

March 23, 2016

MEMORANDUM TO: William Gott, Chief
Fuel Cycle Safety and Transportation Security Branch
Division of Security Policy
Office of Nuclear Security and Incident Response

FROM: Paul Harris, Senior Program Manager */RA/*
Fuel Cycle Safety and Transportation Security Branch
Division of Security Policy
Office of Nuclear Security and Incident Response

SUBJECT: FORTHCOMING PUBLIC MEETING REGARDING FITNESS-
FOR-DUTY (FFD) PROGRAM EFFECTIVENESS,
REQUIREMENTS, AND GUIDANCE, AND MINIMIZING FUTURE
FFD-RELATED PROGRAM CHANGES

DATE & TIME: April 19, 2016, 1:00 p.m. – 5:00 p.m.

LOCATION: U.S. Nuclear Regulatory Commission (NRC)
1st Floor Conference Room, 1C3
Three White Flint North
11601 Landsdown Street
North Bethesda, MD 20852

CATEGORY: This is a Category 3 public meeting. Public participation is
actively sought for this meeting to fully engage the public in a
discussion of regulatory issues.

PURPOSE: The purpose of this meeting is to discuss FFD program
effectiveness, requirements, guidance, and possible strategies to
minimize future FFD-related program changes. The NRC staff will
present FFD performance data and trend information, discuss the
requirements detailed in Title 10 of the *Code of Federal
Regulations*, Part 26, “Fitness for Duty Programs,” review program
guidance, and seek collaboration on areas where policy and
guidance can be improved to enhance program effectiveness and
to possibly reduce costs. The agenda will include a discussion
regarding the U.S. Department of Health and Human Services’
“Mandatory Guidelines for Federal Workplace Drug Testing
Programs.”

Meeting participants are encouraged to prepare for this meeting
by reviewing the technical topics (enclosed) and any additional
material that will be posted on the NRC’s public meeting website
located at <http://meetings.nrc.gov/pmns/mtg>.

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Interested members of the public can participate in this meeting in person or via a toll-free audio teleconference number provided below. Members of the public who wish to attend the meeting should contact the meeting contact prior to Friday, April 15, 2016.

MEETING CONTACT: Paul Harris, NSIR/DSP/FCSTB
301-287-9294
Paul.Harris@nrc.gov

PARTICIPANTS: NRC
Nuclear Energy Institute
Fuel Cycle Industry Representatives
Commercial Power Reactor Representatives
International Brotherhood of Electrical Workers
U.S. Department of Health and Human Services
Public

Teleconference: Bridge Number Pass Code
(888) 391-1208 49169

The NRC's Policy Statement, "Enhancing Public Participation in NRC Meetings," effective May 28, 2002, applies to this meeting. The policy statement may be found on the NRC Web site, <http://www.nrc.gov/reading-rm/doc-collections/commission/policy/67fr36920.html>.

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If reasonable accommodation is needed to participate in this meeting, or if a meeting notice, transcript, or other information from this meeting is needed in another format (e.g., Braille, large print), please notify the NRC meeting contact. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Enclosure:

1. Agenda and Technical Topics

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1. Agenda and Technical Topics

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TENTATIVE AGENDA

PUBLIC MEETING REGARDING FITNESS-FOR-DUTY (FFD) PROGRAM EFFECTIVENESS, REQUIREMENTS, GUIDANCE, AND MINIMIZING FUTURE FFD-RELATED PROGRAM CHANGES

**Tuesday, April 19, 2016
1:00 p.m. – 5:00 p.m.
1st Floor Conference Room, 1C3
Three White Flint North**

START TIME	TOPIC
12:30 p.m.	Security check in
12:50 p.m.	Introductions, Agenda, and Administration
1:00 p.m.	Technical Topics (Enclosure 2)
4:45 p.m.	Wrap Up
5:00 p.m.	Adjourn

The purpose of this meeting is to discuss fitness-for-duty (FFD) program effectiveness, requirements, and guidance, and minimizing future FFD-related program changes. This effort will help ensure that the Title 10, Code of Federal Regulations, Part 26, "Fitness for Duty Programs," (FFD programs) regulatory framework continues to protect public health and safety, promote the common defense and security, and protect the environment (see the U.S. Nuclear Regulatory Commissions' Strategic Plan, Fiscal Years 2014 – 2018, located at <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1614/v6/>). The Part 26 framework helps the NRC accomplish its mission by requiring licensees and other entities to implement FFD programs that, in part, meet or exceed the 10 CFR 26.23 performance objectives. These performance objectives are to:

- (a) Provide reasonable assurance that individuals are trustworthy and reliable as demonstrated by the avoidance of substance abuse;
- (b) Provide reasonable assurance that individuals are not under the influence of any substance, legal or illegal, or mentally or physically impaired from any cause, which in any way adversely affects their ability to safely and competently perform their duties;
- (c) Provide reasonable measures for the early detection of individuals who are not fit to perform the duties that require them to be subject to the FFD program;
- (d) Provide reasonable assurance that the workplaces subject to this part are free from the presence and effects of illegal drugs and alcohol; and

Enclosure

- (e) Provide reasonable assurance that the effects of fatigue and degraded alertness on individuals' abilities to safely and competently perform their duties are managed commensurate with maintaining public health and safety.

The U.S. Nuclear Regulatory Commission (NRC) technical staff will discuss the below listed technical topics with meeting participants and present FFD performance data and trends that have been observed in the commercial nuclear industry. During discussions, the staff hopes to learn of public and industry insights and concerns related to implementation of the Part 26 program and hear of industry successes or practices to address program challenges associated with the technical topics.

The technical topics were developed from staff evaluation of NRC inspector observations and findings, lessons learned from Part 26 implementation, and FFD performance information obtained from the commercial nuclear industry. The FFD performance information is aggregated from licensees and other entities making required reports to the NRC pursuant to 10 CFR 26.717, FFD performance data; 10 CFR 26.719, reporting requirements; and, 10 CFR 26.169(h), laboratory testing information. From this reported information, the staff evaluates and summarizes industry performance in annual reports that may be viewed at <http://www.nrc.gov/reactors/operating/ops-experience/fitness-for-duty-programs/performance-reports.html>.

Technical Topics

1. Prescriptions, medically-disqualifying drugs (MDD), and marijuana
2. Expansion of the panel of drugs to be tested
3. Pre-access, random, for-cause, post-event, and group testing
4. Subversion of the drug testing process
5. Hair, oral fluid, and point-of-collection testing
6. Abstinence, sanctions, and determinations of fitness
7. Authorization and behavioral observation programs
8. Performance-based requirements (e.g., audits and inspection)
9. Construction reactors, independent spent fuel storage facilities and decommissioning reactors
10. U.S. Department of Health and Human Services' "Mandatory Guidelines for Federal Workplace Drug Testing Programs" and future updates

Questions and comments outside the scope of these technical topics should be held to the end of the meeting if time allows. All topics may not be covered during the meeting.