



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

NOTE FOR: Robert B. Minogue, Director, RES  
FROM: Karl R. Goller, Director, DFO/RES  
SUBJECT: ADDITIONAL INFORMATION REGARDING FINAL PROPOSED FITNESS  
FOR DUTY RULE (SECY 83-339)

This is to call to your attention that the subject paper, which responds to a Commission request for additional information, has been changed in several ways since the version that was prepared by DFO, concurred in by RES staff (including you) and was submitted to the EDO. The more important of these changes, as far as DFO personnel are concerned, are as follows:

1. Escorted vs. denial of access for NRC and other government employees considered by the licensee to be unfit for duty. The rulemaking package, SECY 83-339 did not consider this since it recommended that the rule should not apply to NRC and other government employees. However, the Commission has determined that the rule should apply to such persons and requested the staff to provide recommendations on whether such persons should be denied access or provided escorted access. The staff recommendation in the current version of the subject paper is that NRC and other government employees should be provided escorted access.
2. Statement on page 2 (line 3-4) of the subject paper that states: "We still believe that NRC employees should not be covered by this rule;..." This statement was added to the subject paper at the EDO concurrence level.

The position of DFO staff members on these changes varies among the individuals who concurred in the original version. Tom Ryan, the project manager for the rulemaking, does not agree with either change. C. Overbey, Section Leader; Jim Norberg, Branch Chief; and I agree with No. 1 (although somewhat reluctantly), but we cannot, however, agree with No. 2, the reclama on applicability to NRC employees. Bill Morrison, DD, DFO, can accept both changes.

As you may recall, the original rulemaking package (SECY 83-339) from DFO included NRC employees and furthermore denied their access if the licensee considered them unfit for duty. This was modified at the office concurrence

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level, at NRR and IE behest, so as not to be applicable to NRC and other government employees. As I recall, you did not agree with this change yourself, but decided not to make an issue of it.

All the DFO staff members having a problem with these issues have participated in revising the Commission paper as directed and have no intention of making an issue of their disagreement, but do not want to reconcur in the revised paper.

This note is provided to you at Denny Ross' request so that you are fully aware of the various staff views on this paper.

Karl R. Goller, Director  
Division of Facility Operations  
Office of Nuclear Regulatory Research

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