

NRR-PMDAPEm Resource

From: BAUER, Scott [sab@nei.org]
Sent: Tuesday, May 10, 2011 12:02 PM
To: Boggi, Michael
Subject: Draft Guidance document for tomorrow's discussion
Attachments: Implementation guidance for 54 hr averaging interim relief Rev A4Clean.doc

Mike, here is the latest draft of the guidance.

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Implementation Guidance for Alternative Maximum Average Work Hours Approach 26.205(d)(7)

Maximum Average Work Hours Approach- the proposed alternative approach to MDO is a weekly average of 54 hours worked, calculated based on an averaging period of up to 6 weeks. The calculation of the weekly average must be performed on a rolling basis with a rolling period of 7 days. This alternative is applicable to all covered workers.

Implementation Guidance

General:

The transition from minimum days off to a 54 hr/week averaging approach provides additional flexibility in the scheduling of work hours. This flexibility is needed to enable the restoration of safety beneficial practices that had been adversely impacted due to the rigidity of the minimum days off provisions of the rule. The additional flexibility gained reduces the number of mandatory days off and days off are instrumental in managing fatigue. It remains the licensee's responsibility to schedule hours consistent with the objective of preventing impairment from fatigue.

For example, while it is possible without minimum days off to work every day during an averaging period with the exception of the break days required by 10 CFR 26.205(d)(2), it may not be consistent with the objective of preventing impairment from fatigue to do so.

Averaging Periods:

The duration of 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. The rolling period cannot be more than 7 consecutive calendar days. Each licensee has the discretion to establish when the rolling week begins and ends. Shifts that bridge the end of the rolling period 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 document in their FFD procedures which 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.

For a worker who will not be working a full averaging period but will be working as a covered worker 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 worker must average 54 hrs/week or less for the partial averaging period.

Beginning a Rolling Averaging Period:

In the case of a worker who has not been performing covered work and will be transitioning to covered work, there are two options:

- 1) The schedule established for the worker for the initial averaging period of up to 6 weeks can be set up as fixed period which averages 54 hours or less. The first week after the initial averaging period is the first rolling week.
- 2) The averaging period for the worker is determined and the hours for the past work weeks equal to this averaging period are determined to establish the history needed to begin the rolling period.

Truncated Averaging Periods:

Covered individuals need not meet the requirement to average not more than 54 hours of work per week during averaging periods that are truncated for the following reasons:

- An unexpected unit outage,
- A declared emergency, as defined in the licensee's emergency plan, or
- A covered worker is moved to uncovered duties
- Duties with the licensee are terminated
- An unplanned security system outage (security only)
- An increased threat condition (security only)

Following a truncated averaging period a licensee may:

- Start a new averaging period, or
- Choose not to truncate the averaging period

Extended absence:

An extended absence (e.g., vacations, short-term disability) is not considered an interruption or truncation of an averaging period but is considered part of the averaging period.

Force-on-force tactical exercises:

The rule permits licensees who implement the proposed alternative during non-outage periods to exclude from the proposed 26.205(d)(7) calculations the hours worked by security personnel during the actual conduct of NRC-evaluated force-on-force tactical exercises. In practice, licensees should exclude from the calculation of hours worked during the actual conduct of NRC-evaluated force-on-force tactical exercises only those hours worked in excess of 54 hours during the week of the exercise.

Transition onto a shift or between covered groups or into a covered group NEI 06-11 Section 7.3:

An alternative to ensuring that individuals have the appropriate minimum days off is to ensure that the individuals have worked less than or equal to 54 hrs in the preceding 7 day period.

Reset from Deviations NEI 06-11 Section 7.5:

An alternative to ensuring that the individual will meet minimum day off requirements is to ensure they will meet the maximum average work hours.

Guidance for Changing from MDO to the Maximum Average Work Hours Approach

In order to transition from Minimum Days Off to the maximum average work hours approach for covered workers who have been in compliance with the on-line minimum day off provisions of the rule, a transition can be made directly into the 54 hr rolling average by determining the hours worked for the past 5 weeks (in the case of a 6 week rolling period). The available work hours for the next week (first rolling week) can be determined in order to comply with the 54 hr average over the 6 week rolling period. For those workers who are transitioning into covered work, the guidance for beginning a rolling averaging period above should be used.

Example: The rolling weeks have been set up to begin and end at midnight on Saturday nights. The transition from MDO to the 54 hr average limit will occur this coming Saturday night. An operator on a 5 week shift cycle on line will have worked 204 hrs over the 4 weeks preceding Saturday at midnight. Therefore, for the next week that operator can work $270-204=66$ hrs the coming week and be in compliance with the 54 hr average.