

June 29, 2016

The Honorable Robert A. Brady
United States House of Representatives
Washington, DC 20515

Dear Congressman Brady:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to a May 4, 2016, letter from you and a number of your colleagues. In your letter, you urge the Commission to reject the NRC staff's recommendation that the agency initiate an expedited rulemaking to clarify that only licensees can make final access authorization determinations. The staff had provided its recommendation to the Commission in SECY-15-0149, "Role of Third-Party Arbitrators in Licensee Access Authorization and Fitness-For-Duty Determinations at Nuclear Power Plants." The Commission has now completed its deliberations on the matter and I am writing to advise you the Commission's decision.

The Commission has approved a modified version of the staff's proposal to proceed with the rulemaking process to further explore the issues raised in SECY-15-0149 and to consider the divergent comments offered by labor organizations and licensees. Specifically, the Commission directed the staff as it proceeds with this rulemaking to do the following:

- Endeavor to ensure that any proposed revisions to NRC regulations are as narrow in scope as is necessary to ensure the public safety and security;
- Not unnecessarily preclude arbitration outright, but consider how the NRC's goals can be achieved while still allowing review of a licensee's access determinations;
- Make specific outreach to potentially affected labor organizations regarding the proposed content and timeframe for the proposed rule, in addition to the NRC staff's normal outreach efforts during rulemaking;
- Ensure that, in any further rule on access authorizations and fitness-for-duty determinations at nuclear power plants, there is a reasonable and balanced accommodation of interests in access determinations;
- Provide a robust appeal process for workers whose access authorization is denied or revoked;
- Address third-party review of fitness-for-duty determinations in the same rulemaking; and
- 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.

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The Commission's direction to the staff will ensure that the views of all affected parties will be fully considered. If you need any additional information, please contact me or Eugene Dacus, Director of the Office of Congressional Affairs, at (301) 415-1776.

Sincerely,

/RA/

Stephen G. Burns

Identical letters sent to:

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The Honorable Tammy Duckworth
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The Honorable James R. Langevin
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The Honorable Donald M. Payne, Jr.
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The Honorable Alan Lowenthal
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The Honorable Joyce Beatty
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