(8)

DOCKET NUMBER
PROPOSED RULE PR 26
(70FR50442)

Tuesday, September 20, 2005

I am a licensed reactor operator at Point Beach Nuclear Plant and have some comments for consideration concerning 10 CFR Part 26 Fitness for Duty Programs; Proposed Rule (08/26/2005):

Comment 1.
Section 26.199 Work Hour Controls
The proposed rule will have the unintended consequence of forcing any plant that is currently working an 8 hour shift schedule to a 12 hour shift schedule.

Proposed § 26.199(c) [Work hours scheduling] would be added to require licensees to schedule the work of individuals who are subject to this proposed section in a manner that is consistent with the objective of preventing impairment from fatigue due to the duration, frequency, or sequencing of successive shifts.
If a routine shift schedule does not fit all of the constraints of Proposed § 26.199(d) no licensee will be able to use it even though the schedule would comply with the stated goals of Proposed § 26.199(c). This is because I see no mechanism in place anywhere in Subpart I – Managing Fatigue for NRC review and approval of routine shift schedules that meet the intent of Proposed § 26.199(c). Licensees will have to default back to the guidance of Proposed § 26.199(d) and develop schedules that would meet all of the Proposed § 26.199(d) [Work hour controls for individuals] even though it is stated that they are not intended as guidelines or limits for routine work scheduling. My concern is that no study cited in this proposed rule making states that working longer hours reduces fatigue; in fact, every study cited recognize longer shifts as significantly contributing to fatigue. Creating regulation that will effectively destroy the viability of an 8 hour shift schedule and force the use of 12 hour shift schedules under the guise of fatigue management is counterproductive to the stated goals of the proposed rule.

Comment 2.
The exclusion of shift turnover time from individual work hours was abused in the past and defining shift turnover time is a step in the right direction. Proposed § 26.199(b)(1)(i) would define shift turnover as only those activities that are necessary to safely transfer information and responsibilities between two or more individuals between shifts. The continued abuse of shift turnover time will come from the fact that, what activities are "necessary" is open to interpretation. It also appears to allow both oncoming and off going time to be subtracted; in essence allowing the licensee to double dip on how much turnover time can be subtracted. I agree that when I come in to take the watch I am not performing safety related duties as I discuss current plant status with the off going watch stander. However, the off going watch stander is performing safety related duties until the time I tell them that "I relieve you", at which point I am now responsible for the watch and performing safety related duties. If an individual has the responsibility for a watch station, then that person's time should not be exempted. I do not think that turnover activities are "clearly delineated" as the proposed rule purports them to be.

Comment 3.
The 48-hour collective work hour limit of Proposed § 26.199(f) [Collective work hour limits] will not prevent individuals from working up to the limits of Proposed § 26.199(d) on a frequent basis. The timeframe between outages is the timeframe when § 26.199(f) will apply, it is also the period of highest vacation usage (especially during the summer months). Since, overtime is used to cover for vacation or illness, it is possible that during these times one could be working up the limits of § 26.199(d) repeatedly to cover for absences. These absences would be factored into the collective work hours as no net gain in number of hours worked by the group, yet many individual work hours will be increased to make up for the hours. A goal of GL 82-17 was to "ensure that there are a sufficient number of operating personnel available to maintain adequate shift coverage without routine heavy use of overtime." The only way to ensure that the collective work hour limit will achieve this is to remove the hours absent from the averaging process. This could be incorporated with additional guidance added to Proposed § 26.199(b)(2)(ii). No other process will cause a licensee to maintain sufficient staffing to cover the shift without routine heavy use of overtime. It is an easy calculation to determine how many full time equivalents are required based on the minimum number of position to be staffed and how many vacation hours those employees have that are staffing them. Collectively the group of operators won't become fatigued, but the individual operator will. Proposed § 26.199(d)(3)(ii) would prohibit use of a waiver in lieu of adequate staffing, but then the proceeds to give licensees an out by citing a sudden increase in personnel attrition as an example of a circumstance that the licensee could not have reasonably controlled, providing further justification for a licensee to stay at less than adequate staffing levels. Proposed § 26.199(f)(3)(i) provides a similar out to a licensee, in effect telling the licensee that, you do not need to maintain your staffing adequate, because, we understand that it is not reasonably controllable. If the intent is to ensure adequate staffing levels, than define adequate staffing levels!

Thank you for your time regarding this issue.
Sincerely,
Peter R. Hammill

From: Carol Gallagher
To: Adria Byrdsong
Date: Wed, Sep 21, 2005 10:26 AM
Subject: Comment letter on FFD proposed rule

Attached for docketing is a comment letter on the above noted proposed rule from Peter R. Hammill that I received via the Rulemaking website on 9/20/05.

His address is:

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Carol

Mail Envelope Properties (43316D99.3E4 : 3 : 886)

Subject:	Comment letter on FFD proposed rule
Creation Date:	Wed, Sep 21, 2005 10:26 AM
From:	Carol Gallagher
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