



Thomas P. McCool
Site Vice President

**Comanche Peak
Nuclear Power Plant
(Vistra Operations
Company LLC)**
P.O. Box 1002
6322 North FM 56
Glen Rose, TX 76043

T 254.897.6042

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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
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]

Dear Sir or Madam:

As a result of the Coronavirus Disease 2019 (COVID-19) public health emergency (PHE), Vistra Operations Company LLC (Vistra OpCo) is requesting Nuclear Regulatory Commission (NRC) approval to enter into the alternative work hour controls for 10 CFR Part 26, "Fitness for Duty Programs," Section 26.205(d) delineated in Reference 2 for Comanche Peak Nuclear Power Plant (CPNPP) Unit 1 and Unit 2. By requesting approval for 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 26.9, "Specific exemptions," this request is being made to maintain the recommendations made by the Centers for Disease Control and Prevention (CDC) related to social distancing, worker screening, and limiting close-proximity work. Leveraging the alternative work-hour controls will assist in facilitating further worker and community protection as CPNPP maintains daily operation of Units 1 and 2. This exemption request does not endanger life or property or the common defense and security and is in the public interest.

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 similar to 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 the references, 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 (if necessary) will be implemented for the listed positions.
- 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 letters and as described below.	Upon NRC Approval (Implemented when 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 referenced NRC letter and its attachment.

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 implement the alternative controls described below, consistent with the referenced NRC letter for the management of fatigue during the 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 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.

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 implement the alternative controls described in the referenced NRC letter for the management of fatigue during the initial 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 extend the 60-day implementation period of the exemption.

It should be noted that Vistra OpCo has not previously submitted an exemption request from specific requirements of 10 CFR 26, "Fitness for Duty Programs," Section 26.205, "Work hours."

Vistra OpCo requests NRC approval by December 16, 2020 in order to expedite implementation of the safety benefits of the alternative controls.

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

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

Sincerely,



Thomas P. McCool

c (email) - Scott Morris, Region IV [Scott.Morris@nrc.gov]
Dennis Galvin, NRR [Dennis.Galvin@nrc.gov]
John Ellegood, Senior Resident Inspector, CPNPP [John.Ellegood@nrc.gov]
Neil Day, Resident Inspector, CPNPP [Neil.Day@nrc.gov]