

Rulemaking Comments

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USNRC

From: Brian Allen [brallen467@gmail.com]
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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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Comments on petition for rulemaking pertaining to NRC-2010-0304.

I strongly disagree with changing 10 CFR 26.205(d) MDO requirements to a performance-based objective. Doing so would effectively eliminate an effective rest period for shift workers.

I also completely disagree with other changes the petitioner proposes, such as eliminating the definitions of shift cycle and 8-, 10-, and 12-hour shift schedules. There isn't even a reason given for these proposed changes and no substitutions offered. Just eliminating these, and other definitions, will do nothing except allow differing interpretations as to what those mean. Since we already have definitions that work, why eliminate them?

Another proposed change I disagree with is eliminating the word "unscheduled" in the discussion of incidental duties at 10CFR26.205(b)(5). If this word is eliminated then as long as your offsite and it lasts less than 30 minutes, the work you perform will not count toward minimum break requirements. In other words, you could be told to go home after day shift and call in at 0200 hours for a 20 minute phone call. This wouldn't count toward any break requirements even if working the next day shift. The rule should stay as written.

Another troublesome change proposed by the petitioner is to change the actual hours worked assessment times to quarterly and the averaging times to quarterly from shift cycle. This would allow more overtime to be worked for shorter periods of time, which is the whole reason for the shift cycle period. And amending 10CFR25.205(e)(1)(i) to establish a "performance based objective" of an average of 54 hours per week and any hours exceeding this being entered into a corrective action program is useless. The rules changes being petitioned seems to make the whole FFD work hour rules as vague as possible so as to open multiple interpretations on every key element. We need rules written in a manner that forces compliance to have anything usable. The rules, as written now, do just that, and work effectively. One way to fix the problems brought up by the petitioner, but not mentioned, is to hire more people.

I am one of the people who work all of the overtime I can during my normal rotating 12 hour shifts and also work 12 hour night shifts every outage. At first I thought having any days off would be more of a problem than a solution while working straight 12 hour nights during outages. But now that I have been forced to take the required minimum days off I realize that I am more rested than before and look forward to my nights off. Also, eliminating the MDO requirements for normal rotating shifts would allow shift changes even more rapidly than those that occur now, and less time between shifts.

I've read the other comments up to this point and I'm surprised at how few negative ones there are regarding the way the rules presently are written. I think this a testament to the fact that they work. They may be cumbersome, and a simple computer program is needed to verify compliance, but they work.

Respectfully,
Brian Allen

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