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25

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Subject: FFD Rule Comments

As a follow-up to the public meeting in Charlotte, NC on 11/9/05, I am submitting the following comments on behalf of Duke Energy.

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Manager, Access Services

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

There is some confusion and discrepancies regarding what aspects of Part 26 apply during new plant construction. For example, section 26.3(e) lists requirements for new plant construction, but section 26.25 states that the rule applies to individuals who have unescorted access to the nuclear power plant protected area. There will not be any protected area during the phase of construction cited in section 26.3(e). Another example is that section 26.3(e) requires new construction sites to comply with section 26.23 Performance Objectives. One of the performance objectives relates to the effects of fatigue and degraded alertness. But Subpart I ? Managing Fatigue, section 26.195 does not apply to section 26.3(e).

There will be a drug and alcohol program at new construction sites, consistent with other large industrial construction projects. The full part 26 program will be phased in when vital areas are established.

Note that there are discrepancies between this proposed rule language and the draft language for part 52 conforming changes to part 26, which was recently posted to the NRC's rulemaking website.

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