



DOCKET NUMBER  
PROPOSED RULE # 26  
(70FR 50442)

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December 21, 2005 DOCKETED  
USNRC

December 28, 2005 (2:00pm)

Ms. Annette L. Vietti-Cook  
Secretary of the Commission  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Attention: Rulemakings and Adjudications Staff

Dear Ms. Vietti-Cook:

Subject: VIRGIL C. SUMMER NUCLEAR STATION  
DOCKET NO. 50-395  
OPERATING LICENSE NO. NPF-12  
RIN 3150-AF12, REQUEST FOR COMMENTS ON THE PROPOSED  
RULE, *FITNESS FOR DUTY PROGRAMS*, 70 Fed.Reg. 50442;  
August 26, 2005

South Carolina Electric & Gas Company (SCE&G) has reviewed the above subject proposed rulemaking and the letter from the Nuclear Energy Institute (NEI) to the USNRC. SCE&G endorses the comments made by NEI. In addition to the comments made by NEI, please find attached comments by SCE&G.

If there are any questions, please call Ms. Susan B. Reese at (803) 345-4591.

Very truly yours,

  
Jeffrey B. Archie

SBR/JBA/dr  
Attachment

- c: N. O. Lorick
- S. A. Byrne
- N. S. Carns
- T. G. Eppink (without attachment)
- R. J. White
- W. D. Travers
- R. E. Martin

NRC Resident Inspector  
K. M. Sutton  
NSRC  
RTS (C-05-3484)  
File (811.02, 2.028)  
DMS (RC-05-0207)

### SCE&G Comments on Proposed Rulemaking

SCE&G supports most of the rule provisions, including the performance based requirements. Concerns with implementation of Generic Letter (GL) 82-12 are addressed through consistent policies, procedures, recordkeeping, defined functional groups, and clear individual limits. This proposed rule made improvements on GL 82-12 by incorporating training, self-reporting, fatigue assessments, and a minimum ten hour break between work periods. The ten hour break is the most significant improvement in the rule and will provide the necessary break to prevent acute fatigue. When looked at holistically, a number of the provisions such as the minimum break requirement of ten hours and the work hour scheduling guidance in 26.199(c) work together to protect against both acute and cumulative fatigue.

The long term breaks of days off in Section 26.199(d) (one 24-hour rest break in any seven day period and at least one 48-hour rest break in any 14-day period) and the collective work hour limits in Section 26.199(f) presents additional layering which is not necessary and provides little if any nexus to safety. SCE&G believes that due to the extensive layering of the rule that the collective work hour limits provide no benefit and is not needed. SCE&G feels that NEI's proposed alternative to the one 24-hour rest break in any seven day period and at least one 48-hour rest break in any 14-day period will ensure adequate rest and prevent cumulative fatigue. It will also provide more flexible break requirements for both normal operations and outage periods. During outages SCE&G has traditionally seen a decrease in the number of human performance errors. NEI's proposed alternative will reduce the unintentional consequences of the proposed rule. The proposed alternative will provide the two rest periods to allow complete recovery from any cumulative fatigue issues.

It is impossible to make a rule that can guarantee zero fatigue issues. The rule only provides assurance that there will be opportunities for individuals to obtain adequate rest when off. The proposed changes that the industry has made through NEI will provide opportunities for individuals to obtain adequate rest. With training, effective scheduling, self-declaration, fatigue assessments and the observation program, a high level of confidence will be obtained that individuals will be fit for duty.

SCE&G agrees with the NEI recommendation for the industry to develop the implementation guidelines. SCE&G believes there needs to be an eighteen month implementation period once the rule is promulgated. The need for eighteen months will be to allow six months to develop the training material and one year to allow for preparation and re-qualification.