

~~DOCKET NUMBER~~
~~PROPOSED RULE~~ 26
(70 FR 50442)

February 14, 2006 (12:18pm)

Dear Sir,

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

I, as a Nuclear Plant worker, and as a stakeholder in the new proposed work hour guidelines by the NRC, feel compelled to offer the following comments concerning the proposed rule change:

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1. Whether it is alcohol, drugs, or fatigue, the common thread here is impairment. It is totally irresponsible to imply that only impairment from drugs or alcohol will not be tolerated by personnel with site access, but impairment from fatigue will be accepted from Engineers, cleaning people, and others not working on safety related equipment. **Why do we include them in the FFD program at all?**
2. The proposed change, as written today, will provide little value to protecting the public. I'm sure the NRC's intentions are sincere concerning a 24 hour break in 7 days, and 48 hour break in 14 days; however this will only force the utilities to shift everyone to 12 hour shifts during outages to allow for the increased days off. Most workers will work 60 hours one week, and 72 the next. I really can't say that I would be less fatigued working 72 hours in 6 days as opposed to 72 hours in 7 days.
3. Speaking of the 72 hour rule, with turnover time, ends up being 75 hours in a week. Most utilities use turnover to offset the fact of having to count ½ hour for lunch. In departments other than Operations, the whole shift does not turn over, usually only the leader or foreman. But turnover time is claimed. In some cases, it is claimed at the front and back of the shift. Now we're up to 78 hours in a week. Why is turnover time excluded at all? It is work, isn't it? Also, what scientific study is this 72 hour rule based on to begin with? **I am not aware of any scientific evidence that a person can competently work for 72 hours in a week, much less week after week. What I do know is that it is very difficult for me.**
4. Besides abusing the current rules with the turnover exception, the use of waivers is apparent. Many times they include a whole department or crew, so the counting of waivers does not give an accurate indication of how many workers are exceeding the current work hour limits.
5. The 80-some page comment from NEI is almost humorous. The statements about Human Performance that trends upward with longer outages is far from what I see when I work an outage. Normally competent workers become forgetful and make many simple mistakes. The NEI implies that there are no cumulative fatigue issues from working over 70 hours per week for 8 to 10 weeks. Indeed, in the September 21, 2005 public meeting, Mr Ziebell from EPRI states that 6 -12 hour days per week for 10 weeks is "acceptable". Has he himself done this? Maybe he should monitor workers leaving site after 10 weeks of that schedule, and see alert and awake they truly are. How safe

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would they feel if their surgeon worked that schedule before operating on them, or boarding an airplane when the pilot has worked that many hours? **The NEI and the utilities seem to have come to the conclusion that if you go home and get 8 hours of sleep, then you are not fatigued. They seem to be focused on the sleep deprivation issue, not cumulative fatigue. The cumulative fatigue issue is all but ignored. This "burnout" is very prevalent during outages, and this is part of what I thought the work hour rules were supposed to prevent.**

6. **The NEI cites the fact that few Human Performance errors have been attributed to Fatigue. I have seen and been involved in Event reviews that determined that the root cause was failure to self check, etc, instead of the real root cause which was the worker was working too many hours.**
7. The Industry seems to embrace the new 10 hours off rule, when realistically it has little value. During callouts or shift changes is among the few times where workers fall into the minimum 8 hours off rule, but this new 10 hour rule has an exception for shift changes.
8. The NEI supports the existing work hour rules as "time proven" I thought in this industry we did not base risk analysis on "past practice" To quote the Union of Concerned Scientists, "Using this unsound logic, the emergency core cooling systems and containment buildings at the nation's 103 nuclear power plants could be permanently removed since few events have required their use."
9. It is interesting to note how the Industry has all but ignored the Trucking industry guidelines until now, as they cite them as example to not force the proposed 24/48 break rule. **But they now ignore the fact that truck drivers are limited to 60 hours in 7 days, or 70 hours in 8 days.**
10. The NEI and the Utilities state "economic burden" for not adopting the new proposed rules. Reading thru the NRC's mission statement, I don't see the word "economic" anywhere in it. It would surely be more "economic" to eliminate the Emergency Plan that plants are required to have. Or how about metrological measurement systems to track airborne contamination? We have never had a need for it yet. Economics is the real reason the utilities do not want work hour controls. It is almost unheard of to replace an employee that has left, much less add a new employee. Because of this the average age at the plant I work at is about 50. **What are the considerations taken into account with an aging work force? Should they have to work the same amount of hours as people half their age? What happens when they cannot? Could this be construed as age discrimination?**

11. One argument the Industry seems to offer is that outages are getting so short that fatigue is not an issue. They were getting shorter, but with Power uprates so common, the average outage is getting longer in duration. Plus, the fact that most workers especially in Maintenance Departments and others typically start their outage schedules 2 to 3 weeks before the outage actually commences, and does not end it until the plant is near 100 percent power,(usually another week), the "shorter outage argument" does not hold up. I myself have been scheduled 10 hours a day, for over 60 days straight during an outage in past years. Is this considered acceptable? Was I tired? Not really, as I did get adequate sleep. Did I feel fully competent to do my job? No, not after the 3rd week. Cumulative fatigue set in. And why are there exceptions which allow more work hours during outages? **As anyone with a Nuclear background can attest to, there are more Error Likely Situations and opportunities for mistakes during Refuel Outages, with very significant ramifications. One must note how many dual unit plants there are out there, and despite what NRC Generic Letter 91-36 states, operating unit personal have been placed on an outage schedule for over 20 years.**
12. All of these statistics and comments seem to cloud the issue. What the Industry and workers need is just a simple set of rules. I propose;
- a. A limit of 60 hours per week.
 - b. A limit of 12 hours per day.
 - c. A requirement of an average of 48 hours off per 14 day period.
 - d. The rules should apply, as the drug and alcohol testing does, to all personnel with site access.

A Concerned (fatigued) Nuclear
Worker

From: Carol Gallagher
To: Evangeline Ngbea
Date: Tue, Feb 14, 2006 10:49 AM
Subject: Comment letter on Fitness for Duty Proposed Rule

Attached for docketing is a comment letter on the above noted proposed rule that I received via the rulemaking website on 2/12/06.

Carol

Mail Envelope Properties (43F1FBFF.B97 : 3 : 886)

Subject: Comment letter on Fitness for Duty Proposed Rule
Creation Date: 2/14/06 10:49AM
From: Carol Gallagher

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