



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

August 27, 2020

Mr. Don Moul  
Executive Vice President, Nuclear  
Division and Chief Nuclear Officer  
Florida Power & Light Company  
Mail Stop: NT3/JW  
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Jupiter, FL 33478

SUBJECT: POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2 – EXEMPTION FROM  
SELECT REQUIREMENTS OF 10 CFR PART 55, “OPERATORS’ LICENSES”  
(EPID L-2020-LLE-0127 [COVID-19])

Dear Mr. Moul:

The U.S. Nuclear Regulatory Commission (NRC) has granted the requested exemption from specific requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 55, “Operators’ Licenses,” for Point Beach Nuclear Plant, Units 1 and 2 (Point Beach). This action is in response to the application submitted by NextEra Energy Point Beach, LLC (NextEra) dated August 5, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20218A702), as supplemented by letter dated August 17, 2020 (ADAMS Accession No. ML20230A299). On April 14, 2020 (ADAMS Accession No. ML20104C071), the NRC issued a letter describing a process to request expedited review of certain exemptions from 10 CFR Part 55 during the Coronavirus Disease 2019 (COVID-19) public health emergency (PHE).

The August 5, 2020, NextEra application requested:

- An exemption for Point Beach from the “not to exceed two years” requirement for the requalification program in 10 CFR 55.59(c)(1); and
- An exemption for the Point Beach operators and senior operators from the requirements in 10 CFR 55.59(a)(1) and in 10 CFR 55.59(a)(2) for the purpose of allowing delay of these requalification program requirements during the COVID-19 PHE.

The August 5, 2020, NextEra application provided the following information:

- A statement that the tests and examinations for operators and senior operators will be provided after the end of the PHE, but before March 31, 2021.
- A statement that NextEra will, prior to the effective date of any exemption that is granted, modify its requalification program to ensure training and evaluations of operator knowledge, skills, and abilities will be completed by the requested exemption expiration

date. Training staff will continue to conduct training cycles to the end of the year, and evaluations will continue to be conducted by training staff and operations management observers.

- A statement that NextEra will continue to evaluate operator performance in the plant and control room to identify and correct operator performance issues in a timely manner.

In its letter dated August 17, 2020, NextEra stated that the current requalification program was scheduled to end on December 9, 2020. The biennial written examinations were scheduled for November 16 to December 9, 2020, and the annual operating tests were scheduled for August 17 to September 24, 2020. Therefore, the NRC staff determined that Point Beach will continue to conduct training and evaluations during the time when the biennial written examinations and annual operating tests would have been scheduled to occur.

Except for the requested expiration date, the information provided in NextEra's August 5, 2020, request for an exemption from requalification program requirements, as supplemented by its August 17, 2020, letter, is consistent with the NRC's April 14, 2020, letter. NextEra requested the exemption to be in effect until March 31, 2021. The NRC's April 14, 2020, letter states that exemptions approved under the expedited process will be effective until 90 days after the PHE is ended or December 31, 2020, whichever occurs first. However, the NRC's letter also states:

This letter does not preclude requests for exemptions that take a different approach or present different rationales or proposed end dates. The NRC cannot guarantee expedited consideration of such requests.

Based on the current requalification program end date at Point Beach of December 9, 2020, granting the requested exemption until March 31, 2021, would amount to approximately a 3-month extension of the requalification program at Point Beach. This extension is less than the maximum extension of approximately 8 months considered in the NRC's April 14, 2020, letter. Therefore, the NRC staff has determined to process NextEra's exemption request consistent with the NRC's April 14, 2020, letter.

A PHE requiring the use of social distancing and other practices intended to slow the spread of illness was not considered during the rulemaking that established the requalification program schedule of "not to exceed two years" and the requirements for an annual operating test and biennial written examination. When taking an operating test, the operators must gather closely in relatively compact control-room simulators. In addition, operating test and simulator requalification training exposes operators and training personnel to frequently touched surfaces, such as switches and controls. This is contrary to the practices recommended by the Centers for Disease Control and Prevention (CDC) to limit the spread of COVID-19.<sup>1</sup> Similarly, conducting in-person classroom training and an in-person written examination increases the potential for individual exposures, which is also contrary to the practices recommended by the CDC.

Consistent with 10 CFR 55.11, "Specific exemptions," the NRC may, upon application by an interested person, or upon its own initiative, grant such exemptions from the requirements of the

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<sup>1</sup> Centers for Disease Control and Prevention, "How to Protect Yourself and Others," April 18, 2020 (ADAMS Accession No. ML20125A069).

regulations in 10 CFR Part 55 as it determines are authorized by law and will not endanger life or property and are otherwise in the public interest.

The NRC determined that the requested exemption from the requalification program requirements is permissible under the Atomic Energy Act of 1954, as amended, and other regulatory requirements. Therefore, the NRC finds that the requested exemption is authorized by law.

NextEra will continue to provide training and evaluations of operator knowledge, skills, and abilities during the COVID-19 PHE and will continue to identify and correct operator performance issues, which will ensure that licensed operators maintain the requisite body of knowledge and ability to continue safe and competent plant operation. Furthermore, because NextEra must continue to implement its NRC-approved systems approach to training (SAT) program during the period of the exemption, training and evaluations of operator knowledge, skills, and abilities during the period of the exemption will be modified consistent with the SAT process. Per 10 CFR 55.4, "Definitions," a SAT program is a training program that includes the following five elements:

- 1) Systematic analysis of the jobs to be performed.
- 2) Learning objectives derived from the analysis which describe desired performance after training.
- 3) Training design and implementation based on the learning objectives.
- 4) Evaluation of trainee mastery of the objectives during training.
- 5) Evaluation and revision of the training based on the performance of trained personnel in the job setting.

Based on the continued implementation of the NRC-approved SAT-based accredited training program, the NRC finds that the requested exemption will not endanger life or property.

The requested exemption from the requalification program requirements provides increased scheduling flexibility to manage conditions resulting from the COVID-19 PHE by allowing NextEra to reduce the possibility of exposures associated with groups of people gathered in a single location, as discussed above. Therefore, the NRC finds that the requested exemption is in the public interest.

Granting this exemption request is categorically excluded under 10 CFR 51.22(c)(25) and there are no extraordinary circumstances present that would preclude reliance on this exclusion. The NRC staff determined, per 10 CFR 51.22(c)(25)(vi)(E), that the requirements from which the exemption is sought involve education, training, experience, qualification, requalification, or other employment suitability requirements. The NRC staff also determined that approval of this exemption involves no significant hazards consideration because it does not authorize any physical changes to the facility or any of its safety systems, nor does it change any of the assumptions or limits used in the facility licensee's safety analyses or introduce any new failure modes. There is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite because this exemption does not affect any effluent release limits as provided in the facility licensee's technical specifications or by the regulations in 10 CFR Part 20, "Standards for Protection Against Radiation." There is no significant increase in individual or cumulative public or occupational radiation exposure because this exemption does not affect limits on the release of any radioactive material or the limits provided in 10 CFR Part 20 for radiation exposure to workers or members of the public. There is no significant construction impact because this exemption does not involve any changes to a

construction permit. There is no significant increase in the potential for or consequences from radiological accidents because this exemption does not alter any of the assumptions or limits in the facility licensee's safety analysis. In addition, the NRC staff has determined that there would be no significant impacts to biota, water resources, historic properties, cultural resources, or socioeconomic conditions in the region. As such, there are no extraordinary circumstances present that would preclude reliance on this categorical exclusion. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the approval of this requested exemption.

Based on the above, the NRC staff finds that (1) the exemption is authorized by law, (2) the exemption will not endanger life or property, and (3) the exemption is otherwise in the public interest.

This exemption is effective upon issuance until March 31, 2021.

Sincerely,

Craig G. Erlanger, Director  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-266 and 50-301

cc: Listserv

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**ADAMS Accession No.: ML20231A519****\*via e-mail**

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