From: <awbless@firstenergycorp.com>
To: <CAL@nrc.gov>
Date: 2/24/04 4:59PM
Subject: Fitness for Duty Procedure

Christine,
Attached is an electronic copy of NOP-LP-1002, "Fitness for Duty" per your request. Also find attached Form DB-0047, Overtime Deviation Request, referenced in the Fitness for Duty procedure.

(See attached file: NOP-LP-1002.pdf)(See attached file: DB-0047.doc)

Thank you,
Aaron Bless

(See attached file: NOP-LP-1002.pdf)
(See attached file: DB-0047.doc)

CC: <gadunn@firstenergycorp.com>

B-27

FITNESS FOR DUTY PROGRAM

Approval Authority: Thos E. Mulloy **Date:** 6-23-03

Effective Date: SEP 15 2003

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1.0 PURPOSE

The Fitness For Duty (FFD) Program, in accordance with 10 CFR Part 26, must provide reasonable assurance that personnel perform their duties in a safe, reliable, and trustworthy manner, and are not under the influence of legal or illegal substances, or mentally or physically impaired from other causes which would adversely hinder their ability to competently perform their duties. The program shall establish measures for the detection of individuals who are unfit to perform their duties and to achieve the goal of a drug and alcohol-free work force. Furthermore, the program provides established guidance necessary to control working hours.

2.0 SCOPE

2.1 Applicability

2.1.1 This procedure applies to the FENOC Nuclear Plants; Beaver Valley Power Station (BVPS); Davis-Besse Nuclear Power Station (DBNPS) and Perry Nuclear Power Plant (PNPP)

2.1.2 This procedure applies to company and contract personnel granted unescorted access to the Protected Area, or assigned duties in the Emergency Response Facilities (ERF). This procedure shall require implementing procedures.

2.1.3 The limits and controls placed on overtime hours are applicable to plant and contractor personnel who perform safety-related functions (e.g., Senior Reactor Operators, Reactor Operators, and Non-Licensed Operators, Radiological Protection Technicians, and key Maintenance personnel.)

2.2 Exceptions

This procedure does not apply to the following:

2.2.1 NRC employees, except as noted in Section 4.13.

2.2.2 Law enforcement personnel required to have access due to official business.

2.2.3 Offsite emergency fire and medical response personnel while responding to an emergency on-site.

2.2.4 State, County, and Local Officials responding to FENOC Emergency Nuclear Facilities outside the Protected Area.

2.2.5 Company, Contractor or Vendor representatives who are unexpectedly called to licensee emergency facilities outside the Protected Area during an accident.

3.0 DEFINITIONS

3.1 Aberrant Behavior - Any significant change in the individual's normal or usual functioning behavior in terms of work-related activities and interaction with other individuals in the work place. Aberrant behavior may be caused by stress, fatigue, other psychological problems or the use of drugs or alcohol.

3.2 Accessing Supervisor - A FENOC term used to describe the individual responsible for coordinating FFD and Access Authorization related issues with departmental representatives.

3.3 Accessing Unit - A FENOC term used to describe the Access personnel responsible for the implementation of the Access Authorization (AA) and FFD programs in accordance with 10 CFR 73.56 and 10 CFR, Part 26.

3.4 Allegation - An assertion not supported by documentation or physical evidence.

3.5 Collection Service Staff - A FENOC term used to describe the personnel responsible for supporting drug and alcohol testing.

3.6 Company/Contractor Supervisor - Individuals who are responsible for directing the work of individuals subject to 10 CFR, Part 26.

3.7 Confirmed Positive Test - The result of a confirmatory test that has established the presence of drugs or drug metabolites in a specimen at or above the cut-off level, and dilute specimens at the level of detection, that have been deemed positive by the Medical Review Officer (MRO) after evaluation. A confirmed positive test for alcohol may be obtained as a result of a confirmation of blood alcohol levels with a second breath analysis without MRO evaluation.

3.8 Contractor Personnel - Those personnel assigned to work at the nuclear site who are not employed by the Company or its subsidiaries.

3.9 Credible Information - Offering reasonable grounds for believing the facts or data.

3.10 Cut - Off Levels - The value set for designating a test result as positive:

Initial test cut-off levels (ng/ml):

Marijuana Metabolite	100 ng/ml
Cocaine Metabolites	300 ng/ml
Opiate Metabolites	300ng/ml*
Phencyclidine	25 ng/ml
Amphetamines	1000 ng/ml
Alcohol	0.04% Blood Alcohol Concentration (BAC)

* 25 ng/ml is immunoassay specific for free morphine

Confirmatory Test cut-off levels (ng/ml):

Confirmatory cut off levels for dilute specimens may be at the level of detection.

Marijuana	15 ng/ml *
Cocaine Metabolites	150 ng/ml **
Opiates:	
Morphine	300 ng/ml
Codeine	300 ng/ml
Phencyclidine	25 ng/ml
Amphetamines:	
Amphetamines	500 ng/ml
Methamphetamine	500 ng/ml
Alcohol	0.04% BAC

* Delta-9-tetrahydrocannabinol -9- carboxylic acid
** Benzoylecgonine

3.11 ERF (Emergency Response Facilities) - This includes the ECC (Emergency Control Center), TSC (Technical Support Center), OSC (Operations Support Center – Beaver Valley and Davis-Besse)/ EOF (Emergency Operations Facility – Beaver Valley) and, alternate EOF (JPIC - Beaver Valley) and (Emergency Offsite Facility - Perry).

3.12 Evidential Grade Breath Alcohol Analysis Device - Breath alcohol analysis device of a brand and model that conforms to National Highway Traffic Safety Administration (NHTSA) standards.

3.13 Fitness For Duty – The reasonable assurance that an individual performs duties in a safe, reliable and trustworthy manner.

3.14 Follow-Up Testing - Testing at unannounced intervals to ensure that an individual is maintaining abstinence from the use of drugs and/or alcohol.

3.15 For Cause Testing - Testing performed as a result of an assessment performed in response to any observed behavior/post accident indicating possible substance abuse or receipt of credible information that an individual is abusing drugs or alcohol.

3.16 Illegal Drugs - Those drugs included in Schedules I through V of the Controlled Substance Act, but not when used pursuant to a valid prescription.

3.17 Key Maintenance Personnel - Those personnel physically performing or immediately supervising the performance of maintenance, repair, testing, modification, or calibration of safety-related structures, systems, or components (this includes those persons providing Radiation Protection coverage for safety-related work). This does not include those support personnel needed for such tasks as erecting scaffolding, staging parts and equipment, etc.

3.18 Medical Review Officer (MRO) - A licensed physician responsible for receiving laboratory results generated by the nuclear sites drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's positive test result together with his or her medical history and any other relevant biomedical information.

3.19 Nominal - Term used to provide the licensee reasonable latitude. Plus or minus three months is consistent with NUREG 1385, Section 11.1. This latitude is acceptable provided it is not used repeatedly as an operational convenience to extend the training interval beyond the specified time.

3.20 Suitable Inquiry - The best-effort verification of self-disclosed FFD information and an employment history check, which is obtained by questioning previous employers to determine if the individual was, in the past: tested positive for illegal drugs; subject to a plan to treat substance abuse; removed from, or made ineligible for, activities within the scope of 10CFR Part 26; or denied unescorted access at any nuclear power plant or other employment with a FFD Policy.

4.0 PROCEDURE DETAILS

4.1 Specific Requirements

4.1.1 Issues which cannot be resolved by the Accessing Supervisor or designee shall be referred to the Security Manager for resolution.

4.1.2 The FFD Program shall adhere to the requirements set forth in 10 CFR, Part 26 and the Access Authorization Order.

4.1.3 The Accessing Supervisor or designee shall ensure a suitable inquiry is conducted in accordance with NOP-LP-1001, "Unescorted Access Requirements," before unescorted access is granted or an individual is assigned duties in the ERF.

4.1.4 The Emergency Planning organization shall provide the notification of ERF Assignment or Deletion to the Accessing Supervisor with the name of ERO member requiring assignment or deletion to the ERF, when applicable.

4.1.5 Upon notification from the Emergency Planning Section, the Accessing Unit shall:

1. Verify that the individual has completed:

   a. Drug and alcohol testing,

NOTE: FFD Training is currently covered under Plant Access Training (PAT).

   b. FFD Training.

   c. A suitable inquiry, **OR**

   d. The Individual possesses unescorted access to the Protected Area.

2. Notify the Emergency Planning Section after the verification is complete or the individual has completed the process.

NOTE: Contract & Procurement Group is:

Unit Outage Management Section at PPNP.
Procurement & Materials Strategy Section at BVPS.
Materials Management Unit at DBNPS.

4.1.6 The Contract and Procurement Groups shall ensure that there are provisions included in contracts and agreements for personnel services which require:

1. Prior to personnel assignment, contract companies shall inform the Accessing Unit if any of their employees have previously been denied access at a nuclear power plant for violations of a FFD program.

2. Contract personnel to comply with the FFD Program.

4.1.7 The service requestor shall ensure that contracts and agreements for drug testing laboratories include provisions that require adherence to the requirements of 10 CFR, Part 26.

4.1.8 The Company or Contract supervisors shall notify the Accessing Supervisor or designee of all FFD related allegations and forward written documentation to the Accessing Supervisor or designee.

4.1.9 The Accessing Supervisor or designee shall maintain documentation of all FFD related allegations.

4.1.10 Nuclear Security shall notify the NRC Operations Center of FFD events in accordance with the applicable site procedure.

4.1.11 The Health Services Staff shall provide the Accessing Unit with the information required to complete FFD Program Performance Data.

4.1.12 Nuclear Security shall ensure the FFD Program Performance Data is prepared at the end of each six-month reporting period in accordance with applicable site procedures. This includes information related to 24 hour NRC notifications of reportable FFD Events.

4.1.13 The Regulatory Affairs section shall submit the FFD Program Performance Data, to the NRC within 60 days of the end of each six-month reporting period in accordance with applicable site procedures.

4.1.14 The Accessing Supervisor or designee shall process denials, requests for appeal, or reinstatement, in accordance with applicable site procedures.

4.1.15 Personal information shall be collected and maintained by the Accessing Supervisor or designee in a confidential manner and shall only be disclosed to those individuals with a "need to know," or those individuals possessing a release from the individual.

4.1.16 Individual confidentiality refers to personal information collected and maintained by the Accessing Unit and the MRO and shall not be disclosed to persons other than:

1. Assigned MRO.
2. NRC representatives.
3. Appropriate law enforcement officials under court order.
4. Subject individual or authorized representative.
5. Other licensees or authorized representatives legitimately seeking the information required for unescorted access decisions who have obtained a release from the individual in question.
6. Company representatives with a need to have access to the information to perform assigned duties including:
   a. Personnel performing FFD Program audits.
   b. Personnel involved in deciding appeals.
7. Other persons pursuant to court order.

4.1.17 Company representatives shall not withhold evidence of criminal conduct from law enforcement officials.

4.2 Fitness for Duty Program Audits

4.2.1 The Company may accept other Nuclear Licensee's FFD Programs.

4.2.2 The Company shall only accept Contractor FFD Programs in accordance with NOP-LP-2002, "Supplier Audits and Evaluations."

4.2.3 The FFD Program and approved contractor programs shall be audited nominally every 12 months.

4.2.4 A pre-award inspection and evaluation of a laboratory's drug testing operation shall be conducted.

4.3 Fitness For Duty Training Requirements

4.3.1 Personnel granted unescorted access to the Protected Area or assigned duties in the ERF shall receive FFD Training prior to assignment in the following areas:

1. FFD requirements for all workers who have unescorted access to the Protected Area or assigned duties in the ERF in support of the Emergency Plan.
2. Personal, public health and safety hazards associated with the use/abuse of drugs (including prescription and over-the-counter drugs) and alcohol.
3. The company FFD Policy.
4. Individual responsibility under FFD.
5. The requirement to report all arrests that could impact on an individuals reliability and trustworthiness.
6. Methods used to implement the FFD Program.
7. The company's Chemical Test Program.
8. Purpose of the Employee Assistance Program (EAP).
9. The effects prescription and over-the-counter drugs may have on job performance and test results.
10. Role of the MRO in the FFD Program.
11. The consequences of not following the FFD Policy.

12 Individual rights regarding FFD.

13. Recognizing indicators of aberrant behavior.

14. Techniques for recognizing behavior which may result from using/abusing drugs and/or alcohol.

15. Behavioral observation techniques for detecting deterioration, impairment, or changes in individual behavior.

16. Recognizing drugs and indicators or the illegal use or possession of drugs including the possibility of intent to sell.

17. Recognizing behavior adverse to the safe operation and security of the facility.

18. Indicators of changes in behavior.

19. Individual responsibility and process for handling and reporting behavioral problems.

20. The supervisors role and responsibilities under the FFD Program.

21. The role of others in maintaining the company FFD Program.

22. Company policy on addressing and documenting suspect behavior.

23. The process for removing a potentially untrustworthy or unreliable person from the Protected Area.

24. The process for referral to the EAP.

4.3.2 FFD Training which qualifies an individual as an escort shall be completed in PAT.

4.3.3 Personnel shall receive refresher training at least nominally every 12 months.

4.3.4 The Emergency Planning Section shall ensure personnel requesting assignment to ERO duties which require access to ERF receive FFD Training in accordance with this section.

4.3.5 Managers and Supervisors have specific responsibilities in the company's FFD and Behavior Observation Programs which include:

1. Observing:

   a) Assigned individual's behavior patterns over time.

   b) Other workers and reporting any aberrant behavior detected.

2. Documenting: Documenting behavioral problems is an essential element in long-term observation so the cause of the change can be addressed.

   a) It is important to record facts as they occur.

   b) Accurate records become a tool for taking appropriate action and can be of use in the EAP problem solving process.

   c) Records are essential if disciplinary action becomes warranted.

3. Acting proactively to address behavior problems: A supervisor's responsibility is to recognize declining job performance, caused by behavioral problems, in its early stages and to respond promptly and constructively. When a supervisor observes or suspects that an individual is "unfit for duty", he/she shall report those suspicions/observations to his/her immediate supervisor. In addition, the supervisor shall:

   a) Request that another supervisor (or other utility employee, if a supervisor is not available) act as a witness to the circumstances;

   b) Relieve the individual of duty, if appropriate; and

   c) Report the facts of the situation to Security and the FFD Coordinator.

4.3.6 Individuals assigned supervisory responsibility for contractor personnel are responsible for FFD behavioral observation of these individuals.

4.3.7 When supervisory personnel do not complete FFD Training in the required time frame:

1. Either their personnel shall be reassigned to a trained Supervisor, **OR**
2. Personnel working for them may have their unescorted access temporarily revoked, **AND/OR**
3. Personnel working for them shall have their ERO duties in the ERF temporarily revoked, and Emergency Planning notified.

4.4 Chemical Testing Requirements

4.4.1 Alcohol testing shall be conducted any time chemical testing is required.

4.4.2 Chemical testing for the presence of illegal drugs shall be performed in accordance with site procedures.

4.4.3 Chemical testing shall, at a minimum, test for:

1. Marijuana
2. Cocaine
3. Opiates
4. Amphetamines
5. Phencyclidine

4.4.4 Tests for any illegal drugs may be performed on for-cause test specimens or any specimen suspected of being adulterated or diluted.

4.4.5 Personnel possessing unescorted access or individuals assigned to the ERF shall:

1. Report prescription or over-the-counter medications, which may have an affect on their ability to perform the job in a safe, reliable manner to their supervisor. The Supervisor shall not disclose information regarding medication to anyone other than Health Services Staff.

a. The Supervisor shall assess the individuals general physical condition.

AND

b. Review medications and request assistance from the Health Services Staff as necessary.

AND

c. Determine appropriate action based on assessment.

4.4.6 Personnel shall identify, to the best of their knowledge, prescription and over-the-counter medication taken within the previous 30 days at the time of testing. Verification of reported prescription medications may be requested by the collection staff.

4.4.7 When requested, the Health Services Staff shall:

1. Evaluate identified prescription and over-the-counter medication to determine if use of the medication may affect the individual's FFD.

2. Notify the individual's supervisor if it is determined that the medication may affect the individual's FFD.

4.4.8 The Accessing Unit or Health Services Staff shall schedule pre-access, random, for-cause, and follow-up testing, as necessary.

NOTE: The Accessing Supervisor or designee and the Health Services Staff may consider extenuating circumstances when determining whether to deny site access.

4.4.9 Individuals attempting to subvert the testing process, including refusal to provide adequate breath, refusal to provide a specimen for testing, refusal to sign testing consent forms, intentional failure to show up for scheduled testing, or in any way refusing to cooperate, shall be considered in violation of the FFD program and shall be subject to sanctions outlined in section 4.8.

4.4.10 Specimens shall be tested by laboratories certified by the U. S. Department of Health and Human Services.

4.4.11 When the MRO or Health Services Staff notifies a Company Supervisor that a company employee has tested positive for illegal drugs, the Company Supervisor or Health Services Staff shall notify the EAP coordinator and request an EAP referral for this individual as applicable.

4.4.12 When requested by the MRO or the Company Supervisor, the EAP coordinator shall arrange EAP referral for company employees.

4.5 Alcohol Testing Requirements

4.5.1 The Collection Service staff shall perform breath alcohol analysis:

1. With every drug test in accordance with site procedures.
2. As specified by the MRO, in accordance with unannounced follow-up testing requirements.

4.5.2 Personnel shall not consume alcohol during:

NOTE: If an individual is not drinking to excess, and stops five hours before his or her scheduled work shift, he or she should not be in violation of the FFD Rule. However, common sense should be utilized. The amount of alcohol consumed and the individual's body mass all have a bearing on the alcohol level in the body. There is no guarantee that stopping the consumption of alcohol five hours prior to reporting for work ensures no violation of the FFD Rule.

1. The five hour period immediately preceding scheduled working hours.
2. Working hours, including breaks.

4.5.3 Personnel determined to have consumed alcohol during the five-hour abstinence period or the work shift shall be subject to the sanctions outlined in Section 4.8.

4.5.4 When alcohol related for-cause testing is required and the collection personnel are unavailable, the Security Supervisor or designee shall ensure a breath alcohol analysis is performed.

4.5.5 Initial and confirmatory breath alcohol analysis shall be performed using evidential grade breath alcohol analysis devices.

4.5.6 Confirmatory breath alcohol analysis shall be performed using a different device than was used for the initial test.

4.5.7 Individuals may request an additional confirmatory analysis in accordance with applicable site testing procedures. This analysis shall be conducted by gas chromatography of their blood sample.

4.5.8 When a BAC is at 0.01% or greater, the Security Supervisor or designee, and the company or contractor supervisor (if available) shall conduct an assessment of the individuals' FFD suitability to include:

1. Physical appearance of the individual (clear-eyes, dilated pupils, hands shaking, alcohol smell, manual dexterity, slurred speech).

2. Type of work the individual is assigned and assess the individual's ability to perform work.

4.5.9 When the BAC is at 0.02% or greater, a confirmatory test shall be performed.

4.5.10 A confirmatory test indicating a BAC of 0.02% or greater after the individual has been in a work status (including breaks, lunch, medical appointments, etc.) for two or more hours shall be declared a positive test result and shall be subject to sanctions outlined in section 4.8.

4.5.11 A confirmatory test indicating a BAC of 0.03% or greater after the individual has been in a work status (including breaks, lunch, medical appointments, etc.) for one or more hours shall be declared a positive test result and shall be subject to sanctions outlined in section 4.8.

4.5.12 A confirmatory test indicating a BAC of 0.04% or greater shall be declared a positive test result and shall be subject to sanctions outlined in section 4.8.

4.5.13 When a BAC is from 0.01% through 0.039%, and does not meet the criteria outlined in section 4.5.10 or 4.5.11, the individual should not be allowed to enter the Protected Area or ERF and the responsibility for the individual shall be given to the applicable company or contractor supervisor, and processed in accordance with section 4.5.14.3.b.

1. Any additional actions deemed appropriate for the individual are at the discretion of the company or contractor supervisor (i.e., EAP assessment, etc.).

4.5.14 In extraordinary circumstances, where unescorted access is required for individuals with a BAC from 0.01% through 0.039%, and does not meet the criteria outlined in sections 4.5.10 or 4.5.11, the company or contractor supervisor and the Security Supervisor or designee should assess:

1. Physical appearance of the individual (clear-eyes, dilated pupils, hands shaking, alcohol smell, manual dexterity, slurred speech).

2. Type of work the individual is assigned and assess the individual's ability to perform the work.

3. Take appropriate action such as performing additional testing, escorting the individual, or closely supervising the individual.

   a. When the assessment indicates the individual is suitable to work with BAC from 0.01% through 0.039%, the Security Supervisor shall:

      1. Contact the on-duty Operations Shift Manager(s) to obtain concurrence to grant access to the Protected Area.

      2. Document why the individual was allowed to work.

      3. Forward documentation to the Accessing Supervisor or designee for retention.

   b. When the assessment by the company or contractor supervisor and the Security Supervisor or designee determines that the individual is not fit for duty, the individual with a BAC from 0.01% through 0.039% shall not be allowed to enter the Protected Area or ERF.

      1. Document why the individual was not allowed to work.

      2. Forward documentation to the Accessing Supervisor or designee for retention.

4.5.15 When a determination is made to remove the individual from site ensure the company/contract supervisor offers transportation offsite or place the individual in a safe position and retest until alcohol concentration is less than 0.01%.

4.6 Random Drug and Alcohol Testing

4.6.1 The Accessing Unit shall establish a random drug and alcohol testing program such that testing shall be:

1. Conducted unannounced in a random manner.

2. Conducted at a rate equal to at least 50 percent of the work force annually.

3. Administered so that a person completing a test is immediately eligible for the next unannounced test.

4. Administered at least weekly and at various times during the day including holidays and weekends.

4.6.2 On the day random testing is conducted, the Accessing Unit or Health Services Staff shall notify either company or contractor supervisors or their designees.

1. This notification shall include the person selected, the time to report and the testing location.

4.6.3 Notified supervisors or designees shall:

NOTE: In extraordinary circumstances, the Accessing Unit or Health Services Staff may contact selected personnel directly, if the individual's supervisor is unavailable.

1. Notify selected personnel of the time to report to the testing location.

   a. This notification shall be made not more than one hour before the time of the scheduled test.

2. Notify the Accessing Unit or Health Services Staff if personnel are off site for the day.

3. Personnel who are off nuclear site property on the day random testing is conducted shall not be required to report for random testing. However, if they are at another FENOC Nuclear Facility they shall report to that site's testing facility to complete testing.

4.6.4 When an individual reports for testing, the Collection Staff shall:

1. Test personnel selected for random testing for alcohol and those substances listed in Sub-step 4.4.3.

NOTE: Failure to provide a specimen within one hour of the scheduled test time may result in the situation considered as "a failure to cooperate" and appropriate disciplinary action and sanctions taken. The Accessing Supervisor or designee may consider extenuating circumstances when determining action to take for failure to provide a specimen.

2. Notify the Accessing Supervisor or designee if an individual is unable to provide a specimen.

3. Notify the Accessing Supervisor or designee or the Security Supervisor or designee of all personnel testing positive on an initial BAC analysis test.

   a. The individual testing positive for alcohol shall have a confirmatory BAC Test performed on another evidential grade breath alcohol analysis device.

4.6.5 The confirmatory BAC test shall be conducted on another evidential grade breath alcohol analysis device in accordance with site procedures.

4.6.6 Nuclear Security shall notify the Accessing Supervisor or designee of all positive BAC Test results.

4.6.7 The Accessing Unit or Health Services Staff shall process:

1. Confirmed positive drug and alcohol test results in accordance with Section 4.8, FFD Related Sanctions.

4.7 <u>For-Cause Testing</u>

NOTE: For-Cause Testing Guidelines, Attachment 1, may be used to assist with individual assessments.

4.7.1 For-cause testing shall be performed as a result of an assessment by the Supervisor performed in response to the following:

1. Any observed behavior indicating possible substance abuse.

2. Receipt of credible information that an individual is abusing drugs or alcohol.

3. Sufficient information regarding illicit offsite activity is obtained (i.e., drug related arrest/activities).

4. After an accident involving a failure in individual performance resulting in:

   a. Personal injury

   b. Radiation exposure or release of radioactivity in excess of regulatory limits

   c. Actual or potential substantial degradation of the level of safety of the plant when there is reasonable suspicion that the individual's behavior contributed to the event.

4.7.2 For-cause testing may include testing for any illegal drugs and alcohol, psychological testing, or any means of testing deemed necessary by the Licensee.

4.7.3 Personnel observing an individual who may be unfit for duty shall immediately notify a Supervisor and the Security Supervisor or designee.

4.7.4 The Security Supervisor or designee shall notify, as necessary:

1. The Accessing Supervisor or designee,

2. Observed individual's supervisor.

4.7.5 The Accessing Supervisor or designee shall ensure individuals tested for-cause with confirmed positive test results are subject to sanctions outlined in Section 4.8, FFD Related Sanctions.

NOTE: In situations requiring an individual's supervisor to assist in a FFD assessment and the supervisor is unavailable, any available supervisor may be used to assist the Security Supervisor or designee in assessing the individual's FFD.

4.7.6 The Security Supervisor or designee, the observed individual's supervisor, if available, and the Accessing Supervisor or designee shall make a determination whether the individual is fit for duty by assessing them in the following manner:

1. When the cause is suspected to be drug or alcohol related, a determination on whether drug and alcohol testing is required may be based on:

   a. Physical appearance of the individual (clear-eyes, dilated pupils, hands shaking, alcohol smell, manual dexterity, slurred speech).

   b. If the individual exhibits unusual behavior.

   c. Medication, prescription or over-the- counter, the individual claims to be taking.

   d. Any other information that corroborates a possible drug or alcohol link.

2. If the cause is suspected to be other than drug or alcohol related, such as stress, fatigue, or illness go to Section 4.12.

4.7.7 When the individual is determined to be fit for duty, then the individual shall continue to perform assigned duties.

4.7.8 When the individual is determined to be unfit for duty, the Security Supervisor or designee shall place the individual's unescorted access on administrative hold until the incident is evaluated by the Accessing Supervisor or designee. Individuals within the Protected Area shall be immediately removed by Security. Security (or responsible supervision or designee) shall remain with the individual while within the Owner Controlled Area (OCA).

4.7.9 When for-cause drug and alcohol testing is required, collection staff personnel and Security personnel as appropriate shall perform testing in accordance with established procedures.

4.7.10 When for-cause testing is required during back-shift, weekend or holiday, qualified Nuclear Security personnel shall:

1. Perform for-cause alcohol testing:

   a. When a blood test for a BAC is requested by the tested individual, Nuclear Security shall escort the individual and ensure a Blood Testing Kit with written instructions are provided to hospital personnel.

2. Ensure the individual is drug tested as soon as possible, but not to exceed 24 hours from the time of BAC testing.

4.7.11 The Accessing Supervisor or designee may place an individual's unescorted access on administrative hold while the individual is being tested for-cause until a determination has been made to establish that the individual can perform his duties in a safe, reliable and trustworthy manner.

4.8 Fitness For Duty Related Sanctions

NOTE: Contract agreements may have more restrictive requirements.

4.8.1 Any act or attempted act to subvert the testing process, (Reference Step 4.4.9), shall be a violation of the licensee's FFD policy, and shall result in site access denial for a minimum of 3 years.

4.8.2 Lacking other evidence to indicate the use, sale or possession of illegal drugs or alcohol within the Protected Area or the ERF, a confirmed positive test shall be considered an indication of offsite drug or alcohol use.

4.8.3 Sanctions for dilute specimens, which are confirmed positive shall be invoked in accordance with 4.8.4.

NOTE: These sanctions do not apply to individuals with breath alcohol concentration of 0.02% or greater who have been called in and who have admitted alcohol consumption and are required to work, unless the individual is tested later in the work shift and found to have consumed alcohol during the work shift.

4.8.4 Company or contractor personnel, who have a confirmed positive drug or alcohol test, shall be subject to the following sanctions at a minimum:

1. First Offense:

   a. 14-day site access denial/suspension.

   b. Initiation and compliance with a recommended rehabilitation program.

   c. Subject to periodic drug and alcohol testing for three years.

2. Second Offense:

   a. 3-year site access denial/indefinite suspension.

   b. Initiation and compliance with a recommended rehabilitation program.

   c. Upon return subject to periodic drug and alcohol testing for three years.

3. Third Offense:

   a. Permanent site access denial.

4.8.5 Company or contractor personnel determined to have been involved in the sale, use or possession of illegal drugs or alcohol while in the protected area or the ERF, shall be subject to the following sanctions at a minimum:

1. First Offense - Site access denial for five years.

2. Second Offense - Permanent site access denial.

4.8.6 Company or contractor personnel, holding unescorted access, who voluntarily admit to the use or sale of illegal drugs or abuse of prescription and/or over-the-counter drugs, without evidence of rehabilitation, shall be subject to the following sanctions at a minimum:

1. Individuals unescorted access placed on administrative hold.

2. Conduct an MRO evaluation.

4.8.7 Company or contractor personnel, in-processing for unescorted access, who voluntarily admit to the use or sale of illegal drugs or abuse of prescription and/or over-the-counter drugs, without evidence of rehabilitation, shall be subject to an MRO evaluation.

1. If the MRO evaluation recommends unescorted access, process accordingly.

2. If the MRO evaluation does not recommend unescorted access, process in accordance with 4.8.4.1.

4.8.8 Individuals denied site access may pursue an appeal of the drug screen results by submitting, in writing, and within 72 hours of notification, the reason for requesting the appeal to the Accessing Supervisor or designee. This appeal shall be forwarded to the MRO. The MRO may initiate further review at his/her discretion.

4.8.9 Company supervisors or contractor supervisors shall ensure transportation offsite is offered for individuals testing positive for alcohol.

4.8.10 When an individual tests .10 % and above and refuses transportation off-site, the supervisor shall inform the individual that Local Law Enforcement Agencies (LLEA) shall be notified.

1. The supervisor shall notify the Security Supervisor or designee when an individual refuses transportation off-site.

4.8.11 The Security Supervisor or designee shall notify the LLEA.

4.9 Reinstatement of Unescorted Access Actions

NOTE: These requirements may be increased at the discretion of FENOC Management.

4.9.1 The Accessing Supervisor or designee shall ensure the following actions are completed for company or contractor personnel suspended for:

1. First offense drug or alcohol related activities:

   a. When applicable, the requirements in Section 4.9.3 are met.

   b. After the required sanctions listed in 4.8 have been met, AND

c. After favorable recommendation from applicable supervisor, **AND**

d. The company or contractor individual tests negative on a drug test and breath alcohol analysis, **AND**

e. When applicable, the MRO has ensured the appropriate EAP has provided written verification that the individual has initiated and complied with the rehabilitation program and treatment, **AND**

f. When applicable, unannounced follow-up testing as specified by the MRO.

2. Second offense drug or alcohol related activities:

a. When applicable, the requirements in Section 4.9.3 are met.

b. The required sanctions listed in 4.8 have been met, **AND**

c. After favorable recommendation from applicable supervisor, **AND**

d. When applicable, the individual has provided medical assurance that they have abstained from drugs for three years, **AND**

e. After the company or contractor personnel tests negative on a drug test and breath alcohol analysis, **AND**

f. When applicable, the MRO has ensured the appropriate EAP has provided written verification that the individual has initiated and complied with the rehabilitation program and treatment, **AND**

g. When applicable, unannounced follow-up testing as specified by the MRO.

4.9.2 Individuals reinstated following suspension of three years or more shall be subject to unannounced follow-up testing as follows:

a. Requirements of Section 4.9.3

b. At a minimum, monthly, for at least the first four months following reinstatement, **AND**

c. At a minimum, once every three months, for at least the following two years and eight months.

4.9.3 An observed specimen collection is required for company or contractor personnel who have previously been determined to have had a confirmed positive alcohol or drug result, in accordance with 10 CFR Part 26, and the particular test is being conducted upon reinstatement of unescorted access and/or re-assignment to duties in the ERF after evaluation and treatment for a confirmed positive test result.

4.10 Employee Assistance Program (EAP)

4.10.1 The Company shall provide an EAP program for company employees which offers:

1. Assessment
2. Short-term counseling
3. Referral services
4. Treatment monitoring.

4.10.2 EAP for contract personnel shall not be provided by the Company.

4.10.3 The EAP coordinator shall refer first offense company employees, for illegal drug usage which has been determined to have occurred off-site, to an EAP.

4.10.4 Company or contractor personnel referred to EAP as a result of drug or alcohol testing shall complete the prescribed rehabilitation program as a condition of maintaining or regaining site access.

4.10.5 The Accessing Supervisor or designee shall ensure contractor employers are notified when contractor personnel violate the FFD Program.

4.10.6 Before recommending reinstatement and after sanctions have been met, the site EAP coordinator shall ensure the appropriate EAP Staff has provided written verification that the individual has initiated and complied with the rehabilitation programs and treatment for company personnel.

4.10.7 Company or contractor personnel self-referral to EAP shall not be considered a violation of the FFD Program.

4.10.8 Company or contractor personnel self-referral to EAP shall not exempt an individual from participation in the drug and alcohol testing program or from sanctions in the event of a confirmed positive test result or other violation of the FFD Program.

4.10.9 When the EAP Staff determines that an individual's condition constitutes a hazard to himself or herself or others, they shall immediately notify the site EAP coordinator.

4.10.10 The site EAP coordinator shall immediately notify the Accessing Unit when an individual's FFD impacts their suitability to possess unescorted access. If an individual's condition is hazardous, the Accessing Supervisor or designee shall immediately revoke unescorted access and may deny site access.

4.11 Call-Ins

4.11.1 Personnel being called in to perform unscheduled work shall be fit to perform the assigned task.

4.11.2 The individual making the call-in shall question the individual regarding his/her FFD and consumption of alcohol within the previous 5 hours.

4.11.3 Individuals called-in for unscheduled work shall disclose the state of his/her FFD and consumption of alcohol within the previous 5 hours.

NOTE: Unless absolutely necessary, individuals who have consumed alcohol within the previous five hours should not be asked to report to work.

4.11.4 When an individual that is called-in has consumed alcohol within the previous five hours and is still needed to report, the person performing the call-out shall:

1. Obtain the On-duty Plant Manager's approval for the individual to report to work.
2. Notify the Security Supervisor or designee of the situation.
3. Offer transportation to and from the site.
4. Document rationale for the individual to report to work and forward to Accessing Supervisor or designee.

4.11.5 When the individual arrives on site, the Security Supervisor or designee shall ensure the individual is BAC tested to determine blood alcohol concentration.

4.11.6 The company supervisor shall ensure an individual called-in and allowed to work with a blood alcohol concentration above 0.01% is escorted while on site.

4.12 Other Factors Affecting Fitness For Duty

4.12.1 All personnel shall maintain an awareness of other factors which may affect FFD including, but not limited to:

1. Stress,
2. Fatigue,
3. Illness.

4.12.2 Behavioral Observation Reference, Attachment 2, should be used to assist in identifying aberrant behavior or job performance problems. Supervisors should be most familiar with their personnel's normal behavior patterns; therefore, they should be in the best position to detect behavior and performance changes.

4.12.3 Individuals who are determined to be unfit for duty:

1. May have for-cause testing performed.
2. Shall have their unescorted access placed on administrative hold.
3. Company personnel may receive a supervisory referral to EAP.
4. Contractor personnel may need to present medical assurance of their re-established FFD to the MRO.
5. Prior to reinstatement a review shall be completed by the MRO.

4.12.4 Individuals who are fit for duty shall continue to perform assigned duties.

4.13 NRC Employee Fitness For Duty Concerns

4.13.1 NRC employees believed to be unfit for duty shall not be denied access to the Protected Area or ERF.

4.13.2 Personnel observing an NRC employee who may be unfit for duty shall notify the Security Supervisor or designee.

4.13.3 When credible information exists to support the allegation, the Security Supervisor or designee shall immediately:

1. Ensure the involved NRC employee is escorted.

2. Notify the Accessing Supervisor or designee.

4.13.4 Upon being notified of an NRC employee being potentially unfit for duty, during normal working hours, the Security Supervisor or designee shall notify the Regulatory Affairs Section to call the Regional Administrator.

4.13.5 When outside of normal working hours, the Security Supervisor or designee shall notify the NRC Operations Center.

4.14 Working Hour Guidelines

4.14.1 Plant staffing shall be such that adequate coverage of operating and key maintenance activities are maintained without the routine use of working hours considered to be outside the norm. The objective of the controls over the use of working hours is to assure that, to the extent practicable, personnel are not assigned to work activities while in a fatigued condition that could significantly reduce their mental alertness or their decision making capability and potentially create a FFD concern.

4.14.2 The norm is for personnel to work a 40-hour week while the plant is operating. In the event that substantial increases in the amount of working hours that are required for unforeseen problems or during extended periods of shutdown for refueling, major maintenance or major plant modifications, the working hour guidelines shall be followed.

4.14.3 The following guidelines are applicable, at a minimum, to personnel performing safety-related functions (e.g., Senior Reactor Operators, Reactor Operators, and Non-Licensed Operators, Radiological Protection Technicians, and key Maintenance personnel). Working hours shall be controlled as specified in each plant's licensing documents, and may be supplemented as directed by site management.

1. An individual should not work more than 16 hours straight (excluding shift turnover time).

2. An individual should not work more than 16 hours in any 24 hour period, 24 hours in any 48 hour period, or 72 hours in any 7 day period (all excluding shift turnover time).

3. A break of at least 8 hours should be allowed between work periods. (Shift turnover time should not be part of the 8 hour break period.)

4. Except during extended shutdown periods, the use of excessive working hours should be considered on an individual basis and not for the entire staff on a shift or crew.

5. The crew performing fuel loading operations should not normally be expected to work more than 12 hours out of each 24 hour period when scheduled for consecutive daily duty.

4.14.4 Deviation from the above guidelines shall normally not be required during times when the plant is operating and adequate shift coverage is available. Exceptions to this policy may include a Limiting Condition for Operation (LCO), Emergency Plan activation or callout, or other significant need to maintain safe plant operation, to maintain shift complement, or maintain production capability.

NOTE: An electronic database version of the forms may be used as applicable to each site's overtime request program.

4.14.5 Deviations from the working hour guidelines are normally requested by the immediate supervisor and authorized by the Plant Manager or his designees (or by higher levels of management) using the Request for Overtime Deviation Authorization (BVPS), the Overtime Deviation Request at DBNPS, DB-0047, Technical Specification Working Hour Deviation Request (PNPP No. 7699) at the Perry Plant. Working hour deviation requests should not be completed significantly in advance of the hours to be worked.

4.14.6 Supervisors requesting working hour deviation must be familiar with the condition of the individual involved to ensure that the additional overtime hours can be safely worked.

4.14.7 The Section Manager responsible for personnel who perform safety-related functions; (e.g., Senior Reactor Operators, Reactor Operators, and Non-Licensed Operators, Radiological Protection Technicians, and key Maintenance personnel), shall maintain a method by which the working hours of an individual may be compared to the working hour guidelines.

4.14.8 The Plant Manager or his designees shall review individual working hour deviations on a monthly basis to ensure that excessive hours have not been assigned and that routine deviation from the working hour guidelines is not authorized.

5.0 RECORDS

5.1 Records Handling

Records completed/generated by this procedure shall be handled in accordance with each plant's established records management program.

5.2 Records Capture

The following records are generated by this document:

5.2.1 Quality Records

1. Request for Overtime Deviation Authorization at Beaver Valley
2. Technical Specification Working Hour Deviation Request at Perry PNPP No. 7699
3. Overtime Deviation Request at Davis-Besse DB-0047

5.2.2 Non-Quality Records

NONE

6.0 REFERENCES

6.1 Developmental

6.1.1 Multi-Site

1. CFR, Title 10, Part 26: Fitness For Duty Programs
2. CFR, Title 10, Part 55: Operator Licenses
3. Generic Letter No. 82-12, June 15, 1982, Nuclear Power Plant Staff Working Hours
4. Generic Letter No. 83-14, Definition of "Key Maintenance Personnel," (Clarification of Generic Letter 82-12) dated March 7, 1983
5. NUREG-1354, "Fitness for Duty in the Nuclear Power Industry: Responses to Public Comments", May 1989
6. The applicable sites Security Plan.
7. "Order for Compensatory Measures Related to Access Authorization," EA-02-261, dated January 7, 2003.
8. NEI 03-04, "Guideline for Plant Access Training."

6.1.2 Beaver Valley Power Station (BVPS)

1. BVPS Technical Specification Section 6.2.2F

6.1.3 Davis-Besse Nuclear Power Station (DBNPS)

1. DBNPS Technical Requirement 5.2.3

6.1.4 Perry Nuclear Power Plant (PNPP)

1. PNPP Technical Specifications, Section 5.2.2.e

6.2 Implementation

6.2.1 Multi-site

1. NOP-LP-1001, Unescorted Access Requirements

2. NOP-LP-2002, Supplier Audit and Evaluations

6.2.2 Beaver Valley Power Station (BVPS)

1. Fitness-for-Duty Program Manual, 1/2-SP-FD19-0 to 1/2-SP-FD19-6

6.2.3 Davis-Besse Nuclear Power Station (DBNPS)

1. IS-AC-00018, Drug and Alcohol Testing Process

2. IS-DP-00100, BAC Examinations

6.2.4 Perry Nuclear Power Plant (PNPP)

1. SAI-0007, Health Services Drug Screen/Alcohol Processing and Control

2. SAI-0010, Fitness For Duty Implementation Instruction

6.3 Commitments

6.3.1 Multi-site

1. None

6.3.2 Beaver Valley (BVPS)

1. None

6.3.3 Davis-Besse: (DBNPS)

O05312	Section 4.14	Q03087	Section 4.6.6, 4.7
O10723	Section 2.1.3	Q03092	All of Procedure
O13106	Section 4.1.2, 4.3.5	Q03103	Section 4.7, 4.12
O13579	Section 4.14.4, 4.14.5	Q03305	Section 4.2
O18387	Section 4.8.3, 4.8.4	Q03309	Section 4.3
Q00651	Section 4.14.3	Q03361	Section 2.2
Q02870	Section 4.14.7	Q03362	All of Procedure
Q02872	Section 4.12.1, 4.14.6	Q03363	Section 4.3
Q02873	Section 4.12	Q03365	Section 5.0

6.3.4 Perry: (PNPP)

F01190 Section 4.14

7.0 SCOPE OF REVISION

Revision 1:

1. Incorporates Beaver Valley Power Station.
2. Supersedes NOP-LP-1002, Revision 0, "Fitness For Duty Program," NPDAP 2.14, "Fitness For Duty Program for FirstEnergy Employees at Beaver Valley Power Station" and NPDAP 2.9, "Fitness For Duty Program for Contractor/Vendor Employees."
3. Same sanctions and cut-off levels applied for positive drug and alcohol results.
4. More definitive back calculation criteria.
5. References to General Employee Training (GET) deleted.
6. Health Services staff responsibilities further defined.
7. Reference Section updated.
8. For-Cause testing further defined.
9. Refusing to provide adequate breath identified as an attempt to subvert the testing process.
10. Sanctions concerning rehabilitation program participation revised.
11. Sanctions pertaining to voluntary admittance in Section 4.8.6 revised.
12. Added to Sections 4.6.4 and 4.6.5 for clarity purposes that individuals testing positive for alcohol shall have a confirmatory BAC Test performed on another evidential grade breath alcohol analysis device (as opposed to the same device used for the initial test).
13. Licensee Management Title revisions.
14. Editing for clarity purposes.
15. Those individuals requesting contracted services are identified as assuming the responsibility for ensuring drug testing laboratory regulatory compliance.
16. The reference to Employee Assistance Program (EAP) referral by contract supervisors was deleted.
17. Fitness For Duty training requirements section revised in accordance with EA-02-261 and NEI 03-04.
18. Direction provided concerning the removing of a potentially untrustworthy or unreliable person from the Protected Area.

ATTACHMENT 1: FOR CAUSE TESTING GUIDELINE

The "For Cause Testing Guideline" provides guidance to assess incidents, near misses, and vehicle accidents. Any "yes" answers may be an indication that an individual's failure in performance contributed to the incident and for cause testing may be necessary.

1. Did human error contribute to this event?
2. Is the employee taking any medication which may have caused the event?
3. Were there any known procedural violations involved in the event?
4. Has the employee's work performance level changed recently?
5. Has the employee had other work related accidents?
6. Does the employee have a recurring absence or tardiness problem?
7. Has the employee sought medical treatment on a regular basis?
8. Is there any other factors that lead you to believe the employee may have been unfit for duty?
9. Were the employee's motor skills, speech, appearance and/or behavior different than normal?
10. Have you noticed any unusual odor on or about the employee?

Incident, Near Miss, and Vehicle Accident situations are processed in accordance with the Industrial Safety Manual.

ATTACHMENT 2: BEHAVIORAL OBSERVATION REFERENCE

Page 1 of 1

BEHAVIOR	ATTENDANCE	PERFORMANCE
Relationships on the Job	**Absenteeism**	**Job Efficiency**
Avoidance of co-workers		
Complaints from co-workers	Makes improbable excuses	Missed deadlines
Financial problems	Leaves work early	Uses poor judgment
Over-reaction to criticism	Tardiness	Wastes material
Unreasonable resentments	Unauthorized leave	Complaints from clients
Wide mood swings		Makes excuses
Personal crisis or legal problems affecting job (e.g., DWI, arrest, etc.)		Alternates between high/low productivity
Overly secretive or inquisitive		
Changes in the usual amount of overtime worked.		
Accidents	**"On the Job" Absenteeism**	**"Concentration"**
Off the job	Gets ill on the job	Work requires great effort
On the job	Frequent trips away from his/her station	Needs more time
	Long coffee breaks	
Activities that could Impact on Reliability and Trustworthiness	**Reporting to Work**	**Confusion**
Arrests Positive FFD results	In an abnormal condition	Doesn't recall instructions details, own mistakes, etc.

OVERTIME DEVIATION REQUEST

DB-0047-4

SECTION 1 - REQUEST

REQUESTOR	SECTION/UNIT	MAIL STOP	EXTENSION	DATE

PERSON(s) AUTHORIZED

DEVIATION REQUESTED: (Check ALL blocks that will apply)

	Deviation Date(s)		Deviation Date(s)
☐ > 16 Hours Straight*	_____	☐ > 26 Hours in 48 Hour Period* (Security Personnel Only)	_____
☐ 16 Hours in a 24 Hour Period*	_____	☐ < 10 Hours Rest (Security Personnel Only)	_____
☐ < 8 Hours Rest	_____	☐ >60 Hours in a 7 Day Period *	_____
☐ > 24 Hours in 48 Hour Period*	_____		
☐ > 72 Hours in a 7 Day Period*	_____		

*These categories exclude turnover time which is normally not more than one hour per shift.

REASON FOR DEVIATION (Reason shall include as a minimum: 1) the specific work to be performed, 2) why other individuals cannot be used, and 3) why the work cannot be rescheduled.)

EXPECTED DATE NORMAL SCHEDULE RESUMES _____

SECTION 2 - APPROVAL

Supervisors requesting an Overtime Deviation are signifying that they are familiar with the condition of the individual involved and that the individual's condition is such that the additional overtime hours can be safely worked. Supervisors may refer to form NOP-LP-1005-01, Security Supervisor Guide for Fatigue, in determining individual's Fitness For Duty due to fatigue. NOTE: Approval date must be prior to or concurrent with date(s) normal overtime will be exceeded. If not, initiate a Condition Report in accordance with NOP-LP-2001.

IMMEDIATE SUPERVISOR	DATE

PLANT MANAGER OR DESIGNEE	DATE
☐ APPROVED ☐ NOT APPROVED	

cc: Plant Manager
Director – Maintenance
Manager – Operations
Immediate Supervisor
Outage Director (during outages only)
Security (if Security personnel)

NOTE: For approved requests, the requesting supervisor is responsible for assuring the original form is transmitted to Nuclear Records Management in accordance with Section 5.0 of NOP-LP-1002 or NOP-LP-1005, as applicable.

OVERTIME DEVIATION REQUEST

DB-0047-4

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PLANT MANAGER OR DESIGNEE	DATE
☐ APPROVED ☐ NOT APPROVED	

cc: Plant Manager
Director – Maintenance
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Immediate Supervisor
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