



102-08214-BJR/LMW
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BRUCE J. RASH
Vice President, Nuclear
Engineering/Regulatory

**Palo Verde
Nuclear Generating
Station**
P.O. Box 52034
Phoenix, AZ 85072
Mail Station 7602
Tel 623.393.5102

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

References:

1. NRC Letter from J. Lubinski and H. Nieh to Nuclear Energy Institute (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, [Agencywide Document Access and Management System (ADAMS) Accession Number ML20261H515]
2. NRC Letter from C. Erlanger to Arizona Public Service Company dated November 2, 2020, PALO VERDE NUCLEAR GENERATING STATION, UNITS 1, 2, AND 3 – EXEMPTION FROM SELECT REQUIREMENTS OF 10 CFR PART 26 (EPID L-2020-LLE-0170 [COVID-19]), [ADAMS Accession Number ML20303A015]

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 Subsequent Request for Exemption from Specific Requirements of 10 CFR Part 26, *Fitness for Duty Programs***

As a result of continued challenges related to the Coronavirus Disease 2019 (COVID-19) public health emergency (PHE), Arizona Public Service Company (APS) expects that PVNGS will no longer be able to comply with 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. APS continues to proactively take 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 subsequent request is being made in support of the continued 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. Specifically, APS requests extension of the approved work hour exemption (Reference 2) which expires January 1, 2021, for an additional 60 days beyond the expiration date. 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 to operate PVNGS Units 1, 2, and 3 at full power.

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 1, 2, and 3 must be conducted such that all three units are available when needed.

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 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 Reference 1 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 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; 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.

APS requests extension of the prior exemption period from 10 CFR 26.205(d)(1)-(d)(7) work-hour controls approved by NRC staff (Reference 2), which expires January 1, 2021, for an additional 60 days. This subsequent extension will reasonably not result in cumulative fatigue of covered staff and will not compromise plant safety or security due to impaired worker fitness for duty. This conclusion is justifiable because:

- To date, the approved alternative controls were not invoked by APS during the period commencing November 2, 2020. Station management continued to control the work hours of the covered personnel in accordance with 10 CFR 26.205(d)(1)-(d)(7).
- To date, neither waivers nor exceedances of the work-hour controls of 10 CFR 26.205(d)(1)-(d)(7) have occurred during the exemption period commencing November 2, 2020.
- To date, no instances requiring fatigue assessments arising from self-declared or behavioral observations of fatigue have occurred since the beginning of the exemption period commencing November 2, 2020.
- APS plans to operate PVNGS Units 1, 2, and 3 in Mode 1 at full power during the extended exemption period. The next scheduled refueling outage is expected to commence in April 2021.
- As described above, APS will administer the alternative work-hour controls in accordance the station's work-hour control, program and procedure 01DP-0AP17, *Managing Personnel Fatigue*.

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Upon NRC approval, APS will implement the alternative controls described in Reference 1 for the management of fatigue during the period of 60 days for this subsequent request for an exemption. 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 staffing be significantly impacted. APS 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.

Near the end of the 60-day period of this subsequent exemption, 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 supplemental request may be submitted to extend the 60-day implementation period exemption.

In addition to the current exemption period (Reference 2), 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 January 2, 2021, to continue 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,

Rash, Bruce
(Z77439)

 Digitally signed by Rash, Bruce
(Z77439)
DN: cn=Rash, Bruce (Z77439)
Date: 2020.12.21 13:57:32 -07'00'

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cc:	S. A. Morris	NRC Region IV Regional Administrator
	S. P. Lingam	NRC NRR Project Manager for PVNGS
	J. L. Dixon	NRC Branch Chief for PVNGS
	C. A. Peabody	NRC Senior Resident Inspector for PVNGS
	B. Gortezki	Arizona Department of Health Services-Bureau of Radiation Control