

## **Interim Relief from the Requirements of 10 CFR 26.205(d)(3) For Minimum Days Off (MDO)**

**Proposed Interim Relief-** the proposed alternative approach to MDO is a weekly average of 54 hours worked, calculated based on a rolling period of up to 6 weeks. This alternative is applicable to all covered workers.

### **Related and Conforming Changes to Subpart I Requirements**

Calculation of work hours:

**Incidental duties-** For purposes of calculating the work hour average, scheduled work that otherwise meets the criteria of incidental duties of § 26.205(b)(5) may be considered incidental duties and excluded from the calculation of individuals' work hours.

**Shift Turnover-** For purposes of calculating the work hour average, licensees may exclude work that meets the criteria of shift turnover of § 26.205(b)(1) from the calculation of individuals' work hours.

**Force-on-force tactical exercises-** For purposes of calculating the work hour average of individuals who perform security duties described in § 26.4(a)(5), licensees may exclude from the calculation hours worked during the actual conduct of NRC-evaluated force-on-force tactical exercises.

**Unannounced emergency preparedness drills and exercises-** Consistent with the requirements of § 26.205(b)(4), licensees may exclude from the calculation of individuals' work hours the time the individual works unscheduled work hours for the purpose of participating in the actual conduct of an unannounced emergency preparedness drill or exercise.

Reviews:

For purposes of conducting reviews in accordance with § 26.205(e)(1)(i), licensees need not meet the requirement to include in the review those individuals whose work hours exceed an average of 54 hours per week in any shift cycle. This section does not apply when using averaging since any exceedance of 54 will be assessed under either 26.205(e)(1)(ii), waivers, or 26.205(e)(4), corrective action.

Waivers:

Licensees may issue a waiver, in accordance with the requirements in § 26.207(a), from the requirement for individuals to not exceed an average of 54 hours per week over a rolling period of up to 6-weeks.

Reporting:

For the purposes of reporting, licensees need not report waivers of the minimum day off requirements in § 26.205(d)(3). Rather, licensees shall include in their annual report submitted in accordance with the requirements of § 26.203(e), the number of instances the licensee waived the

work hour controls limiting individuals' work hour averages to not more than 54 hours per week in any rolling averaging period. Reporting of these waivers shall be consistent with the § 26.203(e) requirements applicable to waivers of the minimum day off requirements in § 26.205(d)(3).

Unless explicitly replaced or amended as noted above, licensees shall comply with all requirements of Subpart I, as applicable.

## Implementation Guidance

### Averaging Periods:

The averaging period may be consistent with standard shift cycles but may not be greater than 6 weeks.

The averaging period is by rolling weeks not rolling days. Each licensee needs to establish when the rolling week begins and ends. Shifts that bridge the end of the week may be counted in one of two ways:

- Any shift that bridges the end of week may be counted in the week the shift starts, or
- All hours before the end of the week are counted in that week and all hours after the end of the week are counted in the next week.

A licensee must consistently use whichever of the two options they select.

### Partial Averaging Periods:

If a partial week (i.e., less than 7 days) is to be worked before starting a shift cycle averaging period or at the end of shift cycle averaging period, the limits of 26.205(d)(1) and (2) apply to that partial week. This would apply to a worker coming out of an outage and going back to normal operations, a worker transitioning from uncovered to covered work, a worker going from covered to uncovered work, etc.

In the case of a worker who has not been working under the 54 hr averaging and will either be starting a rolling schedule or for a worker who will not be working a full shift cycle but will be working a period that is less than the length of a shift cycle but more than 6 days (e.g., an outage worker arrives on site and will be working 2 weeks prior to the start of an outage), the following pro-rata table applies:

*use - starting a rolling period*

Partial Averaging Period	Cumulative Work Hour Limit				
	6 wk cycle	5 wk cycle	4 wk cycle	3 wk cycle	2 wk cycle
First 7 days	72 hours	72 hours	72 hours	72 hours	72 hours
First 14 days	144 hours	144 hours	144 hours	132 hours	108 hours
First 21 days	204 hours	204 hours	184 hours	162 hours	NA
First 28 days	244 hours	244 hours	216 hours	NA	NA
First 35 days	284 hours	270 hours	NA	NA	NA
First 42 days	324 hours	NA	NA	NA	NA

*New*