

## Part 26 Rulemaking July 7-8 Significant Public Meeting Feedback

### General Comments:

- Barry Quigley (Fatigue Petitioner)
  - Do not separate rules again, would delay fatigue
  
- NEI
  - Appreciates NRC holding meeting to pre-inform rulemaking, process is effective & delays to hold meetings well worth effort
  - Wants continued stakeholder interaction
  - Wants stability in rule text
    - Fatigue provisions stable from August 2003 version
    - Current Drug Testing rule text better than 2002 version
    - No show stoppers
  
- Several stakeholders planning on submitting written comments (Next 3 weeks)

### Drug Testing Provisions:

- Requirements for Determinations of Fitness:
  - NEI - Should not need to do for all Potentially Disqualifying Fitness for Duty Information discovered - e.g. for older information
  - FENOC - Should not need to be face to face for all “For-Cause” tests
  - NEI - Medical Review Officer should be able to perform for Substance Abuse - not only the Substance Abuse Expert
  - NEI - Should not be required for all alcohol tests above 0.00 but below Cutoff Limits - Just for 0.01 results after 3 hours of work (Note conflicting comment provided by NMC)
  
- NEI - Applicability of sanctions and protections to individuals who are applicants should not include time before the applicant is onsite
  
- NEI - Specimen validity testing requirements for licensees with onsite testing facilities restrictive and costly
  
- Approximately 50 editorial, organizational, clarifications, corrections, minor technical or minor policy comments received

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### Fatigue Provisions:

- Industry
  - Long-term Work Hour Limits – Adverse consequence with limited benefit
    - Group work hour average
    - 700/2600 individual limits
  - Opposes 60 hour/week group average limit for security guards during outages
  - Opposes work hour controls for fire brigade leaders
- IBEW
  - Wants rule to promote stability, consistency & accountability for workers
  - Wants limits to be applicable to transient workers & easy to implement
  - Compliance with average hours may lead management to change workers' schedules
  - Concerned quarterly limits will be difficult for licensees to implement
  - Workers should be accountable for short-term individual limits & management should be accountable for long-term limits
- UCS
  - Questioned enforceability of some provisions (too many exceptions to limits)
    - Outage exceptions for multi-unit sites
    - Abuse of waivers

### Fatigue Regulatory Analysis:

- Industry
  - RA estimates & rule text need to be consistent
  - Some estimates provided are too low
  - Should go through NEI to get estimates for the RA
  - Need rule text and implementation to be stable before commenting on RA assumptions
  - Wants to use RA benefits analysis for credit in site PRA limits