

**Summary of August 1, 2007, Public Meeting Regarding
NEI 06-011,
Implementation Guidance for Subpart I of 10CFR26**

On August 1, 2007, the U.S. Nuclear Regulatory Commission (NRC) staff held a public meeting regarding the development of implementation guidance for Subpart I, Managing Fatigue, of 10 CFR Part 26, Fitness-for-Duty Programs. The meeting participants included representatives from power reactor licensees, the Nuclear Energy Institute (NEI), the Professional Reactor Operator Society (PROS), the Union of Concerned Scientists (UCS), and the International Brotherhood of Electrical Workers (IBEW). The purpose of this meeting was to further discuss implementation guidance for Subpart I.

The meeting was noticed on July 19, 2007. The notice is available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. The public can gain entry into the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents, including the meeting notice, agenda, and list of specific items that were discussed at the meeting, all of which may be found in ADAMS under accession number ML072000350.

A list of the meeting attendees is included in Enclosure 2. The meeting focused on the NRC staff's comments on Revision 11 of NEI's draft guidance document for Subpart I (NEI-06-11, "Managing Fatigue at Power Reactor Sites"). NEI-06-11 may be found in ADAMS under accession number ML071500580. The comments are either directly related to NEI 06-11 or to information presented during a December 13, 2006, public stakeholder meeting. The staff's comments, which were available as hand-outs at the meeting may be found in ADAMS under accession number ML071500580.

The meeting began with a general discussion of the regulatory guide process, the progress of the Part 26 rulemaking and inspection guidance, as well as a discussion of the respective implementation dates for the fatigue and drug and alcohol portions of the rule. The remainder of the meeting consisted of a discussion, led by NEI representatives, of NEI's response to each of the staff's comments. Many issues were raised and discussed in detail. The following summarizes the discussion of comments and future actions.

Significant Meeting Items

1. Meeting participants identified the following issues as requiring further consideration by the NRC:
 - The definition of "incidental duties" and how the timing of incidental duties during a day off might affect the counting of work-hours under the rule (NRC Comments #2, 6, 7, and 8).
 - Clarification on how to account for call-in hours when calculating an individual's required break hours or work hours (NRC Comment #5).

- How the requirements for working the first 60-days of an outage apply to individuals who begin work in the middle of an outage (NRC Comment #10).
 - How an individual qualifies for an extension of outage work-hour requirements (if that individual works less than 48 hours in a 7-day period) based on whether the individual is working onsite or offsite (NRC Comment #10).
 - Examples of acceptable bases statements for licensee actions (i.e., issuing waivers) (NRC Comment #16 - final bullet).
 - Review of new language in NEI 06-11 indicating that licensees may exclude from the calculation of an individual's work hours, breaks, and days off the time the individual works unscheduled work hours for the purpose of participating in the actual conduct of an unannounced emergency preparedness exercise or drill.
 - Further explanation of the language and intent of the provisions regarding force-on-force exercises and those to ensure common defense and security.
2. Meeting participants identified the following issues as requiring further consideration by NEI:
- Self-declarations and the potential for related sanctions to affect safety culture (NRC Comment #12).
 - The range of appropriate controls and conditions for fatigue assessment (NRC Comment #13).
 - The need for enhancement of guidance on “directing” (NRC Comment #16 - fourth bullet).
 - A representative from IBEW requested that industry include guidance indicating that a performance program should help licensees determine what positions qualify as “directing” positions.
 - A representative from PROS requested a firm definition of “directing.”
3. NEI identified the following issues that require further development by NEI in the guidance:
- What constitutes an outage worker
 - Job categorization
 - Transitions into and out of outages
 - The definition of “maintenance”
 - Compliance with the six week averaging period

At the conclusion of the meeting, NRC staff identified the following key milestones for the Subpart I implementation guidance:

- NEI will draft Revision 12 to NEI 06-11 based on the NRC staff's comments and information obtained during this public meeting. NEI expects to complete these revisions in mid- to late- September 2007.
- The next public stakeholder meeting will take place in mid- or late- October, 2007.

NEI expects to complete Revision 13, based on comments, in late October 2007. NRC staff and NEI would like Revision 13 to contain no unresolved issues.

