

IN RESPONSE, PLEASE
REFER TO: M070724B

July 24, 2007

MEMORANDUM FOR: Luis A. Reyes
Executive Director for Operations

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

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 1:55 P.M.,
TUESDAY, JULY 24, 2007, COMMISSIONERS' CONFERENCE
ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND
(OPEN TO PUBLIC ATTENDANCE)

I. COMDEK-07-0004 - REQUEST FOR RECONSIDERATION OF THE WORDING OF 10
CFR § 26.205(d)(4) AS AFFIRMED ON APRIL 17, 2007

On April 17, 2007, the Commission approved a final rule which amended 10 CFR Part 26 governing the domestic licensing of production and utilization facilities to revise, reorganize, and clarify drug and alcohol testing programs and establishing requirements for managing worker fatigue at operating nuclear power plants. Subsequently, the Chairman submitted a Request for Reconsideration to modify the final rule by restoring the words "working on outage activities" in place of "solely performing outage activities" in the first sentence of 10 CFR § 26.205(d)(4) and any other sections related to this specific matter.

The Commission approved reconsideration of this one provision of the rule and approved the final rule as affirmed on April 17, 2007, with this modification.

Following incorporation of the changes noted in the SRM dated April 17, 2007 (M070417B) and this modification, the Federal Register notice should be forwarded to OMB for approval, 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:

11/8/07)

cc: Chairman Klein
Commissioner McGaffigan
Commissioner Jaczko
Commissioner Lyons
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