November 14, 2008

MEMORANDUM TO: Sean Peters, Chief
Human Factors and Reliability Branch
Division of Risk Assessment
Office of Nuclear Regulatory Research

FROM: Autumn Szabo, Human Factors Engineer ***/RA/***
Human Factors and Reliability Branch
Division of Risk Assessment
Office of Nuclear Regulatory Research

SUBJECT: MEETING WITH THE PUBLIC ON OCTOBER 16, 2008, TO DISCUSS IMPLEMENTATION GUIDANCE, DG-5026, "FATIGUE MANAGEMENT FOR NUCLEAR POWER PLANT PERSONNEL" FOR 10 CFR PART 26, SUBPART I, "MANAGING FATIGUE"

On October 16, 2008, the U.S. Nuclear Regulatory Commission (NRC) staff held a public meeting regarding draft guidance that the staff would find acceptable for implementing Subpart I, "Managing Fatigue," of 10 CFR Part 26 "Fitness for Duty Programs." Draft Regulatory Guide (DG) 5026, "Fatigue Management for Nuclear Power Plant Personnel," endorses, with exception and clarifications, NEI 06-11, Revision E, "Managing Personnel Fatigue at Nuclear Power Reactor Sites" (herein referred to as "NEI 06-11"). The purpose of this meeting was to discuss the NRC staff's four substantive exceptions to portions of NEI 06-11, as documented in DG-5026, in order to permit stakeholders to ask clarifying questions to aid them in formulating written comments they may choose to submit on the draft guide. The meeting was held at the Hilton Washington DC, Rockville Hotel & Executive Meeting Center located at 1750 Rockville Pike, Rockville, MD 20852.

The meeting notice is available electronically at the NRC's Electronic Reading Room at http://www.nrc.gov/reading-rm/adams.html. The public can access the NRC's Agency-wide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents discussed at the meeting:

- DG-5026, "Fatigue Management for Nuclear Power Plant Personnel" (ML081960515)
- Meeting Notice (ML082630069) Meeting Agenda (ML082630074)
- NEI 06-11, Revision E (ML ML081820673)

Meeting participants included the U.S. Nuclear Regulatory Commission (NRC) staff and contractors, members of the power reactor licensee community, representatives from the Nuclear Energy Institute (NEI), representatives of labor unions and professional associations, including the International Brotherhood of Electrical Workers (IBEW), the Building and Construction Trades Department (BCTD) of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), the Professional Reactor Operator Society (PROS), and many other stakeholders.

Discussion primarily focused on clarifying NRC staff views on exceptions taken to NEI 06-11 in DG-5026, which contains draft implementation guidance for Subpart I, "Managing Fatigue," of 10 CFR Part 26 "Fitness for Duty Programs." NRC staff presented the staff's four substantive exceptions to the implementation guidance in NEI 06-11. The exceptions address (1) the applicability of outage work hour controls to licensed reactor and senior operators working on operating units at a multi-unit site when one unit it in an outage; (2) the concept of periodic overtime; (3) acceptable means for ensuring the fitness of personnel who transition into or between work groups that are subject to different minimum days off requirements; and (4) the inclusion of surveillances required by technical specifications within the definition of preventative maintenance activities that must be performed by personnel who are subject to the rule's work hour controls. The differences between DG-5026 and NEI 06-11 for each exception are shown in Enclosure 1. Stakeholders asked questions regarding the staff's exceptions, the bases for the exceptions, and other portions of the implementation guidance.

NRC staff concluded the meeting by reviewing the schedule for publishing the final regulatory guide. The staff noted that the public comment period ends on October 31, 2008 and that the planned publication date for the final guide is May 2009.

Enclosures:
1. NRC Slides
2. NEI Slides

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|---|---|---|---|
| NAME | A.Szabo | A.Szabo | S.Peters |
| DATE | 11/12/08 | 11/12/08 | 11/14/08 |

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**October 16, 2008, Public Meeting to Discuss DG-5026 "Fatigue Management For Nuclear Power Plant Personnel" for 10 CFR Part 26, Subpart I**

Attendance List

| NAME | AFFILIATION |
|---|---|
| Jesus Arias | XCEL Energy |
| Val Barnes | NRC |
| Howard Benowitz | NRC |
| Mike Boggi | NRC |
| Ed Brennan | Dominion |
| Elizabeth Brown | ICF |
| Bob Burchell | TVA |
| Shannon Burke | FPL |
| Thomas R. Byrne | FPL Energy Duane Arnold |
| John Collier | ICF |
| Jack Desando | Constellation Energy |
| David Desaulniers | NRC |
| Craig Erumuer | NRC |
| Marvin Fertel | NEI |
| Liz Gormsen | ICF |
| Greg Halnon | First Energy |
| William Kaczorowski | BCTD |
| Kevin Kingsley | Entergy Nuclear |
| Ted Koser | STARS |
| Al Lindsay | Duke Energy |
| Chris Lui | NRC |
| Bruce Mallett | NRC |
| Lee Marabella | PSEG Nuclear |
| Kamishan Martin | NRC |
| Brain McCabe | Progress Energy |
| Tim McCune | NRC/NSIR |
| Bob Meyer | PROS |
| Todd Newkirk | IBEW |
| Julius Persensky | NRC |
| Sean Peters | NRC |
| Billie Rooks | Southern Nuclear |
| Paul Rushton | Southern Nuclear |
| Nancy Salgado | NRC/NRR/DIRS |
| Robert Schaaf | NRC |
| Georgia Schuh | ICF |
| Russell Smith | NEI |
| Autumn Szabo | NRC/RES |
| Tom Underwood | STP |
| Glen Viagli | Exelon |
| Beth Wetzel | TVA |
| James V. Wicks | AEP DC Cook |
| Michelle Yun | Exelon |