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MR. MARK DALLAIRE
Director General
Regulatory Policy Directorate

Canadian Nuclear Safety Commission
P.O. Box 1046, Station B
280 Slater Street
Ottawa, Ontario K1P 5S9

Dear Mr. Dallaire:

Comments on Proposed Regulatory Document 2.2.1 Managing Worker Fatigue and Hours of Work

The purpose of this letter is to provide OPG's comments on draft REGDOC-2.2.1, *Managing Worker Fatigue and Hours of Work*. OPG has met with industry partners, i.e. Bruce Power, New Brunswick Power, AECL and CANDU Energy Inc., to discuss issues related to draft REGDOC-2.2.1.

OPG fully accepts responsibility for nuclear safety in plant operations and acknowledges that fitness for duty, including fatigue management, is an important aspect of safety. However, OPG and our industry partners are concerned that this draft document places excessive emphasis on managing hours of work, introducing significant cost and burden with no improvement in safety performance. The industry believes that substantive changes are required to this document, and recommends a more collaborative review with the CNSC, industry, and subject matter experts to develop appropriate requirements and guidance for effective fatigue risk management. Management of hours of work is only one aspect of this, and is already addressed by existing legislation and procedural controls. Given current operating experience, it is not clear that further restrictions would result in safety improvements.

It is our strong recommendation that REGDOC-2.2.1 be repositioned as a component of an overall fitness for duty document rather than a separate requirement.

The imposition of these proposed restrictions in REGDOC-2.2.1 will have numerous unintended consequences detrimental to nuclear safety and efficient operations. The Nuclear Energy Institute (NEI) and other stakeholders expressed similar concerns in 2010 when the US Nuclear Regulatory Agency (NRC) imposed hours of work and fatigue management regulations on the US nuclear industry. The NRC subsequently revised requirements, providing licensees more flexibility. The regulations proposed by the CNSC are both wider in scope and are more restrictive than those imposed by the NRC.

The following summarizes some of the significant concerns:

- . There is no evidence that existing hours of work limits are inadequate. Licensees are currently managing working hour limits in accordance with applicable legislation and procedural controls while respecting collective agreements. There is no evidence that safety-related events are linked to working hours. Treating fatigue management and hours of work as separate issues from overall fitness for duty will detract from the synergistic approach necessary to ensure safety. While the number of hours worked must be controlled, hours of work limits are a small part in managing fatigue and should not be elevated to an inappropriate level of importance.
- . These new proposed restrictions conflict with existing legislation and numerous collective agreements, and will add significant process complexity for licensees. The resulting administrative burden will fall primarily on first line supervisors and will result in significant added expense for licensees with no demonstrable benefit to safety. OPG believes that this added administrative burden would negatively impact safety and will take the front line supervisors away from the field, reducing the time spent providing oversight of the workforce. Licensees would have less flexibility to deploy qualified staff to support critical work and to schedule training. Imposing this burden on the industry is contrary to the Federal "Red Tape Reduction Action Plan" which calls for the consideration of administrative burden in regulatory proposals. In addition to limiting flexibility in deployment and training of qualified staff, the creation of a dual system of covered and non-covered employees under the same collective agreements will result in labour relations tension and impacts to quality of life for no demonstrable safety benefit.
- . Limits to hours of work that are this broad and restrictive will make nuclear work less attractive to the best skilled trades. The proposed limits are much more restrictive than any comparable industry. As the nuclear industry relies on skilled trades for peak work including outages and capital projects, these restrictions will make the acquisition of the best skilled trades (either directly by licensees or by vendors) much more difficult. The impact of these restrictions to scheduling for outage and capital project work will add tens of millions of dollars in financial burden to the industry for no demonstrable safety benefit.
- . Our review of the Human Factors North research report "Review of Criteria for Assessing Shift Schedules in the Nuclear Industry" has raised a number of concerns. The study did not examine actual conditions, programs and controls in place at nuclear facilities. In addition, consideration was not given to the merit of exceptions to hours of work limits to maintain minimum complement. Furthermore, the report did not take into account the unique aspects of nuclear operations and practical fatigue risk management solutions which would likely be more effective in mitigating risk than rigid working hour limits. It is our view that these shortcomings weaken the basis for this Regulatory Document.

In conclusion it is our view that the heavy reliance on limits to hours of work in this document diminishes the importance of a broad and more effective approach to fatigue management and fitness for duty in general.

Enhancing existing fatigue risk management processes would be more effective than imposing rigid limits on working hours, only one factor in fatigue risk management. There is no evidence of an actual safety need to further restrict hours of work as proposed in the draft document. The Human Factors North report as well as other studies referenced by the CNSC, stress the importance of a broad approach to fatigue management as opposed to heavy reliance on complex hours of work limits. Managing working hour limits in accordance with existing legislation and existing controls has proven to be effective. Licensees would prefer an approach of enhancing existing Fatigue Risk Management Systems (FRMS), with consideration given to minimizing the administrative burden for front line supervisors and staff.

It is OPG's recommendation that the time be taken to thoroughly study the specific work environment within the nuclear power industry so as to allow a thoughtful examination of the current application of fatigue management science within the industry. Based on this review, REGDOC-2.2.1 should be rethought and repositioned as a component of an overall fitness for duty document such that effective, practical requirements are established. Issuance of the current document will not further improve safety but will certainly increase regulatory burden. OPG is fully prepared to participate in a collaborative review with CNSC, industry and subject matter experts.

Sincerely,



Robin Manley
Director
Nuclear Regulatory Affairs