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FINAL REPLY:

Winfred D. Nash
BWXT-Nuclear Products Division

TO:

Chairman Diaz

FOR SIGNATURE OF :

** PRI **

CRC NO: 04-0155

Chairman Diaz

DESC:

ROUTING:

Draft Order Regarding Worker Fatigue at
Category I Fuel Cycle Facilities

Travers
Norry
Paperiello
Kane
Collins
Dean
Burns/Cyr
Virgilio, NMSS

DATE: 03/17/04

ASSIGNED TO:

CONTACT:

NSIR

Zimmerman

SPECIAL INSTRUCTIONS OR REMARKS:

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

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AUTHOR: Winfred Nash
AFFILIATION:
ADDRESSEE: Nils Diaz
SUBJECT: Draft Order Regarding Worker Fatigue at Category I Fuel Cycle Facilities

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March 3, 2004

04-028

U.S. Nuclear Regulatory Commission
Att: Chairman N. J. Diaz
Mail Stop 16C1
Washington, DC 20555-0001

Subject: Draft Order Regarding Worker Fatigue at Category I Fuel Cycle Facilities

Dear Dr. Diaz:

This letter provides stakeholder feedback in connection with the draft Order regarding worker fatigue at Category I Fuel Cycle facilities. I appreciate the recent opportunity for NPD to participate in meetings with NRC staff to discuss this Order. However, I am disappointed that NPD's position opposing this Order appears to be not favorably received.

NPD does not believe this Order is necessary for either Cat. 1 facility. Both NFS and NPD recognized the efficiency and morale impact on our security workforces resulting from excessive overtime and undertook corrective measures. We immediately began hiring additional officers to mitigate this impact. Today, our uniformed security headcounts reflect an increase exceeding 50 per cent from pre-9/11 levels, and overtime worked by officers has normalized.

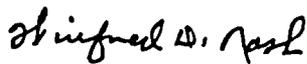
NRC regulation requires most officers at Cat. I facilities to work in two-person teams at all times. At NPD, the few officers assigned to single-person stationary posts are frequently rotated through a variety of posts throughout the shift, or are provided with frequent break periods. As a result, our officers are less likely to experience performance-related fatigue issues. I understand the situation to be the same at NFS.

NRC's perceived need for work hour limits appears to be based on physiological modeling. Certainly, I am unaware of any actual field data to indicate officer fatigue has been identified as an actual problem at Cat. 1 facilities. However, any approach to the fatigue issue that uses work hour limits presents the obvious fallacy of assuming that an individual officer reports to work well rested. If he or she does not, then even the proposed work limits would not suffice to avoid fatigue for that officer. In those situations, officer alertness would have to be ensured by the time-proven means of effective supervision. That is the only real means of achieving the objective sought by this Order.

Our objections to the Order do not result from concerns about maintaining compliance. We object to the need to develop systems and devote supervisory effort to track and document compliance. The draft Order would impose an additional layer of complexity and cost to our supervisors' scheduling tasks without a demonstrated reason to conclude that it is needed.

NPD believes that this draft Order is an unwarranted intrusion into the management of security operations at Category I Fuel Cycle facilities and should not be adopted by the Commission. I offer our full cooperation with examining a more effective solution to this issue by investigating worker fatigue issues in operational settings.

Sincerely,



Winfred D. Nash
Vice President and General Manager
BWXT- Nuclear Products Division