



NUCLEAR ENERGY INSTITUTE

Douglas J. Walters
SENIOR DIRECTOR
NEW PLANT DEPLOYMENT
NUCLEAR GENERATION DIVISION

August 5, 2009

Mr. David B. Matthews
Director, Division of New Reactor Licensing
Office of New Reactors
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 5

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 5, for U.S. Nuclear Regulatory Commission (NRC) review and endorsement. This revision updates Revision 4 of the guideline sent to you on February 13, 2009. It reflects changes that were made in response to staff comments received in a letter from Mr. Richard Correia dated July 6, 2009. We understand that the staff plans to reference and endorse NEI 06-06 in a regulatory guide on implementing the new Subpart K.

The industry developed NEI 06-06 to provide guidance for implementing a construction phase Fitness for Duty (FFD) Program consistent with Subpart K of 10 CFR Part 26, which was published in March 2008. 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 revise NEI 06-06 accordingly and submit it to the staff for review and endorsement.

We believe we have addressed all of the comments delineated in the July 26, 2009 letter from the NRC with a few minor exceptions noted below:

- Comment #27, third bullet: This comment was not incorporated because it is redundant with the second bullet and would only provide confusion to the industry.
- Comment #41: This comment wasn't incorporated because it was no longer applicable following the incorporation of comment #40.

Mr. David B. Matthews

August 5, 2009

Page 2

- Comment #47: This comment incorrectly concludes that the Consent Form precludes the use of a PADS-like transfer of information between licensees. In fact, the wording in this section of the consent form is similar to the wording used at the operating plants. If an individual withdraws their consent (rarely happens in the industry), they will not be granted access to another facility until they sign another consent form which would then make the previous information available to the subsequent licensee. If they refuse to sign the consent, they will not be granted access. The industry does plan to establish some form of a PADS-like data transfer mechanism for the construction sites.

We believe the enclosed revision resolves all outstanding issues associated with this document. Therefore, we request that the NRC endorse this revision as soon as practical.

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

Sincerely,



Douglas J. Walters

Enclosure

c: Ms. Valerie Barnes, U.S. Nuclear Regulatory Commission
Mr. Richard Correia, U.S. Nuclear Regulatory Commission
Mr. Craig G. Erlanger, U.S. Nuclear Regulatory Commission
Mr. Paul Harris, 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