March 27, 1991 IN RESPONSE, PLEASE REFER TO: M910307A

MEMORANDUM FOR: James M. Taylor
Executive Director for Operations

FROM: Samuel J. Chilk, Secretary /S/

SUBJECT: STAFF REQUIREMENTS - BRIEFING ON STATUS OF FITNESS FOR DUTY PROGRAMS, 10:00 A.M., THURSDAY, MARCH 7, 1991, COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

The Commission was briefed by the NRC staff on the status of the Fitness-For-Duty program.

The Commission expressed an interest in a more detailed breakdown of the test data to include the following:

1. Specific results on licensed operators, including the drugs for which they tested positive and the percentage of the initial positive tests which were confirmed positive

2. Correlation between the reasons for each of the for-cause testing categories and the associated results for each category

3. Details on test reliability and comparisons from NIDA on other drug testing programs used by other industries or agencies

4. How differences in the cutoff level for each drug tested may be affecting the number of initial and confirmed positive results obtained

5. Any data available on licensee Fitness-For-Duty program costs -- both for initial set-up as well as annual implementation.

(EDO) (SECY Suspense: 9/13/91)

The Commission requested more detail on a sampling of specific programs being used by various utilities and the rate at which initial positive results are confirmed by the second test.

(EDO) (SECY Suspense: 4/26/91)

The Commission also raised several concerns which the staff should investigate for potential changes to the Fitness-For-Duty rule. The staff should consider 1) the process for extrapolating test results back to the time an individual reported for duty, 2) requiring that the individuals involved in the testing process also be subject to the testing, 3) specifically requiring individuals to be provided copies of their drug test records, and 4) the need to be more explicit in setting requirements for individuals to participate in follow-up testing.

(EDO) (SECY Suspense: 9/13/91)

The Commission was also interested in the dissemination of the Fitness-For-Duty report to ensure that those subjected to the program were apprised of the results. The licensed operators in particular should be sent a copy of the report. The staff should also consider methods of making the report available to contractors who are subject to the testing program.

(EDO) (SECY Suspense: 5/15/91)

Commissioner Curtiss, in a memorandum dated March 8, 1991 (attached), requested the staff to respond to several questions related to the reliability of initial screening tests and the propriety of taking personnel actions solely on the basis of such test results. Because this information is central to the issue raised in SECY-91-048, Amendment To The Fitness-For-Duty Rule, Commissioner Curtiss wishes to review the staff's response before voting on the amendment.

Attachment:
As stated

cc: Chairman Carr
Commissioner Rogers
Commissioner Curtiss
Commissioner Remick
OGC
GPA
ACRS
PDR - Advance
DCS - P1-24