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PROPOSED RULE PR 26
(10FR 50442)

38

Annette Vietti-Cook
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-001

December 16, 2005

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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Attn: Rulemakings and Adjudications Staff

Subject: Comments on proposed rulemaking, 10 CFR Part 26 Fitness for duty – Worker Fatigue Provisions

Dear Ms. Vietti-Cook,

I am writing in reply to the proposed changes to the 10 CFR Part 26 fitness for duty programs. I am opposed to the changes in the Worker Fatigue Provisions. I have viewed much of the material that is on the NRC web site. Most of it seems to be speculative. As in studies using politically skewed scientific or psychological data rather than the real world data that we have. The one time when a real world true hard performance fact is presented it is just assumed that we can't be that good. The assumption is that we are either lying, intimidated, or threatened.

The proponents write a good story to scare everyone but that is just what it is. It is their story told the way they think that will get their way. They quote data that supports that we are doing a good job but to them it is too good to be true. They take one incident of someone sleeping and spread it across as something to expect from the industry unless we do something.

One in particular said "I'm there" in reference to working at a nuclear power plant. Well, I'm there too, at the same plant. The difference being is that I am in the field and he is management. I would complaint to if I was him. Working overtime and not getting paid for it should be a crime. It is also zero incentive for getting the experienced worker into a management position. Also he is in operating and I am on the maintenance side, Fuel Handling to be specific. This truly does seem to be an operating issue. Working rotating shift sounds awful, but I have never worked what would be considered a rotating shift. I do work night shifts during outages and special projects, by choice.

The references to DOT and National Transportation Safety Board studies showing fatigue and alcohol comparisons are fine for truck drivers. To try and compare truck driving to working at a nuclear power plant is absurd. I was an owner operator and drove a semi truck for almost ten years. I have been in the nuclear power industry for eighteen years. There is no comparing driving a truck tired and working at nuclear power plant long hours. Driving a truck is a lonely monotonous job that takes split second decisions at times, without a procedure to help you. No time for STAR. In a nuclear power plant you

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work with others for peer checks and have opportunities to use other human performance tools to prevent errors.

Working tired and fatigued is a fact of life that goes back to the beginning of time. Some just handle it better than others. I have worked with people that can't handle a twenty hour week let alone a forty hour one. What do you do with the worker who is fatigued after less than a forty hour week? It does come down to the old saying "If you can't stand the heat, get out of the kitchen".

What one needs to realize is the number of hours many are putting in are not stressful hours. The industry standard on refuel floors and with many other work groups on the maintenance side is two hours on two hours off or three and three. This is done to control stress and keeps workers fresh. A twelve hour day is essentially a six hour workday. This not production line work. Everything we do is thought out and precisely executed.

It is a fact that a power plant runs 24 hours a day and must be maintained 24 hours a day. Biological cycles are mentioned but there is no cure for that in the proposal. That's because you can't change biology. In fact there are changes in the proposal that will make matters worse. To change from being a day shift worker to nights is a little tough for some. Currently during an outage we work seven days a week for two to three weeks. Under the proposed change a six day workweek will only be allowed. What this does to the night shift worker is give him one night off a week. I have had that happen at times when I was working nights. I can tell you from my experience and that of my coworkers, it destroys you. You get off work, say Sunday morning at 6 am. You get home and your family is just getting up to start their day. The purpose of a day off should be to spend time with your family. What do you do? Spend time with them or go to sleep? Most will stay up and spend time with their family knowing they now have a night off from work. Come Sunday night they will do what the family does and go to sleep. Monday will be a new day but Monday night will be a new workweek. Remember the studies? First day back to work after a day off is a precursor to errors. The worker will now be forced to change back to a night shift again. Some will say he should have gone to sleep during the day Sunday and stayed up Sunday night, all by himself. That being the case, what good did that night off do? Outage times are a time to get serious about the tasks at hand. Workers who normally don't work back shifts are now working seven nights a week. It is a time to get serious and put home life on hold for a little while. Much like those in the military do. This is serious work that takes a serious and committed workforce.

The continuity of the jobs is important towards doing the job error free. Jobs handed off to too many workers will lose that continuity leaving room for error. Reducing the time and number of days the worker can be on the job will result in a flow of different workers on the job to cover for the one who can't be there.

I see the words "harassment and intimidation" or "whistleblower" used in some of the comments from outsiders. I think they have seen Silkwood too many times. We are not harassed nor are we intimidated into working at our jobs. Period.

A final personal concern that I have is financial. I know this should not be a factor in making these rules but it is a very relevant concern. From the start we have always been told not to live off of the overtime. After almost twenty years, the overtime I have gotten has been consistent. A quick calculation using the proposed rules would result in about a \$10,000 annual loss for me. That money will now have to come from somewhere. I am a pretty handy carpenter. I may have to look into remodeling work on the side to make up for the loss of income. What are others going to do? What will that do for us when it comes to fatigue? Take those thoughts beyond my income to that of the contractors in the nuclear industry. As outage durations have shortened the value in working at a nuclear power plant has diminished. In the past a local contractor could count on a couple of months of steady work during an outage. Now with the shorter outages we have contractors on site less than two weeks and have had trouble getting the local contractor because he can find longer term work elsewhere. The end result is that the current outage contractor comes from around the country that can't find work elsewhere. He is less experienced and living out of a suitcase. Now you are going to tell that contractor that you are going to reduce his hours, work him only six days a week and by the second or third week he will only work five days. It will not be worth it for him financially to travel around the country doing this type of work. I have spoken with many of these guys and they do say they will find other work. So now you will get the next level down in desirability of your contractor. When you do get this new group of contractors in, what do you think a hard working guy is going to do being from out of town with a night off? I would have to think that after one of those nights the next day back he may still be in quite a fog. Not what you want in a nuclear plant worker.

We have proven ourselves as workers. Please do not take unrelated studies that do not include our specific performance and inexperienced opinions from outside of the industry to make decisions that could adversely affect how the nuclear industry functions.

Sincerely,

Daniel Hansen
P.O. Box 84
Esmond, IL 60129

From: Carol Gallagher
To: Evangeline Ngbea
Date: Fri, Dec 16, 2005 12:33 PM
Subject: Comment letter on Fitness-for-Duty proposed rule

Attached for docketing is a comment letter on the above noted proposed rule from Daniel Hansen that I received via the rulemaking website on 12/16/05.

Carol

Mail Envelope Properties (43A2FA6D.93E : 3 : 886)

Subject: Comment letter on Fitness-for-Duty proposed rule
Creation Date: 12/16/05 12:33PM
From: Carol Gallagher
Created By: CAG@nrc.gov

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