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Secretary of the Commission,
U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings
and Adjudications Staff

Leonard S. Hubbard
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DOCKET NUMBER
PETITION RULE PRM 26-2
(64FR67202)

DOCKETED
JAN 25 11:16

Dear Sir:

Comments on the proposed rule making: Docket No. PRM-26-2.

The petitioner requests that the NRC:

- (1) Add enforceable working hour limits to 10 CFR Part 26;
- (2) add a criterion to 10 CFR Part 55.33 (a)(1) to require evaluation of known sleeping disorders;
- (3) revise the Enforcement Policy to include examples of working hour violations warranting various NRC sanctions; and
- (4) revise NRC Form-396 to include self-disclosure of sleeping disorders by licensed operators.

The petitioner also requests changes to NRC Inspection Procedure 81502, Fitness for Duty Program. The petitioner believes that clear and enforceable working hour limits are required to ensure that the impact of personnel fatigue is minimized.

The parts of this proposed rule that should be adopted are 2 and 4. Certainly it is prudent to require evaluation and disclosure of a known disorder that may affect performance. This is already done, for example in operator license restrictions on the wearing of prescription glasses for licensed operator duties.

It is, however, an unnecessary complication to require enforceable limits as part of 10CFR 26, and unnecessary to revise the enforcement policy for NRC sanctions.

Operators take their responsibilities to protect the health and safety of the public and plant personnel very seriously and are mindful of their limitations for overtime and the possibility of becoming fatigued.

Working hours are already limited by each facility and the NRC has enough enforcement discretion to act on any violations they feel are adverse to safety, either through the facility license or the individual operator license. It is the responsibility of the operators to know when they are not capable of performing their duties and seek the necessary relief. The Fitness for Duty programs already require training on this responsibility and to add more requirements would be redundant with no added value.

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Sincerely;

Leonard S. Hubbard
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