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FPL

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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C., 20555-0001

Attention: Rulemakings and Adjudication Staff

Re: Florida Power & Light Company and FPL Energy Seabrook, LLC
Comments on draft Fitness for Duty Rule, 10 CFR Part 26 – Work Hour

Florida Power & Light Company (FPL), the owner and operator of the St. Lucie Nuclear Plant, Units 1 and 2, the Turkey Point Nuclear Plant, Units 3 and 4, and FPL Energy Seabrook, LLC, the owner of a controlling interest in and the operator of Seabrook Station (collectively FPL), hereby submits the following comments in response to the request for public comments on the proposed rule amending10 CFR Part 26, "Fitness for Duty Programs." These comments are being submitted on Subpart I, the Work Hour portion of the rule.

The Nuclear Energy Institute (NEI), on behalf of the nuclear energy industry is also submitting comments on the proposed rulemaking. FPL endorses the industry comments and the proposed changes provided in the NEI response.

As noted in the NEI comments, the industry supports most of the provisions of the work hour portion of the rule. Requirements for policies, procedures, training of all individuals, behavioral observations, and self-reporting of fatigue provide for a sound performance-based foundation for the management of fatigue.

However, FPL is concerned with the prescriptive nature of the combination of break requirements and cumulative work hour restrictions. These proposed prescriptive requirements prevent management flexibility and do not recognize the scheduling complexities associated with both normal plant schedules and schedules associated with plant evolutions.

The Commission frequently discusses the need for performance based rulemaking. Portions of the rule offer performance-based requirements that will provide for the effective management of fatigue in a challenging and complex work environment. The work hour scheduling guidance in Section 26.199(c) combined with recordkeeping, periodic reviews, and use of the corrective action program are important performance based features of the proposed rule. These performance-based features allow licensees to assess the possible contribution of fatigue to plant events and can be used in the NRC inspection process.

SECY067

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The existing performance based features of the rule and the proposed approach made in the industry comments provided by NEI will result in an improved rule that provides reasonable assurance against fatigue induced errors.

We appreciate the opportunity to comment on this important issue.

Sincerely yours,

Terry Jones for

J. A. Stall
Senior Vice President, Nuclear
and Chief Nuclear Officer