

DOCKET NUMBER
PROPOSED RULE PR 26
(70FR50442)

2

From: "Ethan Darrow" <ethanwd@comcast.net>
To: "Rebecca Karas" <RLK@nrc.gov>
Date: Sun, Aug 28, 2005 7:46 AM
Subject: Re: fitness for duty rule change

DOCKETED
USNRC

August 29, 2005 (9:02am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Thank you for responding.

I read the rule on work hour management.

The changing back and forth between shifts is explicit to me in paragraph 26.199.2.c as well as 26.199.3.B, however with no example such as the one below, how many people that are faced with needing a worker would interpret it differently? I believe the rule should be more specific such as "only one switch between nights and days is allowed in a seven day period when a worker is working 12 hour shift work."

The other part that I can't find in the new rule is the old rule had plant manager as the approval authority. It almost looks like the new rule has the operations manager as the approval authority. Maybe it is there and I am just looking in the wrong place. It is good that the operations shift manager evaluate the situation and the individual however, because of the impact of fatigue and work hours, the Plant General manager should be the one signing off on it. The process should be painful for the utility such that they do not want to employ extending workers hours except under very unusual circumstances. Work hour extension should be the rare exception not the norm. I believe over the last 14 years the work hour extension has become an accepted practice.

Thanks, E

----- Original Message -----

From: "Rebecca Karas" <RLK@nrc.gov>
To: <ethanwd@comcast.net>
Cc: "David Desaulniers" <DRD@nrc.gov>; "Julius Persensky" <JJP2@nrc.gov>; "Timothy McCune" <TSM5@nrc.gov>
Sent: Thursday, August 25, 2005 9:56 AM
Subject: Re: fitness for duty rule change

Mr. Darrow,

I have docketed your email as a comment on the proposed rule. Thank you for taking the time to comment. We plan to address comments received following the close of the public comment period. Responses will be published in the Federal Register for the final rule. The official public comment period will run for 120 days, beginning upon publication of the proposed rule, which is expected to be tomorrow. When it is published it will appear on www.regulations.gov Although you are correct and the notice itself is about 800 pages long, the proposed rule text for the fatigue portions is very short. You can find it within the notice towards the end of the document. Fatigue is in Subpart I. I encourage you to read through that short section and if you have further comments please submit them to us following the instructions for comment submittal within the notice. You can also find information on the NRC's intent for the fatigue requirements within the notice in the section labelled "Section by Section Analysis of Proposed

Template = SECY-067

SECY-02

Changes" under Subpart I and for the fatigue requirements there is also a fairly short discussion earlier in the notice. The majority of the 800 pages is related to drug and alcohol testing.

Thanks,
Becky

>>> "Ethan Darrow" <ethanwd@comcast.net> 08/24/05 7:57 PM >>>
Hi Ms. Rebecca Karas,

I read of the pending fitness for duty rule change in the Calvert County Recorder newspaper.

Before I submitted any comments, I wanted to make sure I understood the NRC intent. I heard new rules were thousands of pages long. I do not have time to read the whole document if it is that long.

I have several concerns during operating and non operating periods.

During operations, a shift worker working 12 hours periods, can work 3 nights, say Friday, Sat and Sun. Have Monday off, and then work Tuesday day. Work Wednesday night and then have to work Friday, Sat and Sun days. No rules have been violated, only 72 hours were worked in the seven day period. Even though the 72 hour work period applied, the person's body clock is all messed up and they might not be at peak performance. Do the new rules specify switching between nights, days, nights and then back to days all in one week?

There was a key word in the news paper and that was the fitness for duty work hours was "while plants are operating"

I am concerned about the lack of work hour regulation during outage periods. During outages I have seen people work thirteen twelve hour days or nights straight. It is my understanding that the NRC's view point is that the release to the public is low due no iodine production because the unit is shut down.

While this might be true for a single unit site, or a dual unit shutdown on a dual site, it doesn't preclude workers from begin pulled off the shutdown unit and working on the operating unit on a dual unit site in times of need for the utility, causing an error and then having a release. While the NRC position might be that Fitness for Duty applies and the workers should have

supervisory oversight during work, in practice I have not witnessed consistent use.

One of the concerns I have is the total number of hours spent working during the outage. Worker fatigue over a month of working 80 hour work weeks under high stress is a valid issue. It might not be the immediate release of radioactivity that I am concerned about, but the future failure of a component that would cause release due to poor workmanship due to being tired or overworked. While in-service testing should reveal broken or degraded components in application, degraded components are not always readily revealed during in service testing.

With more companies worried about the bottom line, more risks are being taken by utilities to drive outages to shorter and shorter periods. Less equipment is being worked during outages and people are being driven harder and longer. With these conditions occurring, it will be just a matter of time before something bad happens and both the NRC and the nuclear industry have a black eye.

If the fitness for duty rule change is also changing the urine testing program, it should be changed to reflect that all the population gets tested within a certain time period, say two years. Right now I do believe the rule states that it is only a 50% average of the work force per year. Some people never get tested and others get tested two or three times a year. The rule should be changed such that every worker will be tested within a two or three year period. The company program might say random, but there is no random when certain workers are selected on a regular basis and other workers never get tested.

I look forward to hearing from you. E.

From: Rebecca Karas
To: Ngbea, Evangeline
Date: 8/29/05 8:10AM
Subject: Fwd: Re: fitness for duty rule change

Please docket the attached email as a comment on the Part 26 proposed rule.

CC: Barnes, Val; Collier, John; Dean, Craig; Desaulniers, David; Gallagher, Carol; McCune, Timothy

Mail Envelope Properties (4312FB41.CD9 : 24 : 456)

Subject: Fwd: Re: fitness for duty rule change
Creation Date: 8/29/05 8:10AM
From: Rebecca Karas

Created By: RLK@nrc.gov

Recipients

icfconsulting.com
 jcollier CC (John Collier)

icfconsulting.com>
 "Dean, Craig"<CDean CC (Craig Dean)

nrc.gov
 OWGWPO01.HQGWDO01
 DRD CC (David Desaulniers)

nrc.gov
 owf5_po.OWFN_DO
 ESN (Evangeline Ngbea)

nrc.gov
 twf2_po.TWFN_DO
 TSM5 CC (Timothy McCune)

nrc.gov
 twf4_po.TWFN_DO
 CAG CC (Carol Gallagher)

psha-inc.com
 vbarnes CC (Val Barnes)

Post Office

OWGWPO01.HQGWDO01
 owf5_po.OWFN_DO
 twf2_po.TWFN_DO
 twf4_po.TWFN_DO

Route

icfconsulting.com
 icfconsulting.com>
 nrc.gov
 nrc.gov
 nrc.gov
 nrc.gov
 psha-inc.com

Files	Size	Date & Time
MESSAGE	418	08/29/05 08:10AM

Mail

Options

Expiration Date: None
Priority: Standard
Reply Requested: No
Return Notification: None

Concealed Subject: No
Security: Standard