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PRM-26-5
(75FR65249)

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OFFICE OF SECRETARY
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Docket: NRC-2010-0304
Nuclear Energy Institute - Fitness-for-Duty Programs

Comment On: NRC-2010-0304-0001
Anthony R. Pietrangelo on Behalf of the Nuclear Energy Institute; Receipt of Petition for Rulemaking

Document: NRC-2010-0304-DRAFT-0029
Comment on FR Doc # 2010-26715

Submitter Information

Name: Jason Connolly
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Phoenix, NY, 13135

General Comment

We do not disagree that it is in the interest of Public Safety for the Federal Government to reasonably assure the public's safety by imposing restrictions upon this very vulnerable and necessary industry. We think the limit of the police power has been reached and passed in the case of the "Fatigue Rule". There is, in our judgment, no reasonable foundation for holding Security to a more stringent Day Off requirement rule, nor is it necessary or appropriate as a rule to safeguard the public health, or to prevent fatigue of individuals who are following the trade of a Nuclear Security Officer(NSO) . We argue that the "Fatigue Rule" has infringed upon our 14th Amendment Rights under the Constitution, specifically by infringing significantly upon our ability to bargain over our hours of labor.. The NRC has established justifications for the more stringent rule. These justifications injudiciously assume that a day off is somehow less fatiguing than a day worked. The justifications given in the Notice of Proposed Rule Making are easily countered by means such as the regulation of a more robust defense in depth strategy, requiring more robust and redundant intrusion detection technology, utilizing training to diminish the potential for negative consequences from stress under fire/fatigue and requiring licensees to develop reasonable time on task/ time off task guidelines. I find it absurd that the NRC has expended such expansive resources to regulate the work hours of NSO's yet has failed these same officers in adopting clear Federal Statutory Authority to defend such vital National Infrastructure. In closing I am requesting that the NRC to vacate the current "Fatigue Rule". and develop flexible and consistent work hour controls.

Template = SECY-067

DS 10

Rulemaking Comments

From: Gallagher, Carol
Sent: Thursday, January 06, 2011 2:45 PM
To: Rulemaking Comments
Subject: Comment on PRM-26-5
Attachments: NRC-2010-0304-DRAFT-0029.pdf

Van,

Attached for docketing is a comment from Jason Connolly on PRM-26-5 that I received via the regulations.gov website on 1/5/11.

Thanks,
Carol

Received: from HQCLSTR01.nrc.gov ([148.184.44.79]) by OWMS01.nrc.gov
([148.184.100.43]) with mapi; Thu, 6 Jan 2011 14:45:54 -0500
Content-Type: application/ms-tnef; name="winmail.dat"
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From: "Gallagher, Carol" <Carol.Gallagher@nrc.gov>
To: Rulemaking Comments <Rulemaking.Comments@nrc.gov>
Date: Thu, 6 Jan 2011 14:44:53 -0500
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Thread-Topic: Comment on PRM-26-5
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