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PR 26
(70FR50442)

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David P. Barry
President Nuclear Services

January 10, 2007

DOCKETED
USNRC

January 24, 2007 (4:30pm)

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

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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.

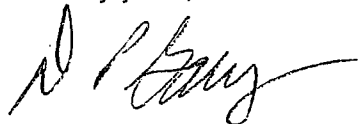
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We strongly urge the Commission to reconsider restrictions on work hours and breaks, reassess their impact on real-world performance and real-world plant operations and maintenance.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Dave Barry", written in a cursive style.

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

CHAIRMAN KLEIN STAFF ROUTING

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TITLE: NRC 10 CFR PART 26 FITNESS-FOR-DUTY, SUBPART I, FATIGUE MANAGEMENT

RECEIVED: January 12, 2007

	Name	Action/Information	Initials	Date
	Chairman Klein	FYI		
✓	Paul Dickman			
✓	Dave Skeen			
	Roger Davis			
	Douglas Broaddus			
	Pat Castleman			
	Nancy Fragoyannis			
	Clare Kasputys			
	Sam Lee			
	Robert McOsker			
	Bill Orders			
	Patti Silva			
	Vicki Bolling			
	Linda Herr			
	Kia Jackson			
	Yessie Correa			1/12/07

COMMENTS: TO SECY FOR APPROPRIATE ACTION?

- a= Information
- b= Review & Highlight
- c= Review & Comment
- d= For Upcoming Meeting
- e= Let's Discuss
- f= Prepare Response

1/25 11/2 done N/C 1/16/07

Copy Filed? Yes No

Discard Routing Copy? Yes No

File Location: PART 26