

**PROFESSIONAL REACTOR OPERATOR SOCIETY****DOCKET NUMBER**DOCKETED  
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**PETITION RULE PRM 26-2**  
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Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001OFFICE  
OF  
PUBLIC  
AFFAIRS

Attention: Rulemakings and Adjudication's Staff

Reference: Docket No. PRM-26-2

**To Whom It May Concern:**

The Professional Reactor Operator Society (PROS) thanks the Commission for the opportunity to comment on the referenced petition for a proposed rule.

While PROS agrees that operator fatigue and attentiveness have safety implications, it is not readily apparent that the referenced battle cry of "do more with less" in the operator community is as prevalent as the petitioner would lead us to believe.

In a recent survey conducted by PROS to determine current issues that our members are concerned about, overtime was identified by 65% of the survey respondents. Our survey did not, however, ask the respondents to qualify their concerns. At this time PROS cannot state definitively that the concern is due to understaffing, desire for more time off, pure dislike of overtime, or any other reason.

In the interest of providing the Commission with the type of data that would be needed for informed rulemaking regarding this issue, PROS is willing to conduct a more detailed survey of the licensed operator community. To better identify the specific concerns the Staff might have PROS is willing to work with the Staff in developing specific survey items to include. PROS is also willing to work with the Staff to complete the survey in a timely manner.

PROS is confident that many of the arguments raised by the petitioner are currently covered by the Fitness for Duty Rule (FFD). When the rule is applied in the broadest sense, an operator must be physically and mentally prepared to assume his or her duties. By virtue of the responsibility that comes with an operator's license, it is PROS belief that each operator is duty bound to follow this premise. PROS is aware of policies at some utilities that have ingrained this into their culture with a great deal of success. Operators that refuse overtime-based on FFD do so without fear of retribution by management. PROS cannot say that this is occurring uniformly across the industry, but it certainly could be substantiated via a comprehensive survey of the affected population.

The proposed limit of hours is a simplistic solution to a very complicated problem. There are a number of other factors that affect attentiveness and fatigue that are not related to hours. Activities prior to coming to work, after work, family obligations, family or work conflict, career goals all affect the licensed operator just as they affect any other worker. To minimize fatigue and attentiveness one would have to be able to predict human response to all of these variables. An attempt to regulate any of these, including hours, would create a regulatory requirement that would be very difficult for each licensed operator to manage.

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Every new NRC requirement places a new burden on the individual operator to manage. Each 10CFR55 license has individual responsibilities that they are held accountable for. The majority of licensed operators are shift workers that attend requalification training on a set schedule. The intent of this training is to ensure that they have the technical knowledge to operate the plant safely. Each new program that is created by the NRC that requires training actually exacerbates the overtime issue. Many utilities use overtime to train on those topics that are not directly related to the topical areas specified in 10CFR55. Creating another mandatory training program would just mean more overtime training for many operators, the result being counterproductive to the proposed training's goal.

PROS proposes that if the overtime issue is truly a concern of the NRC, then it be tracked or regulated in such a manner that it is unobtrusive to the individual license holder. The recently revised plant inspection program is just such a vehicle. The NRC could track plant performance and include overtime of key safety personnel as one of the pinpoints that feed into overall risk. Although not completely knowledgeable on all of the nuances of the new process, PROS believes that the NRC staff could develop such a program. The Physical Protection Cornerstone has the Fitness-for-Duty (FFD)/Personnel Reliability Program Performance Indicator. 10-CFR Part 26 states, "Licensee policy should also address other factors that could affect fitness for duty such as mental stress, fatigue and illness." The indicator definitions and data reporting elements would be the number of deviations in the overtime rule, number of incidents where operators identify that they are not fit for duty due to fatigue, mental stress or illness while on duty.

In conclusion, PROS would again like to thank the Commission for the opportunity to comment and request that the Staff, if action is taken, seeks ways to minimize the individual burden on the licensed operator community.

Respectfully

*Mike Jacobson*

President

Professional Reactor Operator Society