

January 9, 2012

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

On December 12, 2011, the Nuclear Regulatory Commission (NRC) held a public meeting in Rockville, Maryland, to discuss the overall scope and schedule of the proposed rule and to receive industry feedback on the following specific topics: 1) Estimated timeframe to implement the Minimum Days Off (MDO) alternative rule (if applicable); and 2) Estimated burden to licensees if the proposed rule were published in early CY 2013.

The meeting was noticed on November 30, 2011. 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 Document Access and Management System (ADAMS). The meeting notice can be found under accession no. ML113340152.

The meeting participants included NRC staff, members of the nuclear power reactor community, and contractors. Enclosure 1) presents a summary of the meeting. A complete list of participants is provided in Enclosure 2) Enclosure 3) contains the meeting agenda.

Enclosures:

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

CONTACT: Scott C. Sloan, NRR/DPR
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301-415-3469
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MBoggi Meeting Attendees

ADAMS Accession No: ML120030228

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|---------------|------------------|
| OFFICE | NRR/DPR/PRMB: PM |
| NAME | SSloan |
| DATE | 01/9/2012 |

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Summary of December 12, 2011, Public Meeting to Discuss the Part 26 Subpart I (Fatigue Management) Proposed Rule

On December 12, 2011, the Nuclear Regulatory Commission (NRC) held a public meeting in Rockville, Maryland, to discuss the overall scope and schedule of the Part 26 Subpart I proposed rule and to receive industry feedback on the following specific topics: 1) Estimated timeframe to implement the MDO alternative rule (if applicable); and 2) Estimated burden to licensees if the proposed rule were published in early CY 2013.

The meeting was noticed on November 30, 2011. 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 Document Access and Management System (ADAMS). The meeting notice can be found under accession no. ML113340152.

I. Opening Remarks and NRC Presentation

The public meeting began with brief opening remarks followed by a presentation by the NRC staff describing the purpose of the meeting, reviewing the history of fatigue management regulations, and discussing the management-approved scope and schedule of the proposed rule. The NRC staff informed stakeholders that there was the possibility of expanding the scope of the rule and extending the schedule to allow for incorporation of lessons learned from the implementation of the MDO alternative final rule.

II. Discussion

The NRC staff opened the floor for discussion, indicating that feedback from external stakeholders was critical in determining whether to increase the scope and expand the schedule of the rule. The staff looked to the stakeholders to provide specific feedback regarding 1) the estimated timeframe to implement the MDO alternative rule (if applicable); and 2) the estimated burden to licensees if the proposed rule were published in early CY 2013.

Nuclear power industry representatives indicated that the reason for delaying the implementation of the MDO alternative was that work hour tracking software had not yet been developed to account for the MDO alternative. The industry representatives explained that the software should be available in mid-2012 and that implementation and training should take place in the latter half of CY 2012. With that timeline for implementation, the industry representatives commented that some licensees would be able to start collecting data on the MDO alternative during the fall 2012 outage season, and others would be able to start collecting data before the spring 2013 outage season.

Industry officials highlighted two specific issues that they would consider to be burdensome if the Part 26 rule were to follow the management-approved schedule (i.e. NOT expand the scope and extend the schedule). First, there is a small, centralized task force of specially-trained personnel in the nuclear power industry that deals with fatigue issues. Should the Part 26 rule maintain the schedule to publish a proposed rule in early CY 2013, the task force would be occupied with the roll-out of the work hours tracking software and training industry management and staff on its use, at the same time that they would be expected to participate in Part 26 rulemaking activities. Second, the industry representatives indicated that the interaction

between NRC staff and stakeholders necessary to publish draft guidance along with the proposed rule in early CY 2013 (as required by SRM-SECY-11-0032, "Cumulative Effects of Regulation") would be particularly challenging considering the current rulemaking schedule.

Overall, the industry representatives indicated that expanding the scope and extending the schedule of the Part 26 rule would be beneficial. However, they outlined three specific issues that the industry would prefer the NRC to address in the short term. Those three issues are as follows:

- 1) Expanding the current enforcement discretion (as described in EGM-09-008, ML092380177) to cover other acts of nature as discussed in petition for rulemaking (PRM) 26-5;
- 2) Allowing relief from work hour controls for non-NRC evaluated Force-on-Force exercises as discussed in PRM 26-5; and
- 3) Clarifying and/or changing the definition of "unit outage" as discussed in PRMs 26-3 and 26-5.

Industry representatives also indicated that while some of the concerns communicated in PRM 26-5 have been accommodated by the MDO alternative rule and some of the concerns are still valid, there are other concerns in PRM 26-5 that are no longer applicable and still more concerns that the industry would like to bring the attention of the NRC. The NRC staff reminded the industry representatives that PRM 26-5 had been administratively closed; therefore, the petition could no longer be amended. However, the NRC staff informed the industry representatives that they could submit a letter addressing those concerns to be considered as a part of this public meeting summary.

III. Next Steps

The NRC staff encouraged stakeholders to provide additional comments to the meeting contacts. As next steps, the staff plans to discuss the viability of expanding the scope and extending the schedule of the rule based on stakeholder feedback provided during this public meeting. The staff also explained that another public meeting will be held in late January or early February 2012 to discuss industry concerns as communicated in PRMs 26-3 and PRM 26-5.

December 12, 2011, Public Meeting to Discuss the Part 26 Subpart I (Fatigue Management) Proposed Rule

Attendance List

| NAME | AFFILIATION |
|-------------------|---------------------------------------|
| Peter Crinigan | Constellation |
| John Butler | Nuclear Energy Institute |
| Scott Bauer | Nuclear Energy Institute |
| Jim Wheeler | Dominion |
| Charles Hassler | IBEW Local 94 |
| Liz Gormsen | ICF |
| Greg Halnon | First Energy |
| Dave Mullen | IBEW |
| Kamishan Martin | NRC |
| Tara Inverso | NRC |
| Will Smith | NRC |
| Howard Benowitz | NRC |
| Theresa Barczy | NRC |
| Shana Helton | NRC |
| Brian Richter | NRC |
| Mike Boggi | NRC |
| Undine Shoop | NRC |
| Joseph Gitter | NRC |
| Scott Sloan | NRC |
| Jessica Bock* | Fort Calhoun |
| Peter Defilippi* | Westinghouse |
| Nancy Chapman* | Bechtel |
| Mark Dryden* | Florida Power & Light |
| Robert Hammons* | Energy-Northwest |
| Gayla Dammann* | Xcel Energy |
| Paul Bemis* | Pacific Gas & Electric |
| Joshua Perrel* | Tennessee Valley Authority |
| Lee Marabella* | PSEG |
| Jim Bradshaw* | D.C. Cook Nuclear Plant |
| Dan Zerbe* | IBEW Local 1600 |
| Frank Mascitelli* | Exelon Nuclear |
| Thomas Byrne* | Duane Arnold |
| Susan Koen* | Round the Clock Services |
| Jim Yerdon* | IBEW Local 97 |
| Donna Alexander* | Progress Energy |
| Erik Erb* | N/A |
| Shayne Curtiss* | Monticello |
| Robert Meyer* | Professional Nuclear Operator Society |
| Richard Herrle* | Ventyx |
| Ron Lev* | Workforce Software |

| | |
|-------------------|------------------|
| Michael Phillips* | Duke Energy |
| Billie Rooks* | Southern Company |
| Jana Bergman* | Scientech |
| Kevin Kingsley* | Entergy |

*Participated via Webinar/Conference Call

AGENDA FOR THE DECEMBER 12, 2011, PUBLIC MEETING
TO DISCUSS THE PART 26 SUBPART I (FATIGUE MANAGEMENT) PROPOSED RULE
1:00 P.M. – 3:00 P.M.

PURPOSE: To discuss the overall scope and schedule of the proposed rule and to receive industry feedback on the following specific topics: 1) Estimated timeframe to implement the MDO alternative rule (if applicable); and 2) Estimated burden to licensees if the proposed rule were published in early CY 2013.

| Time | Topic | Led By |
|-------------------|--|------------------|
| 1:00 PM – 1:05 PM | Opening Remarks | NRC |
| 1:05 PM – 1:30 PM | Overview of proposed rule scope and schedule | NRC |
| 1:30 PM – 2:30 PM | Discussion and feedback on specific NRC concerns | NRC/Stakeholders |
| 2:30 PM – 2:50 PM | Opportunity for public participation | NRC |
| 2:50 PM – 3:00 PM | Closing Remarks | NRC |