



**United Association of Journeymen and Apprentices of the
Plumbing and Pipe Fitting Industry of the United States and Canada**

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USNRC

January 9, 2007 (2:15pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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

**Re: Comments Concerning NRC Fitness for Duty Rule, 10 CFR Part 26,
Subpart I, Fatigue Management**

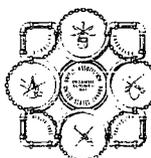
Dear Chairman Klein:

The United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada (UA) has more than 300,000 members across North America, representing the plumbing and pipe fitting industry.

The UA Department of Safety and Health is charged with one of the association's most important and essential activities: Protecting the lives of UA members on the job site. The Department monitors regulations to ensure that our local unions are aware of these rules and their significance for our members. The Occupational Safety and Health Administration, through the Federal Register, regularly issues rules to address new safety hazards. When appropriate, the UA Safety and Health Department provides comment and recommendations regarding these regulations. Therefore, on behalf of our members, I write to the Commission on 10 CFR Part 26 Fitness for Duty.

The health and safety of our members and the public is our foremost mission. Therefore, the UA supports most of this rule. However, we believe several work-hour restrictions and break requirements are unwarranted and may have a deleterious effect on efforts to protect public health and safety.

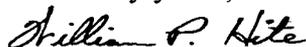
During this rulemaking effort, the NRC has reviewed plant operating and human performance data that show no relationship between the supposed impacts of fatigue and actual human performance at nuclear power plants. We fear that certain unneeded requirements would discourage the most highly qualified and skilled workers represented by our union from working for nuclear plant contractors. The UA believes these workers would more readily accept offers of employment from contractors at unregulated facilities, where they could earn considerably higher overtime pay. As a result, less skilled and less experienced workers would gravitate to outage work at nuclear power plants. That could mean higher rates of work-related injuries, poorer quality work and lengthier outages.



Nuclear Energy Institute (NEI) sent to you a letter dated December 21, 2006, with their comments. The UA fully supports the comments of the NEI on work hour restrictions and break requirements aspects of this rule. IBEW supports the recommended changes to 26.205 are discussed in the NEI. Specifically, the UA believes: (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, and (3) the requirement related to two or more successive outages that start less than two weeks apart should be eliminated.

The UA favors a cogent fatigue management program, which should present a common-sense approach that is in accord with the staffing demands and economic realities of the construction industry. Equally important, the program should support the health and safety of workers and the public.

Sincerely yours,



William P. Hite

General President

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Industry of the United States and Canada

Cc: 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
Edward Sullivan, President, BCTD
William Kaczorowski, Administrator, GPC