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February 15, 2000
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Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555-0001
ATTN: Rulemakings and Adjudications Staff

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

RE: Nine Mile Point Unit 1
Docket No. 50-220
DPR-63

Nine Mile Point Unit 2
Docket No. 50-410
NPF-69

Subject: Comments on the Proposed Rulemaking on 10 CFR Part 26 and 10 CFR 55.33(a)(1) (64 Federal Register 67202, December 1, 1999)

Gentlemen:

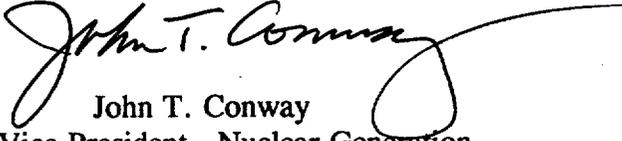
The purpose of this letter is to provide Niagara Mohawk Power Corporation's (NMPC's) comments on the September 28, 1999 petition for rulemaking submitted by Mr. Barry Quigley. Specifically, the petitioner requests that the Nuclear Regulatory Commission (NRC): (1) Add enforceable working hour limits to 10 CFR Part 26; (2) add a criterion to 10 CFR Part 55.33(a)(1) to require evaluation of known sleeping disorders; (3) revise the Enforcement Policy to include examples of working hour violations warranting various NRC sanctions; and (4) revise NRC Form-396 to include self-disclosure of sleeping disorders by licensed operators. The petitioner also requests changes to the NRC inspection procedure for the fitness for duty program.

After careful consideration of the proposed rulemaking, NMPC has concluded that the petition for rulemaking should be denied. Our basis for this conclusion is consistent with the proposed Nuclear Energy Institute Comments on this Petition which NMPC endorses. In summary, NMPC has appropriately responded to potential fatigue related issues. Niagara Mohawk has developed Nuclear Division directives and procedures to comply with the NRC fitness for duty requirements (including the Continuous Behavioral Observation Program). In addition, the

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Technical Specifications of both units contain requirements regarding working hour limits for operating personnel consistent with the provisions of Generic Letter 82-12, titled "Nuclear Power Plant Staff Working Hours". These directives, procedures and Technical Specifications successfully demonstrate that NMPC recognizes that appropriate management of its workforce, including oversight of personnel hours worked, is a fundamental aspect of safe plant operation.

Sincerely,



John T. Conway
Vice President - Nuclear Generation

xc: Mr. H.J. Miller, NRC Regional Administrator, Region I
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