

June 5, 2002

MEMORANDUM TO: Glenn M. Tracy, Director  
Division of Nuclear Security  
Office of Nuclear Security and Incident Response

FROM: Vonna L. Ordaz, Chief **/RA/**  
Reactor Safeguards Policy Section  
Division of Nuclear Security  
Office of Nuclear Security and Incident Response

Subject: SUMMARY OF THE MAY 8, 2002, PUBLIC MEETING TO DISCUSS  
DRAFT REVISIONS TO 10 CFR PART 26 (FITNESS-FOR-DUTY RULE)

On May 8, 2002, the NRC staff held a public meeting with representatives of the Nuclear Energy Institute (NEI), utility stakeholders, and the public. The purpose of this meeting was to further discuss the draft language changes to 10 CFR Part 26, the Fitness-for -Duty (FFD) Rule, and related matters, as outlined in the meeting agenda, provided as Attachment 1.

The NRC staff opened the meeting with discussion of Subparts A through D (Attachments 2 ,3, 4, and 5). Following the discussion of Subparts A through D, industry representatives presented several examples of applying the draft requirements to the granting of access authorization.

The major issues from these discussions were:

- The possibility of combining Access Authorization and FFD requirements and the scheduling impacts of doing so. Although the response to a combined document was quite positive, stakeholders were concerned with the potential delays in completing the FFD rule that combining them may introduce.
- New draft language that requires every employer from the past three years to be contacted for the suitable inquiry for an initial authorization. Stakeholders did not express any concerns with this proposed requirement.
- Definition of "legal action." Stakeholders indicated that this definition requires further refinement and agreed to offer possible language.
- Examples of applying the requirements. The cases discussed showed that the industry representatives present had interpreted the requirements consistently with the NRC's intent in the draft rule language.

CONTACT: Dr. Garmon West, NSIR/DNS/RSPS  
301-415-1044

- The NRC staff stated that a question will be included in the *Federal Register* notice for the proposed rule concerning the need for Medical Review Officer non-medical training.

The next meeting is scheduled for June 26, 2002. Additional examples of applying the rule language will be discussed.

The above information and the documents attached were shared and discussed between NRC staff, NEI representatives, utility and public stakeholders and are not intended as verbatim records.

Attachment 7 lists the attendees at the May 8, 2002, meeting.

- Attachments:
1. Agenda
  2. Preliminary Language for Subpart A
  3. Preliminary Language for Subpart B
  4. Preliminary Language for Subpart C
  5. Preliminary Language for Subpart D
  6. Preliminary Language for Subparts E-J
  7. List of Attendees

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NAME	G West	V Ordaz
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