

September 1, 2004

MEMORANDUM TO: Luis A. Reyes
Executive Director for Operations

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

SUBJECT: STAFF REQUIREMENTS - COMSECY-04-0037 -
FITNESS-FOR-DUTY ORDERS TO ADDRESS FATIGUE OF
NUCLEAR FACILITY SECURITY FORCE PERSONNEL

The Commission has disapproved the issuance of orders concerning fitness-for-duty enhancements to address fatigue concerns for security force personnel at (1) Independent Spent Fuel Storage Installations, (2) Decommissioning Reactors, (3) Category I Fuel Cycle Facilities, (4) Gaseous Diffusion Plants, and (5) the Natural Uranium Conversion Facility.

If the staff observes significant fatigue-related issues at these facilities or any other facilities, the Commission should be informed promptly. Otherwise, the rulemaking process is the appropriate method to address these potential future concerns for materials facilities because the process allows for additional public interactions with our stakeholders. The staff should therefore pursue rulemaking instead of Orders for those materials facilities for which the staff believes fatigue-related requirements are necessary for appropriate personnel. This rulemaking effort would be a separate Part 26 rulemaking from the rulemaking currently in progress to address fatigue-related concerns at power reactors. Since this issue has already had significant consideration, the staff should proceed to the proposed rule stage without the need for a formal rulemaking plan. The staff should provide a progress report to the Commission in April 2005.

(EDO) (SECY Suspense: 4/22/05)

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
CFO
OCA
OPA
PDR