

M890427B
375

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

May 8, 1989

MEMORANDUM FOR: Victor Stello, Jr., Executive Director
for Operations

FROM: Samuel J. Chilk, Secretary

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION/DISCUSSION
AND-VOTE, 11:30 A.M., THURSDAY, APRIL 27,
1989, COMMISSIONERS' CONFERENCE ROOM, ONE
WHITE FLINT NORTH, ROCKVILLE, MARYLAND
(OPEN TO PUBLIC ATTENDANCE)

I. SECY-89-030A - Final Rulemaking - Fitness-For-Duty Programs.

The commission, by a 5-0* vote approved issuance of a final Fitness-for-Duty Rule which requires licensees authorized to construct or operate nuclear power reactors to implement a fitness-for-duty program. The program is intended to provide reasonable assurance that nuclear power plant personnel are reliable, trustworthy, and not under the influence of any substance, legal or illegal, or mentally or physically impaired from any cause which adversely affects their ability to safely and competently perform their duties.

The rule was approved as contained in SECY-89-030A subject to deleting the modifications made by the staff to Section 2.7(g)(2) and restoring the section to the original language approved by the commission as noted in the attached copy of page 131. The staff modifications to Section 2.7(g)(2) would have allowed presumptive positive results of preliminary testing to be provided to the Medical Review Officer, who could then inform licensee management if he or she concluded that the individual presented a hazard to self or others. As a safeguard for individuals undergoing random drug testing and to comply with Health and Human Services guidelines, the version approved by the commission requires that positive results be confirmed prior to their being provided to licensee management. Chairman Zech and commissioner Carr, while approving the final rule, would have preferred to retain the staff proposed language in Section 2.7(g)(2) and in addition would have lowered the cut-off level for marijuana screening tests to 50ng/ml.

*Section 201 of the Energy Reorganization Act, 42 USC Section 5841, provides that action of the Commission shall be determined by a 'majority vote of the members present., Commissioner Carr was not present when this item was affirmed. Accordingly, the formal vote of the Commission was*4-0 in favor of the decision. commissioner carr, however, had previously indicated that he would approve this paper and had he been present he would have affirmed his prior vote.

-2-
376

The Federal Register Notice should be modified as noted above (along with any additional editorial or needed consistency changes) and should be forwarded for signature and publication.

(EDO) (SECY SUSPENSE: 5/26/89)

Copies:

Chairman Zech
commissioner Roberts
commissioner Carr
commissioner Rogers
commissioner Curtiss
GPA
PDR - Advance
DCS - 1-24