

August 9, 2013

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: SUMMARY OF CATEGORY 2 PUBLIC MEETING TO DISCUSS
THE PART 26 SUBPART I (FATIGUE MANAGEMENT)
PROPOSED RULEMAKING

On July 16, 2013, the U.S. Nuclear Regulatory Commission (NRC) held a public meeting in Rockville, Maryland, to discuss preliminary proposed rule language regarding travel and various definitions and to discuss a draft revision of guidance document NEI 06-11 submitted by the Nuclear Energy Institute (NEI). The preliminary proposed rule language was published by the NRC on July 12, 2013. The draft guidance material was submitted to the NRC on February 13, 2012. Both documents were posted to docket folder NRC-2009-0090 on www.regulations.gov.

The meeting was noticed on June 21, 2013. The notice is available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html#web-based-adams>, where the public can access the text and image files of NRC's public documents in the NRC's Agencywide Documents Access and Management System (ADAMS). The meeting notice can be found under ADAMS Accession No. ML13170A165.

The meeting was attended by 20 individuals, 12 of which participated through audio teleconferencing and webinar. The attendees consisted of representatives from the NRC staff and contractors, along with members of the nuclear power reactor community. Enclosure 1 presents a summary of the meeting. Enclosure 2 provides a complete list of participants. Enclosure 3 contains the meeting agenda.

Enclosures:

1. Meeting Summary
2. Meeting Attendance List
3. Agenda

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ADAMS Accession No: P: ML13211A223 Notice: ML13170A165 Summary: ML13211A211

OFFICE	NRR/DPR/PRM/PM	NRR/DPR/PRMB/RS	NRR/DPR/PRMB/ BC	NRR/DPR/PRMB/PM
NAME	SSloan	GLappert	SHelton	SSloan
DATE	8/6/2013	8/7/2013	8/7/2013	8/9/2013

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Summary of July 16, 2013, Public Meeting to Discuss the Part 26 Subpart I (Fatigue Management) Proposed Rule

On July 16, 2013, the U.S. Nuclear Regulatory Commission (NRC) held a public meeting in Rockville, Maryland, to discuss preliminary proposed rule language regarding travel and various definitions and to discuss a draft revision of guidance document NEI 06-11 submitted by the Nuclear Energy Institute (NEI). The preliminary proposed rule language was published by the NRC on July 12, 2013. The draft guidance material was submitted to the NRC on February 13, 2012. Both documents were posted to docket folder NRC-2009-0090 on www.regulations.gov.

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I. Opening Remarks and NRC Presentation

The public meeting began with brief opening remarks followed by a presentation by the NRC staff explaining a series of recommended tables and a recommended restructuring of NEI's draft guidance document, NEI 06-11. The NRC staff explained that the recommended changes make the document more usable and readable, and the tables provide an easy reference to pertinent rule language. Representatives from NEI explained that they had only had the documents to look over for a few days and could not comment on them substantively. However, NEI stated that, at first look, the recommended restructuring would be an improvement on the guidance document, but it would entail a large effort. Additionally, NEI was unsure whether the overall improvement in the document would be worth the effort. NEI committed to distributing the recommended changes to the members of its fatigue task force for discussion at a meeting in the near future.

The NRC then presented preliminary proposed rule language and recommended guidance changes involving travel time accounting. The NRC explained that, based on its review of draft NEI 06-11, revision 2, additional rule language is needed to clarify that the NRC expects time that an individual spends travelling for a licensee to be included in the calculation of work hours. Representatives from NEI commented that travel time accounting for those facilities that are still operating under the minimum days off (MDO) provisions of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 26.205(c)(3), since any time spent travelling for the licensee, unless the travel was less than 30 minutes, could not be considered a day off. Further, NEI opined that it did not make sense for travel time that was less than an individual's daily commute to be included in the calculation of work hours. The NRC responded that the feedback from NEI presented only practical reasons not to implement the preliminary proposed rule language or recommended guidance material. The NRC also stated that without a fatigue management basis to exclude additional travel time, it was not inclined to permit additional exclusions of travel time from the calculation of work hours. Additionally, the NRC reminded the NEI representatives that the NRC had provided a relief mechanism for those licensees operating under the MDO provisions by providing a voluntary alternative under the maximum average work hours provision of 10 CFR 26.205(c)(7).

The NEI representatives questioned whether the NRC was looking to have licensees track the time that contractors spend travelling between work sites. NEI stated that, since licensees have no control over contractors until they arrive on site, their current direction is that contractors receive at least a 10 hour break from the time they stop travelling until they arrive at the licensee's facility. The NEI representatives further stated that the NRC's removal of the proposed provision to require contractors to have a break of at least 2 weeks between outages from the final rule in 2008 was interpreted as an acknowledgement by the NRC that licensees cannot control the work hours of contractors until they arrive on site. Therefore, the NEI representatives informed the NRC that they are not tracking contractor travel time between outages at all. The NRC responded that removal of that provision from the 2008 final rule did not mean that the NRC intended for licensees to stop tracking contractors' travel time wholesale. The NRC also informed NEI that, based on comments received on a petition for rulemaking (PRM-26-5), some licensees were tracking contractors' travel time while others were not. After a brief discussion regarding the logistical challenges present in requiring licensees to account for contractors' travel time between sites, the NRC agreed to discuss the issue further internally prior to issuing the proposed rule.

The NEI representatives stated, in summary, that the preliminary proposed rule language and recommended guidance regarding travel time accounting was workable, but they felt that it was overly burdensome for those still operating under the MDO provisions.

The NRC presented preliminary proposed rule language that would change three definitions (shift, shift schedule, and work period). The NEI representatives stated that they had not had a chance to thoroughly review the changes or their impact in other portions of 10 CFR Part 26, but they had no stated objections following an initial review. The NEI representatives committed to reviewing the definitions in more detail with their fatigue management task force.

II. Miscellaneous

Following the NRC presentation and discussion, the NEI representatives asked the NRC if the staff had received NEI's letter regarding an alternative approach to licensee staff sequestration during events that threaten or restrict site access. The NRC acknowledged receipt of the letter, but reminded the NEI representatives that the NRC would only consider the alternative approach if time permitted in the proposed rule schedule. Otherwise, the NRC committed to consider the alternative approach as a public comment on the proposed rule.

III. Next Steps

The NRC committed to providing a meeting summary within 30 days. Further, the NRC informed the attendees that the staff will issue another round of preliminary proposed rule language on or around August 15, 2013, and the staff proposed August 28, 2013, as the date for the next public meeting. The NEI representatives stated that the proposed public meeting date may not be workable, but they will communicate with the NRC staff in the near future on scheduling the next public meeting.

**July 16, 2013, Public Meeting to Discuss the Part 26 Subpart I (Fatigue Management)
Proposed Rule**

Attendance List

NAME	AFFILIATION
Greg Halnon	First Energy
Nick Pappas	NEI
DaBin Ki	NRC
Samson Lee	NRC
David Desaulniers	NRC
Howard Benowitz	NRC
Undine Shoop	NRC
Will Smith	NRC
Tom Tramm*	Certrec
Frank Mascitelli*	Exelon
Mitchell Mecaskey*	Luminant
Robert Hammons*	Energy Northwest
Lisa Nance*	South Texas Project
Tom Miller*	First Energy
Lee Marabella*	PSEG
Nancy Chapman*	Bechtel
Ken Taplett*	South Texas Project
Mark Dryden*	Florida Power & Light
Kamishan Martin*	NRC
Valerie Barnes*	NRC

*Participated via Webinar/Conference Call

AGENDA FOR THE JULY 16, 2013, PUBLIC MEETING
TO DISCUSS THE PART 26 SUBPART I (FATIGUE MANAGEMENT) PROPOSED RULE
1:00 P.M. – 4:00 P.M.

PURPOSE: To discuss draft guidance material submitted by the Nuclear Energy Institute on February 13, 2013. This draft guidance material is available for review at www.regulations.gov under Docket Folder NRC-2009-0090.

Time	Topic	Led By
1:00 p.m. – 1:05 p.m.	Opening Remarks	NRC
1:05 p.m. – 2:35 p.m.	Discussion of Preliminary Rule Language	NRC
2:35 p.m. – 3:15 p.m.	Travel Time Accounting	NRC
3:15 p.m. – 3:45 p.m.	Definitions	NRC
3:45 p.m. – 3:55 p.m.	Public Participation	
3:55 a.m. – 4:00 p.m.	Closing Remarks	NRC