

January 6, 2011 (3:35 pm)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

PRM-26-5  
(75FR65249)

45

## PUBLIC SUBMISSION

|                                       |
|---------------------------------------|
| <b>As of:</b> January 06, 2011        |
| <b>Received:</b> January 05, 2011     |
| <b>Status:</b> Pending_Post           |
| <b>Tracking No.</b> 80bc56f5          |
| <b>Comments Due:</b> January 05, 2011 |
| <b>Submission Type:</b> Web           |

**Docket:** NRC-2010-0304  
Nuclear Energy Institute - Fitness-for-Duty Programs

**Comment On:** NRC-2010-0304-0001  
Anthony R. Pietrangelo on Behalf of the Nuclear Energy Institute; Receipt of Petition for Rulemaking

**Document:** NRC-2010-0304-DRAFT-0027  
Comment on FR Doc # 2010-26715

---

### Submitter Information

**Name:** Okechuku Okonkwo  
**Submitter's Representative:** Tristan Reyes Close  
**Organization:** Southern California Edison / San Onofre Nuclear Generating Station

---

### General Comment

See attached file(s)

---

### Attachments

**NRC-2010-0304-DRAFT-0027.1:** Comment on FR Doc # 2010-26715

Template = SECY-067

DS10

## **Comments on NEI Petition to Amend 10 CFR Part 26 (Fitness for Duty Rule)**

These comments are being submitted by Southern California Edison Company (SCE), the NRC licensed owner and operator of the San Onofre Nuclear Generating Station (SONGS) Units 2 and 3. These comments were prepared by the SONGS' Fatigue Rule Coordination group which oversees logistics relating to SONGS' implementation and administration of 10 CFR Part 26, Subpart I (Managing Fatigue). These comments are based on the group's experience with the implementation and administration of the new fatigue management rules that took effect October 1, 2009, and are not a reflection of the views of the entire site.

SCE and the SONGS' Fatigue Rule Coordination group fully support and understand the importance of having well-rested and alert individuals working at nuclear facilities. We, like the Nuclear Regulatory Commission (NRC), want workers to avoid fatigue to maintain a safe work environment, and for that reason, we support the basic premise of 10 CFR Part 26, Subpart I. However, the minimum day off (MDO) requirements of 10 CFR Section 26.205(d)(3-6) have resulted in a myriad of negative unintended consequences that may not have been foreseeable when the rule was developed. These comments will provide examples of those unintended consequences and the ways in which they have impacted some members of the SONGS' workforce.

### Training

- Training activities have been delayed and cancelled solely because workers have reached their MDO limits.
- Workers have not been able to complete necessary qualification training activities in a timely manner because the MDO requirements have severely limited the time available for such training.
- The complexity of the MDO requirements have made it is very difficult for workers to change shifts to accommodate training activities.

### Administrative Duties

- The fatigue management software used at SONGS, EmpCenter, has to be used by supervisors or managers, further burdening management with administrative duties that may prevent them from being in the field.
- Managing the creation of schedules that comply with the MDO requirements takes significant supervisor time (>2 hours per event). For example, fatiguing personnel because they have reached a MDO limit necessitates substantial rescheduling or postponement of work. This, in turn, results in a cascading impact on workers' availability in conformance with the MDO requirements.
- These administrative burdens placed on managers and supervisors because of the complexities of the fatigue rule in general, and the MDO requirements in particular, have to be performed on shift. The current rule does not permit these duties to be performed off shift.

### Overtime

- The rigidity of the MDO requirements requires the licensee to force certain personnel to work overtime while not allowing others, who want to work overtime, to do so. As a result, some members of both of these groups are dissatisfied. The workers who volunteered for overtime in the past appreciated the additional income resulting from this work. In some cases, these workers have had to adjust their lifestyles to accommodate the lost income. Similarly, some workers, who are now being forced to work overtime, had family obligations or other personal reasons why they had declined the extra hours in the past.

### Limitations on Certain Work-Related Activities

- The ability to continue practices considered beneficial to promote consistency among work crews and the continued development of staff has been limited by the MDO requirements.
- The MDO requirements have resulted in less time available to spend on industry good practices (*e.g.*, cross-crew and cross-unit observations).
- Activities that require minimal time and effort, for example committee participation, shift manager meetings, etc., have been limited because they count towards a full work day, which affects workers' MDO limits.
- Many duties that could be performed off shift no longer can be, those duties now have to be performed on shift. For example, employee performance planning and evaluation, training curriculum review meetings, procedure review, training material review, training exam review, crew performance improvement plans, and shift manager meetings.
- Time that used to be spent in crew meetings or performing administrative functions after an eight-hour requalification training day can no longer be spent on those functions because the extra time changes the average shift length and requires more days off in the evaluation cycle.

### Emergent Work

- It can be very time consuming for a supervisor to determine how to schedule emerging work so as to remain in conformance with the MDO requirements. The time expended in scheduling can further delay the completion of the work.
- Some SONGS maintenance workers are working a 4x10 hour (online) schedule. As such, the MDO requirements permit only one additional work day per week (on average). This hampers the ability to perform emergent work activities that span weekends (three days). Scheduling personnel to perform emerging work that spans multiple days can require assigning different work teams for each shift of each day. This can lead to a significant lack of continuity in the work activity.
- An alternative manner of scheduling, to retain the work teams over the course of the emerging work, allows for continuity but requires the workers to take an equivalent number of days off, with pay. This is not cost effective and negatively

impacts the ability to schedule personnel to perform the previously scheduled (non emergent) work.

### Outages

- Transitions from online to outage are very difficult under the new requirements. For example, if a new worker gets to the site when a unit is online and three days later an outage starts on that unit, that person's evaluation period is shortened causing an MDO violation.
- With the MDO requirements, it is sometimes necessary to keep people on an online schedule during an outage. However, this results in losing days in which that person could have worked on the outage because they had to stay on that online schedule to not violate the MDO requirements. A change in the outage definition of the rule would allow flexibility so these transition periods would not be so difficult.

### Miscellaneous

- The complexity of the MDO requirements has removed the ability of the individual worker to monitor/police his/her own time.
- A sophisticated software program, in our case EmpCenter, must be used to ensure compliance with the MDO requirements, and the software is confusing for some workers.
- If EmpCenter experienced a software or database failure, SONGS' policy is to deny *any* deviations from the workers' assigned schedules until the data is restored. It is considered to be too error likely to manually calculate the MDO requirements without the aid of the software.
- The complexity of the MDO requirements sometimes limits the hours that supervisors can spend actively supervising their staff or performing oversight duties.
- Divisions have had to devote staffing to assist with the administration of the fatigue management rules, specifically the MDO requirements, because of their complexity.
- The MDO requirements have contributed to stretching on shift resources thin. This is because existing commitments have remained the same, but there is less time to meet those commitments.

SCE and the SONGS' Fatigue Rule Coordination group support NEI's petition to amend portions of 10 CFR Part 26 because of the unintended consequences those portions of the rule, specifically the MDO requirements, have created. The proposed changes provide relief from the current method of accounting for work hours and allow flexibility in administering the MDO requirements.

## Rulemaking Comments

---

**From:** Gallagher, Carol  
**Sent:** Thursday, January 06, 2011 2:40 PM  
**To:** Rulemaking Comments  
**Subject:** Comment on PRM-26-5  
**Attachments:** NRC-2010-0304-DRAFT-0027.pdf

Van,

Attached for docketing is a comment from Tristan Reyes Close on PRM-26-5 that I received via the regulations.gov website on 1/5/11.

Thanks,  
Carol

Received: from HQCLSTR01.nrc.gov ([148.184.44.79]) by OWMS01.nrc.gov  
([148.184.100.43]) with mapi; Thu, 6 Jan 2011 14:39:56 -0500  
Content-Type: application/ms-tnef; name="winmail.dat"  
Content-Transfer-Encoding: binary  
From: "Gallagher, Carol" <Carol.Gallagher@nrc.gov>  
To: Rulemaking Comments <Rulemaking.Comments@nrc.gov>  
Date: Thu, 6 Jan 2011 14:39:56 -0500  
Subject: Comment on PRM-26-5  
Thread-Topic: Comment on PRM-26-5  
Thread-Index: Acut2X8C89DHhc64S0Cdq8MqXiPtwg==  
Message-ID:  
<6F9E3C9DCAB9E448AAA49B8772A448C55EE2C8DB89@HQCLSTR01.nrc.gov>  
Accept-Language: en-US  
Content-Language: en-US  
X-MS-Has-Attach: yes  
X-MS-Exchange-Organization-SCL: -1  
X-MS-TNEF-Correlator:  
<6F9E3C9DCAB9E448AAA49B8772A448C55EE2C8DB89@HQCLSTR01.nrc.gov>  
MIME-Version: 1.0