

August 8, 2007

Mr. Marvin S. Fertel
Senior Vice President
and Chief Nuclear Officer
Nuclear Energy Institute
1776 I Street, NW, Suite 400
Washington, DC 20036-3708

Dear Mr. Fertel:

The U.S. Nuclear Regulatory Commission (NRC) received your letters dated April 24, 2007, and May 8, 2007, regarding the Commission's instructions in its Staff Requirements Memorandum (SRM) (M070417B) for SECY-06-0244, "Final Rulemaking 10 CFR Part 26 – Fitness-For-Duty Programs." In the letters, you noted industry concern with the Commission's instructions to replace the words, "working on unit outage activities" with "solely performing outage activities" in § 26.205(d)(4) of the final rule. On July 24, 2007, the Commission approved a request by Chairman Klein to reconsider that rule provision and restore the words "working on outage activities" in place of "solely performing outage activities" (SRM-M070724B). The NRC staff is progressing in completing the rule as directed by the April 17, 2007, and the July 24, 2007, SRMs and will continue to engage industry and other stakeholders to complete the regulatory guidance for this rule and ensure that it addresses the broad range of questions of interpretation and implementation.

Sincerely,

/RA/ J. Wiggins for

J. E. Dyer, Director
Office of Nuclear Reactor Regulation

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