



PR 26
(70FR50442)

DAY & ZIMMERMANN NPS, INC.

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DOCKETED
USNRC

January 9, 2007 (2:15pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

December 26, 2006

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The Honorable Dale E. Klein
Chairman
U.S. Nuclear Regulatory Commission
Mail Stop O-16 E15
Washington, DC 20555-0001

Re: NRC 10 CFR Part 26 Fitness-for-Duty, Subpart I, Fatigue
Management

Dear Chairman Klein:

I am writing to you on behalf of the Day & Zimmermann NPS, Inc. We are one of the nation's leading union labor contractors solely dedicated to performing a full array of maintenance and modification services at nuclear and fossil-fired power plants. Day & Zimmermann NPS, Inc. is currently under contract at 29 nuclear units in the U.S., and is a wholly owned subsidiary of Day & Zimmermann, one of the largest private companies in America.

With safety as its number-one value, Day & Zimmermann NPS, Inc. is renowned for actively driving its safety culture through training and reinforcement. The health and safety of our members and the public is our top priority. We do not believe existing work practices have compromised safety. We believe that should be the chief measure when considering new regulations. Regulations should indeed be science-based, and little data exists to demonstrate that worker fatigue under existing approaches is eroding safety.

However, elements of the proposed rule would in fact discourage qualified workers from seeking work in this industry. Restrictions in overtime, for example, if implemented, would undermine the very objective our industry shares to attract and retain talent. The nuclear industry depends on workers who, in turn, depend on and expect compensation from overtime. It is, in fact, a chief benefit that these workers expect from our industry. Without highly skilled contract workers to support plant outages, the nuclear industry faces a workforce crisis.



We concur with comments provided December 21, 2006 by the Nuclear Energy Institute, and we agree that the rule as proposed is, in large part, both necessary and prudent. We fully support the comments of the NEI on work hour restrictions and break requirements aspects of this rule. We believe: (1) The minimum days off per shift is unnecessary and should be eliminated. (2) The 3 days off every 15 during an outage should be changed to a 34-hour break in any 9 day period. (3) The requirement related to two or more successive outages that start less than two weeks apart should be eliminated.

We strongly urge the Commission to reconsider restrictions on work hours and breaks, reassess their impact on actual performance, and actual plant operations and maintenance.

Sincerely yours,


T. J. Reddington
President

c:

The Honorable Edward McGaffigan Jr., Commissioner, NRC
The Honorable Jeffrey S. Merrifield, Commissioner, NRC
The Honorable Gregory B. Jaczko, Commissioner, NRC
The Honorable Peter B. Lyons, Commissioner, NRC