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To: Dyer, NRR

AUTHOR: David Barry

AFFILIATION: LA

ADDRESSEE: Dale Klein

SUBJECT: NRC 10 CFR Part 26

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ACTION: Appropriate

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The Shaw Group Inc.

4171 Essen Lane
Baton Rouge, LA 70809
225-987-7077
FAX: 225-987-3970



David P. Barry
President Nuclear Services

January 10, 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:

I am writing to you on behalf of the Shaw Group. Shaw provides engineering, design, construction, and maintenance services to government and private-sector clients in a wide array of industries, including the energy, environmental, infrastructure, and emergency response markets. Shaw is a provider of comprehensive engineering, consulting, procurement, pipe fabrication, construction, and maintenance services to the power and process industries.

In view of our extensive work in support of the nuclear industry, the Shaw Group is providing comments on 10 CFR Part 26 Fitness-for-Duty. The health and safety of our members and the public is our top priority. We do not believe existing work practices have compromised safety. That indeed should be the chief measure. 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 affected, 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 high-levels of 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 more than just a workforce crisis: It faces a real shortfall in standards. Our fear is that this proposed rule may lead to exactly that as reduced overtime option draws less-skilled workers.

We concur with comments provided December 21, 2006 by the Nuclear Energy Institute. 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.

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

Sincerely yours,



Dave Barry
President
Shaw Stone & Webster Nuclear Services

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