

Rulemaking Comments

---

**From:** Thompson Paine [tpaine@stanford.edu]  
**Sent:** Wednesday, February 10, 2010 8:53 PM  
**To:** Rulemaking Comments  
**Subject:** PRM-26-3 COMMENT  
**Attachments:** PRM-26-3 COMMENT.docx

DOCKETED  
USNRC  
February 16, 2010 (11:15am)  
OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

February 10, 2010

Secretary, U.S. Nuclear Regulatory Commission Washington, DC 20555-0001  
ATTN: Rulemakings and Adjudications Staff  
Email: [rulemaking\\_comments@nrc.gov](mailto:rulemaking_comments@nrc.gov)  
Tel: 301-415-1677

Dear Madame Secretary:

I support the Professional Reactor Operators Society (PROS) in its Petition for Rulemaking. However, I request that the Commission deeply study and consider the comprehensive impact of the proposed rule on the safety of nuclear reactor operations in the United States.

The Nuclear Regulatory Commission has statutory authority to make the proposed rule under the Energy Reorganization Act of 1974 and the Administrative Procedure Act. As a point of background information, it is important to call attention to the history of successful cooperation between the utility nuclear energy industry representatives, including PROS and the Institute of Nuclear Power Operators (INPO), and the nuclear energy regulators. More so than in other regulated industries, the utility nuclear energy industry is most aware of the need for safe operations practices. A lapse in safety at just one reactor such as that occurring in the Three-Mile Island incident of 1979 has potential to severely harm the business of all industry participants. This threat encourages constructive industry participation and effective self-regulation, with the Commission's oversight. For this model industry-government cooperation to continue, organizations like PROS play a crucial role in sharing and collecting information on best industry practices to support proposals to the Commission. The Commission should, to a large extent, trust in their intention and expertise.

As PROS describes in its petition, replacing the regulation's (10 CFR Part 26) use of the term "unit outage" with "site outage" will facilitate a beneficial shift in the industry's personnel shift strategies in preparation for and execution of schedule outages. Such a change in operations practice may understandably sound alarm bells to the public though, as new the facilitated work shift strategies may lead to longer hours for the reactor operators during outages, which may in turn lead to a decrease in quality of work performance. As the petitioner describes in detail, however, the new shift change strategies that the rule will facilitate should enhance safety during scheduled outages by increasing shift-to-shift communication and familiarity, and by reducing the influence of factors that lead to stress and uncertainty among operators during outage shift changes. The petitioner's argument that these changes will be conducive to safer operations practices is persuasive.

The operators themselves are the immediate affected party of this rulemaking. Given that their cross-industry representative organization, PROS, is proposing and supporting this change, the Commission can likely assume general consensus among operators that their rights will not incur harm. A secondary, but most important, affected party is the American citizenry, who rely on effective safety procedures to (1) protect communities and individuals from the catastrophic health effects of a nuclear meltdown, and (2) ensure the continued operation of this clean (in terms of GHG emissions), reliable source of power for the American economy.

The Obama Administration has expressed a clear intent to rejuvenate and expand the United States' use of utility nuclear power. Due to this impending effort and probable expansion, it is of the utmost importance that

the Commission continue to support such industry self-regulation and recommendations, as this system has been a great success over the past two decades and should continue to be so. However, the sensitivity of expanding utility nuclear energy use in the U.S. should be neither ignored nor underestimated. Especially during this time of transition, the Commission should take every possible step to ensure that existing and new rules serve the over-arching policy goal of safety. To do so, hope that the Commission will (1) submit to the public its own evaluation of the rulemaking's comprehensive impact on the safety of reactor operations, and (2) include in this evaluation a record or summary of consultations with INPO and other interested parties.

Thank you for your time and consideration of this important issue.

Sincerely,

D. T. Paine  
[tpaine@stanford.edu](mailto:tpaine@stanford.edu)

Comment for Nuclear Regulatory Commission Proposed Rulemaking  
Docket No. PRM-26-3; NRC-2009-0482

February 10, 2010

Secretary, U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
ATTN: Rulemakings and Adjudications Staff  
Email: [rulemaking.comments@nrc.gov](mailto:rulemaking.comments@nrc.gov)  
Tel: 301-415-1677

Dear Madame Secretary:

I support the Professional Reactor Operators Society (PROS) in its Petition for Rulemaking. However, I request that the Commission deeply study and consider the comprehensive impact of the proposed rule on the safety of nuclear reactor operations in the United States.

The Nuclear Regulatory Commission has statutory authority to make the proposed rule under the Energy Reorganization Act of 1974<sup>1</sup> and the Administrative Procedure Act.<sup>2</sup> As a point of background information, it is important to call attention to the history of successful cooperation between the utility nuclear energy industry representatives, including PROS and the Institute of Nuclear Power Operators (INPO), and the nuclear energy regulators.<sup>3</sup> More so than in other regulated industries, the utility nuclear energy industry is most aware of the need for safe operations practices. A lapse in safety at just one reactor such as that occurring in the Three-Mile Island incident of 1979 has potential to severely harm the business of all industry participants. This threat encourages constructive industry participation and effective self-regulation, with the Commission's oversight. For this model industry-government cooperation to continue, organizations like PROS play a crucial role in sharing and collecting information on best industry practices to support proposals to the Commission. The Commission should, to a large extent, trust in their intention and expertise.

As PROS describes in its petition, replacing the regulation's (10 CFR Part 26) use of the term "unit outage" with "site outage" will facilitate a beneficial shift in the industry's personnel shift strategies in preparation for and execution of schedule outages. Such a change in operations practice may understandably sound alarm bells to the public though, as new the facilitated work shift strategies may lead to longer hours for the reactor operators during outages, which may in turn lead to a decrease in quality of work performance. As the petitioner describes in detail, however, the new shift change strategies that the rule will facilitate should enhance safety during scheduled outages by increasing shift-to-shift communication and familiarity, and by reducing the influence of factors that lead to stress and uncertainty among operators during outage shift changes. The petitioner's argument that these changes will be conducive to safer operations practices is persuasive.

---

<sup>1</sup> §1(a) Those functions of the Nuclear Regulatory Commission, hereinafter referred to as the "Commission", concerned with: ... (2) rulemaking, as defined in section 553 of title 5 of the United States Code, except that those matters set forth in 553(a)(2) and (b) which do not pertain to policy formulation orders or adjudications shall be reserved to the Chairman of the Commission;....

<sup>2</sup> Administrative Procedure Act, §551(5) and §553.

<sup>3</sup> Joseph Rees, *Hostages of Each Other: The Transformation of Nuclear Power Safety After Three Mile Island* (1998).

Comment for Nuclear Regulatory Commission Proposed Rulemaking  
Docket No. PRM-26-3; NRC-2009-0482

The operators themselves are the immediate affected party of this rulemaking. Given that their cross-industry representative organization, PROS, is proposing and supporting this change, the Commission can likely assume general consensus among operators that their rights will not incur harm. A secondary, but most important, affected party is the American citizenry, who rely on effective safety procedures to (1) protect communities and individuals from the catastrophic health effects of a nuclear meltdown, and (2) ensure the continued operation of this clean (in terms of GHG emissions), reliable source of power for the American economy.

The Obama Administration has expressed a clear intent to rejuvenate and expand the United States' use of utility nuclear power.<sup>4</sup> Due to this impending effort and probable expansion, it is of the utmost importance that the Commission continue to support such industry self-regulation and recommendations, as this system has been a great success over the past two decades and should continue to be so. However, the sensitivity of expanding utility nuclear energy use in the U.S. should be neither ignored nor underestimated. Especially during this time of transition, the Commission should take every possible step to ensure that existing and new rules serve the over-arching policy goal of safety. To do so, hope that the Commission will (1) submit to the public its own evaluation of the rulemaking's comprehensive impact on the safety of reactor operations, and (2) include in this evaluation a record or summary of consultations with INPO and other interested parties.

Thank you for your time and consideration of this important issue.

Sincerely,

D. T. Paine  
[tpaine@stanford.edu](mailto:tpaine@stanford.edu)

---

<sup>4</sup> Peter Behr, "The Administration Puts Its Own Stamp on a Possible Nuclear Revival," *The New York Times*, available at [www.nytimes.com/cwire/2010/02/02/02climatewire-the-administration-puts-its-own-stamp-on-a-p-76078.html](http://www.nytimes.com/cwire/2010/02/02/02climatewire-the-administration-puts-its-own-stamp-on-a-p-76078.html).

Received: from mail1.nrc.gov (148.184.176.41) by TWMS01.nrc.gov  
(148.184.200.145) with Microsoft SMTP Server id 8.1.393.1; Wed, 10 Feb 2010  
20:52:43 -0500  
X-Ironport-ID: mail1  
X-SBRS: 3.9  
X-MID: 11362646  
X-fn: =?utf-8?b?UFJN4oCTMjbigJMzIENPTU1FTlQuZG9jeA==?=  
X-IronPort-Anti-Spam-Filtered: true  
X-IronPort-Anti-Spam-Result:  
ApsAAMvxckurQ9tTi2dsb2JhbACDCpgFAQEBCgsKBxEHEA6uQ4lxAQmERlhVgl+  
BG1sEgxM  
X-IronPort-AV: E=Sophos;i="4.49,448,1262581200";  
d="rels'?xml'?docx'72,48?scan'72,48,72,48,208";a="11362646"  
Received: from smtp3.stanford.edu (HELO smtp.stanford.edu) ([171.67.219.83])  
by mail1.nrc.gov with ESMTP; 10 Feb 2010 20:52:42 -0500  
Received: from smtp.stanford.edu (localhost.localdomain [127.0.0.1]) by  
localhost (Postfix) with SMTP id 18COF1A0ACE for  
<rulemaking.comments@nrc.gov>; Wed, 10 Feb 2010 17:52:42 -0800 (PST)  
Received: from zm02.stanford.edu (zm02.Stanford.EDU [171.67.219.152]) by  
smtp.stanford.edu (Postfix) with ESMTP id A7AAA1A07F3 for  
<rulemaking.comments@nrc.gov>; Wed, 10 Feb 2010 17:52:41 -0800 (PST)  
Date: Wed, 10 Feb 2010 17:52:41 -0800  
From: Thompson Paine <tpaine@stanford.edu>  
To: rulemaking.comments@nrc.gov  
Message-ID: <293147461.192601265853161603.JavaMail.root@zm02.stanford.edu>  
In-Reply-To: <649815568.192321265853088509.JavaMail.root@zm02.stanford.edu>  
Subject: =?utf-8?Q?PRM=E2=80=9326=E2=80=933\_COMMENT?=  
MIME-Version: 1.0  
Content-Type: multipart/mixed;  
boundary="-----\_Part\_4559\_576274433.1265853161601"  
X-Originating-IP: [10.32.66.231]  
X-Mailer: Zimbra 5.0.21\_GA\_3150.RHEL4\_64 (ZimbraWebClient - [unknown]  
(Win)/5.0.21\_GA\_3150.RHEL4\_64)  
X-Authenticated-User: tpaine@stanford.edu  
Return-Path: tpaine@stanford.edu