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U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

Ref 10 CFR 26.9

Subject: Comanche Peak Nuclear Power Plant (CPNPP)
Docket Nos. 50-445 and 50-446
Subsequent Request for Exemption from Specific Requirements of 10 CFR Part 26,
"Fitness for Duty Programs"

Reference:

1. NRC letter from H. Nieh to NEI dated March 28, 2020, "U.S. Nuclear Regulatory Commission Planned Actions Related to the Requirements for Work Hour Controls During the Coronavirus Disease 2019 Public Health Emergency" [ML20087P237]
2. NRC letter from H. Nieh to NEI dated November 10, 2020, "U.S. Nuclear Regulatory Commission Updated Planned Actions Related to Certain Requirements for Operating and Decommissioning Reactor Licensees During the Coronavirus Disease 2019 Public Health Emergency" [ML20261H515]
3. Vistra OpCo letter dated December 11, 2020, "Request for Exemption from Specific Requirements of 10 CFR Part 26, 'Fitness for Duty Programs'" [ML20346A565]
4. Vistra OpCo letter dated December 15, 2020, "Supplement to Request for Exemption from Specific Requirements of 10 CFR Part 26, 'Fitness for Duty Programs'" [ML20350B830]
5. NRC letter from Philip J. McKenna to Vistra OpCo dated December 16, 2020, "Comanche Peak Nuclear Power Plant, Unit Nos. 1 and 2 – Exemption from Select Requirements of 10 CFR Part 26 (EPID L-2020-LLE-0236 [COVID-19])" [ML20350B666]

Dear Sir or Madam:

As a result of the Coronavirus Disease 2019 (COVID-19) public health emergency (PHE), Vistra Operations Company LLC (Vistra OpCo) requested (References 3 and 4) NRC approval for Comanche Peak Nuclear Power Plant (CPNPP) to enter the alternative work hour controls delineated in References 1 and 2. The request was approved by the NRC in Reference 5. By implementing the alternative work hour controls, CPNPP is taking steps to complete necessary security functions, maintenance activities, and inspections in a manner that supports both worker and neighboring community safety to limit the spread of COVID-19.

Pursuant to 10 CFR 26, "Specific exemptions," this subsequent request is being made in support of the continuing efforts by CPNPP to maintain Center for Disease Control and Prevention (CDC)

recommendations related to social distancing, worker screening, and limiting close-proximity work. Leveraging the alternative work-hour controls (when warranted) assists in facilitating further worker and community protection as CPNPP maintains daily operation of Units 1 and 2. This subsequent exemption request does not endanger life or property or the common defense and security and is in the public interest.

Specifically, Vistra OpCo requests extension of the approved work hour exemption which expires on February 13, 2021, for an additional 60 days beyond the expiration date.

The CPNPP plant staff and communities surrounding CPNPP continue to experience an increasing trend in positive COVID-19 cases. CPNPP has so far been able to address these issues without having to use the alternative controls approved in Reference 5. The continuing trend of positive COVID-19 test results could impact the station's ability to meet the exiting requirements of 10 CFR 20.205(d)(1) through (d)(7) in maintaining minimum staffing and ensuring adequate numbers of qualified individuals from the groups specified in 10 CFR 26.4(a)(1) through (a)(5) are available to complete the necessary operations, tests, inspection, and maintenance that support nuclear safety and security.

Extension of the exemption from the 10 CFR 26.205(d)(1) through (d)(7) requirements is intended to prevent and limit the spread of COVID-19 and to mitigate its effect should CPNPP staffing be significantly impacted. CPNPP intends to use the alternative controls only when necessary to efficiently perform operation, inspection, maintenance and testing activities that cannot be performed in accordance with the requirements of 10 CFR 26.205.

As the U.S. Departments of Homeland Security and Energy have stated in their guidance, the electric grid and nuclear power plant operation make up the nation's critical infrastructure like the medical, food, communications, and other critical industries. Operation of CPNPP Units 1 and 2 must be conducted such that both units are available to power the electric grid.

In accordance with References 1 and 2, the following information is provided in the table below:

- Positions [as described in 10 CFR 26.4(a)(1) – (5)] for which either current work-hour controls will be maintained or for which alternative controls will be implemented for the listed positions.
- The date and time the alternative controls 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 letters and as described below.	Will continue implementation of the alternative approach upon NRC approval (as warranted by the COVID-19 conditions)
26.4(a)(2)	Health Physics and Chemistry		
26.4(a)(3)	Fire Brigade		
26.4(a)(4)	Maintenance		
26.4(a)(5)	Security		

The CPNPP site-specific COVID-19 PHE fatigue-management controls are consistent with the constraints outlined in the reference 1 and 2 NRC letters.

CPNPP will continue to follow the fatigue-management controls, behavioral observation requirements, and self-declaration allowances in accordance with the current work-hour control program and station procedure STA-615, "Fatigue Management and Staff Work Hours."

Upon NRC approval, CPNPP will continue to implement the alternative controls described below, consistent with the referenced NRC letters for the management of fatigue during the continuing period of this exemption. These controls ensure that covered workers are subjected to the following minimum controls:

1. Not more than 16 workhours in any 24-hour period and not more than 86 workhours 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 exemption.

The requirements of 10 CFR 26.33, "Behavioral observation"; 10 CFR 26.209, "Self declarations"; and 10 CFR 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, CPNPP will continue to implement the alternative controls described in the referenced NRC letters for the management of fatigue during the subsequent period of 60 days. Near the end of the 60-day period, if COVID-19 conditions persist at the site, affecting staffing requirements and necessitating continued efforts to maintain CDC, state, and local recommendations related to social distancing, worker screening, and limiting close-proximity work, as well as requiring the need to give continued consideration to the COVID-19 challenge to adjacent communities, an additional request may be submitted to again extend the 60-day implementation period of the exemption.

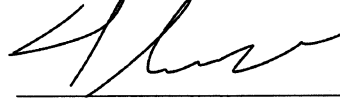
Vistra OpCo requests NRC approval by February 12, 2021.

This communication contains no new commitments regarding CPNPP Units 1 and 2.

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Should you have any questions, please contact Jim Barnette at (254) 897-5866 or James.barnette@luminant.com.

Sincerely,



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