

NRR-DMPSPeM Resource

From: Chawla, Mahesh
Sent: Wednesday, March 27, 2019 3:44 PM
To: Davis, J.Michael (J.Michael.Davis@nexteraenergy.com)
Cc: 'laura.swenzinski@nexteraenergy.com'; Kilby, Gary; Catron, Steve (Steve.Catron@fpl.com)
Subject: LIC-109 Acceptance of the Request for Exemption from 10 CFR 73.55(p)(1)(i) and 10 CFR 73.55(p)(1)(ii) for Duane Arnold Energy Center - EPID L-2019-LLE-0003

Dear Mr. Davis,

By letter dated February 28, 2019, NextEra Energy Duane Arnold, LLC (NEDA)(the licensee) pursuant to 10 CFR 73.5, submitted a request an exemption from 10 CFR 73.55(p)(1)(i) and 10 CFR 73.55(p)(1)(ii), related to the suspension of security measures in an emergency or during severe weather for the Duane Arnold Energy Center (DAEC). Regulations in accordance with 10 CFR 73.55(p)(1)(i) and 10 CFR 73.55(p)(1)(ii) require that the suspension of security measures be approved by a licensed senior operator before taking action. DAEC is requesting an exemption from these rules to allow either a licensed senior operator or a certified fuel handler (CFH) to approve the suspension of security measures. Approval of this exemption request will align 10 CFR 73.55(p)(1)(i) and 10 CFR 73.55(p)(1)(ii) with 10 CFR 50.54(y) for DAEC.

The purpose of this e-mail is to provide the results of the U.S. Nuclear Regulatory Commission (NRC) staff's acceptance review of this request. The acceptance review was performed to determine if there is sufficient technical information in scope and depth to allow the NRC staff to complete its detailed technical review. The acceptance review is also intended to identify whether the application has any readily apparent information insufficiencies in its characterization of the regulatory requirements or the licensing basis of the plant.

Section 73.5 of 10 CFR, "Specific exemptions," states that the Commission may grant exemptions from the requirements of the regulations of this part provided the following specific criteria are met: (1) the exemption is authorized by law, (2) the exemption will not endanger life or property or the common defense and security, and (3) the exemption is otherwise in the public interest. Additionally, the categorical exclusion requirement in 10 CFR 51.22(c)(25), states that to meet the requirements for the categorical exclusion in accordance with 10 CFR 51.22(c)(25), the exemption must meet the following: (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 an exemption is sought involve: safeguard plans, and materials control and accounting inventory scheduling requirements; or involve other requirements of an administrative, managerial, or organizational nature.

The NRC staff has reviewed your application and concluded that it does provide technical information in sufficient detail to enable the NRC staff to complete its detailed technical review and make an independent assessment regarding the acceptability of the proposed exemption in terms of regulatory requirements and the protection of public health and safety and the environment. Given the lesser scope and depth of the acceptance review as compared to the detailed technical review, there may be instances in which issues that impact the NRC staff's ability to complete the detailed technical review are identified despite completion of an adequate acceptance review. If additional information is needed, you will be advised by separate correspondence.

Based on the information provided in your submittal, the NRC staff has estimated that this licensing request will take approximately 100 hours to complete. The NRC staff expects to complete this review in

approximately 12 months, which is March 2020. If there are emergent complexities or challenges in our review that would cause changes to the initial forecasted completion date or significant changes in the forecasted hours, the reasons for the changes, along with the new estimates, will be communicated during the routine interactions with the assigned project manager.

These estimates are based on the NRC staff's initial review of the application and they could change, due to several factors including requests for additional information, unanticipated addition of scope to the review, and review by NRC advisory committees or hearing-Additional delay may occur if the submittal is provided to the NRC in advance or in parallel with industry program initiatives or pilot applications. If you have any questions, please contact me. Thanking you,

Sincerely,

Mahesh Chawla
Project Manager
Nuclear Regulatory Commission
Division of Operating Reactor Licensing, Branch LPL III-1
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