

DOCKET NUMBER

PETITION RULE PRM 26-2
(64FR67202)DOCKETED
USPRC

176

Opinion on proposed rulemaking change on working hours by Barry Quigley.

'00 JUL -5 P12:48

Although I am aware the public comment period has ended regarding Working Hours At Commercial Nuclear Power Plants, as an I&C technician at a commercial Nuclear Power Plant for over 17 years, I feel compelled to offer my opinion concerning this situation, as well as the misconception by outsiders of how it is being regulated and monitored.

My major points being:

- a. The present regulations are unenforceable. Phrases like "routine use of heavy overtime", and "very unusual circumstances" are undefined. Is not 20,000 hours a year overtime in a department of 47 technicians for the past 18 years considered "routine"? Not by the utility's or NRC definition. As I was told by an NRC inspector during an Allegations Meeting, "If we don't have a definition for it, how can we enforce it?" Also, NRC letter 91-36 further defines Information letter 82-12, (which are the guidelines utilities limit their overtime by), by stating that, "plant personel supporting an operating unit shall not be placed on an outage schedule". But this is done throughout the industry. Again, the NRC reply was, "that letter is what we'd like to see, but we cannot enforce it"
- b. The present regulations permit 72 hours in a week, and more with an approval by management. There is no cap on the number of weeks that this can go on. The cumulative fatigue effect is ignored. My department has been scheduled 10 hour days, 7 days a week, for 10 weeks to support a refuel outage. And during the 8th week, got extended to 12 hour days. This is totally within the present regulations to do so.
- c. It is interesting to note that working past the overtime limits requires approval from management, but not the worker. No one ask's the worker if they are too fatigued to work further hours. How can the utility be monitoring fatigue if the worker is not even questioned? Is your first line supervisor qualified to judge when you're fatigued, when he's also working 70 to 80 hours a week? And his supervisor also? Who is monitoring for this fatigue?
- d. One item which I've never heard discussed is the fact that because of deregulation, utilities are not hiring new, younger employees. The average age in my department, as well as the company I work for, is in the mid to late 40's. This aging work force cannot work the long hours as well as we used to. Nothing has been done to address this issue.
- e. The current regulations, as well as the proposed new ones, only cover "safety related work". Plants do not have a physical distinction of "safety related systems and components in this area, and not safety related over there". Every worker at a nuclear power plant has the capability of causing a scram or plant transient. A transient is usually the last event in a series of equipment or human failures in the timeline of a catastrophe. Whether it's an operator, or maintenance worker, or a person sweeping the floor, that worker needs a security clearance and monitoring for Fitness for Duty. Federal regulations require that he or she monitored for impairment dues to drugs or alcohol. Why in the world should he or she be exempt from the overtime regulations?
- f. The reasoning that the Fitness for Duty program will point out workers in a fatigued condition is almost laughable. As I said before, if your supervisor and his supervisor above him are potentially fatigued, as in during a refuel outage, how can you guarantee that your fatigue will be detected? Further, pulling a worker suffering from cumulative fatigue off his job and sending him home to rest, then expecting him to be back to 100% the next day is not realistic. Currently, the fitness for duty program is associated with disciplinary action. How many times can a worker be caught fatigued under Fitness for Duty before he will be reprimanded?
- g. There are many, many more occurances of mistakes and human performance errors than are reported. A typical investigation involves the question, "did you get enough sleep last nite?" Many people will not admit that they are fatigued, due to personal pride, or because many workers do enjoy the heavy overtime (read money), and by admitting they were fatigued, they might lose out on more overtime (read money). That is the reason more workers don't come forward, sometimes overtime (read money) gets addictive. Many people can make more money doing illicit and illegal activities, but does that make it right?

In conclusion

I support the proposed rulemaking petition by Barry Quigley, as they are a step in the right direction, however I feel they need to be refined on the following points:

- a. The limits during a plant shutdown should be 60 hrs per week, as when the unit is running. Many Nuclear Plants in the U.S. are dual units. Many **work** groups are not split between supporting each unit. If there is a problem on the running unit while the **other** is shutdown, technicians and operators will be working the problem on the running unit, even after working 70+ hours on the shutdown one. There is potential for abuse of this by management, as explained above in paragraph "a". At a minimum, the distinction should be made that when one unit is down, the running unit cannot be ignored, and workers on that unit must follow the regulations for a running unit. This is stated in letter 91-36, however, as I was told by an NRC inspector, it is unenforceable. Further, the work scope during outages is such that the potential for incidents and accidents, such as vessel draindowns and fuel handling accidents is much greater, as compared to more routine work performed while the plant is running. Clearly, increases of limits during refuel outages is done as a bonus to the utilities.
- b. The biweekly limit is a good idea, however a cap is needed on how many weeks overtime can go on. Again, the long term cumulative effect is ignored. Yes, outages are generally shorter then they were in the past, but if a problem is encountered, it can drag on for 8-10 weeks.
- c. If the utility is serious about monitoring fatigue, the worker should have an input as to whether he is too fatigued to work extended hours.

Sincerely,

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