

Nevins, Kathleen J (EH)

From: Penfield, Rod L (EH)
Sent: Saturday, April 18, 2020 1:40 PM
To: Tobin, Jennifer
Cc: Elkhiamy, Sarah (NRC); Horvitz, Stacey (NRC); james.danna@nrc.gov; Lashley, Phil H (EH); Nevins, Kathleen J (EH)
Subject: Beaver Valley Work Hour Rule Exemption Request Due to Pandemic (L-20-140)

Reference: NRC Letter from H. Nieh to NEI, *“U.S. Nuclear Regulatory Commission Planned Actions Related to the Requirements for Work Hour Controls During the Coronavirus Disease 2019 Public Health Emergency,”* March 28, 2020

As a result of the Coronavirus Disease 2019 (COVID-19) public health emergency (PHE), Energy Harbor Nuclear Corp. has determined that Beaver Valley Power Station, Unit Nos. 1 and 2 (BVPS), can no longer meet the work-hour controls of 10 CFR 26.205(d) for the covered workers noted below. By implementing the alternative work hour controls, Energy Harbor Nuclear Corp. is taking steps to complete necessary work, testing, and inspections in a manner that supports both worker and neighboring community safety to limit the spread of the COVID-19 virus. This request is being made to support the BVPS efforts to maintain Centers for Disease Control and Prevention recommendations related to social distancing, worker screening, and limiting close-proximity work. Particularly given the COVID-19 challenge in the immediate community of BVPS, leveraging the alternative work hour controls will facilitate further worker and community protection as we perform the current outage and subsequent operation safely and efficiently.

As the U.S. Departments of Homeland Security and Energy have stated in their guidance, the electric grid and nuclear plant operation make up the nation's critical infrastructure similar to the medical, food, communications, and other critical industries. BVPS operation and outage must be conducted such that the plant is available when needed, including during the critical peak summer loads.

In accordance with the Reference letter, the following information is provided in the table below:

- Positions (as described in § 26.4(a)(1) – (5)) for which either current work-hour controls will be maintained, or for which alternative controls will be required as a preventive measure.
- The date and time for which alternative controls (if necessary) will be implemented for the listed positions.

	Positions	Compliance	Begin Implementation
26.4(a)(1)	Operators	Will use site-specific alternative controls as defined in the Reference letter	Upon NRC approval

26.4(a)(2)	Health Physics and Chemistry	Will use site-specific alternative controls as defined in the Reference letter	Upon NRC approval
26.4(a)(3)	Fire Brigade	Will use site-specific alternative controls as defined in the Reference letter	Upon NRC approval
26.4(a)(4)	Maintenance	Will use site-specific alternative controls as defined in the Reference letter	Upon NRC approval
26.4(a)(5)	Security	Will use site-specific alternative controls as defined in the Reference letter	Upon NRC approval

BVPS site-specific COVID-19 PHE fatigue-management controls are consistent with the constraints outlined in the Reference letter and its attachment. BVPS will continue to follow the fatigue management controls, behavioral observation requirements, and self-declaration allowances currently delineated within the Energy Harbor Nuclear Corp. work hour control program and procedure NOP-LP-4011.

Upon NRC verbal approval, BVPS will implement the alternative controls described below, consistent with the Reference letter for the management of fatigue during the period of the exemption. These controls ensure that covered workers are subjected to the following minimum controls:

- (1) not 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;
- (2) a minimum 10-hour break is provided between successive work periods;
- (3) 12-hour shifts are limited to not more than 14 consecutive days;
- (4) a minimum of 6-days off are provided in any 30-day period; and
- (5) requirements are established for behavioral observation and self-declaration during the period of the exemption

The requirements of 10 CFR 26.33, "Behavioral observation"; 10 CFR 26.209, "Self-declarations"; and 26.211, "Fatigue assessments" remain in effect during the period of the exemption. These requirements provide reasonable assurance that should personnel become impaired due to fatigue, requirements and processes are in place to identify the impairment through observation by plant staff or by worker self-declaration, and to assess and address instances of impairment through fatigue assessments.

Upon NRC approval, BVPS will implement the alternative controls described in the Reference letter for the management of fatigue during the initial period of 60 days. Near the end of the 60 day period, if COVID-19 pandemic conditions persist at the site affecting staffing requirements and the efforts to maintain Center for Disease Control, state and local recommendations related to social distancing, worker screening, and limiting close-proximity work, as well as of particular concern is the COVID-19 challenge in the immediate community of BVPS, an additional email supplement request may be submitted to extend the 60-day implementation period exemption.

Energy Harbor Nuclear Corp. requests approval of this request by no later than April 19, 2020 11:00 a.m. to expedite implementation of the safety benefits of the alternative controls.

Respectfully,

Rod L. Penfield
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