



Part 26 Rulemaking Public Meeting

September 21-22, 2005
Rockville, MD



Welcome

- Thank you for attending
- Purpose:
 - Solicit comments on proposed rule and provide necessary clarification
 - Discuss industry plans for implementation guidelines for managing fatigue



Meeting Agenda

- Day 1
 - Introductions.
 - Comments on drugs and alcohol
 - Lunch
 - Comments on fatigue
- Day 2
 - Schedule and logistic for implementation guidance for fatigue management



Introductions

- Office of Nuclear Reactor Regulation
 - Project Managers: Becky Karas, (301) 415-3711, rlk@nrc.gov and David Diec, (301) 415-2834, dtd@nrc.gov
 - Worker Fatigue Technical Lead: Dave Desaulniers, (301) 415-1043, drd@nrc.gov
- Office of Nuclear Security & Incident Response
 - FFD Technical Lead: Tim McCune, (301) 415-6474, tsm5@nrc.gov
- Additional Introductions



Rule Comments

- Comment on rule by Dec. 27, 2005
- Comment on information collections aspects by Sept. 26, 2005
- Provide comment @ this meeting: verbal, index cards, computer workstations, or teleconferencing
- After meeting can mail, e-mail, fax, hand deliver



Participation

- Your input sought & appreciated
- No safeguards or classified information
- Feedback forms & signup sheet
- Summary & participant list to be placed on web site
- Transcript to be made public
- Statements/Remarks from stakeholders



Objectives of Proposed Changes to Part 26

- Update rule to enhance consistency with similar federal requirements: HHS (Drug Testing) & DOT (Alcohol Testing)
- Strengthen FFD program management of worker fatigue
- Make FFD programs more effective & efficient
- Achieve consistency between FFD & Access Authorization, including 2003 Order
- Reduce Burden where appropriate
- Improve clarity of rule
- Protect privacy & due process rights of individuals



Stronger FFD Programs

- Validity Testing of Urine Specimens – verifies the specimen is unadulterated human urine
- Changes to drug & alcohol cutoff/testing levels
- All workers would be trained on FFD at the supervisor level



More Stringent Sanctions

- Permanent denial for first attempt to subvert the testing process or refusal to test
- 5 year denial if individual resigns to avoid removal for FFD violation
- Unfavorable termination of authorization for 14 days for 1st confirmed positive
- 5 year denial for 2nd confirmed positive
- Permanent denial for any FFD violation following a 5 year denial



Increased Worker Protection & Rights

- Raise the Opiate cutoff level from 300 ng/ml to 2000 ng/ml
- Strengthen requirements for independence of the MRO and staff function from licensee management
- Require licensees to obtain Independent Forensic Toxicologist certification



Relaxations for Licensees

- Blood testing for alcohol eliminated
- Only 1 alcohol breath test required
- Allow saliva devices instead of breath for 1st test
- Biannual FFD program performance reporting changed to yearly
- Some auditing requirements relaxed



Differences From HHS Guidelines

- Generally consistent with HHS guidelines
 - HHS final guidelines issued 2004
 - Proposed rule includes some aspects of HHS proposed guidelines to provide additional licensee flexibility to use non-instrumented testing
- Some differences from HHS guidelines because:
 - HHS has a different mission – assistance to Federal agencies with health issues for Federal employees
 - Part 26 - ensure fitness-for-duty of private sector nuclear employees for safety/security reasons



Proposed Fatigue Management Provisions

- Fatigue Management Training
- Self-Declaration of Fatigue
- Individual Work Hour Controls
- Group Work Hour Controls
- Fatigue Assessments
- Quarterly reviews of work hours and performance
- Annual reporting



Training and Self-Declaration

- All workers & supervisors trained on fatigue
 - Prevention
 - Detection
 - Mitigation
- All workers may self-declare fatigue
 - Management must either give them 10 hours of rest, or
 - Perform a fatigue assessment to determine if worker can return to duty
 - Licensees must submit annual report of fatigue assessments and management actions resulting from fatigue assessments



Work Hour Controls

- Not all workers subject to work hour controls
- Scope limited to specified functions in the following groups:
 - Maintenance
 - Operations
 - Chemistry
 - Health Physics
 - Fire Brigade
 - Security Force



Individual Work Hour Controls

- Work Hour Limits
 - 16 hours/day
 - 26 hours/2 days
 - 72 hours/7 days
- Break Requirements
 - 10 hours between shifts
 - 24 hour break every week
 - 48 hour break every 2 weeks
 - 48 hour break waived during first 2 weeks of any outage
- Shift Turnover Time Excluded



Waivers from Individual Work Hour Limits & Break Requirements

- Waivers only allowed
 - To mitigate or prevent a condition adverse to safety
 - To maintain the security of the facility
- Face-to-face supervisory assessment required to approve waiver
- Review of work hours + time of day work would be performed also considered in assessment



Group Work Hour Controls

- Averages for each group (except Security)
 - Non-outage conditions
 - 48 hours/week
 - First 8 weeks of any plant outage
 - No group limits
 - After first 8 weeks of any plant outage
 - 48 hours/week
 - Averaging period can not exceed 13 weeks



Group Work Hour Controls

- Security Group average
 - Non-outage conditions
 - 48 hours/week
 - First 8 weeks of any plant outage or planned security system outage
 - 60 hours/week
 - First 8 weeks of any unplanned security system outage or increased threat condition
 - No group limit



Group Work Hour Controls

- If an outage extends past 8 weeks, or licensee is unable to meet 48 hour average any other time
 - Licensee may use a 54 hours/week limit in lieu of 48 hours/week limit if –
 - Circumstances could not have been reasonably controlled, and
 - Additional hours above 48 hours/week average must only be worked to address those circumstances
 - Or, Licensee may request NRC approval
 - Compensating fatigue management measures would be required
- Licensees may not exceed 48 hour average in 2 consecutive 13-week averaging periods



Fatigue Assessments

- Fatigue assessment required for 3 conditions
 - For-Cause
 - e.g. if inattentive worker is observed
 - Self-Declaration
 - Post-Event
- Assessments must be conducted face-to-face
- Rule restricts who may perform assessment for each condition



Licensee Reviews

- Each averaging period:
 - Licensees must review individual work hours and performance for:
 - Workers who average over 54 hours/week while the group is subject to a 48 hour/week limit
 - Security workers who average over 66 hours/week while the group is subject to a 60 hour/week limit
 - Individuals granted more than 1 waiver
 - Individuals assessed for fatigue
 - Assess staffing adequacy for all jobs subject to work hour controls



Annual Reporting

- Annual reporting would include
 - Number of waivers worked from each individual work hour limit and break provision for each job duty group
 - Collective work hours of any group that exceeded an average of 48 hours per person per week as allowed by 26.199(f)(3) or (f)(5)
 - The number of fatigue assessments conducted during the year, the cause for each assessment, and the resulting management actions