemnity agreement which contains provisions different from the general form found in the NRC's regulations. A modification to the

general form is necessary to accommodate the unique timing provisions of a combined license (COL).

**DATES:** On April 5, 2018, the Commission authorized the Director of the Office of New Reactors to issue COLs to FPL to construct and operate Turkey Point Units 6 and 7. The modified indemnity agreement would be effective upon issuance of the COLs.

**ADDRESSES:** Please refer to Docket ID NRC-2009-0337 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2009-0337. Address questions about NRC dockets to Jennifer Borges; telephone: 301-287-9127; email: [Jennifer.Borges@nrc.gov](mailto:Jennifer.Borges@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

### FOR FURTHER INFORMATION CONTACT:

Manny Comar, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001; telephone: 301-415-3863, email: [Manny.Comar@nrc.gov](mailto:Manny.Comar@nrc.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Background

On April 5, 2018, the Commission authorized issuance of COLs to FPL for Turkey Point Units 6 and 7. These COLs would include a license pursuant to part 70 of title 10 of the *Code of Federal Regulations* (10 CFR), "Domestic Licensing of Special Nuclear Material." Pursuant to 10 CFR 140.20(a)(1)(iii), the NRC will execute and issue agreements of indemnity, effective on the date of a license under 10 CFR part 70, authorizing the licensee to possess and store special nuclear material at the site

of the nuclear reactor for use as fuel in operation of the nuclear reactor after issuance of an operating license for the reactor. The general form of indemnity agreement to be entered into by the NRC with FPL is contained in 10 CFR 140.92, "Appendix B—Form of indemnity agreement with licensees furnishing insurance policies as proof of financial protection."

## II. Request/Action

Pursuant to 10 CFR 140.9, the NRC is publishing notice of its intent to enter into an indemnity agreement that contains provisions different from the general form found in 10 CFR 140.92. Modifications to the general indemnity agreement are addressed in the following discussion.

## III. Discussion

The provisions of the general form of indemnity agreement in 10 CFR 140.92 address insurance and indemnity for a licensee that is authorized to operate as soon as an operating license is issued pursuant to 10 CFR part 50, "Domestic Licensing of Production and Utilization Facilities." FPL, however, has requested a COL pursuant to 10 CFR part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants," to construct and operate Turkey Point Units 6 and 7. Unlike an operating license, which authorizes operation of the facility as soon as the license is issued, a COL authorizes the construction and operation of the facility, and also includes a condition that bars operation until the Commission makes a finding pursuant to 10 CFR 52.103(g) that the acceptance criteria in the COL are met (also called a "§ 52.103(g) finding"). The COL holders are not required to maintain financial protection in the amount specified in 10 CFR 140.11(a)(4) before the § 52.103(g) finding is made, but must maintain financial protection in the amount specified by 10 CFR 140.13 upon receipt of a COL because the COL includes a license issued pursuant to 10 CFR part 70. Therefore, the provisions in the general form of indemnity agreement must be modified to address the timing differences applicable to COLs.

Modifications to the general form of indemnity agreement will reflect the timing distinctions applicable to COLs. In addition, other modifications and their intent are described below:

(1) References to Mutual Atomic Energy Liability Underwriters have been removed because this entity no longer exists.

(2) Monetary amounts have been updated to reflect changes that have been made to Section 170,

"Indemnification and Limitation of Liability," of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2210).

## IV. Conclusions

Accordingly, for the reasons discussed in this notice, and in accordance with 10 CFR 140.9, the NRC hereby provides notice of its intent to enter into an agreement of indemnity with FPL for Turkey Point Units 6 and 7 with the described modifications to the general form of indemnity.

Dated at Rockville, Maryland, this 19th day of April 2018.

For the Nuclear Regulatory Commission.

**Robert M. Taylor,**

*Acting Director, Division of New Reactor Licensing, Office of New Reactors.*

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52-040 and 52-041; NRC-2009-0337]

### Florida Power & Light Company; Turkey Point Units 6 and 7

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Combined licenses and record of decision; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has issued Combined License (COL) Nos. NPF-104 and NPF-105 to Florida Power & Light Company (FPL) for Turkey Point Units 6 and 7. In addition, the NRC has prepared a Summary Record of Decision (ROD) that supports the NRC's decision to issue the above-named COLs.

**DATES:** Combined License Nos. NPF-104 and NPF-105, became effective on April 12, 2018.

**ADDRESSES:** Please refer to Docket ID NRC-2009-0337 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2009-0337. Address questions about NRC dockets to Jennifer Borges; telephone: 301-287-9127; email: [Jennifer.Borges@nrc.gov](mailto:Jennifer.Borges@nrc.gov). For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly

available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). For the convenience of the reader, the ADAMS accession numbers are provided in a table in the "Availability of Documents" section of this document.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

### FOR FURTHER INFORMATION CONTACT:

Manny Comar, telephone: 301-415-3863, email: [Manny.Comar@nrc.gov](mailto:Manny.Comar@nrc.gov) regarding safety matters, and Alicia Williamson, telephone: 301-415-1878, email: [Alicia.Williamson@nrc.gov](mailto:Alicia.Williamson@nrc.gov) regarding environmental matters. Both are staff of the Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001.

### SUPPLEMENTARY INFORMATION:

#### I. Introduction

Under section 2.106 of title 10 of the *Code of Federal Regulations* (10 CFR), the NRC is providing notice of the issuance of COL Nos. NPF-104 and NPF-105 to FPL. Under 10 CFR 50.102(c), the NRC is providing notice of the Commission's Memorandum and Order documenting its final decision on the uncontested hearing, which serves as the ROD in this proceeding. With respect to the application for COLs filed by FPL, the NRC finds that the applicable standards and requirements of the Atomic Energy Act of 1954, as amended (AEA), and the Commission's regulations have been met. The NRC finds that any required notifications to other agencies or bodies have been duly made and that there is reasonable assurance that the facilities will be constructed and will operate in conformity with the license, the provisions of the AEA, and the Commission's regulations. Furthermore, the NRC finds that FPL is technically and financially qualified to engage in the activities authorized, and that issuance of the licenses will not be inimical to the common defense and security or to the health and safety of the public. Finally, the NRC has determined that the findings required by subpart A of 10 CFR part 51 have been made.