

PRM-26-3

DOCKETED
USNRC

October 16, 2009
Ms. Annette L. Vietti-Cook
Secretary
Attn: Rulemakings and Adjudications Staff
U.S. Nuclear Regulatory Commission
Mail Stop O-16C1
Washington, D.C. 20555-0001

October 21, 2009 (9:25am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Subject: Petition to amend 10 CFR Part 26, "Fitness for Duty Programs"

Dear Ms. Vietti-Cook:

On behalf of the Professional Reactor Operator Society (PROS)¹ and pursuant to 10 CFR 2.802, "Petitions for Rulemaking," PROS submits the enclosed petition to amend the definition of "unit outage" in 10 CFR Part 26, "Fitness for Duty Programs." This aspect of the current rule — enacted in April 2008 — forces utilities to change the way they schedule manpower on the front and back end of outages and force them to abandon a successful past practice that could impact their ability to safely execute future outages.

PROS recommends that: (1) the definition of "unit outage" in 10 CFR Part 26 be changed to "site outage"; and (2) "site outage" be defined as: "up to one week prior to disconnecting the reactor unit from the grid and up to 75 percent turbine power following reconnection to the grid." Adoption of the amendment will help ensure that nuclear utilities continue to perform outages in a safe and efficient manner.

We appreciate your attention to this matter. If you have any questions concerning this petition, then please contact me at 815-978-6028 or Robt.Meyer@gmail.com.

Respectfully,

Robert N. Meyer

¹ PROS is an organization of reactor operators employed at nuclear power plant sites throughout the United States.

Template = SECY-051

DS 10

UNITED STATES NUCLEAR REGULATORY COMMISSION

In the Matter of a Proposed Rulemaking
Regarding Amendment of 10 CFR Part 26,
“Fitness for Duty Programs”

Docket No. _____

PETITION FOR RULEMAKING

This petition for rulemaking is submitted pursuant to 10 CFR 2.802, “Petitions for Rulemaking” by the Professional Reactor Operator Society (PROS). The Petitioner requests that the U.S. Nuclear Regulatory Commission (NRC), following public notice and opportunity for comment, amend 10 CFR Part 26, “Fitness for Duty Programs,” to: (1) change the existing definition of “unit outage” to “site outage”; and (2) clarify the definition of “site outage” to: “up to one week prior to disconnecting the reactor unit from the grid and up to 75 percent turbine power following reconnection to the grid.”

I. STATEMENT OF PETITIONER’S INTEREST

PROS exists to serve individuals involved with safe nuclear reactor operations. The society works to communicate and promote the knowledge and professional values of our members and to offer constructive input to the regulatory process on issues related to reactor operators. We submit this petition as a means to help ensure that licensees continue to support safe and efficient operations at nuclear power facilities throughout the United States.

II. BACKGROUND

On March 31, 2008, the NRC published its final rule for 10 CFR Part 26 in the *Federal Register* (62 FR 16966). This final rule implemented numerous changes, including those that “require nuclear power plant licensees to ensure against worker fatigue adversely affecting public health and safety and the common defense and security by establishing clear and enforceable requirements for the management of worker fatigue.” With regard to the definition of “unit outage,” the Federal Register notice stated:

Also, the NRC has added the term “unit outage” to the final rule to clarify that the specific reactor unit has to be disconnected from the electrical grid to be declared in an outage. This term was added in response to stakeholder comment raised at a public meeting on whether, for purposes of implementing the work hour controls, a unit was considered to be in an outage if reactor power was reduced for repair or maintenance of a system or component, but the reactor was not shutdown. Consequently, the NRC defined unit outage as the reactor being disconnected from the electrical grid. This definition provides a clearly

identifiable plant state for applying the work hour controls in § 26.205(d)(4) and (d)(5).

As described below, Petitioner disagrees with rationale for this new definition.

III. PROPOSED ACTIONS

PROS proposes the following two actions: (1) amend the definition of “unit outage” in 10 CFR Part 26 to “site outage”; and (2) clarify the definition of “site outage” to: “up to one week prior to disconnecting the reactor unit from the grid and up to 75 percent turbine power following reconnection to the grid.”

IV. RATIONALE FOR THE CHANGES

Amending the definition of “unit outage” in 10 CFR Part 26 to “site outage” applies to dual-unit sites with a shared control room where the reactor operators are licensed on both units. This would allow the control room to use a 12-hour supercrew, which would result in less work hours for personnel on the operating unit. This is particularly important in view of the recently implemented work hours rule.

Although the outage work for many work groups falls between breaker open and breaker close, this is not true for Operations. In the period just before shutting down the plant, many activities occur that require additional personnel. Among these activities is the switch from the non-outage shift schedule to the outage schedule, the Just-In-Time (JIT) Training for the control room crew that will actually perform the plant shutdown, and final work schedule walkdowns/pre-staging. Many stations start their “supercrew” (combining the Operations crews onto four groups, two for days and two for nights) outage schedule one week prior to the shutdown to accommodate this workload.

There are numerous pre-outage advantages for amending this definition, including:

- Crew acclimation to outage shift prior to unit shut down (straight days or straight nights).
- Crew familiarization with each other for combined outage crews.
- Transition period from normal shift rotation to the outage shift rotation (accommodates transitioning people from days to nights and vice versa).
- Adequate staffing for outage crew preparation/familiarization in the simulator prior to commencing the shutdown (real time simulator shutdown rather than snapshots at key stages).
- Sufficient personnel available to pre-stage equipment for first few days of the outage and walkdown worker protection/clearances to install drain hoses and vent caps for timely turnover to maintenance teams.

- Better preparation time, including pre-job briefs, to safely execute the large number of infrequently-performed tasks associated with plant shutdown and cooldown (getting all involved parties together after outage work starts is almost impossible).
- Outage preparations will be done by outage crews and not by personnel on their regular shift whose main responsibility should be monitoring the operating reactor.
- More preparation time, which helps keep the stress level as low as possible in the Control Room, reduces the chance of errors, thereby improving overall safety.

In addition, there are numerous post-outage advantages for amending this definition, including:

- Allows major equipment to be tested/placed in service prior to releasing support personnel.
- Ensures sufficient personnel available to handle emergent issues that can occur following an outage (large number of activities for Operations in the last 24 hours centered around unit output breaker closure).
- Allows for transition from outage shift schedule to normal shift schedule in a controlled fashion. This has a significant positive impact on the cumulative fatigue that may develop at the end of the outage and just after the outage is completed. The same crews that were performing outage activities are the now the ones that are operating the unit.

The only possible down side Petitioner sees resulting from this proposed amendment is that the total "outage time" would be longer, such that personnel operating the plant just prior to shutting it down or just after starting it up may have worked beyond the hour limitations normally allowed for an operating reactor. In Petitioner's view, however, the advantages of making the proposed change far outweigh the potential disadvantage.

Petitioner is not proposing any change in the work hour allowance of 60 days provided in 10 CFR § 26.205(d)(4) of the ruling for outages. This proposal simply gives licensees more flexibility for applying the outage working hour limitations when preparing for and recovering from an off line period.

V. ADDITIONAL CONFORMANCE INFORMATION

A. Environmental Impact Under NEPA

This petition would not constitute or result in a major Federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required. The petition will not alter the environmental impact of the licensed activities described in the Final Environmental Impact Statement for each facility, as prescribed in the 1969 National Environmental Protection Act and 10 CFR Part 51. The event information required to be

reported under the proposed changes remains unchanged and, through implementation of the proposals described in this petition, current event reporting requirements are clarified for the benefit of licensees, NRC and the public.

B. Paperwork Reduction Act Statement

The proposed petition does not contain any new or amended information requirements that would be subject to the 1980 Paperwork Reduction Act.

C. Regulatory Backfit Analyses

There are no backfit issues associated with this petition for rulemaking.

VI. CONCLUSION

Granting and implementation of this petition will help ensure that nuclear utilities continue to perform outages in a safe and efficient manner.

Attachment A

Revised Definition of "Unit Outage" in 10 CFR Part 26, "Fitness for Duty Programs"

Unit Site outage means, for the purposes of this part, ~~that the reactor unit is disconnected from the electrical grid~~ up to one week prior to disconnecting the reactor unit from the grid and up to 75 percent turbine power following reconnection to the grid.

Rulemaking Comments

From: robert.meyer@exeloncorp.com
Sent: Friday, October 16, 2009 9:39 AM
To: Rulemaking Comments
Subject: Petition to amend 10 CFR Part 26, "Fitness for Duty Program"
Attachments: PROS PFR- Part 26 10-16-09.doc

To Whom It May Concern:
Please find the attached petition for rulemaking.

Thank you,
Robert N. Meyer
Professional Reactor Operator Society (PROS)
Foreign and Domestic Affairs President, Founder

***** This e-mail and any of its attachments may contain Exelon Corporation proprietary information, which is privileged, confidential, or subject to copyright belonging to the Exelon Corporation family of Companies. This e-mail is intended solely for the use of the individual or entity to which it is addressed. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution, copying, or action taken in relation to the contents of and attachments to this e-mail is strictly prohibited and may be unlawful. If you have received this e-mail in error, please notify the sender immediately and permanently delete the original and any copy of this e-mail and any printout. Thank You. *****

Received: from mail1.nrc.gov (148.184.176.41) by TWMS01.nrc.gov
(148.184.200.145) with Microsoft SMTP Server id 8.1.393.1; Fri, 16 Oct 2009
09:41:13 -0400
X-Ironport-ID: mail1
X-SBRS: 4.5
X-MID: 7238640
X-IronPort-Anti-Spam-Filtered: true
X-IronPort-Anti-Spam-Result:
Aq8BAMsU2ErGHb8zkWdsb2JhbACBUIYtlgGYHQEBAQEJCwoHEwQ9vRIEMAQ
X-IronPort-AV: E=Sophos;i="4.44,573,1249272000";
d="doc'32?scan'32,208,217,32";a="7238640"
Received: from mailwest1.ceco.com (HELO exeloncorp.com) ([198.29.191.51]) by
mail1.nrc.gov with ESMTP; 16 Oct 2009 09:41:12 -0400
Received: from ([130.197.106.20]) by cccuniron1.exeloncorp.com with ESMTP id
5402003.141438736; Fri, 16 Oct 2009 08:40:03 -0500
Received: from CCCMSXCH04.energy.power.corp ([130.197.153.203]) by
CCCMSCON01.energy.power.corp with Microsoft SMTPSVC(6.0.3790.3959); Fri, 16
Oct 2009 08:40:03 -0500
X-MimeOLE: Produced By Microsoft Exchange V6.5
Content-Class: urn:content-classes:message
MIME-Version: 1.0
Subject: Petition to amend 10 CFR Part 26, "Fitness for Duty Program
Date: Fri, 16 Oct 2009 08:39:19 -0500
Message-ID:
<D4621BA6F4A37644A3460871B1B9219902663DA3@CCCMSXCH04.energy.power.corp>
X-MS-Has-Attach: yes
X-MS-TNEF-Correlator:
Thread-Topic: Petition to amend 10 CFR Part 26, "Fitness for Duty Program
Thread-Index: AcpOZhAjC6LMQZY+RPWn3Hsl/iL5QQ==
From: <robert.meyer@exeloncorp.com>
To: <Rulemaking.comments@nrc.gov>
Return-Path: robert.meyer@exeloncorp.com
X-OriginalArrivalTime: 16 Oct 2009 13:40:03.0356 (UTC) FILETIME=[2A1B8DC0:01CA4E66]
Content-Type: multipart/mixed;
boundary="----_=_NextPart_001_01CA4E66.0FFFFD574"