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October 13, 2009
L-2009-219
10 CFR 26.9
10 CFR 26.205

U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

RE: Turkey Point Units 3 and 4
Docket Nos. 50-250 and 50-251
Request for Exemption from Certain Requirements
of the Fitness for Duty Rule for Managing Fatigue

This letter provides a request for exemption from certain requirements of the Fitness for Duty Rule for Managing Fatigue. Specifically, the letter requests exemption from certain specified requirements of Part 26 during preparations for severe weather conditions. During severe weather conditions (i.e., tropical storm or hurricane force winds), adherence to all work hour controls requirements could impede a licensee's ability to use whatever staff resources may be necessary to prepare the site for a pending severe weather event and ensure that the plant reaches and maintains a safe and secure status.

Pursuant to 10 CFR 26.9, Florida Power and Light Co. (FPL) requests Nuclear Regulatory Commission approval of an exemption from the requirements of 10 CFR 26.205(c) and (d) for meeting work hour controls during preparations for severe weather conditions involving tropical storm or hurricane force winds. This exemption is similar to the exception from meeting the requirements of 10 CFR 26.205(c) and (d) during declared emergencies, as defined in the licensee's Emergency Plan.

Parts 26.205(c) and (d) establish requirements for work hours scheduling and work hour controls for individuals (covered workers) subject to these controls: Entry into a severe weather situation involving tropical storm or hurricane force winds can impose conditions similar to entry into the Emergency Plan where the imposition of work hour controls on vital personnel could impede the ability to focus on plant safety and security and may be detrimental to the health and safety of the public.

The Fitness for Duty Rule for Managing Fatigue, Subpart I to 10 CFR 26 that includes Sections 26.205(c) and (d), was required to be implemented by October 1, 2009. Turkey Point Units 3 and 4 are most vulnerable to tropical storms and hurricanes from June through November. Consequently, FPL requests that the NRC review this exemption request for acceptability at the earliest feasible date.

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As demonstrated in the attachment to this letter, the requested exemption:

- Is authorized by law;
- Will not endanger life or property or the common defense and security; and
- Is otherwise in the public interest.

This exemption from the Fitness for Duty Rule for Managing Fatigue is necessary until the Rule can be changed so that the exemption is no longer needed. When the Rule is changed and the exemption is no longer needed, FPL will submit a letter to the NRC stating that the exemption is no longer needed. This commitment is provided in Attachment 3 to this letter. There are no other licensee commitments in this letter.

The request for exemption from the requirements of 10 CFR 26.205(c) and (d) from meeting work hour controls during declarations of severe weather conditions involving tropical storm or hurricane force winds is attached.

If there are any questions regarding this request, please contact Robert Tomonto at (305) 246-7327.

Sincerely,



Michael Kiley
Site Vice-President
Turkey Point Nuclear Plant

Attachments

1. Request for Exemption from the Requirements of 10 CFR 26.205(c) and (d) for Meeting Work Hour Controls During Declarations of Severe Weather Conditions Involving Tropical Storm or Hurricane Force Winds
2. 10 CFR 26.205(c) and (d)
3. Commitment Summary

Attachment 1

**Request for Exemption from the
Requirements of 10 CFR 26.205(c) and (d)
for Meeting Work Hour Controls During Declarations of
Severe Weather Conditions Involving Tropical Storm or
Hurricane Force Winds**

**Request for Exemption from the Requirements
of 10 CFR 26.205(c) and (d)
for Meeting Work Hour Controls
During Declarations of Severe Weather Conditions
Involving Tropical Storm or Hurricane Force Winds**

1.0 Purpose

This enclosure provides supporting justification pursuant to 10 CFR 26.9 for an exemption from the requirements of 10 CFR 26.205(c) and (d) from meeting work hour controls during preparation for severe weather conditions involving tropical storm or hurricane force winds.

Specifically, the exemption would only apply to severe weather conditions where tropical storm or hurricane force winds are predicted onsite requiring severe weather preparations and the possible sequestering of the Turkey Point storm crew. FPL would not need to meet the requirements of 10 CFR 26.205(c) and (d) from the time that severe weather preparations are commenced. This exemption would continue through storm crew sequestering until exit conditions are satisfied. The specific entry and exit conditions are specified in Section 3.0 of this enclosure. The exemption would only apply to individuals involved with severe weather preparations and storm crew personnel who perform duties identified in Parts 26.4(a)(1) through (a)(5). When sufficient personnel who perform duties identified in Parts 26.4(a)(1) through (a)(5) of 10 CFR are available to meet the requirements of 10 CFR 26.205(c) and (d), full compliance will be restored.

2.0 Background

Parts 26.205(c) and (d) to 10 CFR establish requirements for work hour scheduling and work hour controls for any individual who performs duties identified in Parts 26.4(a)(1) through (a)(5). The individuals performing these duties are referred to as "covered workers." Part 26.205(c) requires licensees to schedule the work hours of covered workers with the objective of preventing impairment from fatigue due to the duration, frequency, or sequencing of successive shifts. Part 26.205(d) provides for specific work hour controls as follows:

- Work hour limits over specified periods of time;
- Specified break periods; and
- Minimum days off averaged over a shift schedule.

Separate days off requirements are established for non-outage versus outage periods.

The complete text of Parts 26.205(c) and (d) to 10 CFR is provided in Attachment 2 to this correspondence.

Part 26.207(d) states that licensees need not meet the requirements of Parts 26.205(c) and (d) during declared emergencies, as defined in the licensee's emergency plan.

3.0 Discussion

Turkey Point Units 3 and 4 are located approximately 25 miles south of Miami on the east coast of Florida and have been impacted by numerous tropical storms and hurricanes since first placed into commercial operation. The Turkey Point hurricane plan includes severe weather preparations and augmented staffing for coping with tropical storms and hurricanes and is governed by approved plant procedures. The hurricane staffing procedure provides specific guidance for crew staffing levels and for the process of sequestering the storm crews. The hurricane staffing procedure includes provisions for augmented storm crew manning at the facility including the emergency response organization (ERO) to ensure the safe operation of the Turkey Point units during storm conditions. Site preparation activities in advance of the storm are governed by the severe weather preparations procedure and are equally important for ensuring the safe operation of the facility. These preparations are controlled via checklists for every plant department to ensure that the facility is properly secured for severe weather.

The Turkey Point hurricane staffing procedure provides direction for activation of the storm crew. The storm crew is activated upon the direction of the Emergency Coordinator, typically the site Plant General Manager or designee. This individual is qualified as an Emergency Coordinator during a declared emergency, as defined in the Turkey Point Units 3 and 4 Emergency Plan. The storm crew consists of enough individuals to man two 12-hour shifts of workers consisting of personnel from operations, maintenance, health physics, chemistry, engineering, and security to maintain the safe and secure operation of the facility. These crews include ERO personnel. The hurricane plan provides for bunking facilities in the protected area and/or power block that allows restorative sleep for the off-crew.

After the storm has passed, it is difficult to predict when relief personnel could return to the site based on the degree of surrounding infrastructure damage caused by the storm and the different locations that personnel chose to evacuate to avoid the storm. Typically, access to the area following storm damage is controlled by local government officials. The goal is to provide relief as soon as circumstances allow. When enough personnel are available to support meeting the requirements of Part 26.205(c) and (d), full compliance with the work hour rule can be restored. The Emergency Coordinator is in the best position to make this decision.

Based on the circumstances, Turkey Point is primarily concerned with the ability to meet rule requirements specified in Parts 26.205(d)(2)(ii) and 26.205(d)(3). Part 26.205(d)(2)(ii) requires that licensees ensure that covered individuals have, at a minimum, a 34-hour break in any 9-day period. Part 26.205(d)(3) requires that licensees ensure that covered individuals have, at a minimum, the number of days off specified. This is commonly referred to as the required

minimum days off averaged over a shift cycle. The only remedy provided by the Fatigue Management Rule, if these requirements can not be met, is granting a waiver under Part 26.207. The requirements for granting waivers are very specific and manpower intensive.

The NRC recognizes that there are special circumstances where the requirements of Parts 26.205(c) and (d) can not be met. Regarding plant emergencies, the NRC stated the following when publishing the Final Fitness for Duty Rule:

Section 26.207(d) [Plant emergencies] adds the potential to temporarily waive the requirements of § 26.205(c) and (d) during declared emergencies, as defined in the licensee's emergency plan." "Plant emergencies are extraordinary circumstances that may be most effectively addressed through staff augmentation that can only be practically achieved through the use of work hours in excess of the limits of § 26.205(c) and (d). The objective of the temporary exemption is to ensure that the control of work hours and management of worker fatigue do not impede a licensee's ability to use whatever staff resources may be necessary to respond to a plant emergency and ensure that the plant reaches and maintains a safe and secure status. At the conclusion of the declared emergency, the rule would require licensees to again comply with the work hour controls.¹

The Turkey Point Emergency Plan requires the following declarations of emergencies in response to potentially destructive winds.

<u>Classification</u>	<u>Emergency Action Level</u>
Unusual Event	Confirmed hurricane warning is in effect
Alert	Confirmed hurricane warning is in effect and winds are expected to exceed 200 mph within the Owner Controlled Area.
Site Area Emergency	Plant not at cold shutdown and a confirmed hurricane warning is in effect and winds are expected to exceed 225 mph within the Owner Controlled Area.

¹ Federal Register, Volume 73, Number 62, Page 17148, March 31, 2008.

If a hurricane warning is in effect and the storm is projected to reach the site as a Category 1 or 2 Hurricane, then shutdown of the Units to Hot Standby (Mode 3) is commenced at least two (2) hours before the projected onset of sustained hurricane force winds at the site. Both Units will remain off-line for the duration of the hurricane force winds (or restoration of reliable offsite power).

If the storm is projected to reach the site as a Category 3, 4 and 5 Hurricane prior to landfall, the Units are shutdown, maintaining Reactor Coolant System average temperature between 343°F and 350°F, and steam generator pressure greater than 85 psig. The Residual Heat Removal System should be placed in service and the Auxiliary Feedwater System should be aligned and operable. These plant conditions are established at least two (2) hours before the projected onset of sustained hurricane force winds at the site and both units remain off-line for the duration of the hurricane force winds (or restoration of reliable offsite power).

Once a confirmed severe weather/tropical storm watch is likely based on National Hurricane Center projections, severe weather preparations are commenced. This is typically 72 hours prior to the projected onset of high winds at the site.

The Turkey Point Units 3 and 4 Emergency Plan termination criteria from a declared emergency are as follows depending upon the applicable condition:

A. From Recovery

- Repairs identified during the recovery phase are complete and the plant is ready to return to normal operations.

B. From Alert or Unusual Event

- The emergency condition no longer exists and the plant is ready to return to normal operations; or
- The emergency condition no longer exists, repair activities are minor, and the plant is in a stable shutdown mode.

After the storm has passed, the Emergency Operations Facility (EOF) Recovery Manager is responsible for initiating the recovery, if required. The recovery plan is complete upon establishing the following criteria:

A. The Onsite portion of the recovery phase may be terminated when any of the following items are met:

- The plant is ready to return to normal operations, or
- Repair activities are minor, the reactor is subcritical, and the plant is in a stable shutdown mode.

- B. The Offsite portion of the recovery phase may be terminated when the following is met:
- All Offsite-related Emergency Plan requirements are met or compensatory measures are in affect and approved by the NRC and FEMA.

The criteria are similar to the termination criteria from a declared emergency with the exception that there are offsite recovery phase criteria in recognition that a hurricane can cause severe damage to the infrastructure surrounding the site.

For purposes of this exemption request, the following proposed definitions will apply:

ENTRY CONDITION: This is the start time when any individual on site who performs duties identified in Parts 26.4(a)(1) through (a)(5) of 10 CFR will not have to meet the requirements of 10 CFR 26.205(c) and (d). This occurs when site preparations are commenced per the severe weather preparation procedure (confirmed tropical storm watch or warning, or confirmed hurricane watch or warning).

EXIT CONDITION: This is the time when Turkey Point must fully comply with the requirements of 10 CFR 26.205(c) and (d) following severe weather involving tropical storm or hurricane force winds. This date and time is determined by the Emergency Coordinator when sufficient personnel who perform duties identified in Parts 26.4(a)(1) through (a)(5) of 10 CFR are available to meet the requirements of 10 CFR 26.205(c) and (d).

EMERGENCY COORDINATOR: The Plant General Manager or his designee responsible for overseeing hurricane preparations and response activities. This person is a qualified Emergency Coordinator for the Turkey Point Units 3 and 4 Emergency Plan.

The entry condition is a clearly defined condition based on the predicted forecast by the National Weather Service.

The exit condition is clearly defined as the condition when sufficient personnel are available to meet the work hour requirements. The time that this condition occurs can not be based on such conditions as (1) a period of time after the storm has passed, (2) the plant is ready to restart, (3) or roads and surrounding infrastructure support a return to the area by relief personnel. The condition to achieve is that sufficient personnel are available to meet the work hour requirements. The station will be making every effort to re-establish this condition working through many possible variables. The Emergency Coordinator is in the best position to make this determination.

During the period that Turkey Point is requesting to be exempt from Parts 26.205(c) and (d), Turkey Point may meet the conditions for entering the Emergency Plan. Since Part 26.207(d) already states that licensees need not meet the requirements of Parts 26.205(c) and (d) during declared emergencies, there is no need for exemption for storm crew members during the period

of the declared emergency. However, this exemption should be applied to the period established by the entry and exit conditions defined above regardless whether the Emergency Plan is entered or not.

Activation of the storm crew could occur more than once a year and could last over several days. Nevertheless in the last five years at Turkey Point, severe weather preparation and/or augmented storm crew staffing has occurred for hurricanes (Frances, Ivan, Jeanne, Dennis, Katrina, Rita, Wilma and Ike) and tropical storms (Earl, Ernesto, Noel and Fay). The longest a storm crew was activated was for 2 to 3 days. It should be noted that activation of the storm crew is solely contingent on the severity of the storm and this is not predictable from season to season.

4.0 Analysis

The impact of severe weather involving tropical storm or hurricane force winds on nuclear power plant operations is difficult to predict. The unpredictability of the path and speed of advance of the storm could result in a short-notice manning of the storm crew without the ability to adhere to work hour controls. The plant may meet the criteria for declaring an emergency, as defined in the licensee's emergency plan, or may not meet the criteria. In either case, emergency preparedness would require the implementation of the site hurricane plan and the manning of the storm crew. After the storm has passed, offsite infrastructure damage may occur that would complicate and delay the ability of providing relief crews to storm crew personnel maintained onsite.

The impact on personnel manning for implementation of the site hurricane staffing and severe weather preparations is similar to entering the Emergency Plan. Plant staff resources are necessary to prepare for and respond to a tropical storm or hurricane threat that could escalate to a declared plant emergency. In addition, manning for a tropical storm or hurricane threat is complicated by the inability to readily move relief crews on and off site during the tropical storm or hurricane threat or after the passing of the storm depending on surrounding infrastructure damage. Implementation of the hurricane plan is an extraordinary circumstance that is most effectively addressed through staff augmentation that can only be practically achieved through the use of work hours in excess of the limits of § 26.205(c) and (d). The control of work hours should not impede the ability to ensure that the plant reaches and maintains a safe and secure status.

The exemption would only apply to severe weather conditions where tropical storm or hurricane force winds are predicted onsite requiring site severe weather preparation and the sequestering of the Turkey Point storm crew. Turkey Point would not need to meet the requirements of 10 CFR 26.205(c) and (d) from the time entry conditions are met as defined in Section 3 above until the time the exit conditions are met defined in Section 3 above.

The senior management official at Turkey Point acting in the capacity similar to the Emergency Coordinator, as defined in the Turkey Point Units 3 and 4 Emergency Plan, is designated as the

Emergency Coordinator in the Turkey Point hurricane staffing procedure. This individual is qualified as an Emergency Coordinator in the ERO.

Although an exemption from meeting all the requirements of 10 CFR 26.205(c) and (d) during severe weather preparation and storm crew activation is requested, opportunities for restorative sleep will be maintained. The hurricane plan provides for bunking facilities in the power block for the off-crew. Hence, it is expected that crews will be allowed a 12-hour break between successive work periods. Sufficient numbers of management and supervision are available on the storm crew to provide additional oversight for monitoring the effects of fatigue to ensure that the safety and security of the facility are maintained. In addition, it is anticipated that the work hour limits of Part 26.205(d)(1) will be maintained. Meeting rule requirements specified in Parts 26.205(d)(2)(ii) and 26.205(d)(3) is considered the primary challenge. Nevertheless, the storm crew may be faced with unforeseen challenges where it is prudent to request that Turkey Point be exempt from meeting all the requirements of 10 CFR 26.205(c) and (d) during storm crew activation to ensure that the plant reaches and maintains a safe and secure status.

The adequacy of the current hurricane plan procedure was reviewed. The following aspects were analyzed.

- Does the procedure provide guidance for severe weather site preparation activities, in addition to staffing and sequestering the storm crews?

Yes. The hurricane plan provides guidance on the typical storm crew roster.

- Does the procedure address shifts and rest opportunities?

Yes. The procedure provides for two 12-hour shifts of personnel plus an augmented Emergency Response Organization. The procedure delineates the location of bunking facilities within the power block for restorative rest for the off-shift crew.

- Does the procedure provide for rest of the storm crew prior to sequestering the crew?

No.

Other options rather than requesting an exemption from the Fatigue Management Rule were considered.

1. Waivers

The Fatigue Management Rule allows licensees to grant waivers of the work hour controls. To grant a waiver, an operations shift manager determines that the waiver is necessary to mitigate or prevent a condition adverse to safety, or a security shift manager determines that the waiver is necessary to maintain site security, or site senior-level manager with requisite

signature authority makes either determination. A supervisor assesses the individual face-to-face and determines that there is reasonable assurance that the individual will be able to safely and competently perform assigned duties during the additional work period for which the waiver will be granted. The supervisor must receive specific training and the bases for individual waivers must be documented. The face-to-face supervisor assessment may not be performed more than 4 hours before the individual begins performing any work under the waiver. There is no specified time for how long a waiver is effective, but from the requirements it is clear it is intended for a specific work activity, and not intended for large groups of personnel performing a number of activities.

It is estimated that the completion of a single waiver would require approximately twenty minutes. If a waiver is performed every 24 hours and considering that approximately 150 waivers would be required (see discussion on Option 3 below), approximately 50 man-hours would be required every 24 hours to complete this process. In addition, the process would be perfunctory because minimum manning requirements for ensuring the safety and security of the facility would necessitate a conclusion to approve the waiver. This is an impractical method to meet the Rule. Management focus on fatigue monitoring, without the distraction of processing waivers, is a more effective method.

The storm crew could be activated for a number of days. From the above requirements for granting a waiver, use of waivers is an impractical option for meeting the Fatigue Management Rule for controlling work hours because a large number of covered workers are impacted by the severe weather condition. The waiver option, in these circumstances, would impede the ability to focus on plant safety and security and may be detrimental to the health and safety of the public.

2. Allow for day off for storm crew personnel during sequestering

The strategy of allowing members of the storm crew to take a day off while sequestered to the site during storm crew activation was considered. Essentially, an individual would not be assigned any duties for the licensee during that day to facilitate meeting the requirements of Part 26.205(d)(2)(ii) and 26.205(d)(3). This option would only be available to a few members of our storm crew. For example, as stated in the following paragraph, Operations and Security would not be able to take advantage of this. Also, the option could be increasingly limited based on the severity of the storm and the response required.

3. Increase staffing for site preparation and storm crew manning

The minimum storm crew at Turkey Point consists of approximately 160 personnel from operations, security, maintenance, health physics, chemistry, and ERO personnel. Additional personnel are on-shift for the timeframe immediately preceding a tropical storm or hurricane to make the station ready for the impending weather.

The storm crew including the ERO is already a large population of individuals. Bunking and sanitary facilities are limited on site to accommodate this population of people and provide the opportunity for restorative sleep. Operations and Security are limiting groups. One additional crew for these two organizations would require approximately 60 additional personnel to be sequestered on site. Simply adding additional personnel to the storm crew to meet work hour controls is not practical. The additional people would still require the use of either Option 1 or Option 2. In addition, exposing additional personnel to the dangers of dealing with a tropical storm or hurricane as well as creating hardships on additional families to accommodate the rule is not reasonable.

4. Other regulatory processes

Rulemaking is a possible resolution path. Rulemaking will not meet the more immediate needs of Turkey Point. With the tropical storm season in progress, this request for an exemption is needed in the short term to provide the Turkey Point facility with the flexibility for managing a tropical storm or hurricane threat and personnel fatigue. FPL is engaged with industry stakeholders in addressing this issue on a generic basis.

5.0 Precedence

There is no precedent for this kind of an exemption request because the Fitness for Duty Rule for Managing Fatigue is a new rule that was required to be implemented by October 1, 2009. Although a number of licensees have sequestered crews during tropical storm and hurricane conditions, the standard technical specifications for work hour controls did not impose the more restrictive requirements of the new Rule that are the subject of this exemption request.

NUREG-1471, "Effect of Hurricane Andrew on the Turkey Point Nuclear Generating Station from August 20 – 30, 1992," dated March 1993, documents the events experienced at Turkey Point as a result of Hurricane Andrew. This event resulted in the invocation of the provisions of 10 CFR 50.54(x) that allows senior licensed personnel to take reasonable action that departs from a license condition or technical specification in an emergency when this action is immediately needed to protect the plant and the public safety and when no action consistent with license conditions and technical specifications that can give adequate and equivalent protection is immediately apparent. This provision was invoked by Turkey Point to relocate fire watch and security personnel for their personal safety during the hurricane.

NUREG-1471 report did not indicate that regulatory relief was required to extend work hours beyond limits. However, hurricane preparations were started on Friday, August 21, 1992. Preparations were extensive due to the material staged for the Unit 3 refueling outage, which was scheduled to begin on August 24, 1992. Additionally, since Turkey Point's main turbines and balance-of-plant supporting equipment are located on an open air turbine deck, it was necessary to have the plant secured well before the onset of winds that would prevent personnel from working outside. Two-hundred and thirty-five individuals remained at the plant during the

storm. At 0711 on Sunday, August 23, 1992, the station declared an Unusual Event. Hurricane Andrew arrived on site early Monday morning, August 24, 1992. As a result of the damage caused by Hurricane Andrew, access roads to the plant after the storm were blocked and access was not restored until Tuesday, August 25, 1992. Relief personnel and supplies for the individuals that remained on site during the storm could not be provided until access to the plant was restored. The Unusual Event was terminated on September 22, 1992.

As discussed above, severe weather preparations and augmented staffing for coping with tropical storms and hurricanes begin well in advance of the declaration of an Unusual Event and entry into an Emergency Plan Action Level. Therefore, it is necessary to obtain relief from the requirements of 10 CFR 26.205(c) and (d) from meeting work hour controls during preparation for severe weather conditions involving tropical storm or hurricane force winds, and after the severe weather conditions involving a tropical storm or hurricane until sufficient personnel are available to meet the requirements of 10 CFR 26.205(c) and (d).

6.0 Justification of Exemption

10 CFR 26.9, "Specific exemptions," states that the Nuclear Regulatory Commission may grant exemptions from the requirements of this part provided:

- The exemption is authorized by law;
- The exemption will not endanger life or property or the common defense and security; and
- The exemption is otherwise in the public interest.

The exemption would only apply to severe weather conditions where tropical storm or hurricane force winds are predicted onsite requiring severe weather preparations and activation and sequestering of the Turkey Point storm crew. Turkey Point would not meet the requirements of 10 CFR 26.205(c) and (d) from the time severe weather site preparation begins until exit conditions are satisfied. The exemption would only apply to individuals on the storm crew who perform duties identified in Parts 26.4(a)(1) through (a)(5) of 10 CFR. Turkey Point will fully comply with the requirements of 10 CFR 26.205(c) and (d) following severe weather involving tropical storm or hurricane force winds when sufficient personnel who perform duties identified in Parts 26.4(a)(1) through (a)(5) of 10 CFR are available to meet the requirements of 10 CFR 26.205(c) and (d). The date and time for full compliance will be determined by the Emergency Coordinator.

The criteria are satisfied as described below:

1. This exemption is authorized by law.

The NRC has the authority under the Atomic Energy Act of 1954, as amended, to grant exemptions from its regulations if doing so would not violate the requirements of law. This exemption is authorized by law as is required by 10 CFR 26.9. The provisions of 10 CFR 26 were adopted at the discretion of the Commission consistent with its statutory authority. No statute required the NRC to adopt the specific provisions from which Turkey Point seeks an exemption. Rather, the NRC may determine that alternative means are adequate to provide reasonable assurance of safety.

2. This exemption will not endanger life or property or the common defense and security.

The Fatigue Management Rule allows for licensees to not meet the requirements of Parts 26.205(c) and (d) during declared emergencies, as defined in the licensee's emergency plan. This exemption expands that allowance for severe weather conditions involving tropical storm or hurricane force winds that may or may not result in the declaration of an emergency. Although work hour controls would not need to be met during storm crew activation, sufficient manning is available to provide for restorative sleep of the shift crews. Additionally, sufficient numbers of management and supervision are available on the storm crew to provide additional oversight for monitoring the effects of fatigue ensuring the safety and security of the facility. Therefore, this exemption will not endanger life or property or the common defense and security.

3. This exemption is otherwise in the public interest.

This exemption request will only expand an exception already provided in the Fatigue Management Rule during declared emergencies to circumstances where severe weather conditions due to tropical storm or hurricane force winds require severe weather preparations and activation and sequestering of the Turkey Point storm crews. The exemption would seldom be needed, but in a unique set of circumstances is necessary to ensure that the control of work hours and management of worker fatigue does not impede the ability to use whatever staff resources may be necessary to respond to the severe weather threat and ensure that the plant reaches and maintains a safe and secure status. Therefore, the focus will be on nuclear safety and security and thus in the interest of public health and safety.

7.0 Environmental Assessment

Identification of the Proposed Action

This proposed exemption would allow Turkey Point Units 3 and 4 relief from the requirements of 10 CFR 26.205(c) and (d) from meeting work hour controls during preparation for severe weather conditions involving tropical storm or hurricane force winds. The exemption would only apply to severe weather conditions where tropical storm or hurricane force winds are predicted onsite requiring severe weather preparations and activation and sequestering of the Turkey Point storm crew. Turkey Point would not meet the requirements of 10 CFR 26.205(c) and (d) from the time severe weather site preparation begins until exit conditions are satisfied. The exemption would only apply to individuals on the storm crew who perform duties identified in Parts 26.4(a)(1) through (a)(5) of 10 CFR.

Need for the Proposed Action

Severe weather preparations and augmented staffing for coping with tropical storms and hurricanes begin well in advance of the declaration of an Unusual Event and entry into an Emergency Plan Action Level. Therefore, it is necessary to obtain relief from the requirements of 10 CFR 26.205(c) and (d) from meeting work hour controls during preparation for severe weather conditions involving tropical storm or hurricane force winds, and after the severe weather conditions involving a tropical storm or hurricane until sufficient personnel are available to meet the requirements of 10 CFR 26.205(c) and (d). The proposed exemption is necessary to ensure that the control of work hours and management of worker fatigue does not impede the ability to use whatever staff resources may be necessary to respond to the severe weather threat and ensure that the plant reaches and maintains a safe and secure status.

Environmental Impacts of the Proposed Action

The proposed exemption expands that allowance for severe weather conditions involving tropical storm or hurricane force winds that may or may not result in the declaration of an emergency. Although work hour controls would not need to be met during storm crew activation, sufficient manning is available to provide for restorative sleep of the shift crews. Additionally, sufficient numbers of management and supervision are available on the storm crew to provide additional oversight for monitoring the effects of fatigue ensuring the safety and security of the facility.

The proposed exemption will not significantly increase the probability or consequences of accidents. No changes are being made in the types of effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action. Accordingly, granting the proposed exemption would result in no significant radiological environmental impact.

With regard to potential non-radiological impacts, the proposed action does not have a potential

to affect any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action. Accordingly, FPL concludes that there are no significant environmental impacts associated with the proposed action.

Environmental Impacts of the Alternatives to the Proposed Action

The alternative to the proposed action would be denial of the proposed action (i.e., a "no-action" alternative). Denial of the proposed exemption would result in no change in current environmental impacts. Therefore, the environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

The proposed action does not involve the use of any different resources than those, previously considered in the Final Environmental Statement Related to the Operation of the Turkey Point Plant dated July 1972.

8.0 Conclusion

The requested exemption from meeting the requirements of 10 CFR 26.205(c) and (d) during severe weather preparations and storm crew activation in response to a tropical storm or hurricane threatening the site is justified to ensure that work hour controls do not impede a licensee's ability to use whatever staff resources may be necessary to respond to a severe weather threat and ensure that the plant reaches and maintains a safe and secure status. Entry and exit into the condition where the exemption will apply will be determined by a station senior manager qualified as Emergency Coordinator in the site Emergency Plan. Management and Supervision will provide additional oversight of personnel for signs of fatigue to ensure that safety and security of the facility is maintained. Turkey Point will fully comply with the requirements of 10 CFR 26.205(c) and (d) following severe weather involving tropical storm or hurricane force winds when sufficient personnel who perform duties identified in Parts 26.4(a)(1) through (a)(5) of 10 CFR are available to meet the requirements of 10 CFR 26.205(c) and (d). The date and time for full compliance will be determined by the Emergency Coordinator.

As required by 10 CFR 26.9, the requested exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. There are no significant environmental impacts associated with the proposed action.

Attachment 2

10 CFR 26.205(c) and (d)

§ 26.205 Work hours

- (c) *Work hours scheduling.* Licensees shall schedule the work hours of individuals who are subject to this section consistent with the objective of preventing impairment from fatigue due to the duration, frequency, or sequencing of successive shifts.
- (d) *Work hour controls.* Licensees shall control the work hours of individuals who are subject to this section.
 - (1) Except as permitted in § 26.207, licensees shall ensure that any individual's work hours do not exceed the following limits:
 - (i) 16 work hours in any 24-hour period;
 - (ii) 26 work hours in any 48-hour period; and
 - (iii) 72 work hours in any 7-day period.
 - (2) Licensees shall ensure that individuals have, at a minimum, the rest breaks specified in this paragraph. For the purposes of this subpart, a break is defined as an interval of time that falls between successive work periods, during which the individual does not perform any duties for the licensee other than one period of shift turnover at either the beginning or end of a shift but not both. Except as permitted in § 26.207, licensees shall ensure that individuals have, at a minimum—
 - (i) A 10-hour break between successive work periods or an 8-hour break between successive work periods when a break of less than 10 hours is necessary to accommodate a crew's scheduled transition between work schedules or shifts; and
 - (ii) A 34-hour break in any 9-day period.
 - (3) Licensees shall ensure that individuals have, at a minimum, the number of days off specified in this paragraph. For the purposes of this subpart, a day off is defined as a calendar day during which an individual does not start a work shift. For the purposes of calculating the average number of days off required in this paragraph, the duration of the shift cycle may not exceed 6 weeks.
 - (i) Individuals who are working 8-hour shift schedules shall have at least 1 day off per week, averaged over the shift cycle;
 - (ii) Individuals who are working 10-hour shift schedules shall have at least 2 days off per week, averaged over the shift cycle;
 - (iii) Individuals who are working 12-hour shift schedules while performing the duties described in § 26.4(a)(1) through (a)(3) shall have at least 2.5 days off per week, averaged over the shift cycle;

- (iv) Individuals who are working 12-hour shift schedules while performing the duties described in § 26.4(a)(4) shall have at least 2 days off per week, averaged over the shift cycle; and
 - (v) Individuals who are working 12-hour shift schedules while performing the duties described in § 26.4(a)(5) shall have at least 3 days off per week, averaged over the shift cycle.
- (4) During the first 60 days of a unit outage, licensees need not meet the requirements of paragraph (d)(3) of this section for individuals specified in § 26.4(a)(1) through (a)(4), while those individuals are working on outage activities. However, the licensee shall ensure that the individuals specified in § 26.4(a)(1) through (a)(3) have at least 3 days off in each successive (i.e., non-rolling) 15-day period and that the individuals specified in § 26.4(a)(4) have at least 1 day off in any 7-day period;
- (5) During the first 60 days of a unit outage, security system outage, or increased threat condition, licensees shall control the hours worked by individuals specified in § 26.4(a)(5) as follows:
- (i) During the first 60 days of a unit outage or a planned security system outage, licensees need not meet the requirements of paragraph (d)(3) of this section. However, licensees shall ensure that these individuals have at least 4 days off in each successive (i.e., non-rolling) 15-day period; and
 - (ii) During the first 60 days of an unplanned security system outage or increased threat condition, licensees need not meet the requirements of either paragraph (d)(3) or (d)(5)(i) of this section.
- (6) The 60-day periods in paragraphs (d)(4) and (d)(5) of this section may be extended for each individual in 7-day increments for each non-overlapping 7-day period the individual has worked not more than 48 hours during the unit or security system outage or increased threat condition, as applicable.

Attachment 3

Licensee Commitment

Commitment

The following table identifies the actions in this document to which the Turkey Point has committed. Statements in this submittal with the exception of those in the table below are provided for information purposes and are not considered commitments. Please direct questions regarding this commitment to Robert Tomonto at (305) 246-7327.

Commitment	Expected Completion Date
When the Fitness for Duty Rule for Managing Fatigue is changed and an exemption from the requirements of 10 CFR 26.205(c) and (d) for meeting work hour controls during declarations of severe weather conditions involving tropical storm or hurricane force winds is no longer needed, FPL will submit a letter to the NRC stating that the exemption is no longer needed.	December 30, 2011*

* Subject to change based on actual Rule change date