

Meeting Summary

March 7, 2013

NEI 06-06 Implementation Guidance for Title 10 of the *Code of Federal Regulations* Part 26, Subpart K

On March 7, 2013, the staff held a public meeting on the topic NEI 06-06 Revision 6, industry guidance pertaining to Title 10 of the *Code of Federal Regulations* 26, Subpart K, for Fitness-for-Duty programs for new nuclear power plants under construction. The meeting participants (Attachment 1) included the U.S. Nuclear Regulatory Commission (NRC) staff and contractors and representatives from the Nuclear Energy Institute (NEI), the nuclear power industry, and construction contractors. The purpose of the meeting was to discuss the NRC staff comments on NEI 06-06, Revision 6, as well as any remaining stakeholder comments, questions, and concerns about the guidance document. The goal of the meeting was the resolution of the staff's comments on NEI 06-06 Revision 6, which is under review for endorsement by the NRC through the regulatory guidance process.

The meeting was noticed on February 14, 2013. The notice is available electronically at the NRC Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>, where the public can access the text and image files of NRC public documents in the NRC Agencywide Document Access and Management System. The meeting notice can be found under Accession No. ML13043A534.

The following list summarizes the significant meeting discussions and next steps.

Significant Meeting Items

1. The staff noted that Revision 6 expanded the scope of NEI 06-06 beyond those persons who perform or direct construction (26.4(f) persons), to include persons subject to Section 26.4(e), prior to the receipt of fuel on site inside the protected area. These Section 26.4(e) individuals are subject to full Fitness-For-Duty program (e.g., security personnel, persons who perform Quality Assurance/Quality Verification activities related to safety or security related construction activities, persons who supervise/manage construction activities, persons who witness ITAAC). This expansion of the scope contained within NEI 06-06, resulted in the majority of staff comments on Revision 6. As such, the staff will take exception to inclusion of persons who perform the duties specified in Section 26.4(e). NEI stated that it is assessing whether to retain the combination of Section 26.4(e) and (f) persons in NEI 06-06 and that NEI might consider additional clarifications to further delineate the requirements for these two groups during the regulatory guidance development phase.

2. Behavioral Observation Programs

The meeting participants discussed the guidance on behavioral observation programs (BOPs). The staff noted that as proposed, NEI 06-06, Revision 6, would include more individuals in the BOP than required by the Subpart K regulations. The staff also stated that training requirement for BOP is contained in Subpart B, not Subpart K of 10 CFR Part 26.

Enclosure

Therefore, if the BOP is expanded, NEI 06-06 will need to provide guidance for the Subpart B training elements. The NEI representatives agreed to review the BOP guidance and address the concern in the next revision submitted to NRC.

3. Random Testing Pools

The meeting participants discussed the guidance for implementing a random testing program at construction sites consistent with the Section 26.405(b)(3) requirement that all individuals in the population subject to random testing on a given day have an equal probability of being selected and tested.

The meeting participants discussed the random testing requirements for a full program (Subpart A-H, N, and O) that would apply to Section 26.4(e) individuals and the Subpart K program applicable to Section 26.4(f) individuals. In a full program, an individual selected for a random test, if not at the site the day of testing, is tested upon returning to the site, whereas, in a Subpart K program, an individual selected for a random test, but not at the site the day of testing, would be excused from that random test. Given the regulatory differences in how random testing is to be conducted for Section 26.4(e) and Section 26.4(f) individuals, the NRC staff identified that it is important that the industry guidance clearly distinguish how the 26.405(b)(3) requirements would be met.

The NEI representatives agreed to review the guidance on maintaining random testing pools for 26.4(e) and 26.4(f) populations to preserve the equal probability of selection and testing requirement.

Next steps

NEI agrees to accept and implement all staffs edits and comments and will provide an updated version (April 5, 2013) to the staff to endorse through the regulatory guide development process.

Attachment 1: Attendance List for March 7, 2013, Public Meeting

NAME	AFFILIATION
Valerie Barnes	NRC
Kristi Branch	Pacific Northwest National Laboratory
Alison Carey	ICF International (ICF)
James Carr	Chicago Bridge & Iron Company (CB&I)
Ron Casey	Tennessee Valley Authority
Michael Covert	CB&I
Randy Crooms	South Carolina Electric & Gas (SCE&G)
Peter Defilippi	Westinghouse
David Diec	NRC
Paul Harris	NRC
Doug Huyck	NRC
Robert Kelm	NEI
Dave Kline	NEI
Earl Libby	NRC
Robert Pope	SCE&G
Will Smith	NRC
Brian Zaleski	ICF
<i>Via phone</i>	
Jana Bergman	Sciencetech
Billie Rooks	Southern Nuclear