



NUCLEAR ENERGY INSTITUTE

10/31/02
67 FR 66311
①

Ralph E. Beedle
SENIOR VICE PRESIDENT AND
CHIEF NUCLEAR OFFICER
NUCLEAR GENERATION

RECEIVED
NOV 27 PM 3:05
Rules and Directives
Branch

November 21, 2002

Mr. Michael T. Lesar
Chief, Rules and Directives Branch
Division of Administrative Services
Office of Administration, Mail Stop: T6D59
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: Revision of NRC Enforcement Policy (67 Fed. Reg. 66311 – October 31, 2002), 10 CFR Part 26, Fitness-for-Duty Programs, Policy Statement Revision; Opportunity for Public Comment

Dear Mr. Lesar:

These comments are submitted on behalf of the nuclear energy industry by the Nuclear Energy Institute (NEI)¹ in response to the Federal Register notice (67 Fed. Reg. 66311 – October 31, 2002) concerning the U.S. Nuclear Regulatory Commission's (NRC) opportunity for comments relative to Revision of Enforcement Policy in regard to 10 CFR Part 26, Fitness-for-Duty Programs.

Our primary concern is one of timing. The effective date for implementation of the NRC Enforcement Policy revision is December 30, 2002. While the Commission is expected to issue Interim Compensatory Measures (ICM) for access authorization in the near future, this ICM is expected to significantly change some fitness-for-duty (FFD) program elements of 10 CFR Part 26 and, by extension, the proposed enforcement discretion.

To avoid a situation where licensees would have to prepare two separate changes in quick succession to FFD programs, we request that the effective date of this enforcement discretion be changed to match the implementation date of the anticipated Order for the ICM. Additionally, utilities should be advised that this

¹ NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including regulatory aspects of generic operational and technical issues. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy issue.

Template - ADM-013

E-UTDS = ADM-03
add = J. West (EXW)
R. Petersen (RMP)

Mr. Michael T. Lesar

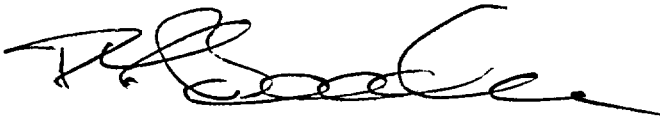
November 21, 2002

Page 2

will be the case so that further preparation for implementing this enforcement discretion can await receipt of the Order.

If there are questions concerning these comments, please call Rich Enkeboll (202-739-8102) or Jim Davis (202-739-8105) of the NEI staff.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Beedle', with a long horizontal flourish extending to the right.

Ralph E. Beedle

c: Ms. Vonna Ordaz (NSIR/RSPS)
Dr. Garmon West (NSIR/RSPS)