

Thank you for agreeing to meet with us on June 23 to continue our dialogue on the Part 26 implementation guidance. During recent discussions, there were a few things in the implementation guidance that were identified as being deficient and or would be improved if the language were clarified. These issues are articulated below.

Under the heading of general on the first page; it was identified during previous discussions with the industry, that the NRC is concerned about the potential for misuse of the new provisions, particularly with the potential to have an individual work part of everyday which is not consistent with good fatigue management practices. Because of this concern, in a January meeting industry proposed to include in the licensee's policy or procedure document a statement to the effect that good fatigue practices should be used when scheduling individuals. Therefore, the staff believes that the general section of the guidance document should reflect that this information should be in each licensee's policy document.

It was identified that there is a source of miscommunication between the staff and the industry on the section "Beginning a Rolling Averaging Period." The first option under this section discusses how to establish a schedule for a worker who has not been performing covered work. However, when an individual transitions onto covered work, the transition guidance in NEI 06-11, Rev 1, Section 7.3 applies. Therefore, this option is missing the guidance on the need to use the section 7.3 transition criteria.

The staff recognizes that the current option 1 under the section "Beginning a Rolling Averaging Period" was intended to capture when an individual transitions from outage MDO requirements to the rolling average option. For the specific case of when an individual transitions from outage MDO requirements to the rolling average option, the criteria in section 7.3 does not apply. The current guidance is deficient in that it does not clarify that the current option 1 is only applicable to cases where a transition is made from outage MDO requirements to the rolling average option. The guidance may be clearer if a new section specifically addressing the transition from outage MDO requirements to the rolling average option is included.

Similarly, example 5 states that "Since no work history, .." however, the work history is known. The reason that the individual can use the option to establish a fixed schedule is because the individual is transitioning from using the outage MDO requirements. Therefore, this example should be clarified as to the reason that a fixed schedule can be used without using 7.3 is because the individual has been working outage MDO requirements.