

January 9, 2002

MEMORANDUM TO: Glenn M. Tracy, Chief
Reactor Safeguards, Radiation Safety
and Emergency Preparedness Branch
Division of Inspection Program Management
Office of Nuclear Reactor Regulation

FROM: Alan L. Madison, Chief **/RA/**
Reactor Safeguards Oversight Section
Reactor Safeguards, Radiation Safety
and Emergency Preparedness Branch
Division of Inspection Program Management
Office of Nuclear Reactor Regulation

SUBJECT: PUBLIC MEETING TO DISCUSS (1) THE FITNESS-FOR-DUTY RULE
(SECY-01-0134), INCLUDING PROPOSED REQUIREMENTS FOR
DECOMMISSIONED PLANTS, AND (2) NRC STAFF REVIEW
RESULTS CONCERNING INDUSTRY GUIDELINES FOR NUCLEAR
POWER PLANT ACCESS AUTHORIZATION PROGRAMS (NEI 99-08)

DATE AND TIME: January 17, 2002
8:30 AM to 5:00 PM

NOTE: **Attached is the draft proposed outline for the fitness-for-duty rule
that will be discussed at the January 17, 2002, meeting.**

LOCATION: U. S. Nuclear Regulatory Commission
One White Flint North
Room: O-14-B6
11555 Rockville Pike
Rockville, Maryland

AGENDA TOPIC: Discussion of the fitness-for-duty rule, including proposed requirements
for decommissioned plants, and NEI 99-08.

PARTICIPANTS:

<u>NRC</u>	<u>INDUSTRY</u>	<u>OTHER STAKEHOLDERS</u>
Alan Madison	James Davis, NEI	See attached mailing list
Garmon West	Richard Enkeboll, NEI	
Geary Mizuno		
Brad Baxter		
Frank Collins		

CONTACT: This meeting is open to participation by all interested members of the
public. To ensure adequate meeting accommodations, members of the
public who wish to attend should contact Garmon West at (301) 415-
1044 or at fitnessforduty@nrc.gov.

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DATE	1/9/02	1/9/02

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REVISION 2.6 TO PROPOSED FFD RULE OUTLINE

Subpart A - Administrative Provisions (Draft by 1/31/02)

Purpose (26.1)

Scope **and Applicability** (26.2)

- (a) Licensees
- (b) Construction
- (c) SSNM Companies (was d)
- (d) Reserved - Decommissioned plants
- (e) Personnel subject to this part
 - (1) All persons granted unescorted access to the protected area
 - (2) Contractors and vendors (26.23)
 - (3) SSNM licensee and transporter personnel
 - (4) FFD personnel
 - (5) Fuel handlers
 - (6) All persons granted unescorted access to spent fuel pool areas
- (f) Exclusions (was b - current f deleted)

Definitions (26.2)

Abuse of legal drugs
Aliquot
Behavioral observation
Blood alcohol concentration
Category IA material
Chain of custody (Appendix A, 1.2)
Collection site (Appendix A, 1.2)
Collection site person (Appendix A, 1.2)
Commission
Confirmatory test
Confirmed positive test result
Contractor
Custody-and-control form
Cut-off level
HHS-certified laboratory
History of substance abuse (delete)
Illegal drugs
Laboratory confirmed positive
Licensee's testing facility
Limit of detection (Appendix A, 1.2)
Medical determination of fitness
Medical Review Officer
Pre-access test
Potentially disqualifying FFD information
Presumptive positive screening test
Protected area
Screening test

SSNM
Substance abuse
Subversion and subvert the testing process
Suitable inquiry
Supervisor
Transporter
Vendor

Interpretations (26.4)

Exemptions (26.6)

Communications (26.7)

Information Collection Requirements: OMB Approval (26.8)

Future Revisions (Appendix A, 1.3)

Subpart B - Program Elements (Draft by 3/31/02)

General Performance Objectives (26.10)

Written Policy and Procedures (26.20)

Training

- (a) Content of training for all personnel (26.21a)**
- (b) Content of training for supervisors and escorts (26.22a)**
- (c) Initial training (26.21b, 26.22c)**
- (d) Retraining (26.21b, 26.22c)**

Chemical and Alcohol Testing

- (a) Chemical and alcohol testing required (26.24a intro, but not 1-5)**
- (b) Testing must conform to guidelines (26.24b, Appendix A, 1.1b)
- (c) Substances to be tested (26.24c, Appendix A, 2.1)
- (d) Specimens forwarded to HHS-certified laboratory (26.24d(1), Appendix A, 1.1c)

Behavioral Observation

Employee Assistance Programs (26.25)

Protection of Information (26.29, Appendix A, 3.1)

Due Process Protection (was Appeals 26.28)

Audits and Corrective Action (26.71d, 26.80)

Subpart C - Gaining Unescorted Access (Draft by 2/28/02)

Initial Access

- (a) Self disclosure
- (b) Suitable inquiry (SI) employment check
 - (1) Temporary UA—background investigation for one year
- (c) Pre-access testing ((26.24a(1)))

Update (greater than 365 but less than 3 years)

- (a) Self disclosure—since last access
- (b) SI—since last access
- (c) Pre-access testing

Reinstatement (less than 365 days)

- (a) 30 days or less—no FFD sample
- (b) More than 30 days, less than 365 days
 - (1) Self disclosure-since last access
 - (2) SI employer checks—initiate since last access
- (c) Pre-access testing—taken, but results not needed

Subpart D - Maintaining Access (Draft by 2/28/02)

Random testing ((26.24a(2)))

For-cause testing ((26.24a(3)))

Followup testing ((26.24a(4)))

Follow-up Programs

- (a) Required program elements

Behavioral observation

Subpart E - Management Action and Issue Resolution—(applies to both Subparts C and D above) (Draft by 2/28/02)

Actions and Sanctions (26.27a-d)

- (a) Potentially disqualifying FFD information
- (b) MRO review of results (26.24f, Appendix A, 2.9)
- (c) Medical determination of fitness

Subpart F - Chemical Testing Procedures (Draft by 4/30/02)

Drug Testing

- (a) HHS testing of urine specimens (26.24g)
- (b) Scientific and technical requirements (Appendix A, 2.2-2.9)
- (c) Panel and cutoff levels
- (d) Onsite testing (26.24d)
- (e) Problems in urine testing (26.24i)
 - (1) Partial specimens

Alcohol Testing

- (a) Tests for alcohol (26.24h)
- (b) Problems in alcohol testing (26.24i)

Insuring Test Integrity

- (a) Time allowed for notification (26.24e)
- (b) Prevention of subversion of testing (Appendix A, 2.3)
- (b) Security and chain of custody (Appendix A, 2.2a-c, 2.4c-e, 2.4g)
- (c) Test validation (Appendix A, 2.8 & HHS Validity Testing Guidelines)

Subpart G - Program Personnel Qualifications (Draft by 4/30/02)

MRO

Medical Professional

Substance Abuse Professional

HHS-Certified Laboratory Personnel (Appendix A, 2.5)

Licensee Testing Facility Personnel (Appendix A, 2.6)

- (1) Day-to-Day Management of Operations
- (2) Other Personnel

Subpart H - HHS-Certified Laboratories (Draft by 4/30/02)

Use of HHS-Certified Laboratories (4.1)

Laboratory and Testing Facility Analysis Procedures

Subpart I - Recordkeeping and Reporting (Draft by 4/30/02)

Reporting Requirements (26.73)

Recordkeeping Requirements (26.71)

Subpart J - Enforcement (Draft by 4/30/02)

Violations (26.90)

Criminal Penalties (26.91)

Inspections (26.70)

Other Stakeholders Mailing List

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