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**UNION OF
CONCERNED
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January 19, 2000

OFFICE OF THE
GENERAL COUNSEL
ADJUDICATIONS

Ms. Annette Vietti-Cook
Secretary of the Commission
United States Nuclear Regulatory Commission
Washington, DC 20555-0001

ATTENTION: RULEMAKINGS AND ADJUDICATIONS STAFF

SUBJECT: COMMENTS ON PROPOSED RULEMAKING ABOUT WORKING
HOUR LIMITS (DOCKET NO. PRM-26-2)

Dear Ms. Vietti-Cook:

On behalf of the Union of Concerned Scientists, I am submitting these comments on the petition for rulemaking (docket PRM-26-2) submitted by Mr. Barry Quiqley. This petition seeks to add enforceable working hour limits to 10 CFR Part 26 and associated changes to 10 CFR §55.33, the NRC Enforcement Policy, NRC Form 396, and NRC Inspection Procedure 81502. UCS fully supports the petition for rulemaking and urges the NRC to implement these changes as they have been detailed in the petition with one exception. The petition describes additions to 10 CFR Part 26 which would "apply for personnel performing safety-related work." In theory, this scope would cover contractor person at offsite offices performing safety-related work for a plant owner. In practice, that broad scope would be difficult to enforce by the NRC staff. Therefore, UCS recommends that the scope of the additions to 10 CFR Part 26 be clarified from "personnel performing safety-related work" to "personnel covered by the licensee's Fitness for Duty program" or wording to that effect. Under the existing Fitness for Duty (FFD) rule, plant owners must include all individuals approved for unescorted access to a nuclear plant within their FFD program. Some plant owners expand this scope to also include corporate office staff and onsite support staff. The working hour limits should apply to the persons currently covered by the FFD rule.

The petition for rulemaking is thorough, complete, and supported very well by extensive research. The proposed rulemaking, if enacted, would greatly enhance the ability of the NRC to achieve one of its stated objectives namely, maintain safety at nuclear power plants.

UCS released a report titled, "Overtime and Staffing Problems in the Commercial Nuclear Power Industry," in March 1999. A copy of that report is enclosed. This report concluded:

The NRC must establish clear requirements for working hours that reduce the potential for weary workers making grave mistakes.

The proposed rulemaking by Mr. Quiqley will establish the clear requirements that we feel are necessary. As documented in the petition and in our report, the deregulation of the electricity generation makes the need for clear requirements absolutely vital because nuclear plant owners are slashing staff sizes and forcing the survivors to work longer and longer hours. This trend is a clear and present danger that must be addressed now not deferred until after fatigue contributes to a major nuclear accident.

DS10

January 19, 2000

Page 2 of 2

The proposed rulemaking would make conditions for nuclear plant workers comparable to those established by federal agencies for workers. For example, the Federal Aviation Administration enforces working hour limits for flight crew members (14 CFR §121.471) and for aircraft dispatchers (14 CFR §121.465) while the US Department of Transportation enforces working hour limits for drivers (49 CFR Part 395) and for railroad workers (49 CFR Part 228). It is incredulous that there are federal regulations limiting the hours worked by a driver of trucks making deliveries to nuclear power plants, but no such regulations limiting the hours worked by the control room operators of those plants. The workers at nuclear power plants may all be very fine men and women, but there is no evidence to suggest that they are immune to human performance problems caused by fatigue. The working hour limits outlined in the petition submitted by Mr. Quiqley must be implemented by the NRC to provide nuclear plant workers and the people living around the plants with protection that the federal government has long provided in other sectors.

Sincerely,

David A. Lochbaum
Nuclear Safety Engineer
Union of Concerned Scientists

Enclosure: UCS Report "Overtime and Staffing Problems in the Commercial Nuclear Power Industry,"
March 1999. [NOTE: This report is not copyrighted and therefore may be distributed without prior
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