



NUCLEAR REGULATORY COMMISSION

[Docket No. 50-261; NRC-2025-0076]

Duke Energy Progress, LLC; H.B. Robinson Steam Electric Plant, Unit No. 2;

Exemption

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued an exemption, on its own initiative, from the regulation that would have required Duke Energy Progress, LLC (Duke) to submit an amendment to the application for subsequent renewal of Renewed Facility Operating License No. DPR-23 for H.B. Robinson Steam Electric Plant, Unit No. 2 (Robinson), each year following its submittal and at least 3 months before scheduled completion of the NRC review, that identifies any change to the current licensing basis of the facility that materially affects the content of the application during the NRC's review of that application. Due to this exemption, such amendments are no longer required for the Robinson subsequent license renewal application.

DATES: The exemption was issued on March 17, 2026.

ADDRESSES: Please refer to Docket ID NRC-2025-0076 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 <https://www.regulations.gov> and search for Docket ID NRC-2025-0076. Address questions about Docket IDs in Regulations.gov to Bridget Curran; telephone: 301-415-1003; email: Bridget.Curran@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 <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin ADAMS Public Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov.

- **NRC's PDR:** The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mark Yoo, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-8583; email: Mark.Yoo@nrc.gov.

SUPPLEMENTARY INFORMATION: The text of the exemption is attached.

Dated: March 19, 2026.

For the Nuclear Regulatory Commission.

Mark Yoo,
*Senior Project Manager,
License Renewal Projects Branch,
Division of New and Renewed Licenses,
Office of Nuclear Reactor Regulation.*

Attachment – Exemption

NUCLEAR REGULATORY COMMISSION

Docket No. 50-261

Duke Energy Progress, LLC

H.B. Robinson Steam Electric Plant, Unit No. 2

Exemption

I. Background.

Duke Energy Progress, LLC (Duke) is the holder of Renewed Facility Operating License No. DPR-23 for H.B. Robinson Steam Electric Plant, Unit No. 2 (Robinson). The license provides, among other things, that the licensee is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect. Robinson consists of one Westinghouse three-loop pressurized-water reactor with a licensed power level of 2,339 megawatts thermal and is located in Hartsville, South Carolina.

On April 1, 2025, Duke submitted to the NRC an application for subsequent renewal of Renewed Facility Operating License No. DPR-23 for Robinson, pursuant to title 10 of the *Code of Federal Regulations* (10 CFR) part 54, “Requirements for Renewal of Operating Licenses for Nuclear Power Plants,” requesting subsequent renewal for a period of 20 years beyond the current renewed facility operating license’s expiration date of July 31, 2030 (Agencywide Documents Access and Management System Accession No. ML25091A291). A final NRC decision on this application is expected on or about April 27, 2026.

The NRC’s regulations governing license renewal, which are applicable to the Robinson subsequent license renewal application, include 10 CFR 54.21, “Contents of application—technical information,” which at paragraph (b) states that “[e]ach year following submittal of the license renewal application and at least 3 months before scheduled completion of the NRC review, an amendment to the renewal application must be submitted that identifies any change to the CLB [current licensing basis] of the

facility that materially affects the contents of the license renewal application, including the FSAR [final safety analysis report] supplement.”

On May 23, 2025, the President issued Executive Order (EO) 14300 (90 FR 22587), “Ordering the Reform of the Nuclear Regulatory Commission,” and section 5(a) of EO 14300 directs the NRC, in part, to establish fixed deadlines for its evaluation and approval of license renewals. Specifically, the EO directs the NRC to establish “a deadline of no more than 1 year for final decision on an application to continue operating an existing reactor of any type, commencing with the first required step in the regulatory process.”

Pursuant to 10 CFR 54.15, “Specific exemptions,” exemptions from the requirements of 10 CFR part 54 may be granted by the Commission in accordance with 10 CFR 50.12, “Specific exemptions.” Pursuant to 10 CFR 50.12, the Commission may, upon application by an interested person or upon its own initiative, grant exemptions from its requirements when: (1) the exemptions 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; and (2) special circumstances are present. Under 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. Under 10 CFR 50.12(a)(2)(vi), special circumstances are also present whenever there is present any material circumstance not considered when the regulation was adopted for which it would be in the public interest to grant an exemption.

II. Action.

Based on the direction in EO 14300, its review of its regulations in 10 CFR part 54, and the specific circumstances of the Robinson subsequent license renewal application review, the NRC has determined that the granting of an exemption upon its own initiative, pursuant to 10 CFR 54.15 and 10 CFR 50.12, from the requirements of 10 CFR 54.21(b) with respect to the Robinson subsequent license renewal application is

warranted. Moreover, for the reasons explained below, the NRC has determined that the requirements of 10 CFR 54.15 and 10 CFR 50.12 are met. Therefore, an exemption from the requirements of 10 CFR 54.21(b) with respect to the Robinson subsequent license renewal application is granted.

III. Discussion.

The Exemption is Authorized by Law

The exemption would remove the 10 CFR 54.21(b) requirement for Duke to submit an amendment to the Robinson subsequent license renewal application, each year following its submittal and at least 3 months before scheduled completion of the NRC review, that identifies any change to the CLB of the facility that materially affects the content of the application during the NRC's review of that application. As previously stated, 10 CFR 54.15 and 10 CFR 50.12 allow the NRC to grant exemptions from the requirements of 10 CFR part 54, including 10 CFR 54.21(b), when the exemptions are authorized by law. The requirement of 10 CFR 54.21(b) is not required by the Atomic Energy Act of 1954, as amended (AEA), or any other law and granting an exemption from that requirement would not result in a violation of the AEA or the NRC's regulations. As explained in subsequent sections of this document, the exemption will not present an undue risk to the public health and safety and is consistent with the common defense and security. Therefore, the NRC finds that the exemption is authorized by law.

The Exemption Will Not Present an Undue Risk to the Public Health and Safety

The exemption would remove the 10 CFR 54.21(b) requirement for Duke to submit an amendment to the Robinson subsequent license renewal application, each year following its submittal and at least 3 months before scheduled completion of the NRC review, that identifies any change to the CLB of the facility that materially affects the content of the application during the NRC's review of that application. As previously stated, 10 CFR 54.15 and 10 CFR 50.12 allow the NRC to grant exemptions from the requirements of 10 CFR part 54, including 10 CFR 54.21(b), when the exemptions will not present an undue risk to the public health and safety.

The standards in 10 CFR 54.29, "Standards for issuance of a renewed license," that must be met before the Commission issues renewed licenses would not be affected by an exemption from 10 CFR 54.21(b). Moreover, the NRC staff has a robust process for reviewing how license renewal applications address the standards in 10 CFR 54.29 (and other relevant regulations). This process includes considering new information such as supplements to license renewal applications, of which Duke submitted two such supplements, by letters dated August 28, 2025 (ML25240B655), and October 1, 2025 (ML25274A131), as part of the NRC staff's determination of whether the standards for license renewal are met. For the Robinson subsequent license renewal, no further supplements are expected, and the NRC staff expects to complete its review of the Robinson subsequent license renewal application at approximately the same time that the annual amendment to the subsequent license renewal application would be due. This NRC staff review schedule is consistent with that directed by EO 14300 of one year for final decision on license renewal applications. Therefore, although Duke is required by 10 CFR 54.21(b) to submit amendments annually and at least 3 months before scheduled completion of the NRC review, these amendments would have no impact on the NRC staff's determination of whether the license renewal standards are met. Accordingly, the NRC finds that an exemption from the amendment requirement of 10 CFR 54.21(b) in this instance will not present an undue risk to the public health and safety.

The Exemption is Consistent with the Common Defense and Security

The exemption would remove the 10 CFR 54.21(b) requirement for Duke to submit an amendment to the Robinson subsequent license renewal application, each year following its submittal and at least 3 months before scheduled completion of the NRC review, that identifies any change to the CLB of the facility that materially affects the content of the application during the NRC's review of that application. As previously stated, 10 CFR 54.15 and 10 CFR 50.12 allow the NRC to grant exemptions from the requirements of 10 CFR part 54, including 10 CFR 54.21(b), when the exemptions are

consistent with the common defense and security. The NRC has determined that the exemption does not impact the common defense and security because the common defense and security is not within the scope of license renewal reviews, which, instead, focuses on the effects of aging on systems, structures, and components. When promulgating revisions to its license renewal rule in 1995 (60 FR 22461, 22463-64), the Commission re-affirmed its philosophy that the existing regulatory process is adequate to ensure that the licensing bases of all currently operating plants provide and maintain an acceptable level of safety such that their operation will not be inimical to the public health and safety or common defense and security. Therefore, the NRC finds that the exemption is consistent with the common defense and security.

Special Circumstances are Present

The exemption would remove the 10 CFR 54.21(b) requirement for Duke to submit an amendment to the Robinson subsequent license renewal application, each year following its submittal and at least 3 months before scheduled completion of the NRC review, that identifies any change to the CLB of the facility that materially affects the content of the application during the NRC's review of that application. As previously stated, 10 CFR 54.15 and 10 CFR 50.12 allow the NRC to grant exemptions from the requirements of 10 CFR part 54, including 10 CFR 54.21(b), when special circumstances are present. Special circumstances are present, in part, whenever: (1) 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 (10 CFR 50.12(a)(2)(ii)); and (2) there is present any other material circumstance not considered when the regulation was adopted for which it would be in the public interest to grant an exemption (10 CFR 50.12(a)(2)(vi)).

The underlying purpose of 10 CFR 54.21(b) is to ensure that the effect of changes to a renewal applicant's existing licensing basis is evaluated during the review of a renewal application (56 FR 64954). Since the promulgation of 10 CFR part 54 in 1991, the NRC has developed a robust, well-established process to review license

renewal applications, which is discussed in NUREG-1800, Revision 2, "Standard Review Plan for Review of License Renewal Applications for Nuclear Power Plants" (ML103490036). As part of that process, during its review of a license renewal application, the NRC staff routinely identifies and communicates to the renewal applicant any changes to the license renewal application that are needed to complete the NRC staff's review. During the NRC staff's review of the Robinson subsequent license renewal application, Duke submitted two supplements, by letters dated August 28, 2025 (ML25240B655), and October 1, 2025 (ML25274A131), that document changes to the Robinson subsequent license renewal application resulting from NRC staff feedback as part of the license renewal process. The NRC staff expects to finish its safety review of the Robinson subsequent license renewal application before Duke would have the opportunity to submit the annual and the three-months-before-scheduled-completion amendments required under 10 CFR 54.21(b). Because of the NRC's license renewal review process, the specific circumstances of the Robinson subsequent license renewal application review, and the schedule for the completion of that review, the application of the amendment requirement of 10 CFR 54.21(b) is not necessary in this instance to achieve the underlying purpose of that rule of ensuring that the effect of changes to a renewal applicant's existing licensing basis are evaluated during the review of a renewal application.

Furthermore, there is present a material circumstance not considered when 10 CFR 54.21(b) was adopted for which it would be in the public interest to grant an exemption. At the time that 10 CFR 54.21(b) was adopted, the NRC staff expected the review of a license renewal application to take three to four years. However, EO 14300 has since directed the NRC to complete license renewal reviews in one year. This direction is a material circumstance that, because it was issued in 2025, was necessarily not considered when the NRC adopted 10 CFR 54.21(b) in 1991 and decided to require amendments to license renewal applications at specific times. Additionally, it would be in the public interest to grant an exemption from the requirements of 10 CFR 54.21(b) with

respect to the Robinson subsequent license renewal application because, under the circumstances, they are not necessary.

On these bases, the NRC finds that the special circumstances of 10 CFR 50.12(a)(2)(ii) and 10 CFR 50.12(a)(2)(vi) are present.

Environmental Considerations

The exemption would remove the 10 CFR 54.21(b) requirement for Duke to submit an amendment to the Robinson subsequent license renewal application, each year following its submittal and at least 3 months before scheduled completion of the NRC review, that identifies any change to the CLB of the facility that materially affects the content of the application during the NRC's review of that application. The NRC has determined that this exemption does not have a significant effect on the human environment and, therefore, that a categorical exclusion under 10 CFR 51.22, "Criterion for categorical exclusion; identification of licensing and regulatory actions eligible for categorical exclusion or otherwise not requiring environmental review," is appropriate. Specifically, under 10 CFR 51.22(c)(25), categories of actions that are categorical exclusions include the granting of an exemption from the requirements of any NRC regulation, provided that: (i) there is no significant hazards consideration; (ii) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (iii) there is no significant increase in individual or cumulative public or occupational radiation exposure; (iv) there is no significant construction impact; (v) there is no significant increase in the potential for or consequences from radiological accidents; and (vi) the requirements from which the exemption is sought involve, in part, recordkeeping requirements, reporting requirements, or other requirements of an administrative, managerial, or organizational nature. As explained below, these criteria are satisfied for this exemption.

The criteria for determining whether an action involves no significant hazards consideration are found in 10 CFR 50.92(c). As discussed in this document, the exemption from 10 CFR 54.21(b) with respect to the Robinson subsequent license

renewal application would have no impact on the NRC staff's determination of whether the license renewal standards are met. Therefore, the exemption would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Additionally, the exemption would not change any manner in which the facility would operate; therefore, the exemption would not significantly change the types or significantly increase the amounts of any effluents that may be released offsite, would not significantly increase individual or cumulative public or occupational radiation exposure, would have no significant construction impact, and would not significantly increase the potential for or consequences from radiological accidents. Finally, the requirement from which the exemption is sought, 10 CFR 54.21(b), involves recordkeeping requirements, reporting requirements, or other requirements of an administrative, managerial, or organizational nature. Accordingly, the exemption from 10 CFR 54.21(b) meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(25). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of this exemption.

IV. Conclusions.

Accordingly, the Commission has determined that, pursuant to 10 CFR 54.15 and 10 CFR 50.12, the exemption from the requirements of 10 CFR 54.21(b) with respect to the Robinson subsequent license renewal application 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. Also, special circumstances are present. Therefore, the Commission hereby grants an exemption from the requirements of 10 CFR 54.21(b) and, accordingly, Duke is no longer required to submit an amendment to the Robinson subsequent license renewal application, each year following its submittal and at least 3 months before scheduled completion of the NRC review, that identifies any change to

the CLB of the facility that materially affects the content of the application during the NRC's review of that application.

The exemption is effective upon issuance.

Dated: March 17, 2026.

For the Nuclear Regulatory Commission.

/RA/

Michele Sampson, Director,
Division of New and Renewed Licenses,
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