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The Honorable Lando W. Zech, Jr.
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Chairman Zech:

SUBJECT: REPORT ON PROPOSED REVISED POLICY STATEMENT ON NUCLEAR POWER
PLANT STAFF WORKING HOURS

During the 339th meeting of the Advisory Committee on Reactor Safe-
guards, July 14-16, 1988, we discussed the proposed revised policy
statement on nuclear power plant staff working hours. During our
meeting, we had the benefit of discussions with the NRC staff and of the
documents listed as references for this letter.

Although we believe that revised guidance on nuclear plant working hours
should be issued for public comment, we do not recommend that the
version of the proposed revised policy statement that we reviewed should
be issued, for the reasons which follow.

The staff confuses what constitutes a policy statement and what consti-
tutes a rule or regulation. On the one hand, the staff, in addressing
CRGR questions (Enclosure 4 to the referenced draft Commission Paper)
makes statements such as (1) the policy statement revises present
guidance on shift scheduling and overtime by adding guidance on ...; (2)
the revised policy statement is not a rule; (3) the revised policy
statement will apply to nuclear power plant licensees on a voluntary
basis; and (4) nothing is required. On the other hand, the draft
Commission Paper, the summary of and background to the policy statement,
and the policy statement itself are replete with such statements as (1)
administrative procedures shall be developed; (2) the procedures shall
apply to the plant operating staff; (3) the utility must specify limits;
(4) the plant manager must approve; (5) the documentation required by
this policy statement; and (6) limits that shall not be exceeded. Such
statements of mandatory action are not appropriate for a policy state-
ment that is to provide guidance to licensees to use on a voluntary
basis.

Further, there are major inconsistencies among statements made in this
draft Commission Paper and statements made in the summary of, the back-
ground to, and the policy statement itself. To mention a few of these
inconsistencies, the summary states that (1) to exceed the first set of
limits, the plant manager's approval must be documented and retrievable,
whereas the policy statement indicates that the plant manager's approval
should be separately documented and that these documents should be
retrievable and (2) the plant manager must explain the circumstances
that require this deviation, whereas the policy statement indicates that
the circumstances that required deviation from the guidelines should be
explained.

Such confusion and inconsistency in a document proposed to be issued for
public comment will result in responses not focused on the real issues

of the revised guidance. We believe for these reasons, the version of the policy statement provided to us for review is not ready to be published for public comment. The staff indicates that the mandatory action statements will be uniformly and consistently removed.

We do have a concern that for some personnel not engaged in routine shift work, the recommendations in the policy statement may be over-restrictive. If so, we trust that during the public comment period knowledgeable and experienced experts will provide more specific comments for consideration in the final formulation of the policy statement.

In the staff's presentation, they gave numerous references that provide the bases for the revised limits and recommendations indicated in the proposed policy statement. We believe these references should be listed in the Federal Register notice in order that the bases for the revision can be carefully examined.

Additional comments by ACRS Member Harold W. Lewis are presented below.

Sincerely,

William Kerr
Chairman

Additional Comments by ACRS Member Harold W. Lewis

I find the assertion that "nothing is required" somewhat empty. A Commission Policy Statement carries weight, and experience suggests that a licensee who ignores it incurs a certain risk.

Reference:

Draft Proposed Commission Policy Statement on Nuclear Power Plant Staff Working Hours with enclosures, received with memorandum dated June 17, 1988, from J. W. Roe, NRR, to R. F. Fraley, ACRS.

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