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December 22, 2005

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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

Gentlemen:

TENNESSEE VALLEY AUTHORITY (TVA) - COMMENTS ON DRAFT FITNESS FOR
DUTY RULE, 10 CFR PART 26 (VOL. 70 FR 50442-50677)

This letter provides TVA's comments on the subject draft rule, "Fitness for Duty."

TVA endorses the comments made in the December 20, 2005, letters from the Nuclear Energy Institute (NEI) on behalf of the nuclear industry regarding this draft rule. A letter from James W. Davis provided comments on the Drug and Alcohol portions of the proposed rule contained in Subparts A through Subpart H, Subpart J and Subpart K. A letter from Michael T. Coyle provided comments on the Work Hour portion of the proposed rule contained in Subpart I. To avoid unnecessary duplication, those comments will not be repeated in our letter. The enclosure to this letter provides specific comments identified in TVA's review of the proposed rule that are in addition to NEI's comments.

TVA appreciates the opportunity to comment on the proposed rule. If you have questions regarding our comments, please contact Russell Thompson at (423) 751-7737.

Sincerely,

Ar Glenn W. Morris
Manager, Corporate Licensing
and Industry Affairs

Enclosure

cc (Enclosure):

U. S. Nuclear Regulatory Commission
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Enclosure
TVA Specific Comments on Proposed Rule

The proposed rule contains no provisions for exceptions to the requirements of Subpart I for plants in a long-term shutdown status. Specifically for TVA's Browns Ferry Unit 1 recovery effort, there is no reasonable or cost-effective method to comply with the proposed requirements due to the number of personnel being utilized. Accordingly, TVA would propose the following:

Relative to Subpart A, Administrative Provisions, Section 26.3 Scope, TVA suggests that a Subsection (g) be added to read:

"Subpart I of this regulation does not apply to plants in long-term shutdown status when fuel has been removed from the reactor vessel and NRC approval is required prior to loading fuel. At the time approval to load fuel is received, the licensee will be in compliance with all applicable portions of Section 26.3 prior to commencement of loading fuel into the reactor vessel."

Relative to Subpart I, Managing Fatigue, Section 26.195 Applicability, TVA suggests the following phrase be added:

"Exceptions are identified in Section 26.3(g)."