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From: <CrypticResources@aol.com>
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I would like to submit the following as a response to PRM-26-2. I am sorry but I could not upload it.

Secretary of the Commission
 U.S. Nuclear Regulatory Commission
 Washington, DC 20555-0001
 Attention:Reference: Rulemakings and Adjudication's StaffDocket No.
 PRM-26-2

To Whom It May Concern:

The rulemaking for overtime restrictions comes at a time when the Nuclear Industry is being driven to add profit to the bottom line. An aggressive utility lobby effort of recent past raised the level of awareness within the NRC that real political pressure can threaten its' very budgetary existence. The utilities are growing larger, more powerful, more political and more intimidating. Not only the utilities, but the NRC must deal with the unions, where a subculture may exist may have a different agenda from the utility and the NRC. The NRC is willing to answer this proposed rule with scientific fact that does exist, and not make a decision based on any political pressure.

The rules appear to be bent more by the utilities, while the NRC searches for some legal teeth to counter a culture shift in the utility management. Some of the utilities are doing more with less. So is the NRC. Years ago the NRC had to deal with a lack of Operations knowledge at the VP level. The NRC needed someone in that position that could prioritize what is needed for the plant. Now the NRC is dealing with the Nuclear Bean Counters, and the lobbying dollars to go with it.

The overtime rules are now interpreted and written in such a clever way that they may not count break times, lunch breaks or other non-safeguard activity of an operator. Some utilities are treating the most valuable asset, their employees with impudence. Employees are being reclassified as management, where they do not have to be paid overtime, while doing the same job they have done for years. The workload is increasing; longer hours are required with no compensation. The labor laws that clearly have a set of standards that delineate an exempt and nonexempt worker are being ignored. Worker dissatisfaction is growing along with precursory industrial accident rates. In deregulation, if the company is treating its employees in this regard, how do you think that company will treat you as a customer? Is this rule an indicator of unethical labor law application and practices? I feel sorry for the young operator who is being forced to work year after year hours of overtime and denying him/her of a quality family life. The Nuclear Christmas Carol. This is not the case in all utilities. It is more of the exception than the rule. But it does exist. Therefore, before mergers of utilities take place, I suggest a full review of the application of the labor laws. The labor laws, being compromised requires that action for sanctions be taken for a utility dealing in interstate commerce.

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And so, with a few industry out layers, what is out there to correct the situation. Can INPO include this into the INPO #1 ratings, the amount of overtime worked? If the utilities were truly moving to self-regulation, then I would hope the Commission could ask a few tough questions to the regulars at the Stakeholder meetings.

As far as sleep disorders and reporting them, that shall be a must. The American Sleep Disorders Association can direct the NRC to the latest issue of the International Classification of Sleep Disorders Diagnostic and Coding Manual. Use it in the medical disclosure and license requirements.

Dr. Ehret, who in his studies of Circadian Rhythms found that response time falls off precipitously after 8 hours. Many of the power plants are working 12 hours because it gives the operators additional weeks off a year. But what good is it when that time is spent working more 12 hour shifts. I stated before this is the exception more than the rule.

A machine that measures fatigue may be more of a surprise to the utility than mandating working hours. For those operators that can "get by" with a minimal amount of sleep during the first few nights of back shift, may not be afforded that luxury. The utilities may not be staffed to take care of the operators who say, "I need to be relieved." Then what is the protocol? Have the operator make out a safety related tag out?

The NRC response the Congressmen Markey, Dingell and Klink on this very issue has yet to be answered. I hope that the NRC stops and thinks of its Mission Statement one more time before venturing a ruling on this.

In summary, having worked in the industry for 25 years, as a consultant for many years in operations, working in a quarter of the utilities at one time or another there must be some type of change made. It cannot stay the same. Teeth must be put back into the hour guidelines period. No room for interpretation. Disregard for the intention of the rule is not acceptable. This rule is a plea for a change. If an incident happened a year from now and the root cause found that fatigue was a significant contributing factor, who would be the Esketores?