

October 29, 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 September 18, 2013, the Nuclear Regulatory Commission (NRC) held a public meeting in Rockville, Maryland, to discuss preliminary proposed rule language and proposed guidance changes regarding shift turnover. The preliminary proposed rule language was published by the NRC on August 15, 2013. The proposed guidance changes were published by the NRC on August 16, 2013. Both documents were posted to docket folder NRC-2009-0090 on www.regulations.gov.

The meeting was noticed on August 26, 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. ML13238A006.

The meeting was attended by 30 individuals, 15 of whom 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, and enclosure 3 contains the meeting agenda.

Enclosures:

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

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

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

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ADAMS Accession No: PKG: ML13301A208; Notice: ML13238A006; Summary: ML13290A524;
Presentation: ML13268A500 NRC-001

OFFICE	NRR/DPR/PRMB	NRR/DPR/PRMB	NRR/DPR/PRMB: BC	NRR/DPR/PRMB
NAME	SSloan	GLappert	TInverso for SHelton	SSloan
DATE	10/28/2013	10/28/2013	10/28/2013	10/29/2013

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**Summary of September 18, 2013, Public Meeting
to Discuss the Part 26 Subpart I (Fatigue Management) Proposed Rule**

On September 18, 2013, the Nuclear Regulatory Commission (NRC) held a public meeting in Rockville, Maryland, to discuss preliminary proposed rule language and proposed guidance changes regarding shift turnover. The preliminary proposed rule language was published by the NRC on August 15, 2013. The proposed guidance changes were published by the NRC on August 16, 2013. Both documents were posted to docket folder NRC-2009-0090 on www.regulations.gov.

I. Opening Remarks and NRC Presentation

The public meeting began with brief opening remarks followed by a presentation detailing preliminary proposed rule language and proposed guidance changes regarding licensee accounting for time individuals spend conducting shift turnover activities. The NRC staff explained the objectives behind the language and requested feedback from attendees. Representatives from NEI responded by stating that they had no objection to the preliminary proposed rule language, as written. On the proposed guidance changes, the representatives from NEI questioned why the NRC singled out health physics personnel in an example explaining proposed guidance criterion #2. The NRC responded that the example was intended only as one instance in which the criterion would be satisfied and should not be interpreted as excluding other job categories. To aid in clarification, the attendees discussed removing the phrase “health physics” from the example in the next revision of NEI 06-11, “Managing Personnel Fatigue at Nuclear Power Reactor Sites,” and there was no objection.

The NRC then asked for specific feedback on the time that licensees spend on current shift turnover activities and exclude from the calculation of work hours. The responses received from various licensees were relatively consistent, indicating that operations and maintenance personnel typically conduct a face-to-face turnover (which is excluded from the calculation of work hours) followed by a watch section turnover (which is not excluded from the calculation of work hours). Additionally, security personnel typically conduct a security team turnover, take custody of their firearms, transit to their respective posts, and conduct a face-to-face turnover. Time security personnel spend conducting all of these shift turnover activities is excluded from the calculation of work hours. When the NRC asked about why security conducted shift turnover activities in a different manner than other job categories, many licensees responded that prior to the face-to-face turnover is the only time security personnel can all gather together to discuss evolutions on the upcoming shift. In contrast, operations and maintenance personnel can gather together following their face-to-face shift turnover in their respective spaces – either the main control room, maintenance shop, or other designated location. Following this discussion and a review of the preliminary proposed rule language and proposed guidance changes, all attendees were in agreement that all current activities satisfy the criteria for exclusion from the calculation of work hours, as written in the preliminary proposed rule language and proposed guidance changes.

II. NEI Presentation

Following the NRC presentation and discussion, the NEI representatives informed the NRC that there were many topics that they would like to discuss further.

First, the NEI representatives, along with many licensee representatives, had a question regarding the preliminary proposed rule language that the NRC published dealing with licensee accounting of time individuals spend travelling for the licensee. Specifically, attendees were concerned with the addition of the word "travel" in 10 CFR 26.205(b) so that the preliminary proposed rule language reads "...the calculated work hours must include all time performing duties for the licensee, including all travel..." Attendees explained that the added word could be interpreted to mean that licensees must track the time contractors and vendors spend travelling between outages for different licensees. The NRC staff reminded the attendees that no preliminary proposed rule language published by the NRC to date affects the applicability for fatigue management requirements, and there is no intention to change the point at which these requirements become applicable. Therefore, if an individual does not have unescorted access to a site prior to arriving at that site, then the licensee is not required to track that individual's hours for fatigue management or work hour control purposes.

During the conversation regarding travel time, some attendees indicated that, when outage contractors or vendors arrive at the site, they do not inquire whether the individuals have participated in another outage within the previous 9 days. The NRC staff reminded the attendees that asking contractors and vendors about their recent work hours and rest breaks is in line with the guidance listed in NEI 06-11, Rev. 1, which has been noted in Regulatory Guide 5.73 as an acceptable means to satisfy the fatigue management requirements of 10 CFR Part 26 Subpart I. Further, the NRC stated that simply asking an arriving contractor or vendor if they are well rested does not fulfill the intent of the guidance.

The NEI representatives stated that they had discussed the recommended revised tables and table of contents for NEI 06-11, published by the NRC on July 12, 2013, with numerous licensee representatives, and the response to the recommended revisions was overwhelmingly positive. The NEI representatives stated that they intend to reformat NEI 06-11 to incorporate most of the recommended changes in their next submittal of the draft guidance, but they will retain some existing language that has specific history or meaning. There was no objection to this statement from the attendees.

The NEI representatives asked the NRC staff if there had been any reaction to the letter NEI submitted on April 16, 2013 (ADAMS Accession No. ML13113A163), in which NEI recommended, in part, that the NRC suspend the portion of the proposed rule dealing with subjecting individuals that conduct quality control and quality verification (QC/QV) activities to the work hour control requirements of 10 CFR Part 26, Subpart I. The NRC staff responded that the agency received the letter, but the NRC staff was unaware of any particular response. The NRC staff reminded the attendees that this proposed rule, including the QC/QV portion, was directed by the Commission. Therefore, the NRC staff will continue action on this activity until the Commission directs otherwise.

The NEI representatives asked the NRC staff if there was any response to the letter NEI submitted on March 25, 2013 (ADAMS Accession No. ML13085A107), recommending an alternate approach to licensee staff sequestration during severe natural phenomena. The NRC staff responded that the NRC had received the letter and the recommendations, but the NRC will take no action on those recommendations during the proposed rule phase unless the rulemaking schedule permits. The NRC staff explained that the notice for the public meeting held on January 28, 2013 (ADAMS Accession No. ML13014A526), during which attendees

discussed preliminary proposed rule language regarding licensee staff sequestration during severe natural phenomena, clearly stated that the NRC was not soliciting, nor would it accept formal written comments on the preliminary proposed rule language. The NRC staff stated that if the rulemaking schedule did not permit consideration of these recommendations during the proposed rule phase, the NRC will consider the recommendations as comments on the proposed rule and disposition the comments during the final rule phase.

III. Next Steps

The NRC committed to providing a meeting summary within 30 days. Further, the NRC informed the attendees that the NRC staff expects to receive the next full revision of Draft NEI 06-11, Rev. 2, no later than November 15, 2013. The NRC staff also proposed December 4, 2013, as the date for the next public meeting, the subject of which will be NRC staff feedback on the draft NEI 06-11, Rev. 2. The attendees did not object to the either date.

September 18, 2013, Public Meeting to Discuss the Part 26 Subpart I (Fatigue Management) Proposed Rule

Attendance List

NAME	AFFILIATION
Tom Miller	First Energy
Lee Marabella	PSEG Nuclear
Frank Mascitelli	Exelon
Eddie Humphries	Duke Energy
John Butler	NEI
Gayle Elliott	Areva
Beth Murtha	Areva
Nick Pappas	NEI
Kamishan Martin	NRC
Howard Benowitz	NRC
Anthony Delanotty	NRC
David Desaulniers	NRC
DaBin Ki	NRC
Will Smith	NRC
Scott Sloan	NRC
Kristi Branch*	Pacific Northwest National Laboratory
Billie Rooks*	Southern Nuclear
Robert Hammons*	Columbia Generating Station
Lisa Nance*	South Texas Project
Victoria Pancurak*	Westinghouse
Don Townsend*	Diablo Canyon Nuclear Power Plant
Tom Houghton*	Certrec
Shane Mecaskey*	Luminant Power
Ken Taplett*	South Texas Project
Michael Griffen*	Maryland Department of the Environment
Jessica Jensen*	Xcel Energy
Frank Farrow*	San Onofre Nuclear Generating Station
Paul Duke*	PSEG
Peter Defilippi*	Westinghouse
Valerie Barnes*	NRC

*Participated via Webinar/Conference Call

AGENDA FOR THE SEPTEMBER 18, 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 preliminary proposed rule language released by the NRC on August 15, 2013, and draft guidance material submitted by the Nuclear Energy Institute on February 13, 2013, regarding time accounting for shift turnover. The NRC is also seeking feedback on recommended changes to draft guidance material released on July 12, 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. – 3:00 p.m.	Discussion of Preliminary Rule Language and Guidance Material Related to Shift Turnover	NRC
3:00 p.m. – 3:45 p.m.	Feedback on Recommended Changes to Draft Guidance Material	NEI
3:45 p.m. – 3:55 p.m.	Public Participation	
3:55 a.m. – 4:00 p.m.	Closing Remarks	NRC