



OFFICE OF THE
SECRETARY

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

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IN RESPONSE, PLEASE
REFER TO: M840705

July 9, 1984

MEMORANDUM FOR: William J. Dircks, Executive Director
for Operations

Joseph J. Fouchard, Director
Office of Public Affairs

Carlton Kammerer, Director
Office of Congressional Affairs

FROM: Samuel J. Chilk, Secretary

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION/DISCUSSION
AND VOTE, 3:30 P.M., THURSDAY, JULY 5, 1984,
COMMISSIONERS' CONFERENCE ROOM, D.C. OFFICE
(OPEN TO PUBLIC ATTENDANCE)

I. SECY-83-339/339A - Additional Information Regarding Final
Proposed Fitness for Duty Rule (SECY-83-339)

The Commission, by a 4-0* vote (with Commissioner Zech not participating due to a lack of opportunity to familiarize himself with the issue), approved publication of the final rule on fitness for duty as presented in SECY-83-339 and modified in SECY-83-339A, subject to the following:

1. You should prepare a generic letter to all licensees providing a general description of how the NRC will determine compliance with this rule.
(EDO/NRR/IE) (SECY Suspense: 8/6/84)
2. The effective date of the rule should be modified so that it is 30 days after issuance of the staff's generic letter. You should forward the rule for signature and publication in the Federal Register.
(EDO) (SECY Suspense: 8/6/84)

* Section 201 of the Energy Reorganization Act, 42 U.S.C. Sec. 5841, provides that action of the Commission shall be determined by a "majority vote of the members present." Commissioner Bernthal was not present when this item was affirmed, but had previously indicated that he would approve. Had Commissioner Bernthal been present, he would have affirmed his prior vote. Accordingly, the formal vote of the Commission was 3-0 in favor of the decision.

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3. You should explore with INPC and NUMARC their willingness to undertake the development of detailed program elements and acceptance criteria for a fitness for duty program. If they are willing, the Commission is prepared to allow them to take the lead in lieu of further development by NRC of prescriptive guidance. You should advise the Commission on the response of the industry to this approach.
(EDO) (SECY Suspense: 9/15/84)
4. The appropriate Congressional committees should be informed.
(OCA) (SECY Suspense: 8/6/84)
5. Copies of the final rule should be forwarded to all affected licensees and interested persons.
(EDO) (SECY Suspense: 8/6/84)
6. A public announcement should be issued.
(OPA) (SECY Suspense: 8/6/84)

II. SECY-84-252A - Callaway Joint Intervenors' Motion for Leave to File Contention on Financial Qualifications

The Commission, by a 3-1** vote (Commissioner Asselstine voting against; and with Commissioner Zech not participating due to a lack of opportunity to familiarize himself with the issue), approved an Order denying two motions of April 18, 1984 and June 13, 1984 by Joint Intervenors in the Callaway proceeding for leave to file supplemental contentions on financial qualifications and to stay or set aside the 5 percent operating license.

(Subsequently, on July 6, 1984 the Secretary signed the Order.)

cc: Chairman Palladino
Commissioner Roberts
Commissioner Asselstine
Commissioner Bernthal
Commissioner Zech
Commission Staff Offices
PDR - Advance
DCS - 016 Phillips

** Section 201 of the Energy Reorganization Act, 42 U.S.C. Sec. 5841, provides that action of the Commission shall be determined by a "majority vote of the members present." Commissioner Bernthal was not present when this item was affirmed, but had previously indicated that he would approve. Had Commissioner Bernthal been present, he would have affirmed his prior vote. Accordingly, the formal vote of the Commission was 2-1 in favor of the decision.