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FROM: DUE: / /

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FINAL REPLY:

NEI
Ralph Beedle

TO:

Chairman Meserve

FOR SIGNATURE OF : ** GRN **

CRC NO: 01-0413

DESC:

Comments on SECY-01-0113, Rulemaking to
incorporate guidance on Fatigue of Workers at
Nuclear Power Plants in 10 CFR Part 26

ROUTING:

Travers
Paperiello
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Burns/Cyr

DATE: 08/17/01

ASSIGNED TO: CONTACT:
NRR Collins

SPECIAL INSTRUCTIONS OR REMARKS:

For appropriate action.

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OFFICE OF THE SECRETARY
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AUTHOR: Ralph Beedle (NEI)
AFFILIATION: NEI
ADDRESSEE: CHRM Richard Meserve
SUBJECT: Concerns rulemaking to incorporate in 10 CFR Part 26 guidance on fatigue of workers at nuclear power plants

ACTION: Signature of Chairman
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LETTER DATE: 08/17/2001
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NUCLEAR ENERGY INSTITUTE

Ralph E. Beedle

SENIOR VICE PRESIDENT AND
CHIEF NUCLEAR OFFICER,
NUCLEAR GENERATION

August 17, 2001

The Honorable Richard A. Meserve
Chairman
U.S. Nuclear Regulatory Commission
Mail Stop O-16 C1
Washington, DC 20555-0001

Dear Chairman Meserve:

In a recent paper, SECY-01-0113, the NRC staff recommended rulemaking to incorporate in 10 CFR Part 26 guidance on fatigue of workers at nuclear power plants. The management of work hours should be performance-based, with monitoring for fatigue-based errors and, where necessary, appropriate corrective action. We are concerned that the NRC staff recommendations provide an overly prescriptive approach to work hour management and do not recognize the nature of overall operations in the nuclear power industry.

Maintaining high standards of operational performance is vital to the industry. In recent years there has been significant effort in achieving and maintaining the proper safety culture at our plants. The success of this effort, led by the Institute of Nuclear Power Operations (INPO), is evident in the plant performance indicators. To achieve this level of industry performance, many error precursors, including fatigue, had to be addressed.

Industry events show few cases where fatigue was a contributing factor. These findings were confirmed by reviews conducted by both INPO and the NRC. The staff claims that fatigue must be a factor, concluding that it is not being aggressively sought out, identified and reported in root cause analysis. Changes to event analysis programs can be made to more clearly evaluate human performance events for fatigue as a contributor.

After a preliminary review of the SECY, the industry has serious concerns with the analysis that leads to a recommendation to decrease the work hour limits contained



The Honorable Richard A. Meserve

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in the Commission guidance of Generic Letter 82-12. Policy should be based on working conditions in the power industry, not the transportation industry. Although research in the transportation industry has shown a linkage between hours behind the wheel and accident rates, these studies do not apply to workers in the power industry.

The proposal to significantly reduce work hour limits in combination with the presumption that a worker is impaired when he reaches a limit will have a significant impact on the industry. The proposal greatly reduces management flexibility and the ability to respond to emergent conditions. In the absence of data showing fatigue-caused events, it will be difficult to show that these new restrictions would result in a real increase in public health and safety.

In Option 4, the NRC staff discusses a fatigue management program without any prescriptive work hour limits. We are aware of several programs that use an algorithm that incorporate a number of factors affecting fatigue to generate a predicted impairment index with respect to particular tasks, for example, a pilot on a specific mission. The variety of activities, with much of the work done in a crew setting rather than an individual working alone, at a power plant do not fit with this type of modeling, and there does not appear to be the data base needed to develop the proper algorithm. However, performance monitoring should be part of the fatigue management program.

We request that the Commission consider rulemaking that would lead to a performance-based approach to preventing fatigue-induced errors. Specifically:

- Modify 10 CFR Part 26, clarifying the guidance currently contained in Generic Letter 82-12 with the goal of achieving consistent application throughout the industry.
- Retain the current work hour guidelines as the point at which proactive management attention to the potential for fatigue is required.
- Work with the industry and other stakeholders to establish performance monitoring that improves the assessment of fatigue as a factor contributing to events.
- Require worker and supervisor training on recognizing and managing fatigue.

Maintaining the proper culture at a power reactor requires management attention to a number of factors of which the potential for fatigue is only one. Monitoring work hours provides an important indicator when additional attention is needed to prevent fatigue-related errors. We believe that the Commission should adopt a performance-based approach to fatigue issues, not increase the burden with prescriptive work hour limits.

The Honorable Richard A. Meserve

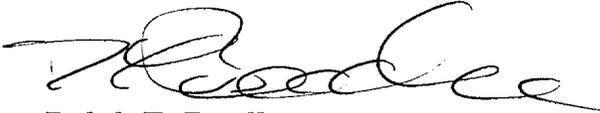
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This issue has significant labor relations implications and cost impact on the nuclear facilities. As a result, the Commission direction to the staff will be a decisive factor in achieving resolution.

Thank you for the opportunity to comment on this important issue. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Beedle", written in a cursive style.

Ralph E. Beedle

c: The Honorable Greta Joy Dicus, Commissioner, NRC
The Honorable Edward McGaffigan Jr., Commissioner, NRC
The Honorable Jeffrey S. Merrifield, Commissioner, NRC
Dr. William D. Travers, Executive Director for Operations, NRC