

CHRISTOPHER E. EARLS
Sr. Director, Engineering & Licensing

1201 F Street, NW, Suite 1100
Washington, DC 20004
P: 202.739.8078
cee@nei.org
nei.org



June 15, 2016

Ms. Louise A. Lund
Director, Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Request for Endorsement of NEI 06-11, "Managing Personnel Fatigue at Nuclear Power Reactor Sites", Revision 2, June 2016

Project Number: 689

Dear Ms. Lund:

On September 3, 2010, Nuclear Energy Institute (NEI)¹ submitted a petition (PRM-26-5; Docket No. NRC-2010-0304) to amend 10 CFR Part 26, "Fitness-for-Duty Programs" to address the unintended consequences created by Subpart I, "Managing Fatigue" when it was originally implemented in October of 2009. By final rule (Docket No. NRC-2011-0058) issued on July 21, 2011, the most significant of the unintended consequences were remedied. Other issues identified in the NEI petition, however, remained to be addressed. On April 17, 2014, NEI submitted proposed Revision 2 to NEI 06-11, *Managing Personnel Fatigue at Nuclear Power Reactor Sites*, to support ongoing rulemaking addressing the remaining issues in NEI's petition as well as other outstanding petitions and rulemaking issues including the incorporation of work hour controls for nuclear power plant personnel who perform independent quality control and quality verification (QC/QV) activities after certain maintenance activities. On July 14, 2015, in the Staff Requirements Memorandum for SECY-15-0074, the Commission approved discontinuation of the QC/QV rulemaking activity. As a result of this change to the rulemaking, NEI has reevaluated the outstanding issues in its petition with the conclusion that changes to NEI 06-11 may be sufficient in lieu of further rulemaking. Therefore, NEI on behalf of the industry would like to request NRC review and endorsement of the attached modified revision 2 to NEI 06-11 to help obviate the need for further rulemaking.

¹ The Nuclear Energy Institute (NEI) is the organization responsible for establishing unified industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel cycle facilities, nuclear materials licensees, and other organizations and entities involved in the nuclear energy industry.

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NEI requests that the NRC's review of NEI 06-11, Rev. 2 and any future submissions of the guidance document be granted a fee waiver pursuant to the provisions of 10 CFR 170.11. This document has already received extensive review by the NRC Staff and meets the exemption requirement in 10 CFR 170.11(a)(1)(iii) in that it is "a means of exchanging information between industry organizations and the NRC...for the specific purpose of supporting ongoing NRC generic regulatory improvements or efforts." In this case, the revision of this guidance supports increased regulatory efficiency of agency efforts as it provides a consistent industry approach for implementation of fatigue management requirements.

Thank you in advance for consideration of our request for exemption from fees. If you have any questions or require additional information, please contact me at 202-739-8078; cee@nei.org.

Sincerely,

A handwritten signature in black ink that reads "Chris Earls". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Christopher E. Earls

Attachment

c: Mr. Michael T. Montecalvo, NRR/DRA/APHB, NRC
Mr. Sean E. Peters, RES/DRA/HFRB, NRC