



Union of Concerned Scientists

Citizens and Scientists for Environmental Solutions

August 28, 2006

David T. Diec, Project Manager
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

**SUBJECT: THOUGHTS – BUT NOT COMMENTS – ON AUGUST 17, 2006, VERSION OF PART 26
SUBPART I FINAL RULE LANGUAGE**

Dear Mr. Diec:

I appreciate your e-mail notifying me that the NRC was posting, for public viewing only, the latest version of the rulemaking language for Subpart I, “Managing Fatigue,” of 10 CFR Part 26. I have been following this issue since the petition for rulemaking was submitted to the NRC last century. I note that the posting clearly stated “*The NRC is not soliciting formal public comments on these final rule language provisions.*” Fortunately, I have no comments on the final rule language provisions and find it easy to comply with the NRC’s non-solicitation. Even more fortunately, the NRC’s posting did not bar public thinking about the final rule language provisions. The purpose of this letter is to share my thoughts – which are definitely not comments in any way, shape, or form – about the current incarnation of the fatigue rulemaking effort.

UCS thinks the elimination of the group work hour framework is a really, really good move.

UCS thinks the the expansion of the defined break and rest period requirements is a vastly improved method of achieving what the group work hours attempted to control. UCS especially thinks the cap in §26.205(d)(3) on the number of weeks that can be included in a shift cycle when computing an individual’s average number of days off per week.

UCS thinks the blind exclusion of individual work hours associated with unannounced emergency preparedness drills from counting as permitted by §26.205(b)(4) could cause a proliferation of unannounced emergency preparedness drills. A plant owner nearing one or more of the work hour limits could be tempted to stage an unannounced emergency preparedness drill and “exercise” the participants on maintenance of some component or the like. While the intent of this paragraph is legitimate, we think it is ripe for abuse. UCS thinks an appropriate and necessary counter-balance against unannounced emergency preparedness drill proliferation would be an added requirement under §26.205(e) for licensees to periodically review how often the emergency drill exclusion was invoked during the review period.

Sincerely,

David Lochbaum
Director, Nuclear Safety Project