



NUCLEAR ENERGY INSTITUTE

DOCKETED
USNRC

February 16, 2010 (11:15am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

John C. Butler
DIRECTOR
ENGINEERING & OPERATIONS SUPPORT
NUCLEAR GENERATION DIVISION

February 11, 2010

Ms. Annette L. Vietti-Cook
Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Attn: Rulemakings and Adjudications Staff

Subject: 10 CFR Part 26 Petition for Rulemaking PRM-26-3 Fitness-for-Duty Programs (74 FR 62257).

Project Number: 689

Dear Ms. Vietti-Cook:

The Nuclear Energy Institute (NEI)¹ appreciates the opportunity to provide comments on behalf of the nuclear industry on the subject petition for rulemaking (PRM) requesting a change to the "unit outage" definition contained in 10 CFR Part 26 Subpart A.

NEI supports the petition to change the defined term to "site outage" to reflect more appropriately its applicability to multiple unit sites. NEI proposes that the definition of "site outage" be modified slightly from that provided in the petition to state "*Site outage* means, for the purposes of this part, up to one week prior to disconnecting a reactor unit from the grid and up to 75 percent reactor power following reconnection of that unit to the grid." While this aspect of the change, as stated in the petition, will extend the use of outage work hours, the exclusion period of 60 days for outages remains unchanged. Therefore, this change does not affect the cumulative fatigue impact assessed as part of the current rule.

¹ NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

Template = SECY-067

DS10

Ms. Annette L. Vietti-Cook

February 11, 2010

Page 2

A second aspect of the petition, as intended by the petitioner, is to allow operators in the on-line units to be eligible for outage minimum days off. The particular example used in the petition is the use of a super-crew on outage minimum days off in the shared control room of a dual unit site where the operators are licensed on both units. The application of outage minimum days off to operators in the on-line units at multi-unit sites is a matter that has been identified previously in discussions between the industry and NRC. NEI continues to believe this position would pose no additional risk and would provide for optimal resource availability to conduct safe operations and outages.

NEI is continuing to collect industry experience following initial implementation of the rule and believes other changes are warranted to address issues of complexity and unintended consequences of rule implementation. NEI intends to work with the NRC staff to pursue any additional changes that are needed to most effectively and efficiently manage work hours to ensure safe and reliable operation of the nation's nuclear units.

If there are any questions regarding these comments, please contact me at 202.739.8108; jcb@nei.org or Scott Bauer at 202.739.8058; sab@nei.org.

Sincerely,

A handwritten signature in black ink, appearing to read "John C. Butler", with a stylized flourish at the end.

John C. Butler

Ngbea, Evangeline

From: Vietti-Cook, Annette
Sent: Friday, February 12, 2010 3:36 PM
To: Ngbea, Evangeline; Giitter, Rebecca; Julian, Emile
Cc: Champ, Billie; Mike, Linda; McKelvin, Sheila
Subject: FW: 10 CFR Part 26 Petition for Rulemaking PRM-26-3 Fitness-for-Duty Programs (74 FR 62257)
Attachments: 02-11-10_NRC_10 CFR Part 26 Petition for Rulemaking FFD Programs.pdf

I believe this should be handled as a rulemaking comment.

From: HAYES, Richiey [mailto:slh@nei.org] **On Behalf Of** BUTLER, John
Sent: Friday, February 12, 2010 2:43 PM
Subject: 10 CFR Part 26 Petition for Rulemaking PRM-26-3 Fitness-for-Duty Programs (74 FR 62257)

February 11, 2010

Ms. Annette L. Vietti-Cook
Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Attn: Rulemakings and Adjudications Staff

Subject: 10 CFR Part 26 Petition for Rulemaking PRM-26-3 Fitness-for-Duty Programs (74 FR 62257)

Project Number: 689

Dear Ms. Vietti-Cook:

The Nuclear Energy Institute appreciates the opportunity to provide comments on behalf of the nuclear industry on the subject petition for rulemaking (PRM) requesting a change to the "unit outage" definition contained in 10 CFR Part 26 Subpart A.

NEI supports the petition to change the defined term to "site outage" to reflect more appropriately its applicability to multiple unit sites. NEI proposes that the definition of "site outage" be modified slightly from that provided in the petition to state "*Site outage* means, for the purposes of this part, up to one week prior to disconnecting a reactor unit from the grid and up to 75 percent reactor power following reconnection of that unit to the grid." While this aspect of the change, as stated in the petition, will extend the use of outage work hours, the exclusion period of 60 days for outages remains unchanged. Therefore, this change does not affect the cumulative fatigue impact assessed as part of the current rule.

A second aspect of the petition, as intended by the petitioner, is to allow operators in the on-line units to be eligible for outage minimum days off. The particular example used in the petition is the use of a super-crew on outage minimum days off in the shared control room of a dual unit site where the operators are licensed on both units. The application of outage minimum days off to operators in the on-line units at multi-unit sites is a

matter that has been identified previously in discussions between the industry and NRC. NEI continues to believe this position would pose no additional risk and would provide for optimal resource availability to conduct safe operations and outages.

NEI is continuing to collect industry experience following initial implementation of the rule and believes other changes are warranted to address issues of complexity and unintended consequences of rule implementation. NEI intends to work with the NRC staff to pursue any additional changes that are needed to most effectively and efficiently manage work hours to ensure safe and reliable operation of the nation's nuclear units.

If there are any questions regarding these comments, please contact me at 202.739.8108; jcb@nei.org or Scott Bauer at 202.739.8058; sab@nei.org.

Sincerely,

John Butler
Director,
Engineering and Operations Support

Nuclear Energy Institute
1776 I Street NW, Suite 400
Washington, DC 20006
www.nei.org

P: 202-739-8108
F: 202-533-0113
E: jcb@nei.org

nuclear. clean air energy.

This electronic message transmission contains information from the Nuclear Energy Institute, Inc. The information is intended solely for the use of the addressee and its use by any other person is not authorized. If you are not the intended recipient, you have received this communication in error, and any review, use, disclosure, copying or distribution of the contents of this communication is strictly prohibited. If you have received this electronic transmission in error, please notify the sender immediately by telephone or by electronic mail and permanently delete the original message. IRS Circular 230 disclosure: To ensure compliance with requirements imposed by the IRS and other taxing authorities, we inform you that any tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties that may be imposed on any taxpayer or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

Sent through outbound.mailwise.com

Received: from HQCLSTR02.nrc.gov ([148.184.44.77]) by OWMS01.nrc.gov
([148.184.100.43]) with mapi; Fri, 12 Feb 2010 15:36:20 -0500
Content-Type: application/ms-tnef; name="winmail.dat"
Content-Transfer-Encoding: binary
From: "Vietti-Cook, Annette" <Annette.Vietti-Cook@nrc.gov>
To: "Ngbea, Evangeline" <Evangeline.Ngbea@nrc.gov>, "Giitter, Rebecca"
<Rebecca.Giitter@nrc.gov>, "Julian, Emile" <Emile.Julian@nrc.gov>
CC: "Champ, Billie" <Billie.Champ@nrc.gov>, "Mike, Linda"
<Linda.Mike@nrc.gov>, "McKelvin, Sheila" <Sheila.McKelvin@nrc.gov>
Date: Fri, 12 Feb 2010 15:36:20 -0500
Subject: FW: 10 CFR Part 26 Petition for Rulemaking PRM-26-3
Fitness-for-Duty Programs (74 FR 62257)
Thread-Topic: 10 CFR Part 26 Petition for Rulemaking PRM-26-3
Fitness-for-Duty Programs (74 FR 62257)
Thread-Index: AcqsG6OUOCiEWJdATAW9TLZLbP/pvAAAK4XA
Message-ID:
<2C5246E2C48F77418DF2EE22F3C7DE970371B97C17@HQCLSTR02.nrc.gov>
Accept-Language: en-US
Content-Language: en-US
X-MS-Has-Attach: yes
X-MS-Exchange-Organization-SCL: -1
X-MS-TNEF-Correlator:
<2C5246E2C48F77418DF2EE22F3C7DE970371B97C17@HQCLSTR02.nrc.gov>
MIME-Version: 1.0