



March 11, 2010

NRC 2010-0045
10 CFR 73

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

Point Beach Nuclear Plant, Units 1 and 2
Dockets 50-266 and 50-301
Renewed License Nos. DPR-24 and DPR-27

Supplement to Request for Exemption from Specific 10 CFR 73 Requirements

References: (1) FPL Energy Point Beach, LLC letter to NRC, dated February 26, 2010, Request for Exemption from Specific 10 CFR 73 Requirements (ML100600565)

NextEra Energy Point Beach, LLC (NextEra) submitted a request for exemption from specific 10 CFR 73 requirements (Reference 1) to the NRC pursuant to 10 CFR 73. The requested exemption would extend the date for implementation required by the new rule from March 31, 2010, to May 28, 2010.

Via a teleconference with the NRC on March 10, 2010, NextEra determined that supplemental information is required to enable the staff's continued review of the request. The supplemental information is provided in Enclosure 1.

NextEra has determined that its current security program and the new security requirements that will be implemented by March 31, 2010, will provide continued assurance of public health and safety and common defense and security. Accordingly, the requested exemption is authorized by law and will not endanger life or property or the common defense and security in accordance with 10 CFR 73.5.

Enclosure 1 provides technical information and justifications to support the exemption request. Enclosure 2 provides the Environmental Assessment for the exemption request as required by 10 CFR 51. Enclosure 3 provides a public version of the technical information and justifications contained in Enclosure 1 with the security-related information removed.

**Enclosure 1 to this letter contains sensitive information.
Withhold from public disclosure under 10 CFR 2.390.
Upon removal of Enclosure 1, this letter is not controlled.**

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The information provided in Enclosure 1 is considered security-related information associated with physical protection of the NextEra operated facilities, as described in 10 CFR 2.390(d)(1). Accordingly, NextEra requests that the information provided in Enclosure 1 be withheld from public disclosure in accordance with the provisions of 10 CFR 2.390.

NextEra requests approval of this exemption by March 31, 2010, with the exemption effective upon issuance.

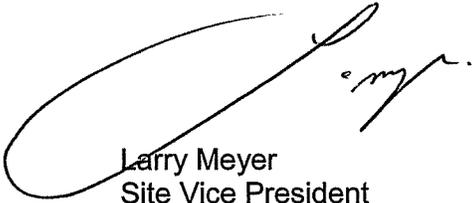
This submittal contains no new regulatory commitments or revisions to existing commitments.

If you have any questions or require additional information, please contact Mr. James Costedio at 920/755-7427.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on March 11, 2010.

Very truly yours,

NextEra Energy Point Beach, LLC



Larry Meyer
Site Vice President

Enclosures

cc: Administrator, Region III, USNRC
Project Manager, Point Beach Nuclear Plant, USNRC
Resident Inspector, Point Beach Nuclear Plant, USNRC

ENCLOSURE 2

NEXTERA ENERGY POINT BEACH, LLC POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2

REQUEST FOR EXEMPTION FROM PHYSICAL SECURITY REQUIREMENTS

ENVIRONMENTAL ASSESSMENT

1. Describe any change to the types, characteristics, or quantities of non-radiological effluents discharged to the environment as a result of the proposed exemption.

There are no expected changes in the types, characteristics, or quantities of non-radiological effluents discharged to the environment associated with the proposed exemption. This application is associated with implementation of security changes. These security changes will not result in changes to the design basis requirements for the structures, systems and components (SSCs) at the Point Beach Nuclear Plant (PBNP) Units 1 and 2, that function to limit the release of non-radiological effluents during and following postulated accidents. The SSCs associated with limiting the release of offsite non-radiological effluents will therefore continue to be able to perform their functions, and as a result; there is no significant non-radiological effluent impact. There are no materials or chemicals introduced into the plant that could affect the characteristics or types of non-radiological effluents. In addition, the method of operation of non-radiological waste systems will not be affected by this change.

2. Describe any changes to liquid radioactive effluents discharged as a result of the proposed exemption.

There are no expected changes to the liquid radioactive effluents discharged as a result of this exemption. The proposed security changes will not interact to produce any different quantity or type of radioactive material in the reactor coolant system. These security changes will not result in changes to the design basis requirements for the SSCs at PBNP Units 1 and 2 that function to limit the release of liquid radiological effluents during and following postulated accidents. All the SSCs associated with limiting the release of liquid radiological effluents will therefore continue to be able to perform their functions, and as a result, there is no significant liquid radiological effluent impact.

3. Describe any changes to gaseous radioactive effluents discharged as a result of the proposed exemption.

There are no expected changes to the gaseous radioactive effluents discharged as a result of this exemption. The proposed security changes will not interact to produce any different quantity or type of radioactive material in the reactor coolant system. These security changes will not result in changes to the design basis requirements for the SSCs at PBNP Units 1 and 2 that function to limit the release of gaseous radiological effluents during and following postulated accidents. All the SSCs associated with limiting the release of gaseous radiological effluents will therefore continue to be able to perform their functions, and as a result, there is no significant gaseous radiological effluent impact.

4. Describe any change in the type or quantity of solid radioactive waste generated as a result of the proposed exemption.

There are no expected changes in the type or quantity of solid radioactive waste generated as a result of the proposed exemption. These security changes will not result in changes to the design basis requirements for the SSCs at PBNP Units 1 and 2 that function to limit the release of solid waste during and following postulated accidents. All the SSCs associated with limiting the release of solid radioactive waste will therefore continue to be able to perform their function. Radiation surveys will be performed in accordance with plant radiation protection procedures on excavated soil that could be contaminated, such as inside the protected area or radiation control areas, that will be disposed of offsite. Any contaminated soil will be handled in accordance with plant procedures. NextEra Energy Point Beach, LLC, has a radiation survey program and procedures to handle any contaminated excavated soil that is inside the protected area or radiation control areas.

5. What is the expected change in occupational dose as a result of the proposed exemption under normal and design basis accident conditions?

Under normal power operation there would be no expected radiological impact on either the workforce or the public. There are no other expected changes in normal occupational operating doses. Control room dose is not impacted by the proposed security changes and would not impact occupational dose.

6. What is the expected change in the public dose as a result of the proposed change under normal and design basis accident (DBA) conditions?

Dose to the public will not be changed by the proposed security changes during normal operations. There is no basis to contemplate an increased source of liquid, gaseous or solid radiological effluents that could contribute to increased public exposure during normal operations and DBA conditions. The proposed security changes do not impact systems used during normal operation and do not impact systems used to detect or mitigate a DBA.

7. What is the impact to land disturbance for the proposed security changes?

Land disturbance is considered when performing environmental impact evaluations. Non-radiological environmental impact evaluations will be performed as needed to support the proposed security changes.

Provisions for dealing with the inadvertent discovery of significant subsurface archaeological deposits and human remains are formalized in administrative procedures used by PBNP in the unlikely event such deposits and remains are encountered. The procedure states that should the excavation uncover potentially historic or archeological significant items, including human remains, the excavation will stop and corporate Environmental Affairs shall be contacted to evaluate the excavation site. None of the proposed security changes are located in areas that are known to have cultural or historical significance.

Conclusion:

There is no significant radiological environmental impact associated with the proposed security changes at Point Beach Nuclear Plant, Units 1 and 2. These proposed changes will not affect any historical sites nor will they affect non-radiological plant effluents.

ENCLOSURE 3

NEXTERA ENERGY POINT BEACH, LLC POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2

REQUEST FOR EXEMPTION FROM PHYSICAL SECURITY REQUIREMENTS PUBLIC VERSION

The NRC issued a Final Rule for new security requirements in the Federal Register on March 27, 2009, and these requirements must be implemented by March 31, 2010. NextEra Energy Point Beach, LLC (NextEra) has evaluated these new requirements and determined that most can be implemented by the required date. However, NextEra also determined that implementation of certain requirements will require additional time beyond March 31, 2010.

Via a teleconference with the NRC on March 10, 2010, NextEra determined that supplemental information is required to enable the staff's continued review of the request. The supplemental information is included in this enclosure.

This exemption request proposes to extend the implementation date as discussed in the subsequent sections to provide additional time to complete modifications **[security-related information removed]**. NextEra proposes to establish full compliance with the new requirements of 10 CFR 73 **[security-related information removed]**.

1. Specific requirements that NextEra requires additional time to implement.

10 CFR 73.55 **[security-related information removed]**

2. Justification of the reasons NextEra requires additional time to implement the specific requirements.

Point Beach Nuclear Plant (PBNP) originally had a detailed schedule that met the March 31, 2010, compliance date. Based on the following factors, the margin that was initially reflected in the schedule for the security system upgrades has been reduced to the point where completion of all required implementation activities by March 31, 2010, is uncertain.

- a) Adverse weather has delayed outdoor implementation activities, resulting in a loss of approximately one day of work per week. **[security-related information removed]**. These delays have resulted in the elimination of any margin the project schedule had contained to meet the March 31, 2010 compliance date. **[security-related information removed]**
- b) Material delivery issues have resulted in delays in implementing **[security-related information removed]**
- c) **[security-related information removed]**.
- d) **[security-related information removed]**

3. Technical information that supports NextEra's solution for meeting the requirement.

Security System Upgrade - Assessment

[security-related information removed]

4. NextEra's proposed implementation schedule consistent with the scope of work to be conducted and the new compliance date requested.

[security-related information removed]

5. An evaluation of the impact that the additional time to implement the requirements will have on the effectiveness of the NextEra's overall physical protection program and protective strategy.

NextEra is in compliance with the security regulations currently in effect. The additional time will not impact the effectiveness of PBNP's overall physical protection program or protective strategy regarding current requirements. NextEra's current security program and the new security requirements that will be implemented by March 31, 2010, provide continued assurance of public safety and common defense and security.

Reference

- (1) NextEra Energy Point Beach, LLC, letter to NRC dated February 26, 2010, Request for Exemption from Specific 10 CFR 73 Requirements (ML100600565)