

September 30, 2003

Mr. James W. Davis, Director
Operations Department
Nuclear Energy Institute
Suite 400
1776 I Street
Washington, D.C. 20006-3708

SUBJECT: Security Officer Work Hours Compensatory Measures

Dear Mr. Davis:

In response to your letter dated September 8, 2003, requesting NRC concurrence that the proposed language in the draft amendment to 10 CFR Part 26 to address fatigue is acceptable for defining the training an individual must have to evaluate an individual(s) fitness for duty as required by Order EA-03-038, the staff provides the interpretations discussed below.

You noted that the Order contains the following provision at section C.1(a)(3)(iii):

“An evaluation is performed, in advance, by individuals with training, as provided by the licensee, in the symptoms, contributing factors, and effects of fatigue that determined that the individual(s) fitness for duty would not be adversely affected by the additional work period to be authorized under the deviation, and...

NEI Question:

What level of training is required to meet the Order requirement?

NEI Proposed Answer:

The NRC proposed rulemaking to address worker fatigue has a similar requirement and specifies the knowledge and abilities (KAs) that would be required. Revision 5.3 to the amendment to 10 CFR Part 26, dated August 20, 2003 states, “a supervisor, qualified to direct the work to be performed and trained in accordance with the requirements of this part, assesses the individual(s) fitness for duty...” The training requirements are contained in section 26.29 of the draft rule. Based on the draft rule language, an acceptable approach would include:

1. The evaluation is performed by a security supervisor qualified to direct the work,
2. The supervisor has Unescorted Access Authorization and the supervisor(s) behavioral observation training is current, and
3. The supervisor has been trained and tested on the four relevant KAs, listed below.

§26.29 Training. (a) Content of training. Licensees and C/Vs shall ensure that individuals subject to this part have the knowledge and abilities (KAs) required to implement their responsibilities under the FFD policy, as follows:

- (6) Knowledge of the potential effects on job performance of prescription and over-the-counter drugs, dietary conditions, illness, mental stress, and fatigue;
- (9) Knowledge of the contributors to worker fatigue, circadian variations in alertness and performance, indications and risk factors for common sleep disorders, shiftwork strategies for obtaining adequate rest, and the effective use of fatigue countermeasures;
- (10) Ability to identify symptoms of worker fatigue and contributors to decreased alertness in the workplace;
- (11) Ability to observe and detect performance degradation, indications of impairment, or behavioral changes.

Successful completion of training must be demonstrated by passing an examination that addresses the KAs listed above with a minimum passing score of 80%.

NRC Staff Response:

The staff has concluded this is an acceptable approach that meets the intent of both the current 10 CFR 26 relevant requirements and NRC(s Order EA-03-038, Section C.1(a)(3)(iii), dated April 29, 2003. Therefore, until the draft 10 CFR 26 rule is issued as a final rule or until the Commission directs otherwise, this is an acceptable approach for satisfying the subject section of Order EA-03-038.

Any comments or additional questions regarding this letter, please contact Garmon West of my staff at (301)4415-0211.

Sincerely,

/RA/

Chris Nolan, Acting Section Chief
Licensee Personnel Security Section
Division of Nuclear Security
Office of Nuclear Security and Incident Response

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