

TU 06374

January 17, 2014

Mr. M. Dallaire, Director General  
Regulatory Policy Directorate  
Canadian Nuclear Safety Commission  
280 Slater Street  
P.O. Box 1046, Station B  
Ottawa, Ontario  
K1P 5S9

Dear Mr. Dallaire:

**Subject: NB Power Comments on REGDOC-2.2.1, *Managing Worker Fatigue and Hours of Work***

The purpose of this letter is to provide NB Power's comments on REGDOC-2.2.1, *Managing Worker Fatigue and Hours of Work* (Reference 1). NBPN has collaborated with AECL, Bruce Power and Ontario Power Generation to review the proposed regulatory document in detail.

PLGS 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, PLGS 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 National 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.

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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 control 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. PLGS believes that this added administrative burden would negatively impact safety as is 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 significant concerns. The study, used as a supporting document for REGDOC-2.2.1, was largely an academic exercise rather than a study of the actual conditions, programs and controls in place at nuclear facilities and did not engage licensees directly. The study did not consider 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 significantly undermine 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.

NB Power appreciates the opportunity to provide comments on this regulatory document and is prepared to clarify our comments and concerns. If you require additional information, please contact Sue Moore at 506-659-6436 or [SkMoore@nbpower.com](mailto:SkMoore@nbpower.com).

Sincerely,



Sean Granville  
Site Vice President and Chief Nuclear Officer

SG/SM/sd

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References:

1. Canadian Nuclear Safety Commission, *Managing Worker Fatigue and Hours of Work*, REGDOC-2.2.1, September 20, 2013.