

PRM-26-6

September 17, 2010 (1:20pm)

August 17, 2010

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Dear Sir or Ma'am,

Please allow me to introduce myself. My name is Erik Erb and I am a nuclear security officer at Constellation's Nine Mile Point nuclear plant in Oswego, NY. I have been in my position six years; since April 2004. I would like to discuss the Fatigue Hour Control and Minimum Day Off (MDO) requirement that took effect October 2009. (10CFR, Subpart 1, Managing Fatigue)

I met with Anthony Dimitriadis, NRC Security Specialist, Region 1, at Nine Mile in August 2009. The purpose of this meeting was to discuss the changes to the upcoming Fatigue Hour Control and specifically the MDO requirement for security personnel who work a 12 hour shift, as most officers do at Nine Mile. I believe some of the concerns that I expressed at that time are now starting to occur at Nine Mile Point. I will cover them below:

While I fully understand the importance of having a well rested, alert security force at a nuclear facility, mandating the licensee to allow minimum days off and shifting the onus onto the officer to use this time to become well rested may have limited beneficial effect. I believe I can reasonably speculate that the MDO is presently or may in the future provide the impetus for officers to seek additional, part time employment in place of the lost overtime they once had. These hours worked at another place of employment would most likely be unrecorded, unmonitored, and unreported to the licensee. The MDO requirement of 3 days per week has drastically reduced the amount of overtime available to officers who chose to work it willingly, thus causing them thousands of dollars in lost income. Officers working outside employment to supplement lost income would seem to be counterproductive to the aim of the MDO requirement.

As I understand it, the use of occasional overtime to meet staffing needs at nuclear facilities was another area of concern. What the MDO is creating is a situation where officers who willingly work overtime in the past are now greatly restricted to do such, as stated above. Other officers who did not work much overtime are now having to "pick up the slack", to the point of being forced to work overtime. Again, this seems to defeat the purpose of the MDO.

Training and qualifications are being impacted as well. On more than one occasion, these have been delayed, cancelled, or rescheduled due to officers who want to work overtime to facilitate the training not being able to because they have reached their MDO mandate. Although all security members are still qualified, it is becoming increasingly difficult to accommodate training schedules.

Security chiefs (non management/non supervisor) have also been impacted. The fatigue software, EmpCenter, used at Nine Mile has to be used by supervision, burdening the chiefs with the daunting task of coordinating with supervision to enter every employee who is asked to work overtime into EmpCenter to see if they will exceed the MDO requirement, thus creating another area for their focus and attention.

Licensees have had to increase their staffing across affected departments in part due to the MDO. This may require them to charge more for the electricity they produce, whereas they may seek a rate increase. Simply put, the cost of doing business has increased, therefore, ultimately the rate payer will most likely be impacted.

It is unfortunate that Kerry Beal and the incident at Peach Bottom occurred. Wackenhut's performance in the nuclear security industry was less than stellar. It would seem that this was almost an accepted, tolerated practice at Peach Bottom. At Nine Mile Point, fatigue issues and compliance with fatigue rules are treated with the highest regard and reverence. To enforce an MDO requirement such as 10CFR, Subpart 1, almost seems like a mass punishment approach to sites that already hold fatigue rule compliance to such a high standard. With that stated, the additional expense of having to increase staffing of officers due to the MDO may lend itself to a licensee to explore the option of contract security as a cost savings measure.

As a solution to the above mentioned concerns, I would propose that the NRC decrease the MDO requirement for security officers working 12 hour shifts from 3 days per week to 2.5 or 2. This would bring the MDO requirement more in line with Operations and Maintenance and other covered workers, and would have a sizable impact on alleviating some of the issues the MDO has caused or may cause in the future. I believe this, as well as many other officers and supervisors alike, is an action the Commission should consider at their earliest convenience. My contact information is below.

Respectfully yours,



Erik Erb
Nuclear Security Officer, Nine Mile Point
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We, the undersigned, have read and agree with Erik Erb's letter dated August, 17th, 2010, regarding the Minimum Day Off (MDO) Requirement for Nuclear Security Officers working a 12 hour shift and share some or all of his concerns mentioned. Further, we respectfully asked the Commission to review the MDO requirement and asked that it be lowered to 2.5 or 2 days off per week, as described in the letter.

	Printed Name	Signature	Position	Date
1	PAUL DAVID EDDY		NUCLEAR SECURITY OFFICER	8/18/10
2	Michael J Simonian		NSO/Chief	8/18/10
3	Patrick Cook		NSO	8/18/10
4	Justin Hall		NSO	8/18/10
5	JUDITH TAYLOR		NSO	8/19/10
6	MARCO ANTONIO		NSO	8/20/10
7	JOE DORY		ASO	8-20-2010
8	MIKE WAPEN		ASO	8/20/10
9	WILCOX ROWELL		ASO	8/20/10
10	Jon M. Jaquin		NSO	8/20/10
11	Richard J. Semiore		NSO	8/20/10
12	DAVID J. SCRUTON		NSO	8/20/10
13	DANIEL V. RITCHIE		NSO	8-20-10
14	RICKY D. DAVIS JR		NSO	8-20-10
15	KEVIN BUCK		NSO	8-20-10
16	Robert Clark		NSO	8-20-10
17	JAMES DEAR		NSO	8-21-10
18	VERNON BOWEN		NSO	8-21-10
19	GARY DEEVENDANT		NSO	8-21-10
20	JOSEPH A. BRANCATO JR.		NSO	08.21.2010
21	ERIC C KRACKALL		NSO	8-21-2010
22	ANDY NELSON		NSO	8-21-2010
23	ERIC SYRILL		NSO	8-21-2010
24	Joanne Larussa		ASO	8.21.2010
25	James Monroe		NSO	8-22-2010
26	James Guyron		NSO	8-22-2010
27	JOHN C. TROMMER		CNSO	8-22-10
28	James P. Milazzo		NSO	8-22-10
29	Joshua Hirvela		NSO	8-22-10
30	Daniel M. Marino		NSO	8-23-10
31	Donny Flask		NSO	8-23-10

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	Printed Name	Signature	Position	Date
32	David S. Ellingswood	<i>David S. Ellingswood</i>	NSO	8/20/10
33	MIKE LONG	<i>Mike Long</i>	NSO	8-23-10
34	Joe Turdif	<i>Joe Turdif</i>	NSO	8-23-10
35	Thomas Fedeli	<i>Thomas Fedeli</i>	NSO	8-23-10
36	Brian S. Anderson	<i>Brian S. Anderson</i>	NSO	8/23/10
37	David Barker	<i>David Barker</i>	NSO	8/23/10
38	John Fay	<i>John Fay</i>	NSO	8/23/10
39	Lindsay Stewart	<i>Lindsay Stewart</i>	NSO	8/23/10
40	John Battista	<i>John Battista</i>	NSO	8-23-10
41	CHRIS BRADFORD	<i>Chris Bradford</i>	NSO	8/23/10
42	STEPHEN E SMITH	<i>Stephen E. Smith</i>	NSO	8/23/10
43	Michael L. Wickes	<i>Michael L. Wickes</i>	NSO	8/23/10
44	Michael J. D'Arcy	<i>Michael J. D'Arcy</i>	NSO	8-23-10
45	John LARA	<i>John LARA</i>	NSO	8-23-10
46	Doug Bigelow	<i>Doug Bigelow</i>	NSO	8-23-10
47	Bud Jones	<i>Bud Jones</i>	NSO	8-23-10
48	Christal McHarris	<i>Christal McHarris</i>	NSO	8-23-10
49	Mike Kessler	<i>Mike Kessler</i>	NSO	8/23/2010
50	Dave DeMarchi	<i>Dave DeMarchi</i>	NSO	8/23/2010
51	John DeFio	<i>John DeFio</i>	NSO	8/23/2010
52	Michael Bishop	<i>Michael Bishop</i>	NSO	8/23/2010
53	Eric Bowman	<i>Eric Bowman</i>	NSO	8/23/2010
54	James Debin	<i>James Debin</i>	NSO	8/23/2010
55	Tason Wills	<i>Tason Wills</i>	NSO	8-24-10
56	David Urban	<i>David Urban</i>	NSO	8-24-10
57	Daniel O'Leary	<i>Daniel O'Leary</i>	NSO	8-24-10
58	D. J. O'Leary	<i>D. J. O'Leary</i>	NSO	8-25-10
59	Joseph P. Christos	<i>Joseph P. Christos</i>	NSO	8-25-10
60	TWAT NEMARA	<i>TWAT NEMARA</i>	Se. Sup	8/25/10
61	Charles D. Hitt	<i>Charles D. Hitt</i>	NSO	8-28-10
62	Charles F. Ravinski	<i>Charles F. Ravinski</i>	NSO	8/25/10

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	Printed Name	Signature	Position	Date
63	David Stinson	<i>[Signature]</i>	GUARD	8/24/10
64	Elbert J. Hare	<i>[Signature]</i>	NSOC	8/25/10
65	Wayne Myhill	<i>[Signature]</i>	NSO	8/25/10
66	Dennis Disten	<i>[Signature]</i>	CNSO	8/27/10
67	Jason Kempston	<i>[Signature]</i>	NSO	8/27/10
68	DANIEL CHAUSSÉ	<i>[Signature]</i>	CNSO	8/28/10
69	Charles Bonits	<i>[Signature]</i>	Sec Supp	8/28/10
70	PAUL NAVARIC	<i>[Signature]</i>	GUARD	8/28/10
71	DAVID RAYMOND	<i>[Signature]</i>	Guard	8/28/10
72	Ronnie Garboush	<i>[Signature]</i>	NSO	8/28/10
73	CARLTON CULLER	<i>[Signature]</i>	Guard	8-28-10
74	Scott Purce	<i>[Signature]</i>	Guard	8/28/10
75	Bryan Simmons	<i>[Signature]</i>	NSO	8-28-10
76	KEVIN CARTER	<i>[Signature]</i>	NSO	8-28-10
77	DANIEL BERRY	<i>[Signature]</i>	Sec Supp	8/28/10
78	JEFFREYS. BUCK	<i>[Signature]</i>	CNSO	8/29/10
79	JEFFREY E. BATEMAN	<i>[Signature]</i>	SEC. OFF	8/29/10
80	JAMES P HARGRAVE	<i>[Signature]</i>	NSO	8/30/10
81	J. Michael Kerkrauff	<i>[Signature]</i>	NSC	8/30/10
82	STEPHEN L. HOWLAND	<i>[Signature]</i>	NSO	9-1-2010
83	David Johnson	<i>[Signature]</i>	NSO	9-1-2010
84	Michael Sorzickas Jr	<i>[Signature]</i>	NSO	9-2-10
85	Russ Miller	<i>[Signature]</i>	NSO	9/3/10
86	STEVEN OWENS	<i>[Signature]</i>	NSO-C	9/3/10
87	Andy Zimmerman	<i>[Signature]</i>	NSO	9-3-10
88	TRENT R. DRAKE	<i>[Signature]</i>	NSO	9-3-10
89	John E. Delapp	<i>[Signature]</i>	NSO	9-6-10
90	LEONARD LAMIER	<i>[Signature]</i>	SSS	9/6/10
91	Tim Parkhurst	<i>[Signature]</i>	NSO	9/6/10
92	PETITION COMPLETED 09/06/10			
93				