

June 27, 2012

MEMORANDUM TO: Shana R. Helton, Chief
Rulemaking Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

FROM: Scott C. Sloan, Project Manager **/RA/**
Rulemaking Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

SUBJECT: CATEGORY 2 PUBLIC TELECONFERENCE AND WEBINAR TO
DISCUSS THE 10 CFR PART 26 SUBPART I (MANAGING
FATIGUE) DRAFT GUIDANCE DEVELOPMENT

The U.S. Nuclear Regulatory Commission (NRC) held a Category 2 public teleconference and webinar on June 5, 2012, to discuss the draft guidance development process for the Part 26 Subpart I (Managing Fatigue) proposed rulemaking effort. The public teleconference and webinar was attended by 35 individuals, including NRC staff, members of the nuclear power reactor community, contractors, and a member of the media. The list of attendees is included as Enclosure 1.

The major areas of discussion are summarized as follows:

I. Opening Remarks and NRC Presentation

The public meeting began with brief opening remarks followed by a presentation by the NRC staff describing the NRC's perspectives on the guidance development process. The NRC also presented the following two options for developing the draft guidance documents:

1. The NRC will develop draft guidance documents internally and allow external stakeholders to provide insight during the public comment period.

OR

2. The Nuclear Energy Institute (NEI) will take the lead in revising its current guidance documents to account for known shortcomings and new developments that result from changes in the rule language during the proposed rule phase. The NEI will then submit draft guidance documents to the NRC for review and potential endorsement.

CONTACT: Scott C. Sloan, NRR/DPR
301-415-1619
Scott.Sloan@nrc.gov

Kamishan O. Martin, NRR/DRA
301-415-3469
Kamishan.Martin@nrc.gov

The NRC staff informed stakeholders that the draft guidance documents will be published concurrently with the proposed rule regardless of how the NRC determines to develop the draft guidance. The NRC staff's presentation is publicly available under Agencywide Documents Access and Management System (Accession No. ML12156A027).

II. External Stakeholder Perspective

The NEI quickly stated their preference to revise the existing Part 26 Subpart I guidance document (NEI 06-11). The NEI also stated that they have already completed a draft that incorporates the 54-hour alternative to the Minimum Days Off (MDO) requirement and some frequently asked questions (FAQs). The NEI stated that they understand the expectation to submit a revision of NEI 06-11 within 60-75 days each time the NRC releases draft rule language.

Some stakeholders had concerns about the structure of the guidance development process. Specifically, one stakeholder voiced a concern that NRC wanted industry to write draft guidance on draft rule language that stakeholders did not have an opportunity to comment on and that may change in the proposed and/or final rule stages. The NRC responded that, while no public comment period would be instituted on draft rule language, numerous public meetings are planned to ensure that the NRC and external stakeholders understand the draft rule language on which the draft guidance document should be based. There will be a public comment period following the publication of the proposed rule, at which time stakeholders should feel welcome to express their opinions and recommendations on draft guidance or proposed rule language.

Other stakeholders expressed concern over limited resource availability to work on the Part 26 Subpart I proposed rule, and its associated guidance, while licensees are working to implement the 54-hour voluntary alternative to the MDO requirements. Stakeholders also expressed that licensee (and contractor) resources were severely constrained because of the NRC's post-Fukushima activities.

Enclosures:

1. Attendees List
2. Meeting Slides

The NRC staff informed stakeholders that the draft guidance documents will be published concurrently with the proposed rule regardless of how the NRC determines to develop the draft guidance. The NRC staff's presentation is publicly available under Agencywide Documents Access and Management System (Accession No. ML12156A027).

I. External Stakeholder Perspective

The NEI quickly stated their preference to revise the existing Part 26 Subpart I guidance document (NEI 06-11). The NEI also stated that they have already completed a draft that incorporates the 54-hour alternative to the Minimum Days Off (MDO) requirement and some frequently asked questions (FAQs). The NEI stated that they understand the expectation to submit a revision of NEI 06-11 within 60-75 days each time the NRC releases draft rule language.

Some stakeholders had concerns about the structure of the guidance development process. Specifically, one stakeholder voiced a concern that NRC wanted industry to write draft guidance on draft rule language that stakeholders did not have an opportunity to comment on and that may change in the proposed and/or final rule stages. The NRC responded that, while no public comment period would be instituted on draft rule language, numerous public meetings are planned to ensure that the NRC and external stakeholders understand the draft rule language on which the draft guidance document should be based. There will be a public comment period following the publication of the proposed rule, at which time stakeholders should feel welcome to express their opinions and recommendations on draft guidance or proposed rule language.

Other stakeholders expressed concern over limited resource availability to work on the Part 26 Subpart I proposed rule, and its associated guidance, while licensees are working to implement the 54-hour voluntary alternative to the MDO requirements. Stakeholders also expressed that licensee (and contractor) resources were severely constrained because of the NRC's post-Fukushima activities.

Enclosures:

3. Attendees List
4. Meeting Slides

DISTRIBUTION:

PUBLIC RidsOgcMailCenter RidsNrrDpr RidsNsrMailCenter RidsNsrDsp

ADAMS Accession Nos: ML12177A396 (Pkg.); ML12177A403 (Summary);
ML12156A027 (Slides)

OFFICE	NRR/DPR/PRMB	NRR/DPR/PRMB: PM	NRR/DPR/PRMB:BC
NAME	CEngland	SSloan (TInverso for)	SHelton
DATE	6/22/2012	6/25/2012	6/27/2012

OFFICIAL RECORD COPY

ATTENDEE LIST

**June 5, 2012, Public Teleconference and Webinar to Discuss the Part 26 Subpart I
(Managing Fatigue) Proposed Rule**

NAME	AFFILIATION
Bernie Litkett	NRC
Christina England	NRC
David Mullen	IBEW
Donna Alexander	Progress Energy
Frank Mascitelli	Exelon Co.
Gayla Dammann	XE Nuclear
Howard Benowitz	NRC
Jack Heyer	IBEW
Jacques Vandebroek	Southern California Edison
James Wheeler	DOM
Jim Peschel	Certrec
John Butler	Nuclear Energy Institute
John Collier	ICF International
Joshua Perrel	Tennessee Valley Authority
Kamishan Martin	NRC
Kenneth Taplett	South Texas Project Electric Generating Station
Kevin Kingsley	Entergy
Kurt DeWitt	PSEG Nuclear
Lee Marabella	PSEG Nuclear
Nancy Chapman	Bechtel
Michael Phillips	Duke Energy
Peter Defilippi	Westinghouse
Robert Hammons	Energy Northwest
Ronald Buehler	DTE Energy
Scott Sloan	NRC
Shana Helton	NRC
Shayne Curtis	Xcel Energy
Sheila Koza	Fluor
Stephanie Morrow	NRC
Tara Inverso	NRC
Theresa Barczy	NRC
Thomas Miller	First Energy Corp
Undine Shoop	NRC
Valerie Barnes	NRC
Will Smith	NRC