

December 4, 2000

MEMORANDUM William D. Travers
FOR: Executive Director for Operations
FROM: Annette L. Vietti-Cook, Secretary */RA/*
SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 1:55 P.M., MONDAY, DECEMBER 4, 2000,
COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO PUBLIC
ATTENDANCE)

I. SECY-00-0159

The Commission approved a final rule, with the attached changes, which amended 10 CFR Part 26 to ensure compatibility with changes in the Department of Health and Human Services guidelines, to reduce regulatory burden in some areas, clarify the Commission's original intent of the rule, and improve overall program effectiveness and efficiency. In addition, the rule also granted a December 30, 1993, petition for rulemaking submitted by Virginia Power, by changing the audit frequency of fitness-for-duty programs from one year to three years.

Following incorporation of these changes, the Federal Register notice should be reviewed by the Rules Review and Directives Branch in the Office of Administration and forwarded to the Office of the Secretary for signature and publication.

(EDO) (SECY Suspense: 4/4/01)

Attachment: As stated

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
CIO
CFO
OCAA
OCA
OIG
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR - Advance

ATTACHMENT

Comments and Changes to Final Rule in SECY-00-0159

Changes to the *Federal Register* Notice (Attachment A)

1. On page 63, paragraph "(4)", line 5 should read " ... "Analysis of the Application of ~~to~~ the Backfit"
2. On page 69, line 1: refers to "eight" factors in §50.109(c) "as follows", but then lists nine.

Changes to the Analysis of the Application of the Backfit Rule to the Revisions to the Fitness for Duty Rule (Attachment F)

1. The Attachment should be revised to begin as follows:

"This paper presents the staff's analysis of the application of the NRC's Backfit Rule (10 CFR 50.109) to each individual revision to the Fitness-for-Duty rule (10 CFR Part 26). As explained in the Federal Register notice associated with this rulemaking, the Commission also performed and relied upon a backfit analysis considering all the changes in the aggregate. Thus, this paper provides only part of the backfit analysis upon which this rulemaking is based.

In publishing the proposed revisions "

2. This Attachment should be amended appropriately to reflect the fact that the final rule does not adopt the more restrictive temperature range in sections 2.4(g)(13) and (15) and the requirement for a medical determination of fitness for employees who are tested for cause and test negative.