

July 5, 2000

MEMORANDUM TO: William D. Travers
Executive Director for Operations

Karen D. Cyr
General Counsel

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

SUBJECT: STAFF REQUIREMENTS - SECY-99-0279 - FINAL RULE
AMENDING THE FITNESS-FOR-DUTY RULE

The Commission has returned SECY-99-0279 to the staff. The staff should, in coordination with OGC, modify the analysis on compliance with the backfit rule to consider all the changes separately, and also in the aggregate, including those previously proposed as "worthwhile" changes.

The staff should also modify the package as follows: 1) remove the requirement imposing a more restrictive temperature range for an acceptable urine specimen (Sections 2.4(g)(13) and (15) of Appendix A), if the staff obtains appropriate justification for this item in the future, the proposed requirement can be resubmitted as part of a future rulemaking package, and 2) remove the requirement that a medical determination of fitness be performed to evaluate all employees tested for cause, including those who test negative from the rulemaking package.

The staff should make conforming revisions to the rulemaking package and submit the revised rulemaking package to the Commission.

(EDO/OGC)

(SECY Suspense: 7/30/00)

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
CIO
CFO
OCA
OIG