

May 25, 2004

MEMORANDUM TO: Luis A. Reyes  
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary */RA/*

SUBJECT: STAFF REQUIREMENTS -COMSECY-04-0014 - STATUS OF  
10 CFR PART 26 RULEMAKING ACTIVITIES FOR DRUG  
TESTING AND FATIGUE

The Commission has disapproved the staff's proposal to separate the 10 CFR Part 26 rulemakings on drug testing and fatigue into two sequential rulemakings. The staff should instead proceed with a combined rulemaking with a proposed rule to the Commission by December 2005.

(EDO)

(SECY Suspense: 12/30/05)

The staff should ensure that it takes every practical step available, including the use of a disciplined schedule, to expedite the combined rulemaking so that it submits the combined proposed rule no later than the due date and, if possible, in advance of the due date.

The Commission also reemphasized the guidance in the October 3, 2001 Staff Requirements Memorandum on SECY-01-0134 that this rulemaking needs to be conducted openly with the active engagement of stakeholders not only on the rulemaking package, but on guidance development.

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