

39

January 6, 2011 (10:00 am)

Rulemaking Comments**PRM-26-5
(75FR65249)**

From: daniel.hansen@exeloncorp.com
Sent: Wednesday, January 05, 2011 10:36 PM
To: Rulemaking Comments
Subject: ATTN: Rulemakings and Adjudications Staff. Docket ID NRC-2010-0304

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Rulemakings and Adjudications Staff,

It seems obvious to me that, judging from the lack of comments on the proposed rule change, either the nuclear workers affected by this were not informed of the proposal or that the general belief that one persons opinion will have no effect on government decisions has kept the comments to a minimum.

I support the proposals by the NEI. Having experienced many issues with the work hour in the past year I feel that changes are needed. I have personally experienced more fatigue caused by the rule.

I can not understand how the regulators believe that one night off when working an outage, on nights, refreshes a worker. If the worker is from out of town there is nothing for him to do and the possibility is high that he may spend his night off out on the town getting into trouble.

Some will argue that we need to hire more people. We don't need extra people for the occasional unexpected need. It would not make business sense to have dozens of extra people sitting around with nothing to do for weeks on end just for an occasional need. When the unexpected happens the current trained workers should be allowed to step it up a notch and cover the work as needed.

During our Dry Cask Storage campaign we had an annulus chiller failure. The issue wasn't that the chiller failed. The issue was that we didn't have people on site to monitor the chiller. We had a spare chiller and could have quickly changed it out. Instead the annulus temperatures were allowed to rise undetected overnight. The reason for not having trained people on site was because of the 54 hour average work hour rule. We were out of available hours.

We followed that up by forcing two guys, one onto the night shift and one on the afternoon shift, all week for 12 weeks to cover one or two nights of monitoring equipment per week. In the past we would have covered this with overtime but the work hour rule prevents this. That is disruptive to their family life needlessly forcing guys to a shift because of the work hour rule.

We have had many other instances not as visible as the chiller failure where we have rushed to complete a job to stay within the work hour rule. Short cuts and unsafe acts may be getting taken just to get the work done in time to run out the gate.

The last refuel outage I was only able to move fuel in the core for a total of two hours. This was because of the requirement that I have three days off every fifteen. Fuel moves ended up during two of my days off. My job as a Fuel Handler during outages does not happen that often so to be denied being able to do my job was disheartening.

Forcing someone to work verses allowing those who want to work seems like the wrong way to safely run a nuclear plant. The worker who is forced does not have his head in the game. The worker who

Template = SECY-067

DS10

volunteers is there because they want to be and will do a better job. Some workers are barely able to complete a forty hour week while others have no limit.

With twenty three years in Nuclear power I have consistently worked a lot of overtime. Say what you want about how well we are paid but after twenty years your budget has been build on the money you make including the overtime. The work hour rule has suddenly cut that off cold turkey. My wife, who was a stay at home mom, is now waitressing to help out our short fall. What I could make in a few hours takes her all week. This rule is not family friendly as it was intended.

The 34 hours off every nine days does not work for the Monday through Friday worker. If a Saturday and Sunday overtime opportunity comes up they can only work one of the days even if they only worked a forty hour week. I actually had a Monday off on vacation and the weekend attached to it off (three day weekend). I worked Tuesday through Friday at nine hours per day and was only allowed to work one day on the weekend because by Thursday of the following week I would be on my ninth day. I only worked 36 hours and couldn't work more than one day on the weekend. We had to force on the day that I couldn't work. The 34 hour rule needs to be deleted along with the other MDO requirements or at a minimum changed to 34 hours off in a fourteen day period.

We have had workers strategically take vacation days or even suspicious sick days in order to get in a position to get the weekend overtime.

The rule should read as the 82-12 did with protection from discipline for self declaration of fatigue. This entire issue was an operating department problem. What I don't understand is why the workers opinion has been left out of the rule making process. A survey by the NRC would have helped the process.

The nuclear industry will need workers for the future. When the economy picks up the contract worker will not come to the nuclear plants if the money (overtime) is not there. The future permanent employees will also need the same incentives to draw them into the business.

These are my suggestions in addition to the NEI recommendations:

1. The elimination of the 34 hours off in nine days or at least changed to 34 hours off in fourteen days.
2. The 54 hour 6 week average needs to be changed to a 60 hour average.
3. The elimination of the MDO of three days off every fifteen days for Fuel Handlers during an outage.
4. Dry Cask Storage workers should not be subject to the on-line work hours. We are not working on an operating unit.

***** 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 OWMS01.nrc.gov
(148.184.100.43) with Microsoft SMTP Server id 8.2.247.2; Wed, 5 Jan 2011
14:18:46 -0500

X-Ironport-ID: mail1

X-SBRS: 2.9

X-MID: 29092337

X-fn: 10CFR37 NRC-2008-0120 Comments.docx

X-IronPort-Anti-Spam-Filtered: true

X-IronPort-Anti-Spam-Result:

AgMFAHpSJE2SumWGgWdsb2JhbACWB44pAQEWliS5HYDghUZgx4EhGiCJw

X-IronPort-AV: E=Sophos;i="4.60,278,1291611600";

d="xml'?rels'?docx'72,48,150?png'72,48,150,150?scan'72,48,150,150,208,217,72,150,48";a="29092337"

Received: from quarantine.safety.psu.edu (HELO safety.psu.edu)

([146.186.101.134]) by mail1.nrc.gov with ESMTP; 05 Jan 2011 14:18:43 -0500

Received: from safety-1.safety.psu.edu EJB6@psu.edu [146.186.101.132] by
safety.psu.edu with M+ Extreme Email Engine 2008.4.release via secured &
encrypted transport (TLS); Wed, 05 Jan 2011 14:18:41 -0500

X-MailFrom: EJB6@psu.edu

Received: from EPDMAIL-MTA by safety-1.safety.psu.edu with Novell_GroupWise;
Wed, 05 Jan 2011 14:18:40 -0500

Message-ID: <4D247DA40200003A0002A1FB@safety-1.safety.psu.edu>

X-Mailer: Novell GroupWise Internet Agent 8.0.1

Date: Wed, 5 Jan 2011 14:18:12 -0500

From: ERIC BOELDT <EJB6@psu.edu>

To: <Rulemaking.Comments@nrc.gov>

Subject: =?UTF-8?Q?Comment=20on=20Docket=20ID=20NRC=E2=80=932008=E2=80=93?=
=?UTF-8?Q?0120=20=20=20=20=20=2010CFR37=20proposed?=>

MIME-Version: 1.0

Content-Type: multipart/mixed; boundary="=__Part260A42E4.0__="

Return-Path: EJB6@psu.edu