

OFFICE OF THE SECRETARY
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To: Dyer, NRR

AUTHOR: Lou Pardi

AFFILIATION: NJ

ADDRESSEE: Dale Klein

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

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ADM

ACTION: Appropriate

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Washington Group International

Integrated Engineering, Construction, and Management Solutions

LOUIS E. PARDI
President
Power

January 8, 2007

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:

Washington Group International, Inc., based in Boise, Idaho, provides integrated engineering, construction, and management solutions for businesses and governments worldwide. With approximately 25,000 employees at work in over 40 states, the company provides professional, scientific, management, and development services in more than two dozen major markets.

We are writing to inquire about a fundamental approach the U.S. Nuclear Regulatory Commission has apparently applied in developing its proposed fitness-for-duty rule, 10 CFR Part 26. The approach that most concerns us relates to requirements that would affect worker hours and breaks. Over the past few years, the Commission has placed significant emphasis on regulations centered on solid performance data. This approach seems to be absent in the development of rulemaking on worker fatigue and hours.

The health and safety of our members and the public is our top priority. Managing worker fatigue is an important issue, and we applaud the Commission for its efforts to date. Our view is essentially the same as those of the NEI expressed in its December 15 communications to you. The proposed rule, however, assumes an illogical link between plant safety and worker fatigue. We ask that the Commission be mindful of actual studies that have concluded U.S. plants are in fact safe without excessive management of worker fatigue.

We are not confident that workers now supporting plant outages will continue to pursue work in the industry if they find requirements too onerous. The agency, we suggest, should proceed carefully when regulating an area that could dramatically affect the livelihood of so many skilled laborers and have an adverse impact on plant maintenance and outage planning.

In a December 21, 2006 letter to the NRC, the Nuclear Energy Institute (NEI) discussed its comments on the proposed rulemaking. We endorse the comments discussed in NEI's letter. 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.

Given these concerns, we ask the agency to reconsider the approach defined in its proposed rulemaking and ensure that it is correctly centered on proven practices within the industry that clearly support high levels of health and safety.

Sincerely yours,



Lou Pardi
President
Power

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