

NOTE: The NRC is making this preliminary proposed rule language available to the public solely for the purpose of providing information to the public. In addition, the release of the preliminary proposed rule language is necessary to facilitate NRC staff discussions with the public at upcoming public meetings. The language does not represent an NRC staff recommendation to the Commission, nor has it been reviewed by the Commission. Therefore, the preliminary proposed rule language may be subject to significant revisions during the rulemaking process. The NRC is not requesting any written public comments on this preliminary proposed rule language, and no stakeholder requests for a comment period will be granted at this stage in the rulemaking process. Following Commission direction to proceed with the proposed rule, the NRC will seek written public comments via a notice in the *Federal Register*.

**U.S. Nuclear Regulatory Commission**  
**Preliminary Proposed Rule Language**  
**Part 26 of Title 10 of the *Code of Federal Regulations***

The NRC is proposing to amend the following sections as indicated by text in **red**:

**§ 26.27 Written policy and procedures.**

\* \* \* \* \*

(b)(4)(ii) during ~~the period of any tour of duty~~ any work period;

(5) Convey that abstinence from alcohol for the 5 hours preceding any scheduled ~~tour of duty~~ work period is considered to be a minimum that is necessary, but may not be sufficient, to ensure that the individual is fit for duty;

\* \* \*

(c)(3) Describe the process that the licensee or other entity will use to ensure that individuals who are called in to perform an unscheduled ~~working tour~~ work period are fit for duty. At a minimum –

(i) The procedure must require the individual who is called in to state whether the individual considers himself or herself fit for duty and whether he or she has consumed alcohol within the pre-duty abstinence period stated in the policy;

(ii) If the individual has consumed alcohol within this period and the individual is called in for an unscheduled ~~working tour~~ work period, including an unscheduled ~~working tour~~ work period to respond to an emergency, the procedure must—

\* \* \*

(D) State that consumption of alcohol during the 5-hour abstinence period required in paragraph (b)(4)(i) of this section may not by itself preclude a licensee or other entity from using individuals who are needed to respond to an emergency. However, if the determination of fitness indicates that an individual who has been called in for an unscheduled ~~working tour~~ work period to respond to an emergency may be impaired, the procedure must require the establishment of controls and conditions under which the individual who has been called in can perform work, if necessary; and

(E) State that no sanctions may be imposed on an individual who is called in to perform any unscheduled ~~working tour~~ work period for having consumed alcohol within the pre-duty abstinence period stated in the policy.

\* \* \* \* \*

NOTE: The NRC is making this preliminary proposed rule language available to the public solely for the purpose of providing information to the public. In addition, the release of the preliminary proposed rule language is necessary to facilitate NRC staff discussions with the public at upcoming public meetings. The language does not represent an NRC staff recommendation to the Commission, nor has it been reviewed by the Commission. Therefore, the preliminary proposed rule language may be subject to significant revisions during the rulemaking process. The NRC is not requesting any written public comments on this preliminary proposed rule language, and no stakeholder requests for a comment period will be granted at this stage in the rulemaking process. Following Commission direction to proceed with the proposed rule, the NRC will seek written public comments via a notice in the *Federal Register*.

### § 26.203 General provisions.

\* \* \* \* \*

(b)(1) Describe the process to be followed when any individual identified in § 26.4(a) through (c) makes a self-declaration that he or she is not fit to safely and competently perform his or her duties for any part of a ~~working tour~~ **work period** as a result of fatigue. The procedure must -

\* \* \*

(c)(1) Knowledge of the contributors to worker fatigue, circadian variations in alertness and performance, indications and risk factors for common sleep disorders, ~~shiftwork strategies~~ **strategies that shift workers can use to obtain adequate rest**, and the effective use of fatigue countermeasures; and

\* \* \* \* \*

### § 26.205 Work hours.

\* \* \* \* \*

(b)(1) Shift turnover. Licensees may exclude ~~from the calculation of an individual's work hours that portion of~~ shift turnover ~~which occurs outside an individual's work hours~~ shift. Shift turnover includes only those activities that are necessary to transfer **safety or security responsibilities** between two or more individuals ~~information or responsibilities between working contiguous shifts~~. Shift turnover activities may include, but are not limited to, discussions of the status of plant equipment, and the status of ongoing activities, such as extended tests of safety systems and components. Licensees may not exclude work hours worked during turnovers between individuals within a shift period due to rotations or relief within a shift. Activities that licensees may not exclude from work hours calculations also include, but are not limited to, shift holdovers to cover for late arrivals of incoming ~~shift members~~ **personnel**; early arrivals of individuals for meetings, training, or pre-shift briefings for special evolutions; and holdovers for interviews needed for event investigations.

\* \* \*

(c) *Work hours scheduling.* Licensees shall schedule the work hours of individuals who are subject to this section consistent with the objective of preventing impairment from fatigue due to the duration, frequency, or sequencing of ~~successive shifts~~ **work periods**.

\* \* \*

(d)(2) Licensees shall ensure that individuals have, at a minimum, the rest breaks specified in this paragraph. For the purposes of this subpart, a break is defined as an interval of time that falls between successive work periods, during which the individual does not perform any duties for the licensee other than ~~one period of~~ shift turnover ~~at either the beginning or end of a shift but not both~~. The exclusion of turnover is limited to only those activities which cannot be performed within the individual's shift which are necessary to transfer safety or security

NOTE: The NRC is making this preliminary proposed rule language available to the public solely for the purpose of providing information to the public. In addition, the release of the preliminary proposed rule language is necessary to facilitate NRC staff discussions with the public at upcoming public meetings. The language does not represent an NRC staff recommendation to the Commission, nor has it been reviewed by the Commission. Therefore, the preliminary proposed rule language may be subject to significant revisions during the rulemaking process. The NRC is not requesting any written public comments on this preliminary proposed rule language, and no stakeholder requests for a comment period will be granted at this stage in the rulemaking process. Following Commission direction to proceed with the proposed rule, the NRC will seek written public comments via a notice in the *Federal Register*.

**responsibilities between two or more individuals working contiguous shifts.** Except as permitted in § 26.207, licensees shall ensure that individuals have, at a minimum –

(i) A 10-hour break between successive work periods or an 8-hour break between successive work periods when a break of less than 10 hours is necessary to accommodate a crew's scheduled transition between ~~work-schedules or shifts~~ **shift schedules**; and

\* \* \* \* \*

#### **§ 26.207 Waivers and exceptions.**

\* \* \* \* \*

(b) *Force-on-force tactical exercises.* For the purposes of compliance with the minimum days off requirements of § 26.205(d)(3) or the maximum average work hours requirements of § 26.205(d)(7), licensees may exclude ~~shifts~~ **work periods** worked by security personnel during the actual conduct of NRC-evaluated force-on-force tactical exercises when calculating the individual's number of days off or hours worked, as applicable.

\* \* \* \* \*

**§ 26.209 Self-declarations under a waiver.** *[NRC note – changing section title only. No rule text changes]*