Comparison of FFD Final Rule Subpart C and NEI 03-01 Rev 2 (April 2008 and June 2008)

FFD Subpart C Rule Section	Corresponding NEI 03-01 Text	Comments
General		Add reference to FFD authorization when applicable
§ 26.51 Applicability. The requirements in this subpart apply to the licensees and other entities identified in § 26.3(a), (b), and, as applicable, (c) for the categories of individuals in § 26.4(a) through (d), and, at the licensee's or other entity's discretion, in § 26.4(g) and, if necessary,§ 26.4(j). The requirements in this subpart also apply to the licensees and other entities specified in § 26.3(c), as applicable, for the categories of individuals in § 26.4(e). At the discretion of a licensee or other entity in § 26.3(c), the requirements of this subpart also may be applied to the categories of individuals identified in§ 26.4(f). In addition, the requirements in this subpart apply to the entities in§ 26.3(d) to the extent that a licensee or other entity relies on the C/V to meet the requirements of this subpart. Certain requirements in this subpart also apply to the individuals specified in § 26.4(h).	This document applies to all nuclear power plant licensees and licensee-approved C/V UAA and FFD programs. (June pg 2)	Ok
§ 26.53 General provisions. (a) In order to grant authorization to an individual, a licensee or other entity shall ensure that the requirements in this subpart have been met for either initial authorization, authorization update, authorization reinstatement, or authorization with potentially disqualifying FFD information, as applicable.		Ok
(b) For individuals who have previously held authorization under this part but whose authorization has since been favorably terminated, the licensee or other entity shall implement the requirements for either initial authorization, authorization update, or authorization reinstatement, **based on the total number of days that the individual's authorization is interrupted, to include the day after the individual's last period of authorization was terminated and the intervening days until the day on which the licensee or other entity grants authorization to the individual.**	The determining factor that differentiates the use of any of these categories is whether the individual has previously held UAA, the lapsed time **since the individual last held UAA**, and whether or not the UAA/UA has been terminated favorably. (June pg 8)	• Add reference to FFD authorization • Specify "since the individual last held UAA" to be consistent with 26.53(b), which specifies the interruption period as "the total number of days that the individual's authorization is interrupted, to include the day after the individual's last period of authorization was terminated and the intervening days until the day on which the licensee or other entity grants authorization to the individual."

Comment [hab\1]: Sections 6.2-6.7 of 03-01 are more than the requirements for UAA and sometimes UA. They are also the requirements for FFD authorization. If UAA does not include FFD authorization, then the headings of these sections should be revised to be more accurate.

Comment [hab\2]: Shouldn't we be more specific as to where the reference should be inserted? (This comment applies to every "Add reference to FFD authorization.") Past experience shows that NEI needs specificity. In most cases, the language should read, "FFD authorization and/or UAA" or "FFD authorization and/or UAA/UA."

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(c) The licensee or other entity shall ensure that an individual has met the applicable FFD training requirements in §§ 26.29 and 26.203(c) before granting authorization to the individual.	Initial and Updated UAA, Reinstatement UAA (31 TO 365 Days and 30 days or less): Verify that the individual successfully completed BOP training.	The requirements in 26.29 cover more than BOP training
(d) Licensees and other entities who are seeking to grant authorization to an individual who is maintaining authorization under another FFD program that is implemented by a licensee or entity who is subject to this subpart may rely on the transferring FFD program to satisfy the requirements of this subpart. The individual may maintain his or her authorization if he or she continues to be subject to either the receiving FFD program or the transferring FFD program, or a combination of elements from both programs that collectively satisfy the applicable requirements of this part. The receiving FFD program shall ensure that the program elements to which the individual is subject under the transferring FFD program remain current.	• Each licensee is responsible for determining whether to authorize UAA and to grant UA at its facilities. In making this determination, a licensee may rely on program elements completed by another licensee or licensee-approved C/V program. (June pg 2) • Licensees who are seeking to grant UA or authorize UAA to an individual who is subject to another Commission-approved access authorization program or another access authorization program that complies with the requirements contained within this document may rely on those access authorization programs or access authorization program elements to comply with the requirements. However, the licensee who is seeking to grant UA or the licensee who is seeking to authorize UAA is required to ensure that the program elements to be accepted have been maintained consistent with the requirements of this section by the other access authorization program. (June pg 9)	Add reference to FFD authorization

Comment [hab\3]: UAA is not FFD authorization, so it is not necessary for UAA requirements to include FFD authorization requirements.

FFD Subpart C Rule Section	Corresponding NEI 03-01 Text	Comments
(e) Licensees and other entities in § 26.3(a) through (c) may also rely on a C/V's FFD program or program elements when granting or maintaining the authorization of an individual who is or has been subject to the C/V's FFD program, if the C/V's program or program elements meet the applicable requirements of this part.	• Each licensee is responsible for determining whether to authorize UAA and to grant UA at its facilities. In making this determination, a licensee may rely on program elements completed by another licensee or licensee-approved C/V program. (June pg 2) • Licensees who are seeking to grant UA or authorize UAA to an individual who is subject to another Commission-approved access authorization program or another access authorization program that complies with the requirements contained within this document may rely on those access authorization programs or access authorization program elements to comply with the requirements. However, the licensee who is seeking to grant UA or the licensee who is seeking to authorize UAA is required to ensure that the program elements to be accepted have been maintained consistent with the requirements of this section by the other access authorization program. (June pg 9) • The licensee may accept, in whole or in part, the results of the UAA program conducted by a C/V, provided that the program elements meet the requirements of the criteria as described in Section 6.2-6.6 of this document and that appropriate records are made available upon request for auditing by the licensee or its designated representatives and representatives of the NRC. (June pg 22)	Add reference to FFD authorization
(1) A C/V's FFD program may grant and maintain an individual's authorization, as defined in § 26.5, under the C/V's FFD program. However, only a licensee or other entity in § 26.3(a) through (c) may grant or maintain an individual's authorization to have the types of access or perform the duties specified in § 26.4(a) through (e) and (g), and, at the licensee's or other entity's discretion, § 26.4(f).	• Each licensee is responsible for determining whether to authorize UAA and to grant UA at its facilities. In making this determination, a licensee may rely on program elements completed by another licensee or licensee-approved C/V program. (June pg 2) • The C/V program features do not abrogate the licensee's ultimate responsibility for assuring that individuals granted UA to the protected area meet regulatory requirements. (June pg 22)	Add reference to FFD authorization

FFD Subpart C Rule Section	Corresponding NEI 03-01 Text	Comments
(2) If a C/V's FFD program **denies or** unfavorably terminates an individual's authorization, and the individual **is performing any duties for a licensee or other entity that are specified in § 26.4(a) through (e) and (g), or, at the licensee's or other entity's discretion, § 26.4(f),** then the C/V shall inform the affected licensee or other entity of the denial or unfavorable termination. The licensee or other entity shall deny **or unfavorably terminate** the individual's authorization to perform those duties **on the day that the licensee or other entity receives the information from the C/V**, or implement the applicable process in § 26.69 to maintain the individual's authorization.	If a C/V's FFD program unfavorably terminates an FFD Authorization of an individual **who has been granted UAA/UA**, the C/V must notify, on the day of discovery, all licensee(s) where UAA/UA, is active. If the licensee determines that the individual's UAA/UA is based upon the C/V's FFD authorization, the licensee **must evaluate the provided information on the day of notification** and determine whether to deny the individual's UAA/UA. (June pg 22)	• Add "denies or" to first line and "or unfavorably terminate" to the last line • Are the people who were granted UAA/UA the same people listed in the rule text? • The rule says the licensee should deny or unfavorably terminate the authorization on the day the licensee receives the information or implement the 26.69 process to maintain authorization, but the guidance says the licensee only must evaluate the information on that day
(3) If an individual is maintaining authorization under a C/V's FFD program, a licensee or other entity in § 26.3(a) through (c) may grant authorization to the individual to have the types of access and perform the duties specified in § 26.4(a) through (e) and (g), and, at the licensee's or other entity's discretion, § 26.4(f), and maintain his or her authorization, if the individual continues to be subject to either the receiving FFD program or a combination of elements from the receiving FFD program and the C/V's program that collectively satisfy the applicable requirements of this part. The receiving licensee's or other entity's FFD program shall ensure that the program elements to which the individual is subject under the C/V's FFD program remain current.	• Each licensee is responsible for determining whether to authorize UAA and to grant UA at its facilities. In making this determination, a licensee may rely on program elements completed by another licensee or licensee-approved C/V program. (June pg 2) • Licensees who are seeking to grant UA or authorize UAA to an individual who is subject to another Commission-approved access authorization program or another access authorization program that complies with the requirements contained within this document may rely on those access authorization programs or access authorization program elements to comply with the requirements. However, the licensee who is seeking to grant UA or the licensee who is seeking to authorize UAA is required to ensure that the program elements to be accepted have been maintained consistent with the requirements of this section by the other access authorization program. (June pg 9)	Add reference to FFD authorization
(f) Licensees and other entities who are seeking to grant authorization to an individual who has been subject to an FFD program under subpart K may not rely on that program or its program elements to meet the requirements of this subpart, except if the program or program element(s) of the FFD program for construction satisfy the applicable requirements of this part.		Not included in 03-01. Must it be? Is it covered in NEI 06-06?