

NRC Public Meeting

Discuss SFAQ 2022-02 (SAE Program Requirements)

November 16, 2023
(Webinar)



Meeting Agenda

Time	Topic	Speaker
2:00 – 2:05 PM	Opening Remarks	NRC
2:05 – 3:25 PM	Discuss of SFAQ 2022-02	NRC/Industry
3:25 – 3:30 PM	Closing Remarks	Industry/NRC

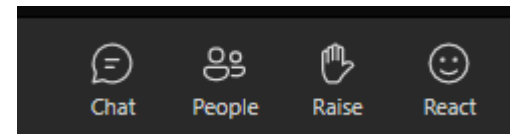
Opening Remarks

Meeting Purpose

Provide licensees and other entities with an opportunity to discuss the draft NRC response to a question received on 10 CFR Part 26 Fitness For Duty Program applicability to Substance Abuse Experts (SAEs) that perform services for licensees and other entities.

Meeting Category: *Information Meeting with a Question-and-Answer Session.* Attendees will have an opportunity to ask questions of the NRC staff or make comments about the issues discussed throughout the meeting; however, the NRC is not actively soliciting comments towards regulatory decisions at this meeting.

Ask a Question/Make a Comment: Select the “Raise” hand feature in Teams (we’ll call on you when ready)



Opening Remarks

The NRC publicly released a draft response to “SFAQ 2022-02, SAE Program Requirements” on October 6, 2023

- The draft response is available in the NRC’s Agencywide Documents Access and Management System (ADAMS) under Accession Number **ML22208A126**
- The draft response also is available in a link provided in the public meeting announcement on the NRC public meeting website

Background on SAE position

Created in the March 31, 2008, 10 CFR Part 26 final rule

“Another significant change...is the establishment of a new position within FFD programs—the “substance abuse expert” (SAE). **The SAE is responsible for performing a determination of fitness**, which is determining whether there are indications that an individual may be in violation of the licensee’s or other entity’s FFD policy or is otherwise unable to safely and competently perform his or her duties, in those instances in which an individual may not be fit for duty for reasons related to drug or alcohol abuse.” (73 FR 16977)

Background on SAE position

Three reasons for establishing the SAE position in the 2008 Part 26 final rule:

- 1) **“some MROs who provide services under Part 26 have indicated they do not feel qualified to assess** the presence and severity of substance abuse disorders, make treatment recommendations, **and determine** when an individual who has had a substance abuse disorder may again be able to safely and competently perform duties under this part”
- 2) **“healthcare professionals other than licensed physicians may have the requisite knowledge and skills to serve as SAEs** under the rule ... the final rule defines the position of SAE in terms of the knowledge and skills required, and permits healthcare professionals other than licensed physicians to serve in this role.”

Background on SAE position

- 3) “under the final rule, **FFD programs are permitted to accept determinations of fitness and treatment plans from other Part 26 programs...detailed requirements for the qualifications and responsibilities of the SAE are necessary to ensure consistency among FFD programs...**[and] because of the key role the SAE plays in assuring the common defense and security and public health and safety when making a determination of fitness on which licensees and other entities will rely when making authorization decisions. **It is critical that SAEs understand the potential impact on the common defense and security and public health and safety when determining that an individual who has had an active substance abuse problem has resolved the problem and is again worthy of the public’s trust.** A sophisticated understanding of substance abuse problems and the types of adverse behaviors they may involve, including knowledge of the research literature and clinical experience, is necessary to inform the SAE’s clinical judgments in these circumstances.”

Review the SFAQ question and the draft NRC response

Open Discussion

Closing Remarks

NRC FFD Program Staff

Office of Nuclear Security and Incident Response

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