

November 28, 2011

MEMORANDUM TO: Doug Huyck, Chief
Security Programs Support Branch
Division of Security Policy
Office of Nuclear Security and Incident Response

FROM: Wayne Chalk, Security Specialist */RA/*
Security Programs Support Branch
Division of Security Policy
Office of Nuclear Security and Incident Response

SUBJECT: SUMMARY OF THE PUBLIC MEETING TO DISCUSS
INDUSTRY-PROPOSED REVISION 6 TO NUCLEAR ENERGY
INSTITUTE GUIDANCE DOCUMENT 06-06,
*FITNESS-FOR-DUTY PROGRAM FOR NEW NUCLEAR POWER
PLANT CONSTRUCTION*

On November 7, 2011, the Office of Nuclear Security and Incident Response (NSIR) staff met the Nuclear Energy Institute (NEI) and approximately 15 commercial power reactor representatives to discuss staff comments on industry-proposed Revision 6 to guidance document NEI 06-06, "*Fitness-for-Duty Program for New Nuclear Power Plant Construction.*" There were no members of the public or media in attendance.

The purpose of the document is to provide guidance to new nuclear power plant construction entities on how to best implement a Title 10 of the *Code of Federal Regulations* (10 CFR) Part 26 fitness for duty (FFD) program at a power reactor construction site. A number of combined license (COL) applicants have committed to NEI 06-06, revision 5, which the staff has found acceptable for use in COL applications; however, for all applicants, additional information was also provided to describe, in part, site-specific drug testing that currently is not described in NEI 06-06, Revision 5. Revision 6 is the industry's attempt to provide this guidance and to implement additional improvements. The staff is working to endorse NEI 06-06 through a Regulatory Guide (RG).

Overall, the industry agreed with and/or was supportive of the Nuclear Regulatory Commission (NRC) staff comments on NEI 06-06, Revision 6. However, the industry stated that they will need additional time to fully evaluate all staff comments, in particular those listed below that the staff described as requiring additional clarification or guidance. These items and others will be detailed in a letter to NEI that will be made publicly available.

1. U.S. Department of Transportation collection allowances.
2. Alignment on the definition of "construction site" with site security considerations and whether activities subject to the rule are being conducted within or outside the "construction site" boundary.

CONTACT: Wayne Chalk, NSIR/DSP
(301) 415-7627

3. Whether NEI 06-06 should strictly apply to “construction” or whether it should also enable the transition of site FFD program from a 10 CFR Part 26, Subpart K, construction program to an FFD program acceptable for reactor operation.
4. Description of how the random testing population is determined.
5. Determination and description of sanctions for FFD policy violations.

The NRC staff will continue to coordinate with, and will provide written comments on the industry-proposed Revision 6. After the comments are evaluated and resolved, as necessary, the staff will make a determination whether to endorse NEI 06-06 through the issuance of an RG.

Enclosures:

1. Attendees List
2. NEI 06-06, *Fitness-for-Duty Program for New Nuclear Power Plant Construction*, Revision 6

- 3. Whether NEI 06-06 should strictly apply to “construction” or whether it should also enable the transition of site FFD program from a 10 CFR Part 26, Subpart K, construction program to an FFD program acceptable for reactor operation.
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Enclosures:

- 1. Attendees List
- 2. NEI 06-06, *Fitness-for-Duty Program for New Nuclear Power Plant Construction*, Revision 6

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NAME	WChalk	PHarris	DHuyck
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