

**Part 26, Subpart I Fatigue Management Public Meeting
November 9, 2006**

The purpose of this meeting was to discuss implementation guidance for Subpart I of the draft final 10 CFR Part 26 - Fitness for Duty rule. Representatives from the Nuclear Energy Institute (NEI) presented draft guidance NEI-06-11 titled, "Managing Fatigue at Power Reactor Sites," for discussion by the stakeholders. The proposed guidance provides detailed information on how to meet various aspects of the fatigue management rule. The staff noted that its goal is to recommend NRC endorsement of part or all of NEI-06-11 for use at licensed facilities. Stakeholders from the Union of Concerned Scientists (UCS) and the International Brotherhood of Electrical Workers (IBEW) participated in the discussions. See attached document for a complete list of participants.

Participants from both NEI and NRC agreed that the purpose of the meeting was to discuss the proposed implementation guidance for the rule and not to debate the rule language. NEI discussed their schedule for completion of the guidance and indicated that it is predicated on the availability of the Commission approved final rule. NEI stated that it intends to submit a final guidance document for NRC endorsement approximately 30 days after the rule is approved by the Commission.

NRC staff described the process and timeline for developing a Regulatory Guide. The process will include further opportunities for stakeholder input through a formal public comment period and review by Commission advisory bodies. The process is expected to take approximately nine months. Options for endorsing the NEI document were discussed. The agency may choose to endorse some or all of the guidance, including the appendices. The purpose of the stakeholder meeting was to provide feedback to NEI which could help to clarify language, content, and level of detail. Part of the discussion focused on the implications of placing information in the body of the guidance document rather than the appendices and whether the NRC would endorse both the guidance document and the appendices. NEI agreed to incorporate some of the detail resident in the appendices into the body of the document. The appendices would then serve as examples which the NRC would not necessarily endorse.

NRC staff also indicated that development of guidance is only part of implementation of Part 26. Licensees have technical specifications (TS) that include work hour limitations. The staff's expectation is that once the rule is final, licensees will amend their technical specifications to remove the current TS requirements limiting work hours of personnel performing safety-related functions. NEI noted that following additional consideration, they were recommending a period of 2 years from the date of publication of the final rule in the *Federal Register* to comply with the proposed rule. They noted several reasons, including the time required to increase licensed operator staffing because of the significant licensed operator training requirements.

NEI indicated that the intent of their document is to create guidance that the utilities can use to assist them to be in compliance with the rule. NEI asserted that the guidance document will foster consistency among licensees and NRC inspectors can expect to see the same kinds of fatigue management tools across the industry. NEI proposed to develop a Frequently Asked Questions (FAQ) process to help to maintain consistency and standardize the approach across the country.

Throughout the presentation, the stakeholders pointed to areas that needed additional clarification and made suggestions for additions or deletion from the text. These suggestions included clarification of the terms “on-site”, “directing work,” and “covered individuals.”

Written comments were requested to be provided by November 17. A follow-on stakeholder meeting is planned for December 13, 2006, to discuss the next draft of NEI-06-11.