

April 24, 2000

MEMORANDUM TO: William D. Travers  
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - SECY-0022 - RULEMAKING PLAN,  
"DECREASE IN THE SCOPE OF RANDOM FITNESS-FOR-  
DUTY TESTING REQUIREMENTS FOR NUCLEAR POWER  
REACTOR LICENSEES," FOR AMENDMENTS TO 10 CFR  
PART 26

The Commission has approved the staff's recommendation to initiate rulemaking to amend the NRC's requirements for the scope of random fitness-for-duty (FFD) testing for nuclear power reactor licensees required by 10 CFR Part 26, "Fitness for Duty Programs," as described in SECY-00-0022. The staff should seek detailed comment on this matter and, as the rulemaking proceeds, undertake a careful analysis of the balance of public and private interests. In particular, the staff should carefully assess the risks associated with unescorted access to protected areas if the scope of random drug testing is changed in light of the fact that some equipment of safety significance may be found in the protected areas, but outside of vital areas.

The Commission has disapproved the staff's recommendation to approve in part a petition filed by the IBEW so as to grant an exemption from Part 26 for certain clerical workers at Diablo Canyon. The Commission believes that important factual issues relating to the exemption remain to be resolved and it would be premature to rule on the exemption prior to resolving the underlying rulemaking issues. Therefore, the staff should continue to hold this petition in abeyance and the Commission will rule on it at the conclusion of the Part 26 rulemaking.

cc: Chairman Meserve  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
OGC  
CIO  
CFO  
OCA  
OIG  
OPA  
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)  
PDR  
DCS