



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

June 6, 2016

SECRETARY

MEMORANDUM TO: Victor M. McCree  
Executive Director for Operations

FROM: Rochelle C. Baval, Acting Secretary */RA/*

SUBJECT: STAFF REQUIREMENTS – SECY-15-0149 – ROLE OF THIRD-PARTY ARBITRATORS IN LICENSEE ACCESS AUTHORIZATION AND FITNESS-FOR-DUTY DETERMINATIONS AT NUCLEAR POWER PLANTS

The Commission has approved the staff's Option 1A to proceed with the rulemaking process to further explore the issues raised in the staff's paper and in the divergent comments offered by unions and licensees on the topic.

In proceeding with rulemaking, the staff should endeavor to ensure that any proposed revisions to our regulations are as narrowed in scope as is necessary to ensure the public safety and security.

The staff should not unnecessarily preclude arbitration outright but should consider how the NRC's goals can be achieved while still allowing redressability with respect to a licensee's access determinations.

The staff should make specific outreach to potentially affected labor organizations regarding the proposed content and timeframe for the proposed rule, in addition to its normal outreach efforts.

Any further rule on access authorization and fitness-for-duty determinations at nuclear power plants should ensure that there is a reasonable and balanced accommodation of interests in access determinations.

The proposed rule should include a robust appeal process for workers whose access authorization is denied or revoked.

The staff should address third-party review of fitness-for-duty determinations in the same rulemaking.

The staff should maintain awareness of ongoing arbitration of access authorization determinations so that orders can be prepared in any case in which Commission intervention is necessary to ensure the safety and security of a nuclear power plant.

cc: Chairman Burns  
Commissioner Svinicki  
Commissioner Ostendorff  
Commissioner Baran  
OGC

CFO  
OCA  
OPA  
ODs, RAs, ACRS, ASLBP (via E-Mail)  
PDR