



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

October 15, 2020

Mr. Don Moul  
Executive Vice President, Nuclear  
Division and Chief Nuclear Officer  
Florida Power & Light Company  
Mail Stop: NT3/JW  
15430 Endeavor Drive  
Jupiter, FL 33478

SUBJECT: POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2 – EXTENSION OF  
EXEMPTION FROM SPECIFIC REQUIREMENTS OF 10 CFR PART 26  
(EPID L-2020-LLE-0159 [COVID-19])

Dear Mr. Moul:

The U.S. Nuclear Regulatory Commission (NRC) has approved the requested 60-day extension of the exemption from specific requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 26, "Fitness for Duty Programs," Section 26.205, "Work hours," for Point Beach Nuclear Plant, Units 1 and 2 (Point Beach). The original exemption was approved by NRC action dated August 17, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20219A751). This action is in response to the letter from NextEra Energy Point Beach, LLC (NextEra) dated October 6, 2020 (ADAMS Accession No. ML20280A621), as supplemented by letter dated October 8, 2020 (ADAMS Accession No. ML20282A706). NextEra's October 6, 2020, letter cited the March 28, 2020 (ADAMS Accession No. ML20087P237), letter from Mr. Ho Nieh describing a process to request expedited review of certain exemptions from 10 CFR Part 26 during the COVID-19 Public Health Emergency (PHE).

In the October 6, 2020, letter, NextEra provided the following information:

- A statement that Point Beach can no longer meet the work-hour controls of 10 CFR 26.205(d) for certain positions;
- A list of positions for which Point Beach will implement alternative work-hour controls upon the NRC granting the requested exemption;
- The date and time when Point Beach will begin implementing site-specific COVID-19 PHE fatigue-management controls for personnel specified in 10 CFR 26.4(a);
- A statement that Point Beach's site-specific COVID-19 fatigue-management controls are consistent with the constraints outlined in the March 28, 2020, letter; and

- A statement proposing alternative controls for the management of fatigue at Point Beach during the period of the exemption. At a minimum, these controls ensure that, for individuals subject to these alternative controls:
  - Individuals will not work more than 16 work hours in any 24-hour period and not more than 86 work hours in any 7-day period, excluding shift turnover;
  - A minimum 10-hour break is provided between successive work periods;
  - 12-hour shifts are limited to not more than 14 consecutive days;
  - A minimum of 6 days off are provided in any 30-day period; and
  - Requirements have been established for behavioral observation and self-declaration during the period of the exemption.

Therefore, the NRC finds that the technical basis for an exemption described in the March 28, 2020, letter is applicable to your specific request.

In its request dated October 6, 2020, NextEra included additional information for the proposed alternative work-hour controls for the individual categories as described in 10 CFR 26.4(a)(1)-(5). For the current exemption period, NextEra described shift durations, patterns of days on and off, and maximum average work hours of individuals in each position. Further, NextEra requested an extension of the exemption for an additional 60 days, and provided information concerning the schedule of days on and off that personnel would work during the requested extension period, as well as its plans to conduct fatigue-management controls during the period of the exemption extension.

The October 6, 2020, letter stated that NextEra will apply alternative work-hour controls, as necessary, to minimize covered work transition issues. In its supplemental letter dated October 8, 2020, NextEra provided additional information pertaining to minimizing work transition issues in the context of applying alternate work-hour controls. Specifically, NextEra clarified that work transition issues referred to potential scheduling challenges presented by COVID-19 and the need to provide additional time off when transitioning from a normal 8-hour workday schedule to 12-hour workday schedule, and to an outage schedule followed by returning to normal, non-outage hours. Further, in the October 8, 2020, letter, NextEra stated that there “were no behavioral observations or self-declarations that identified impaired fitness for duty due to fatigue for the operators that exceeded the 54-hour average during the current exemption.” The NRC staff considered this information to assess the current potential for cumulative fatigue in personnel identified in the request, as supplemented. The NRC staff finds that the proposed alternative work-hour controls, as described in the October 6, 2020, letter from NextEra and as clarified in the October 8, 2020 letter from NextEra, are adequate for the requested extension period and that the requested extension can be granted.

Section 26.9, “Specific exemptions,” allows the NRC to grant exemptions from the requirements of 10 CFR Part 26. The NRC staff has determined that granting 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.

The underlying purpose of 10 CFR 26.205(d) is to prevent impairment from fatigue due to duration, frequency, or sequestering of successive shifts. Based on the evaluation provided in the NRC’s March 28, 2020, letter and the criteria discussed above, no new accident precursors are created by using whatever licensee staff resources may be necessary or available during the term of this exemption to respond to a plant emergency and to ensure that the plant maintains a safe and secure status. Therefore, the probability of postulated accidents is not

increased. Also, the consequences of postulated accidents are not increased because there is no change in the types of accidents previously evaluated. The requested exemption would allow the use of licensee staff resources as may be necessary to maintain safe operation of the plant and to respond to a plant emergency. Therefore, the NRC finds that there is no undue risk to public health and safety from granting the requested exemption.

The requested exemption would allow the use of licensee security staff resources as may be necessary to ensure the common defense and security. Therefore, the NRC finds that there is no impact on common defense and security from granting the requested exemption.

Due to the impacts that the COVID-19 PHE has had on the licensee's ability to comply with the work-hour controls of 10 CFR 26.205(d), the importance of maintaining the operations of Point Beach, Units 1 and 2, and the controls the licensee has established, the NRC finds that granting the requested exemption is in the public interest.

Granting the requested exemption from the requirements of 10 CFR 26.205 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)(I), that the requirements from which the exemption is sought involve other requirements of an administrative, managerial, or organizational nature. 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, 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 the exemption does not alter any of the assumptions or limits in the licensee's safety analysis. In addition, the NRC staff determined that there would be no significant impacts to biota, water resources, historic properties, cultural resources, or socioeconomic conditions in the region. 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 exemption request.

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

D. Moul

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This exemption is effective until 12:00 a.m. on December 15, 2020.

Sincerely,

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

Docket Nos. 50-266 and 50-301

cc: Listserv

SUBJECT: POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2 – EXTENSION FOR EXEMPTION FROM SELECT REQUIREMENTS OF 10 CFR PART 26 (EPID L- 2020-LLE-0159 [COVID-19]) DATED OCTOBER 15, 2020

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**ADAMS Accession No. ML20282A332**

**\*via e-mail**

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DATE	10/08/2020	10/09/2020	10/09/2020	10/13/2020
OFFICE	NRR/DRO/D*	NRR/DORL/LPL3/BC*	NRR/DORL/D*	
NAME	CMiller (for THipschman)	NSalgado	CErlanger	
DATE	10/13/2020	10/14/2020	10/15/2020	

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