

THIS DRAFT DOCUMENT IS BEING RELEASED TO SUPPORT THE FEBRUARY 18, 2022, ADVISORY COMMITTEE ON REACTOR SAFEGUARDS (ACRS) 10 CFR PART 50/52 RULEMAKING ACTIVITIES SUBCOMMITTEE PUBLIC MEETING. THE NRC STAFF IS NOT REQUESTING OR ACCEPTING PUBLIC COMMENTS ON THIS DRAFT DOCUMENT. THIS DRAFT DOCUMENT HAS NOT BEEN SUBJECT TO NRC MANAGEMENT OR LEGAL REVIEWS AND APPROVALS, AND ITS CONTENTS SHOULD NOT BE INTERPRETED AS OFFICIAL AGENCY POSITIONS. FOLLOWING THE PUBLIC MEETING WITH THE ACRS, THE NRC STAFF PLANS TO CONTINUE WORKING ON THIS DOCUMENT AND TO CONSIDER OPTIONS FOR INVITING PUBLIC PARTICIPATION IN THE RULEMAKING ACTIVITY.

## U.S. NUCLEAR REGULATORY COMMISSION

### DRAFT REGULATORY GUIDE DG-5069



*Proposed Revision 1 to Regulatory Guide 5.84*

Issue Date: July 2021  
Technical Lead: Paul Harris

## REGULATORY GUIDE 5.84

~~(Draft was issued as DG-5036, dated November 2014)~~

# FITNESS-FOR-DUTY PROGRAMS AT NEW REACTOR CONSTRUCTION SITES

## A. INTRODUCTION

### Purpose

This regulatory guide (RG) describes ~~methods and procedures~~ an approach that the staff of the U.S. Nuclear Regulatory Commission (NRC) ~~considers acceptable when developing to meet regulatory requirements for~~ fitness-for-duty (FFD) programs at new reactor construction sites. Licensees, applicants, and contractors/vendors (C/Vs) who implement FFD programs should consider this guidance when preparing an application for a combined license (COL), a limited work authorization (LWA), construction permit (CP), or early site permit (ESP).

### Applicable Rules and Regulations

#### Applicability

This RG applies to licensees and other entities subject to Part 26 of Title 10 of the Code of Federal Regulations (10 CFR Part 26), "Fitness-for-Duty Programs," (Ref. 1), describes the categories of licensees and permit holders who are required to implement an FFD program. Section 26.4(f) of Part 26 requires that any individual who is constructing or directing the construction of safety or security related SSCs (structures, systems and components) shall be subject to an FFD program that meets the requirements of Subpart K, "FFD Programs for Construction," unless the licensee or other entity requires these individuals to meet an FFD program that meets all of the requirements of Part 26, except for Subparts I ("Managing Fatigue") and K.

#### Applicable Regulations

- 10 CFR Part 26, "Fitness-for-Duty Programs" part prescribes requirements and standards for the establishment, implementation, and maintenance of fitness-for-duty (FFD) programs.

## Related Guidance

- RG 5.89, "Urine Specimen Collection and Test Results Review under 10 CFR Part 26, 'Fitness-for-Duty Programs,'" describes approaches the staff of the NRC considers acceptable for certain nuclear facility applicants and licensees to demonstrate compliance with NRC regulations pertaining to the collection of urine specimens and the review of test results in accordance with Part 26 (Ref. 2).

## Purpose of Regulatory Guides (does not change)

The NRC issues regulatory guidesRGs to describe methods that the staff considersare acceptable to the staff for use in implementing specific parts of the agency's regulations, to explain techniques that the staff uses in evaluating specific problemsissues or postulated accidentevents, and to provide guidance. However, regulatorydescribe information that the staff needs in its review of applications for permits and licenses. Regulatory guides are not substitutes forNRC regulations and compliance with them is not required. Methods and solutions that differ from those set forth in regulatory guides will be deemedRGs are acceptable if they providessupported by a basis for the findings required for the issuance or continuance of a permit or license by the Commission.

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Written suggestions regarding this guide or development of new guides may be submitted through the NRC's public Web site under the Regulatory Guides document collection of the NRC Library at [http://www.nrc.gov/reading\\_rm/doc\\_collections/reg\\_guides/contactus.html](http://www.nrc.gov/reading_rm/doc_collections/reg_guides/contactus.html).

Electronic copies of this regulatory guide, previous versions of this guide, and other recently issued guides are available through the NRC's public Web site under the Regulatory Guides document collection of the NRC Library at [http://www.nrc.gov/reading\\_rm/doc\\_collections/](http://www.nrc.gov/reading_rm/doc_collections/). The regulatory guide is also available through the NRC's Agencywide Documents Access and Management System (ADAMS) at [http://www.nrc.gov/reading\\_rm/adams.html](http://www.nrc.gov/reading_rm/adams.html), under ADAMS Accession No. ML15083A412. The regulatory analysis may be found in ADAMS under Accession No. ML15083A411 and the staff responses to the public comments on DG-5036 may be found under ADAMS Accession No. ML15083A410.

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### **Paperwork Reduction Act**

This ~~regulatory guide contains~~ RG provides voluntary guidance for implementing the mandatory information collection requirements covered by collections in ~~10-CFR-Part~~ Parts 26 that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et. seq.). These information collections were approved by the Office of Management and Budget (OMB) ~~approved~~, under ~~OMB~~-control number 3150-0146. Send comments regarding this information collection to the FOIA, Library, and Information Collections Branch ((T6-A10M), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by e-mail to [Infocollects.Resource@nrc.gov](mailto:Infocollects.Resource@nrc.gov), and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 3150-0146, Office of Management and Budget, Washington, DC, 20503.

### **Public Protection Notification**

The NRC may ~~neither~~not conduct ~~nor~~ sponsor, and a person is not required to respond to, a collection of information unless the ~~document~~ requesting ~~document~~ or requiring the collection displays a ~~current~~currently valid OMB control number.

## **B. DISCUSSION**

### **Reason for ~~Issue~~Revision**

~~This guide endorses the methods described in the industry guidance document Nuclear Energy Institute (NEI) 06-06, "Fitness for Duty Program Guidance for New Nuclear Power Plant Construction Sites," Revision 6, dated April 2013, (Ref. 2) with the exception that is identified in the Staff Regulatory Guidance section, as acceptable methods of meeting the Commission's regulations.~~

This revision of the guide (Revision 1) addresses two new issues since the guide was originally issued. The issues involve escorting of individuals who construct or direct the construction of safety- or security-related structures, systems, and components (SSC) and a change to Part 26 implementation based on risk insights learned from operating experience. These issues are described in detail in amendments to 10 CFR Part 26 issued by NRC Final Rule "Alignment of Licensing Processes and Lessons Learned from New Reactor Licensing," (Ref. 3).

### **Background**

In 2008 and 2009, respectively, the NRC revised its comprehensive FFD regulations in 10 CFR Part 26 to adopt and reflect selected provisions of the U.S. Department of Health and Human Services "Mandatory Guidelines for Federal Workplace Drug Testing Programs" (Ref. 34), and amended the Commission's access authorization requirements contained in 10 CFR Part 73, "Physical Protection of Plants and Materials," (Ref. 45).

FFD programs as described in 10 CFR 26.4 are applicable to specific categories of individuals. 10 CFR 26.4(a) requires all persons who have unescorted access to nuclear reactor protected areas to be subject to an FFD program that meets all of 10 CFR Part 26, except for Subpart K (FFD program for construction). 10 CFR 26.4(f) requires that "Any individual, who is constructing or directing the construction of safety or security related SSCs shall be subject to an FFD program that meets the requirements of Subpart K, unless the licensee or other entity subjects these individuals to an FFD program that meets all of the requirements of 10 CFR Part 26, except for Subparts I and K of this part," (fatigue management and FFD program for construction, respectively), as might be encountered at a site with an operating reactor adjacent to a reactor under construction. The introduction to [Nuclear Energy Institute \(NEI\) guidance document NEI 06-06](#), Revision 6, states that it remains in effect until the construction site transitions to an operations related FFD program, requiring implementation of 10 CFR Part 26, Subparts A-I, N and O. It also provides that it does not include guidance for those individuals with duties specified in 10 CFR 26.4(f) who may also be subject to an FFD program that meets all the requirements of 10 CFR Part 26, except Subparts I and K.

### **Harmonization with Consideration of International Standards**

~~The International Atomic Energy Agency (IAEA) has established a series of safety guides and standards constituting a high level of safety works with member states and other partners to promote the safe, secure, and peaceful use of nuclear technologies. The IAEA develops Safety Requirements and Safety Guides for protecting people and the environment. IAEA safety guides present from harmful effects of ionizing radiation. This system of safety fundamentals, safety requirements, safety guides, and other relevant reports, reflects an international good practices and increasingly reflects best practices to help users striving to achieve perspective on what constitutes a high levels level of safety. The To inform its development of this RG, the NRC staff reviewed guidance from the considered IAEA and other organizations and found guidance applicable to FFD. However, Safety Requirements and Safety Guides pursuant to the Commission's International Policy Statement (Ref. 6) and Management Directive and Handbook 6.6,~~

“Regulatory Guides.” (Ref. 7). The NRC staff did not identify any other standards that provided detailed guidance specifically addressing requirements of 10 CFR Part 26.

#### Documents Discussed in Staff Regulatory Guidance

\_\_\_\_\_ This regulatory guideRG endorses, in part, the use of ~~a process~~ one or more codes or standards developed by ~~NEI, NEI 06-06~~ external organizations, and other third party guidance documents. These codes, standards and third party guidance documents may contain references to other codes, standards or third party guidance documents (“secondary references”). If a secondary reference has itself been incorporated by reference into NRC regulations as a requirement, then licensees and applicants must comply with that standard as set forth in the regulation. If the secondary reference has been endorsed in a regulatory guideRG as an acceptable approach for meeting an NRC requirement, then the standard constitutes a method acceptable to the NRC staff for meeting that regulatory requirement as described in the specific regulatory guideRG. If the secondary reference has neither been incorporated by reference into NRC regulations nor endorsed in a regulatory guideRG, then the secondary reference is neither a legally-binding requirement nor a “generic” NRC ~~approval as an~~ approved acceptable approach for meeting an NRC requirement. However, licensees and applicants may consider and use the information in the secondary reference, if appropriately justified ~~and~~, consistent with current regulatory practice, and consistent with applicable NRC requirements.

## C. STAFF REGULATORY GUIDANCE

This section provides detailed descriptions of the methods or approaches that the staff considers acceptable for meeting the requirements of the applicable regulations cited below. Although examples are appropriate as general templates for illustrating and reinforcing the guidance in NEI 06-06 and associated regulatory guidance, the NRC endorsement of NEI 06-06 should not be considered a determination that each NEI 06-06 example applies to any or all licensees, applicants, or other entities as presented and written in NEI 06-06 or this regulatory guide. A licensee should ensure that any example provided applies to its particular circumstance before implementation.

### 1. Conditions

The NRC staff considers conformance with NEI 06-06, Revision 6, ~~dated April 2013~~, to be a method that is acceptable for use in satisfying the regulations with respect to the implementation of FFD programs at new reactor construction sites, subject to the following conditions:

#### 1.1. Guidance Applicability to Certain Individuals

NEI 06-06, Revision 6, provides FFD program guidance that implements the previous Part 26 requirement that licensees and other entities must implement an FFD program that meets all Part 26 requirements, except for the requirements in Subpart K, FFD Programs for Construction, in part, no later than the receipt of strategic nuclear material in the form of fuel assemblies. In the Final Rule (Ref. 3) for Part 26, the phrase “no later than the receipt of strategic nuclear material in the form of fuel assemblies” was replaced by the phrase “prior to initial core load.” To enable this change, the Final Rule included changes to Sections 26.3(a) and (c) and 26.4(e)(1) and (7) of Part 26.

Licensees and other entities licensed under Parts 50 or 52 may continue implementing NEI 06-06, Revision 6, as currently written, because the milestone associated with “no later than the receipt of strategic nuclear material in the form of fuel assemblies” will always occur prior to “initial core load.” Therefore, if a licensee or other entity elects to use the guidance in NEI 06-06, Revision 6, these licensees and other entities would be implementing all Part 26 requirements, except those in Subpart K, earlier than that required by Part 26.

Because NEI 06-06, Revision 6, paraphrases or quotes rule text prior to issuance of the Final Rule (Ref. 3), NEI 06-06, Revision 6, does not accurately describe current Part 26 requirements. For example, the NRC staff notes that the following sections in NEI 06-06, Revision 6, appear to be impacted by the rule change: the title for section 3.2; the first and second sentences of section 3.2.1, “Security Personnel;” the title and the first sentence of the first paragraph for section 3.3; and, in Table 3-1, row 3 in its reference to §§ 26.4(e)(1) and 26.4(a)(5) and row 6 in its reference to § 26.4(a) and (b). For this reason, the NRC staff conditions its endorsement of NEI 06-06, Revision 6, that any NEI 06-06, Revision 6, guidance reference to Sections 26.3(a) and (c) and 26.4(e)(1) and (7) of Part 26 is amended by the regulatory text presented in the Final Rule (Ref. 3) and implemented by licensees and other entities as described in Part 26.

### 2. Methods or Approaches

In NEI 06-06, Revision 6, section 2.1, the sentence after a discussion of Item h states: “In addition, individuals who perform the duties specified in 10 CFR 26.4(e) may be included in the program covered by this guidance.” This sentence is inconsistent with the discussion in Section 1 regarding the regulatory treatment of these individuals. As stated in Section 1 of NEI 06-06, “It [NEI 06-06] does not include guidance for those individuals with duties specified in 10 CFR 26.4(e) who must be subject to an FFD program that meets all the requirements of 10 CFR Part 26, except Subparts I and K.” The NRC staff has determined that NEI 06-06, Revision 6, is not an acceptable method of complying with the requirements



## 2.1. Transition from Construction to Reactor Operation

As described in Section 1.2 above, the Final Rule (Ref. 3) changed Part 26 implementation based on risk insights learned from operating experience. The licensee or other entity should provide in a procedure a definition or description of the phrase “prior to initial core load;” the NRC staff notes that this phrase has not been defined by the NRC. A licensee or other entity definition or description will enhance clarity. For example, “prior to initial core load” could mean (1) prior to placing the very first fuel assembly in the reactor vessel or (2) prior to placing all fuel assemblies in the reactor vessel if core load was defined as all assemblies placed in the reactor vessel (i.e., core load). The NRC’s selection of the phrase “prior to initial core load” was to establish a point in time during the transition from construction to operation which is risk significant and compelling to require implementation of an FFD program that meets all Part 26 requirements, except those in Subpart K. This risk significance includes consideration of radiological consequences and safeguarding of NRC-licensed materials.

## 2.2. Escorting Individuals who are subject to the FFD Program for Construction

The Final Rule (Ref. 3) enables the licensee and other entity to escort individuals onsite to construct or direct the construction of safety or security related SSCs. The Final Rule also does not preclude the escorting of individuals to only those individuals performing these duties and responsibilities described in § 26.4(f). In other words, the licensee or other entity may escort individuals who perform or direct the performance of those duties other than those described in § 26.4(f). The Final Rule (Ref. 3) amended, in part, Sections 26.5, 26.4(e) and (f), and 26.403(a) and (b) to enable the escorting of individuals onto the construction site to perform duties and responsibilities or having the types of access making him or her subject to Part 26 requirements. The following approach is acceptable for the escorting of any individual who should be, but who is not, subject to the FFD program by a licensee or other entity in § 26.3(a), (c), and (d) on the NRC-licensed site, until the licensee or other entity must implement the requirements described in 10 CFR 73.55(g)(7) and (8), (Ref.5).

1. The licensee or other entity must establish, implement, and maintain a procedure that:

- a. Requires any individual performing a role or responsibility, having the types of access, or directing or conducting any activity described in § 26.4, but not subject to the FFD program, shall be escorted.
- b. Requires a licensee- or other entity-designated supervisor (not affiliated with the actual activity to be accomplished) to establish the maximum number of individuals the escort may be responsible for the identified activities.
- c. Requires individual(s) under escort be escorted at all times while performing those duties and responsibilities that would have made him/her subject to the FFD program.
- d. Requires the licensee or other entity to confirm the identity of each individual to be escorted through the physical presentation of a recognized identification card issued by a local, State, or Federal government agency that includes a photo or contains physical characteristics of the individual requesting escorted access.
- e. Requires a record in which all individuals under escort shall register their name, date, time, purpose of visit, employment affiliation, and name of the licensee’s or other entity’s individual and organization responsible for the individual coming onsite.
- f. Requires the issuance of an identification badge, vest, hard hat, or other readily-visible material identifier that clearly indicates that the individual must be escorted.

- g. Denies escorted access to any individual who demonstrates signs of impairment or characteristics of not being trustworthy and reliable to conduct those duties and responsibilities of have the types of access assigned by the licensee or other entity.
- h. Provides the escort a means to timely communicate with security personnel or other licensee- or other entity-designated responsible person to summon assistance when needed. The communication device need not be hand-carried.
- i. Describes the duties and responsibilities of an escort and provides the minimum necessary observation and control requirements that all escorts must implement.
- j. Requires that all escorts must complete a read and sign in their escorting duties and responsibilities and be subject to the licensee's or other entity's FFD program equivalent to that which would be have been applied for the individual if not under escort.
- k. Ensures that the escort is generally knowledgeable of the activities to be performed by the individual(s) under escort and will report (1) behaviors or activities that are or may not be within the scope of assigned activities and (2) any mental or physical condition demonstrated by an individual that he/she may be impaired, in need of medical assistance, or not trustworthy and reliable.

The NRC finds that its approach to enable licensees and other entities to escort individuals, who should be subject to the FFD program, to impact guidance in NEI 06-06, Revision 6. Specifically, the following sections appear to be impacted: section 4, "Definitions," regarding the definition of Construction Site Workforce; section 5.1.1, "Policy and Statement and Performance Objectives," first paragraph; and, section 5.2, "Procedure;" third paragraph.

## D. IMPLEMENTATION

The purpose of this section is to provide information on how applicants and licensees<sup>1</sup> may

The NRC staff may use this guide and information regarding the NRC's plans for using this regulatory guide. In addition, it describes how the NRC staff complies with 10 CFR regulatory guide as a reference in its regulatory processes, such as licensing, inspection, or enforcement. However, the NRC staff does not intend to use the guidance in this regulatory guide to support NRC staff actions in a manner that would constitute backfitting as that term is defined in 10 CFR 50.109, "Backfitting" and any applicable," and as described in NRC Management Directive 8.4, "Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests," (Ref. 9), nor does the NRC staff intend to use the guidance to affect the issue finality provisions in of an approval under 10 CFR Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants".

### 1.1.2 Use by Applicants and Licensees

Applicants and licensees may voluntarily<sup>2</sup> use the guidance in this document to demonstrate compliance with the underlying NRC regulations. Methods or solutions that differ from those described in this regulatory guide may be deemed acceptable if they provide sufficient basis and information for the NRC staff to verify that the proposed alternative demonstrates compliance with the appropriate NRC regulations. Current licensees may continue to use guidance the NRC found acceptable for complying with the identified regulations as long as their current licensing basis remains unchanged.

Licensees may. The staff also does not intend to use the information in this regulatory guide for actions which do not require NRC review and approval such as changes to a facility design under 10 CFR 50.59, "Changes, Tests, and Experiments." Licensees may use the information in this regulatory guide or applicable parts to resolve regulatory or inspection issues.

### 1.1.3 Use by NRC Staff

The NRC staff does not intend or approve any imposition or backfitting of the guidance in this regulatory guide. The NRC staff does not expect any existing licensee to use or commit to using the guidance in this regulatory guide, unless the licensee makes a change to its licensing basis. The guidance to support NRC staff does not expect or plan to request licensees to voluntarily adopt this regulatory guide to resolve a generic regulatory issue. The NRC staff does not expect or plan to initiate NRC regulatory action which would require the use of this regulatory guide. Examples of such unplanned NRC regulatory actions include issuance of an order requiring the use of the regulatory guide, requests for information under

10 CFR 50.54(f) as to whether a licensee intends to commit to use of this regulatory guide, generic communication, or promulgation of a rule requiring the use of this regulatory guide without further backfit consideration.

During regulatory discussions on plant specific operational issues, the staff may discuss with licensees various actions consistent with staff positions in this regulatory

guide, as one acceptable means of meeting the underlying NRC regulatory requirement. Such discussions would not ordinarily be considered backfitting even if prior versions of this regulatory guide are part of the licensing basis of the facility. However, unless this regulatory guide is part of the licensing basis for a facility, the staff may not represent to the licensee that the licensee's failure to comply with the positions in this regulatory guide in a manner that constitutes a violation.

If an existing licensee voluntarily seeks a license amendment or change and (1) the NRC staff's consideration of the request involves a regulatory issue directly relevant to this new or revised regulatory guide and (2) the specific subject matter of this regulatory guide is an essential consideration in the staff's

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<sup>1</sup> In this section, "licensees" refers to licensees of nuclear power plants under 10 CFR Parts 50 and 52; and the term "applicants," refers to applicants for licenses and permits for (or relating to) nuclear power plants under 10 CFR Parts 50 and 52.

<sup>2</sup> In this section, "voluntary" and "voluntarily" means that the licensee is seeking the action of its own accord, without the force of a legally-binding requirement or an NRC representation of further licensing or enforcement action.



# U.S. NUCLEAR REGULATORY COMMISSION

## DRAFT REGULATORY GUIDE DG-5069

### Proposed Revision 1 to Regulatory Guide 5.84

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determination of the acceptability of the licensee's request, then the staff may request that the licensee either follow the guidance in this regulatory guide or provide an equivalent alternative process that demonstrates compliance with the underlying NRC regulatory requirements. This is not considered backfitting as defined in 10 CFR 50.109(a)(1) or a violation of any of the issue finality provisions in 10 CFR Part 52.

Additionally, an existing applicant may be required to comply with new rules, orders, or guidance if 10 CFR 50.109(a)(3) applies.

forward fitting as that term is defined and described in Management Directive 8.4. If a licensee believes that the NRC is either using this regulatory guide or requesting or requiring the licensee to implement the methods or processes in this regulatory guide in a manner inconsistent with the discussion in this Implementation section, then the licensee may file a backfit/backfitting or forward fitting appeal with the NRC in accordance with the guidance process in NUREG 1409, "Backfitting Guidelines", (Ref. 5) and the NRC Management Directive 8.4, "Management of Facility Specific Backfitting and Information Collection" (Ref. 6).

This RG is being issued in draft form to involve the public in the development of regulatory guidance in this area. It has not received final staff review or approval and does not represent an NRC final staff position. Public comments are being solicited on this DG and its associated regulatory analysis. Comments should be accompanied by appropriate supporting data. Comments may be submitted through the Federal rulemaking Web site, <http://www.regulations.gov>, by searching for draft regulatory guide DG-5069. Alternatively, comments may be submitted to Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff. Comments must be submitted by the date indicated in the *Federal Register* notice.

Electronic copies of this DG, previous versions of DGs, and other recently issued guides are available through the NRC's public Web site under the Regulatory Guides document collection of the NRC Library at <https://nrcweb.nrc.gov/reading-rm/doc-collections/reg-guides/>. The DG is also available through the NRC's Agencywide Documents Access and Management System (ADAMS) at <http://www.nrc.gov/reading-rm/adams.html> under Accession No. ML21159A141. The regulatory analysis may be found in ADAMS under Accession No. ML21159A069.

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## REFERENCES<sup>1</sup>

1. *U.S. Code of Federal Regulations* (CFR), Part 26, "Fitness-for-Duty Programs," Chapter 1, Title 10, "Energy."
2. ~~Nuclear Energy Institute (NEI) 06-06, "NRC, Regulatory Guide (RG) 5.89, "Urine Specimen Collection and Test results Review under 10 CFR Part 26, Fitness-for-Duty Program Guidance for New Nuclear Power Plant Construction Sites," Revision 6, NEI Programs,"~~ Washington, DC, April 2013.
3. Final Rule "Alignment of Licensing Processes and Lessons Learned from New Reactor Licensing," [DATE] Federal Register Notice [NRC-200-0196; RIN 3150-AI66].
- ~~3-4.~~ U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, "Mandatory Guidelines for Federal Workplace Drug Testing Programs," -Federal Register, Vol. 73, No. 228, November 25, 2008, pp. 71858-71938.
- ~~4-5.~~ CFR, Part 73, "Physical Protection of Plants and Materials," Chapter 1, Title 10, "Energy."
- ~~5-6.~~ ~~U.S. NRC, "Nuclear Regulatory Commission (NRC), NUREG-1400, "Backfitting Guidelines," International Policy Statement," Federal Register, Vol. 79, No. 132, July 10, 2014, pp. 39415-39418.~~
7. NRC, Management Directive (MD) 6.6, "Regulatory Guides," Washington, DC, May 2, 2016 (ADAMS Accession No. ML18073A170).
8. Nuclear Energy Institute (NEI) 06-06, "Fitness-for-Duty Program Guidance for New Nuclear Power Plant Construction Sites," Revision 6, NEI, Washington, DC, April 2013.
- ~~6-9.~~ NRC, Management Directive 8.4, "Management of Facility Specific Backfitting and Information."

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<sup>1</sup> Publicly available NRC published documents are available electronically through the NRC Library on the NRC's public Web site at <http://www.nrc.gov/reading-rm/doc-collections/> and through the NRC's Agencywide Documents Access and Management System (ADAMS) at <http://www.nrc.gov/reading-rm/adams.html>. The documents can also be viewed online or printed for a fee in the NRC's Public Document Room (PDR) at 11555 Rockville Pike, Rockville, MD. For problems with ADAMS, contact the PDR staff at 301-415-4737 or (800) 397-4209; fax (301) 415-3548; or e-mail [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

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3 Publicly available NRC documents are available electronically online through the NRC Library on the NRC's public Web site at <http://www.nrc.gov/reading-rm/doc-collections/> and through the NRC's Agencywide Documents Access and Management System (ADAMS) at <http://www.nrc.gov/reading-rm/adams.html>. The documents can also be viewed online or printed for a fee in the NRC's Public Document Room (PDR) at 11555 Rockville Pike, Rockville, MD. For problems with ADAMS, contact the PDR staff at 301-415-4737 or (800) 397-4209; fax (301) 415-3548; or e-mail [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

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