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November 30, 2020

AEP-NRC-2020-79  
10 CFR Part 26.205(d)

Docket Nos.: 50-315  
50-316

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

Donald C. Cook Nuclear Plant Unit 1 and Unit 2  
Request for a One-Time Exemption from 10 CFR 26.205(d), Due to COVID-19 Pandemic

References:

1. Letter from J Lubinski and H. Nieh, Nuclear Regulatory Commission (NRC), to Nuclear Energy Institute, "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," dated November 10, 2020 (ML20261A515).
2. Letter from M. K. Scarpello, Indiana Michigan Power Company, to NRC, "Donald C. Cook Nuclear Plant Unit 1 and Unit 2 Request for a One-Time Exemption from 10 CFR 26.205(d), Due to COVID 19 Pandemic," dated October 8, 2020 (ML20283A381).

As a result of the Coronavirus Disease 2019 (COVID-19) public health emergency (PHE), Indiana Michigan Power Company (I&M), the licensee for Donald C. Cook Nuclear Plant (CNP) Unit 1 and Unit 2 is requesting Nuclear Regulatory Commission (NRC) approval to proactively enter into the alternative work hour controls delineated in Reference 1 for CNP workers described below. The basis for the request is that I&M is anticipating conditions where the station could 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, I&M is proactively 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 CNP 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 CNP, leveraging the alternative work hour controls will facilitate further worker and community protection for continued safe and efficient operation of CNP Unit 1 and Unit 2.

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. CNP Unit 1 and Unit 2 operation must be conducted such that the plant is available when needed.

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In Reference 2, I&M requested and subsequently received NRC approval for a work hour limits exemption for Maintenance personnel due to COVID-19. At the time of that exemption request, no other departments were experiencing working hour limitation issues related to COVID-19.

This new exemption request is independent from the prior Maintenance related exemption and no extension is being requested for Maintenance personnel at this time.

CNP is requesting an exemption for Security and Operations personnel. Berrien County, where CNP is located, has experienced a spike in COVID-19 cases in the fall of 2020. The spike has led to an increase in cases for I&M and additional personnel being unavailable due to contact tracing. The increase in unavailable Security and Operations personnel associated with the spike in COVID-19 infections and limited remaining margin to minimum staffing levels in Security and Operations has led to this request. If the number of unavailable Security and Operations personnel continues to rise, minimum staffing requirements could be challenged. I&M would use the alternate work hour controls, if necessary, to maintain minimum staffing levels within Security and Operations until personnel impacted by COVID-19 are available to return to work.

In accordance with Reference 1, 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 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 apply alternative work hour controls defined in referenced letter (Reference 1) as necessary to minimize covered worker transition issues.	Upon NRC approval
26.4(a)(2)	Health Physics and Chemistry	Will maintain compliance with 26.205(d)	Not applicable
26.4(a)(3)	Fire Brigade	Will maintain compliance with 26.205(d)	Not applicable
26.4(a)(4)	Maintenance	Reference 2 exemption request	No change to Reference 2
26.4(a)(5)	Security	Will apply alternative work hour controls defined in referenced letter (Reference 1) as necessary to minimize covered worker transition issues.	Upon NRC approval

CNP site-specific COVID-19 PHE fatigue-management controls are consistent with the constraints outlined in Reference 1 and its attachment. I&M will continue to follow the fatigue management controls, behavioral observation requirements, and self-declaration allowances currently delineated within the CNP work hour control program and procedures (PMP-2060-WHL-001, "Work Hour Limitation and Fatigue Management," PMP-2060-FFD-001, "Fitness For Duty Program," and PMP-2060-FFD-002, "Performance of Fatigue Assessments").

Upon NRC approval, I&M will implement as necessary, the alternative controls described below, consistent with Reference 1 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;
- (5) the calculation of work hours and days off includes all work hours and days off during the applicable calculation periods, including those work hours and days off preceding initiation of the exemption period; and
- (6) 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 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, I&M will implement, as necessary, the alternative controls described in Reference 1 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 CNP, an additional email supplement request may be submitted to extend the 60-day implementation period exemption.

I&M requests approval of this request by no later than December 3, 2020.

This letter contains no new regulatory commitments. Should you have any questions, please contact me at (269) 466-2649.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael K. Scarpello". The signature is fluid and cursive, with the first name "Michael" and last name "Scarpello" clearly distinguishable.

Michael K. Scarpello  
Regulatory Affairs Director

DLW/kmh

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