

April 18, 2000

MEMORANDUM TO: Suzanne C. Black, Deputy Director  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

FROM: John A. Grobe, Director  
Division of Reactor Safety */RA by S. A. Reynolds Acting For/*

SUBJECT: TASK INTERFACE AGREEMENT (TIA 2000-02) POTENTIAL  
CONFLICT OF LICENSEE ABSENCE CONTROL PROGRAM  
WITH FITNESS-FOR-DUTY RULE AT BRAIDWOOD STATION

Region III requests that NRR determine whether a licensee's Absence Control Program concerning absences for scheduled work tours conflicts with 10 CFR Part 26 requirements.

Background

Licensed operators at Braidwood Station recently went from an eight hour to a twelve hour day. Some of these operators have been late or did not go to work because they claim that they were overly fatigued due to the new shifts. When an individual calls in sick or fails to arrive for scheduled work, it is treated as an "occurrence" in accordance with the "absence control" policy and is tracked. The policy states that if an individual accumulates three "occurrences" within a 12-month period, the first line supervisors should inform the employee of his/her status in the Absence Control Program, see employee awareness, and gain cooperation in minimizing future absences. The policy states: "Individuals with chronic illness or with a multitude of absences due to a single injury or affliction may warrant special consideration." The policy provides a structure and mechanism by which multiple absences can be reviewed to confirm their legitimacy. No actions will be taken if multiple absences are found to be legitimate. Additionally, the policy provides an opportunity for the cognizant management personnel to ascertain the necessity of involving other company resources for the benefit of the employee (i.e., Employee Assistance Program and Occupational Health Services).

The licensee tracks each day that an employee calls in sick or fails to arrive for scheduled work. When a review of absences indicates that abuse has taken place, appropriate disciplinary action is taken. The licensee maintains that the Absence Control Program provides protection for the employee by taking into consideration extenuating circumstances that may affect the individual's attendance.

CONTACT: J. R. Creed, DRS  
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Discussion:

10 CFR 26.10 requires that fitness-for-duty programs must provide reasonable assurance that nuclear power plant personnel will perform their tasks in a reliable and trustworthy manner and are not under the influence of any substance, legal or illegal, or mentally or physically impaired from any cause which in any way adversely affects their ability to safely and competently perform their duties. Several licensed operators have alleged that the current work schedules have caused them to be excessively fatigued and that the absence control policy pressures them to report to work because of the fear of possible discipline, including termination.

Fitness-for-duty, relative to the use of drugs or alcohol, can be objectively determined through testing. We have relied on the licensee's behavioral observation to evaluate the fatigue factor when the employee is onsite. The concerned individuals are indicating that their management's absence policy pressures individuals who are fatigued and believe themselves to be unfit for duty to come to work. They indicate, under those conditions, that if they are late due to getting the additional needed rest or call off entirely that management can and has taken disciplinary personnel action.

Action Requested:

Region III requests that NRR determine whether this absence control policy is in conflict with 10 CFR Part 26. This issue was discussed with Mr. Garmon West, Safeguards Branch, NRR on March 23, 2000. We request a response within 45 days of your receipt of this memorandum.

cc: R. Rosano, NRR  
G. West, NRR  
J. E. Dyer, RIII  
M. Jordan, RIII  
D. Hills, RIII

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