

## U.S. Nuclear Regulatory Commission Public Meeting Summary

**Title:** Public Meeting to Discuss the Part 26, Subpart I, Quality Control and Quality Verification Personnel in Fitness for Duty Program

**Meeting Identifier:** 20160153

**Date of Meeting:** Thursday, February 25, 2016

**Location:** NRC Headquarters, Rockville, MD

**Type of Meeting:** Category 3

### **Purpose of the Meeting:**

The purpose of this meeting was to discuss the discontinuation of the rulemaking activity for Part 26 of Title 10 of the *Code of Federal Regulations*, Subpart I, that would require work hour controls for nuclear power plant personnel who perform independent quality control and quality verification (QV/QV) activities after certain maintenance activities. The U.S. Nuclear Regulatory Commission (NRC) staff also discussed the latest draft revisions of the Nuclear Energy Institute (NEI) guidance document, NEI 06-11, "Managing Personnel Fatigue at Nuclear Power Reactor Sites" and the NRC's draft regulatory guide, DG-5026, "Fatigue Management for Nuclear Power Plant Personnel." Further discussed was NRC's subsequent actions to resolve the related Subpart I petitions for rulemaking (PRM) received from the Professional Reactor Operator Society (PRM-26-3), the Nuclear Energy Institute (PRM-26-5), and Mr. Erik Erb (PRM-26-6). The NRC did not accept formal comments during the meeting.

### **General Details:**

The meeting was scheduled from 3:00 to 4:00 p.m. and ended about 10 minutes early. The meeting was attended by 24 individuals including 14 NRC staff, 2 NRC contractors, and 8 members of the nuclear power community. Ten of these individuals participated by teleconference. A list of attendees is provided as an attachment to this meeting summary. The meeting did not include a Webinar presentation.

### **Summary of Presentations:**

The meeting started with welcoming remarks, introductions and meeting ground rules. The NRC staff opened up the meeting by discussing the background of the Part 26, Subpart I, QC/QV proposed rulemaking activity and its discontinuation. Next, the NRC staff discussed the revision status of two Subpart I guidance documents (i.e., NEI 06-11 and DG-5026) which were developed in parallel with the rulemaking. The extent to which these documents should now be revised was discussed. Finally, the NRC staff discussed the subsequent actions that will be taken to resolve three Subpart I related PRMs submitted from 2009 through 2010 (i.e., PRM-26-3, PRM-26-5, and PRM-26-6). The NRC staff noted that prior to the public meeting an email was sent to each petitioner to inform them of the meeting and how to obtain related

meeting materials. Regarding the email sent to the petitioner for PRM-26-3 (Professional Reactor Operator Society (PROS)), the NRC received a reply email that delivery of the notification email had failed. Thus, the NRC staff asked if a PROS representative was present in the meeting room or participating by phone. No meeting attendee responded.

The public was afforded the opportunity to ask the NRC staff questions after the discussions on the guidance documents and PRMs. The meeting announcement and the staff's presentation slides are available in the NRC's Agencywide Documents Access and Management System (ADAMS) package under Accession No. ML16068A371.

### **Public Participation Themes:**

During the public question and answer portion of the meeting, the NRC staff addressed questions on the following topics:

#### *Regulatory Guidance–Revision*

Bruce Montgomery (NEI), stated that a lot of work was invested in the guidance which overlapped the rule and that there is still value to be gained from the documents. He further stated that NEI would like to update NEI 06-11, Revision 2, to reflect current practice and then submit it at the end of April for NRC endorsement. This will be Revision "Golf" and QC/QV will be extracted from it. The NRC staff responded that it had identified inadvertent omissions and typos in NEI 06-11 and proposed to make that list available to NEI so they can correct these items when developing the next revision. Mr. Montgomery said that NEI will clean up the document and their goal is to have NRC staff alignment so that when NRC revises DG-5026 there is only one version of NEI 06-11 to reference.

Jim Wheeler (Dominion) asked if the NRC would consider NEI 06-11 to be a good document if NEI cleans it up. The NRC staff responded that it believes there are no controversial topics, but it would need to review the revised document. The NRC staff pointed out that because DG-5026 is an NRC regulatory guide, there will be an opportunity for public content on its content before it is finalized.

Bruce Montgomery (NEI) stated that NEI will work as a taskforce to revise NEI 06-11 and send it to the NRC. He also noted that NEI and NRC can pause for alignment before further revising DG-5026. He then asked what the NRC timeline looked like for revising DG-5026. The NRC staff responded that the middle of 2017 was a realistic goal to complete the guidance.

#### *Petitions for Rulemaking–Subsequent Action*

The NRC staff informed the public that the recent *Federal Register* notice for the final rule which revised the PRM process included a diagram outlining the process (80 FR 60524; October 7, 2015). The NRC staff also explained that when the petitions were combined with the QC/QV rulemaking, they were still considered unresolved. Further, with no active Subpart I rulemaking, the three petitions fall back to the PRM process for resolution. The NRC staff noted that while it continues to work on resolving the petitions, the PRM process does not provide the opportunity for a public meeting. Regarding this matter, the NRC staff explained that it did not

see the need for additional public meetings because the petitions were already discussed at several public meetings and the NRC had solicited and received written comments on each petition.

The NRC staff noted that each of the petition dockets were closed when they were subsumed by the QC/QV rulemaking activity, but the staff would look into reopening the dockets now that the rulemaking has been discontinued. The petitioners will each receive a status letter every 6-months until the petitions are resolved. The NRC staff also noted that under the current process, Commission approval is required before either denying a petition or considering it in the rulemaking process. If a new rulemaking activity is initiated to address the petitions, the NRC staff would not expect it to be low priority. The NRC staff are working on resolving the petitions to maintain the focus of the working group that also handled the QC/QV rulemaking. Mr. Montgomery noted that guidance development often delays rulemaking, but in this case the guidance development is nearly complete. He also stated that NEI had reviewed PRM-26-5 and determined that the portion related to sequestration can be disregarded because industry is beyond that issue. Another industry representative commented that he is still very interested in revising the definition of "unit outage" and the "plant emergency exception" requirements. He went on to say that Subpart I became more complex than industry initially expected. He stated that licensees handle plant emergencies with two shifts without complex plans and, therefore, the plant emergencies request in PRM-26-5 can be removed. The NRC staff asked about industry's current positions on the travel and turnover time requests made in PRM-26-5. An industry representative replied that they had adopted the information provided in the NRC's frequently asked questions, and that having this in a rule would line it all up. The NRC staff noted that it can contact the petitioners if additional clarification is needed. If the petitioners want to withdraw all or parts of their requests, they must do so in writing. In closing, the NRC staff stated it had already formed its position on the petitioners' requests and now needed to put together the supporting documents. The NRC staff made it clear that the petition resolution process was not starting from scratch.

**Action Items/Next Steps:** A list of action items from the meeting, for example:

- Bruce Montgomery (NEI) will provide the NRC staff with the name of the PROS point of contact. He will also send the current draft of NEI 06-11, Revision 2, to NRC staff to ensure that the staff have the most current document. Lastly, NEI will submit the next revision of NEI 06-11 for NRC approval.
- The NRC staff will make a determination on reopening the NRC docket for each petition. [Follow up: After the meeting, the NRC staff made the determination to reopen each of the dockets.]

**Attachments:**

- Public meeting announcement – ML16041A001
- NRC staff presentation – ML16050A022
- Meeting summary with list of attendees – ML16068A375

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**ADAMS Accession Nos.:** PKG: ML16068A371, Announcement: ML16041A001,  
Summary: ML16068A375, Presentation: ML16050A022

\*Concurrence via email

NRC-001

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|--------|-----------------|------------------|------------------|-----------------|
| OFFICE | NRR/DPR/PRMB/PM | NRR/DPR/PRMB/RS* | NRR/DPR/PRMB/BC* | NRR/DPR/PRMB/PM |
| NAME   | SSchneider      | GLappert         | DDoyle           | SSchneider      |
| DATE   | 03/04/16        | 03/14/2016       | 03/18/16         | 03/21/16        |

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**PART 26, SUBPART I, QUALITY CONTROL/QUALITY VERIFICATION PERSONNEL  
IN FITNESS FOR DUTY PROGRAM**

**NRC PUBLIC MEETING – CATEGORY 3**

**February 25, 2016**

| <b>NAME</b>        | <b>ORGANIZATION</b> | <b>EMAIL</b>                     |
|--------------------|---------------------|----------------------------------|
| Bruce Montgomery   | NEI                 | bsm@nei.org                      |
| Tom Miller         | FENOC               | millert@firstenergycorp.com      |
| Jim Wheeler        | Dominion            | James.l.wheeler@dom.com          |
| Frank Mascitelli   | Exelon              | frank.mascitelli@exelon.corp.com |
| Lee Marabella      | PSEG Nuclear        | lee.marabella@pseg.com           |
| Michael Whitlock   | Dominion            | michael.l.whitlock@dom.com       |
| Michael Montecalvo | NRC                 | Michael.Monecalvo@nrc.gov        |
| Stewart Schneider  | NRC                 | Stewart.Schneider@nrc.gov        |
| Howard Benowitz    | NRC                 | Howard.Benowitz@nrc.gov          |
| Kamishan Martin    | NRC                 | Kamishan.Martin@nrc.gov          |
| David Desaulniers  | NRC                 | David.Desaulniers@nrc.gov        |
| Daniel Doyle       | NRC                 | Daniel.Doyle@nrc.gov             |
| Aby Mohseni        | NRC                 | Aby.Mohseni@nrc.gov              |
| Will Smith         | NRC                 | Will.Smith@nrc.gov               |

Attachment

**PART 26, SUBPART I, QUALITY CONTROL/QUALITY VERIFICATION PERSONNEL  
IN FITNESS FOR DUTY PROGRAM**

**NRC PUBLIC MEETING – CATEGORY 3**

**February 25, 2016**

| <b>NAME</b>    |
|----------------|
| Angela Dalton  |
| DaBin Ki       |
| Gregory Norris |
| Jim Peschel    |
| Kristi Branch  |
| Scott Bauer    |
| Sean Peters    |
| Theresa Barczy |
| Valerie Barnes |
| William Gott   |