

NRCREP Resource

From: Newkirk, Todd [Todd_Newkirk@IBEW.org]
Sent: Friday, October 10, 2008 12:14 PM
To: NRCREP Resource
Cc: Autumn Szabo; Valerie Barnes
Subject: IBEW Comments DG-5026, "Fatigue management for Nuclear Power Plant Personnel"
Attachments: 10-10-08 DG-5026 IBEW Comments.pdf

IBEW comments attached.

I look forward to being part of next weeks teleconference on behalf of the IBEW.

Thanks
Todd Newkirk
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**INTERNATIONAL
BROTHERHOOD
OF ELECTRICAL
WORKERS.**

900 Seventh Street, NW
Washington, DC 20001
202.833.7000
<http://www.ibew.org>

EDWIN D. HILL
International President

LINDELL K. LEE
International
Secretary-Treasurer

October 10, 2008

Rulemaking, Directives and Editing Branch
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Re: DG-5026 Fatigue Management for Nuclear Personnel

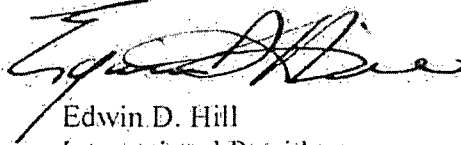
To Whom It May Concern:

Thank you for the opportunity to submit written comments to the NRC, prior to the public meeting on October 16, 2008. We look forward to openly discussing DG-5026 regulatory implementation guidance directed to 10CFR26 Subpart I, and I appreciate the agency reviewing my recommendations. I recognize the long, continuing efforts the industry has made to work together in preparing this implementation document for a complex regulation.

Attached is the IBEW review of NEI 06-11 Rev. E, which is under consideration for final acceptance as DG-5026. The IBEW looks forward to participating in this important public meeting via teleconference in the near future.

With best wishes, I am

Sincerely yours,


Edwin D. Hill
International President

EDH:rap

IBEW Comments to DG-5026 Fatigue Management for Nuclear Personnel

Comment 1 – (pg.4)

Contractor/Vendor (C/V) means any company or any individual not employed by a licensee who is providing work or services to a licensee, either by contract, purchase order, oral agreement, or other arrangement.

Clarification requested. Are licensee employees from one company that travel to work at another licensee company considered Contractor/Vendors? i.e.: USA/STARS labor sharing personnel.

Comment 2 – (pg.6)

Maintenance means, the following onsite maintenance activities: Modification, surveillance, post-maintenance testing, and corrective and preventive maintenance of SSCs that a risk-informed evaluation process has shown to be significant to public health and safety.

The term "predictive" maintenance should be included. This term should also include work events similar to recent 2008 reactor scrams from a worker using a digital camera with a flash inspecting electrical circuits (Indian Point) and a chemistry lab computer upgrade (Hatch).

Comment 3 – (pg.7)

Personal time in which an individual is on-site but is off duty (i.e., before or after his/her normally scheduled work period in which work activities are performed for the licensee) may be excluded. The individual may be reading the paper, in the on-site fitness center, eating breakfast, etc.

At union represented facilities, employees may be performing union business off-duty while at the facility. "Unpaid union business" should be added prior to the "etc".

Comment 4 – (pg.10)

Verifying his/her working hours are correctly documented regardless of whether he/she is paid for the hours worked.

This needs explanation; IBEW does not condone working without pay for a public rule regulatory implementation guide.

Comment 5 – (pg.10)

Being aware of the total hours worked in the previous 14 days and notifying management if work hour limits will be exceeded if asked to work additional hours.

Clarification requested. Are fatigue concerns appropriate to document in a Behavior Observation Program (BOP)? Is it the correct vehicle?

GENERAL NOTE: This guide should include a standardized tracking tool form (pocket size?) for covered and potential covered workers to assist in keeping adequate record for the "awareness requirement." Being "sure" is much better than being "aware" when individuals will be trained to consequences for failing the company fatigue policy.

Comment 6 – (pg.12)

Work hour controls do not apply to the following individuals and activities:

- *Quality control and quality assurance activities.*

When covered individuals are certified to do QC activities and perform rule covered work (multi-qualifications) who are part of the same work crew doing covered work, this should count as covered work.

Comment 7 – (pg.12)

Work hour controls do not apply to the following individuals and activities:

- *Predictive maintenance activities that do not result in a change of condition or state of a structure, system, or component (SSC) are excluded from covered maintenance activities such as, non-destructive analysis (NDE), thermography, vibration analysis, data collection and analysis.*

The IBEW disagrees with this definition for exemption. If these activities are performed with work controls on risk significant SSC the activity should be covered work. NDE radiography should be covered work due the utilization of controlled sources in work areas within the power block.

Comment 8 – (pg.12)

Work hour controls do not apply to the following individuals and activities:

- *Contractor/vendors, who are not granted unescorted access (i.e., the individual is escorted), conducting work on a risk-significant system, structure, or component on-site*

Clarification requested. Is the person escorting the un-escorted C/V required to be certified on the activity being performed if the licensee has such qualified individuals on-staff?

Comment 9 – (pg.15)

The following tasks are examples generally considered NOT directing:

- *Any work that is not operations or maintenance on risk significant SSCs*

Predictive Maintenance methods should be included as risk significant SSC work.

Comment 10 – (pg.16)

Example 3:

The Reactor Engineer is required by station procedures to be present during fuel movement. The Reactor Engineer's function is to observe the fuel movement activity and provide technical recommendations to the fuel handling SRO. Is the Reactor Engineer a covered individual?

Answer: The Reactor Engineer is not directing, they are providing technical information and observing and therefore not conducting covered work. The fuel handling SRO would be directing and is a covered individual.

If the Reactor Engineer would be directing where fuel rods were to be located and tracking such results, the answer should be YES, the work should be subject to fatigue provisions. Observing and not interfacing with the SRO would not be directing, and therefore, not covered work.

Comment 11 – (pg.16)

Example 4:

The Reactor Engineer is required by station procedures to be present during reactor startup. The Reactor Engineer's function is to provide information to the control room supervisor on the reactivity of the reactor during the approach to criticality. Is the Reactor Engineer a covered individual?

Answer: The Reactor Engineer is not directing, they are providing technical information and therefore not conducting covered work. The control room supervisor would be directing and is a covered individual.

Is it good for nuclear safety for criticality calculations to be made while in the control room as a non-covered individual for fatigue as an outage is transferring to power operations based from this individual's direct work via calculations to commence nuclear chain reactions?

Comment 12 – (pg.18)

Staffing levels should be sufficient so that schedules (over non-outage periods) for the covered individuals can be maintained based on vacation and emergent training demand without relying on waivers. It is expected and allowed that normal variation in the vacation demand and training demand may occasionally require additional work hours to be used. Management is responsible for understanding the total vacation, training, and work loads, and for maintaining sufficient staff to get the work done. Normal variation in the vacation demand, training demand, and emergent or extraordinary work demands will require periodic overtime. Section 15, Reviews, addresses an annual performance based assessment of the work schedule.

Can examples of emergent training be explained?

Comment 13 – (pg.28)

After hours study time "during training weeks" shall be excluded from work hour calculations.

Craft training is often not on specific cyclic "training weeks" as operations workers are accustomed to rotate through.

Comment 14 – (pg.29)

Appropriate after-hours study time compliments the utility provided training to ensure the learning process occurs and optimal information retention is achieved.

Training is not defined in the definition table. Licensees may also have built-in study time on-property for self-study. This sentence should be removed.

Comment 15 – (pg.29)

Example 3:

What "work-related" activities may be done at home on a day off without violating the "day off" intent? For example, may an individual read procedures, catch up on administrative tasks, or study for a license requalification exam for a number of hours and still count that day as a "day off"?

Answer: "Activities initiated by the individual (not required by the licensee)" may be performed at home on a day off and not be considered "work," e.g., studying, reading work-related material, reading email.

At any such time the licensee would downgrade or reward an individual for home initiated activities on behalf of the licensee (i.e. employee evaluation) such licensee activity would be disallowed.

Comment 16 – (pg.38)

3. Supervisory assessment (Note: Shall be completed before start of waiver period.)

- Work history for past 14 days as reported by the individual for whom the waiver is requested.

A cross check should be made to the individual reported 14 day period to licensee records for the individual. (See item 2, Pg. 46)

Comment 17 – (pg.39)

In order to grant a waiver, the licensee shall meet the following requirements:

1. *A supervisor assesses the individual face to face and determines that there is reasonable assurance that the individual will be able to safely and competently perform his or her duties during the additional work period for which the waiver will be granted. The supervisor performing the assessment shall be trained in accordance with the requirements of §§ 26.29 and 26.203(c) and shall be qualified to oversee the work to be performed by the individual.*

This ties back to Pg. 12 C/V qualification concern for oversight of work performed by C/V. This presents a double standard in the rule if escorted C/Vs are not required to have qualified individuals overseeing the work of the C/V on risk significant SSC work.

Comment 18 – (pg.39)

In order to grant a waiver, the licensee shall meet the following requirements:

2. *A supervisor assesses the individual face to face and determines that there is reasonable assurance that the individual will be able to safely and competently perform his or her duties during the additional work period for which the waiver will be granted. The supervisor performing the assessment shall be trained in accordance with the requirements of §§ 26.29 and 26.203(c) and shall be qualified to oversee the work to be performed by the individual.*
3. *If there is no supervisor on-site who is qualified to oversee the work, the assessment may be performed by a supervisor who is qualified to provide oversight of the work to be performed by the individual. The supervisor, if knowledgeable of the work activity, can be a second level supervisor or a manager in the chain of command.*

This is confusing for the supervisor oversight requirement in #3 after reading #2 requirements. Please provide an explanation on how #3 would be implemented if no supervisor was present as described in #2.

Comment 19 – (pg.41)

Individuals that exhibit chronic self-declaration that they are not fit for duty as a result of fatigue, absent a sound medical reason, may be subject to disciplinary action.

- *Personnel are required to be fit for duty and getting sufficient rest is required to ensure a person is not subject to fatigue.*
- *Persons who make choices that result in less than the sleep necessary for that person to remain alert and avoid fatigue are not meeting their obligation per this rule.*

Both of these bullets need to be clear that the guidance is specific to chronic fatigue based on individuals self declaring fatigue.

Comment 20 – (pg.41)

Facts to be considered in assessing disciplinary action shall include the employee's job assignment, past work record, and work schedule.

Remove sentence.

Comment 21 – (pg.41)

Personnel subject to the fatigue assessments who refuse to be assessed will be considered fatigued and unable to perform their duties. Time away from work for fatigue management recovery shall be classified as vacation, personal time (if available), or non-paid time.

Remove second sentence of paragraph.

Comment 22 – (pg.43)

Licensees shall ensure that fatigue assessments are applicable for all individuals in the FFD Program under the following conditions:

1. *For-cause. In addition to any other test or determination of fitness that may be required, a fatigue assessment must be conducted in response to an observed condition of impaired individual alertness creating a reasonable suspicion that an individual is not fit to safely and competently perform his or her duties, except if the condition is observed during an individual's break period. If the observed condition is impaired alertness with no other behaviors or physical conditions creating a reasonable suspicion of possible substance abuse, then the licensee need only conduct a fatigue assessment. If the licensee has reason to believe that the observed condition is not due to fatigue, the licensee need not conduct a fatigue assessment.*

What are examples of observed conditions to consider a for cause fatigue assessment?

Comment 23 – (pg.44)

A fatigue assessment must provide the information necessary for management decisions and actions in response to the circumstance that initiated the assessment.

- b. Individuals shall provide complete and accurate information that may be required by the licensee to address the required factors. Licensees shall limit any inquiries to only the personal information from the subject individual that may be necessary to assess the required factors.*

A standardized form should be part of this potential regulatory implementation guide.

Comment 24 – (pg.46)

1. Identification of condition requiring a fatigue assessment:

- For Cause—description of observed behavior*

Replace "behavior" with "condition." (See pg. 43 "For-Cause".)

Comment 25 – (pg.46)

2. Assessment

- Work history for past 14 days as reported by the individual.*

This should read "as reported and documented by the individual."

Comment 26 – (pg.49)

Workers should be able to:

- Discuss the consequences of not following the company fatigue management policy.*

This consequence discussion should be well rounded and not one way. Include individual consequences from the licensee and licensee consequences from the regulator.