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Michael A. Krupa
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OFFICE
OF
ADJUDICATION

February 10, 2000

Ms. Annette L. Vietti-Cook, Secretary
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555-0001

DOCKET NUMBER
PETITION RULE PRM 26-2
(64FR67202)

Attn: Rulemaking and Adjudication Staff

Subject: Comments on Petition for Rulemaking Related to 10 CFR Part 26

Reference: *Federal Register* Vol.64, No. 230, Pages 67202 – 67205, dated Dec. 1, 1999

CNRO-2000-00005

Dear Ms. Vietti-Cook,

On December 1, 1999, the NRC published a notice of receipt of a petition for rulemaking regarding working hours. Entergy Operations, Inc. (Entergy) appreciates the opportunity to comment.

Entergy is taking great strides to enter the competitive electricity market. One of the avenues used to become more competitive has been to restructure the workforce. This, in some cases, has lead to reducing the numbers of employees in various support organizations. As the petitioner states, the battle cry is "do more with less". Regardless of that cry, Entergy believes adequate guidance currently exists to ensure the operation of its nuclear power stations is not adversely affected by personnel fatigue. Entergy understands and emphasizes to employees that competitive success can only come with error-free and event-free operation of our nuclear facilities. Additionally, Entergy is committed to assuring the work force is alert at all times. The following points provide Entergy's bases for concluding the rule is not needed:

- Working hours of individuals are controlled by site Administrative controls as required by the Administrative section of each facility's Technical Specifications.
- Entergy is increasing its emphasis on human error reduction. This includes increased supervisory oversight encouraging the use of human performance tools such as self-checking, peer checking, place keeping, and three way communications. Entergy believes the use of these tools provides a greater opportunity to minimize human error than does the proposed rule. Questions related to personnel fatigue are presently included in the human performance tools and traps program. Our experience with crew debriefs following human errors over the past three years show that fatigue is not a significant contributor.
- According to the proposed rule the major cause of fatigue is working hours. However, the activities in which employees participate outside of work also contribute to fatigue. There is no way to enforce an employee's fatigue factor associated with these outside of work activities. Therefore, the rule may not be effective.

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- Behavioral observation, which is included in the Fitness for Duty programs at each site, is already an effective means of recognizing and intervening when an employee is not fit for duty, for whatever reason, including fatigue.

If after reviewing the comments received, the NRC believes this proposed rule is needed, Entergy recommends that the NRC first change its inspection procedure for Fitness for Duty to include a module for fatigue observation. Based on completion of several inspections, including this module, appropriate action should then be taken.

Again thank you for the opportunity to provide our comments.

Sincerely,

Guy H. Davant

for

MAK/DM/baa

cc:

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