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Pacific Gas and Electric Company

DUPLICATE

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March 1, 2000

PG&E Letter DCL-00-033

Mr. David L. Meyer
Chief, Rules and Directives Branch
Division of Administrative Services
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

DOCKET NUMBER
PETITION RULE PRM 26-2
(64FR67202)

Docket No. 50-275, OL-DPR-80
Docket No. 50-323, OL-DPR-82
Diablo Canyon Units 1 and 2
Response to "Petition for Rulemaking; Request for Comments on Work Hour Limits"
(64 Fed. Reg. 67202; December 1, 1999)

Dear Mr. Meyer

The purpose of this letter is to provide comments regarding a petition for rulemaking submitted on September 28, 1999 by Mr. Barry Quigley. The petition requests that the NRC (1) add work hour limits to 10 CFR Part 26; (2) add a criterion to 10 CFR 55.33(a)(1) to require evaluation of known sleeping disorders; (3) revise the Enforcement Policy to include examples of work hour violations warranting various NRC sanctions; and (4) revise NRC form 396 to include self-disclosure of sleeping disorders by licensed operators. The petition also requests changes to the NRC inspection procedure for the fitness for duty program.

PG&E endorses the NEI position on this issue and believes that the NRC should deny the petition. NEI indicates that the petition is unjustified because: (1) the industry has appropriately addressed fatigue related issues; (2) the petitioner's claim that "fatigue most probably played a role in a respectable percentage" cannot be supported; and (3) the implementation of the proposed rule would not satisfy the backfit criteria of 10 CFR 50.109. NEI is providing comments in a separate submittal.

PG&E has developed these comments in cooperation with TXU Electric (Comanche Peak), Wolf Creek Nuclear Operating Corporation (Wolf Creek), and South Texas Project Nuclear Operating Corporation (South Texas Project).

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Sincerely,

A handwritten signature in black ink, appearing to read "James E. Tomkins". The signature is fluid and cursive, with a large initial "J" and "T".

James E. Tomkins

cc: Edgar Bailey, DHS
Steven D. Bloom
Tony Harris, WCNO
Scott Head, STPNOC
Ellis W. Merschoff
David L. Proulx
Roger Walker, TXU Electric
Diablo Distribution

PTN/