

## Waivers

Granting a waiver under 10 CFR Part 26, Subpart I involves a process that, once completed, allows individuals who are subject to the Subpart I work hour controls to not meet (waive) one of the work hour requirements. For a Subpart I work hour requirement to be waived, the following four conditions must be met.

1. An operations shift manager or a security shift manager determines that a waiver is necessary, per 10 CFR 26.207(a)(1)(i).
2. A supervisor assesses an individual within 4 hours prior to exceeding the limit for which the waiver will be granted, per 10 CFR 26.207(a)(1)(ii).
3. The assessment must indicate that the individual being assessed is not fatigued, per 26.205(a)(1)(ii). (If the assessment indicates that the individual being assessed will likely become fatigued under a waiver, then no waiver is granted or controls and conditions are established under which the individual is allowed to work.)
4. The individual performs all or part of the work scope that was identified by the shift or security manager, under the waiver.

Multiple work hour requirements may be waived for an individual to perform covered work during any single work period. One Waiver Form may be used to document the waiving of one or more work hour requirement(s) for any single work period. One Waiver Form also may be used to document the waiving of one or more work hour requirements for multiple work periods. For reporting purposes, each work hour requirement that is waived in a work period constitutes one waiver per 10 CFR 26.203(e)(1).

Example 1. A circumstance arises such that a piece of equipment (that a risk-informed evaluation process has determined to be significant to the public health and safety) malfunctions. An individual who normally works 10-hour shifts has unique skills that are needed to repair the equipment and will be held over after the end of his normal 10-hour shift to finish the repair. It is expected that the performance of these duties will exceed the requirement to work no more than 16 hours in a 24-hour period. The shift manager determines that a waiver is necessary to mitigate a condition adverse to safety. The extended work period does not start until the requirement is exceeded (more than 16 hrs). The supervisor assessment is performed not more than 4 hours (hour 12) before the point in time at which the requirement will be exceeded (hour 16:01). The individual performs work under the waiver. One waiver is reported.

Example 2. A circumstance arises such that a piece of equipment (that a risk-informed evaluation process has determined to be significant to the public health and safety) malfunctions, and the repair of the equipment will span more than one day. It is determined that a four-person crew will effect the repair. The crew will work in teams of two and the teams will work successive 12-hour shifts, until the repair is completed. It is determined that each of the crew members will exceed one or more of the Part 26 work hour controls, therefore waivers will be needed to complete the repair. A shift manager determines that a waiver is necessary to mitigate a condition adverse to safety (this may be made only once). Each individual works multiple work periods under the waiver, and each individual is assessed for fatigue not more than 4 hours before each work period. One Waiver Form is used to document the waivers granted in this entire evolution. For reporting purposes, one waiver is indicated for each individual for each work hour requirement exceeded for each of the work periods.