



NUCLEAR ENERGY INSTITUTE

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February 13, 2009

Mr. David B. Matthews
Director, Division of New Reactor Licensing
New Reactors Office
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Submittal of NEI 06-06, *Fitness for Duty Program Guidance for New Nuclear Power Plant Construction Sites*, Revision 4

Project Number: 689

Dear Mr. Matthews:

The enclosure provides NEI 06-06, *Fitness for Duty Program Guidance for New Nuclear Power Plant Construction Sites*, Revision 4, for NRC review and endorsement. This revision updates Revision 3 of the guideline sent to you on February 25, 2008. It reflects changes that were made in response to previous staff comments as well as additional industry input.

The industry developed this document to provide guidance for meeting the requirements of Subpart K of 10 CFR Part 26 which outlines the construction phase Fitness for Duty (FFD) Program. We understand that the staff plans to reference and endorse NEI 06-06 in a regulatory guide on implementing Subpart K.

NEI 06-06 describes only the random drug and alcohol testing and behavioral observation program option of Subpart K. All references to the fitness monitoring option have been removed since this option is not yet developed. If this option is developed in the future, we will evaluate it for use and, if adopted, submit a revision to NEI 06-06 to the staff for review and endorsement.

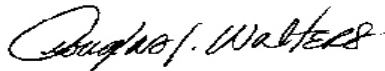
The industry met with the staff on December 16, 2008 to discuss their latest set of comments and, in particular, the approach to be used for random testing. During this meeting, the NRC staff indicated that a fixed random testing rate of 50 percent would be acceptable. The industry has considered this option and determined it to be the best approach going forward. Therefore, the

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previous performance-based random testing approach has been replaced with this fixed 50 percent rate approach. We believe this change will resolve all outstanding issues associated with this document.

If you have any questions, please contact Chris Earls (202-379-8078; cee@nei.org) or me.

Sincerely,

A handwritten signature in black ink that reads "Douglas J. Walters". The signature is written in a cursive, flowing style.

Douglas J. Walters

Enclosure

c: Ms. Valerie Barnes, U.S. Nuclear Regulatory Commission
Mr. Craig G. Erlanger, U.S. Nuclear Regulatory Commission
Mr. Douglas G. Huyck, U.S. Nuclear Regulatory Commission
Mr. William D. Reckley, U.S. Nuclear Regulatory Commission
Mr. Patrick M. Madden, U.S. Nuclear Regulatory Commission
NRC Document Control Desk