

NOTE: The NRC is making this preliminary proposed rule language available to the public solely for the purpose of providing information to the public and to provide preparatory material for upcoming public meetings. The release of the preliminary proposed rule language will facilitate discussions at upcoming public meetings. This language does not represent a final NRC staff position, nor has it been reviewed by the Commission. Therefore, the preliminary proposed rule language may undergo significant revision during the rulemaking process. The NRC is not requesting public comments on this preliminary proposed rule language, and no stakeholder requests for a comment period will be granted at this stage in the rulemaking process. Following Commission direction to proceed with the proposed rule, the NRC will seek public comment on the proposed rule in the *Federal Register*.

United States Nuclear Regulatory Commission
Preliminary Proposed Rule Language
Title 10 of the *Code of Federal Regulations* (10 CFR) Part 26, Subpart I
“Managing Fatigue”

The staff’s preliminary changes to the rule text are shown in red:

§ 26.4 FFD program applicability to categories of individuals.

(a) All persons who are granted unescorted access to nuclear power reactor protected areas by the licensees in § 26.3(a) and, as applicable, (c) and perform the following duties shall be subject to an FFD program that meets all of the requirements of this part, except subpart K of this part:

(1) Operating or onsite directing of the operation of systems and components that a risk-informed evaluation process has shown to be significant to public health and safety;

(2) Performing health physics or chemistry duties required as a member of the onsite emergency response organization minimum shift complement;

(3) Performing the duties of a fire brigade member who is responsible for understanding the effects of fire and fire suppressants on safe shutdown capability;

(4) Performing maintenance, ~~or~~ onsite directing of the maintenance, **or performing quality inspections of the maintenance**, of SSCs that a risk-informed evaluation process has shown to be significant to public health and safety; and

This preliminary proposed rule language differs from that found in the “Potential Rule Text” section of the regulatory basis document (NRC’s Agencywide Documents Access and Management System Accession No. ML101880330). This preliminary proposed rule language represents the NRC staff’s latest position based on the original regulatory basis, internal deliberations, and interactions with public stakeholders.

SSC is the acronym for Structure, System, or Component.

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(5) Performing security duties as an armed security force officer, alarm station operator, response team leader, or watchman, hereinafter referred to as security personnel.

§ 26.5 Definitions.

Quality inspections are those activities required under a licensee's 10 CFR part 50, appendix B, quality assurance program that are performed to provide adequate confidence that an SSC, which a risk-informed evaluation process has shown to be significant to public health and safety, will perform satisfactorily in service.

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