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Reference: 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*, [Agencywide Document Access and Management System (ADAMS) Accession Number ML20087P237]

Dear Sirs:

Subject: **Palo Verde Nuclear Generating Station (PVNGS) Units 1, 2, and 3 and Independent Spent Fuel Storage Installation (ISFSI) Docket Nos. STN 50-528/529/530 and 72.44 Request for Exemption from Specific Requirements of 10 CFR Part 26, Fitness for Duty Programs**

As a result of the Coronavirus Disease 2019 (COVID-19) public health emergency (PHE) Arizona Public Service Company (APS) has proactively determined that PVNGS can no longer meet the work-hour controls of Title 10 of the Code of Federal Regulation (10 CFR) Part 26, "*Fitness for Duty Programs*," Section 26.205(d) for the covered workers noted below. By implementing the alternative work-hour controls, APS 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 COVID-19.

Pursuant to 10 CFR 26.9, this request is being made in support of the efforts 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. Particularly given the challenges that COVID-19 could present in the immediate community surrounding PVNGS, leveraging the alternative work-hour controls will assist in facilitating further worker and community protection as APS continues the current Unit 1 refueling outage and daily operation of Units 2 and 3.

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. The PVNGS daily operation of Units 2 and 3 and the current Unit 1 refueling outage must be conducted such that all three units are available when needed.

In accordance with the Reference, 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 phase in site-specific alternative work-hour controls as defined in the Reference, as necessary, to minimize transition issues.	Upon NRC Approval
26.4(a)(2)	Health Physics and Chemistry	Will phase in site-specific alternative work-hour controls as defined in the Reference, as necessary, to minimize transition issues.	Upon NRC Approval
26.4(a)(3)	Fire Team Advisor (Operations fire brigade member)	Will phase in site-specific alternative work-hour controls as defined in the Reference, as necessary, to minimize transition issues.	Upon NRC Approval
26.4(a)(4)	Maintenance	Will phase in site-specific alternative work-hour controls as defined in the Reference, as necessary, to minimize transition issues.	Upon NRC Approval
26.4(a)(5)	Security	Will phase in site-specific alternative work-hour controls as defined in the Reference, as necessary, to minimize transition issues.	Upon NRC Approval

The PVNGS site-specific COVID-19 PHE fatigue-management controls are consistent with the constraints outlined in the Reference and its attachment.

APS 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 01DP-0AP17, *Managing Personnel Fatigue*.

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

A prior exemption from specific requirements of Title 10 CFR Part 26, "Fitness for Duty Programs," Section 26.205, "Work hours," was granted to APS on an NRC letter dated April 16, 2020 (ADAMS Accession Number ML20107F835) and expired on June 15, 2020. The NRC exemption approval was in response to an APS letter dated April 14, 2020 (ADAMS Accession Number ML20105A481).

APS requests NRC approval by no later than November 2, 2020, to expedite implementation of the safety benefits of the alternative controls.

APS makes no commitments in this letter. Should you need further information regarding this exemption request, please contact Matthew Kura, Department Leader, Nuclear Regulatory Affairs, at (623) 393-5379.

Sincerely,

Weber, Thomas
N(Z00499)

Digitally signed by Weber, Thomas N(Z00499)
DN: cn=Weber, Thomas N(Z00499)
Reason: I am approving this document and
signing for Bruce Rash, APS Engineering VP
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BJR/LMW

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NRC Region IV Regional Administrator
NRC NRR Project Manager for PVNGS
NRC Branch Chief for PVNGS
NRC Senior Resident Inspector for PVNGS