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Advanced Reactor Content of Application Project Chapter 11, "Organization and Human-System Considerations"

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General Comment

NRC-2022-0078:

Section 11.2 of DANU-ISG-2022- contains Acceptance Criterion m, which states, "The number of licensed and non-licensed personnel for onsite shift operating crews is sufficient to prevent the routine use of overtime."

Government regulation of overtime is performed through the Fair Labor Standards Act and National Labor Relations Act which fall under the jurisdiction of the Department of Labor and National Labor Relations Board. The NRC does not have jurisdiction with respect to overtime and does not have a regulatory basis to consider the potential use overtime in the determination of a safety finding for construction permit, operating license, combined license, manufacturing license, standard design approval, or design certification applications.

Nuclear utilities have negotiated with labor unions for pay, work hours, and other conditions of employment throughout the history of the industry as allowed by the National Labor Relations Act. These have routinely resulted in staffing levels that routinely make use of overtime while still complying with NRC regulations.

A suggested rewording of this section is as follows: m. The number of licensed and non-licensed operators for onsite shift operating crews is sufficient to prevent the routine use of waivers to the work hour rule requirements of Subpart I of 10 CFR Part 26.