

NP 1.7.5

**FITNESS FOR DUTY POLICY
AND PROCEDURE**

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FITNESS FOR DUTY POLICY AND PROCEDURE

1.0 PURPOSE

This procedure prescribes requirements and standards for the establishment and maintenance of certain aspects of fitness-for-duty (FFD) program and procedures for the Nuclear Management Company (NMC), We Energies (WE), Point Beach Nuclear Plant (PBNP). The regulatory fitness-for-duty requirement became effective January 3, 1990.

2.0 DISCUSSION

2.1 Provisions of PBNP FFD Program

Provisions of the PBNP FFD program shall apply to all persons granted unescorted access to PBNP plant protected areas, to licensee, vendor, or contractor personnel required to physically report to the PBNP Technical Support Center (TSC) or Emergency Operations Facility (EOF) in accordance with PBNP emergency plans and procedures.

2.2 PBNP FFD Exemptions

The PBNP FFD program does **NOT** apply to Nuclear Regulatory Commission (NRC) employees, to law enforcement personnel, or offsite emergency fire and medical response personnel while responding onsite.

2.3 Definitions

2.3.1 **Alcohol** - Includes any products manufactured or marketed as beverages which contain any quantity of alcohol; for example "non-alcoholic" beer, rubbing alcohol, etc.

2.3.2 **Aliquot** - A portion of a specimen used for testing.

2.3.3 **BAC** - Blood Alcohol Concentration, which can be measured directly from blood or derived from a measure of the concentration of alcohol in a breath specimen, is a measure of the mass of alcohol in a volume of blood such that an individual with 100 mg of alcohol per 100 ml of blood has a BAC of 0.10%.

2.3.4 **Confirmatory test** - A second analytical procedure to identify the presence of a specific drug or drug metabolite which is independent of the initial screening test and which uses a different technique and chemical principal from that of the initial screening test in order to ensure reliability and accuracy. For determining blood alcohol levels, a "confirmatory test" means a second test using another breath alcohol analysis device. Further confirmation upon request will be by analysis of blood.

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- 2.3.5 **Confirmed positive test** - The result of a confirmatory test that has established the presence of illegal drugs, illegal drug metabolites in a specimen at or above the cut-off level, and that has been deemed positive by the Medical Review Officer (MRO) after evaluation. A "confirmed positive test" for alcohol can also be obtained as a result of a confirmation of blood alcohol levels with a second breath analysis without MRO evaluation.
- 2.3.6 **Contractor** - Any company or individual which NMC has contracted for work or service to be performed inside the PBNP protected area boundary, either by contract, purchase order, or verbal agreement.
- 2.3.7 **Credible Information** - Offering reasonable ground for being believed.
- 2.3.8 **Cut-off level** - The value set for designating a test result as positive.
- 2.3.9 **Follow-up testing** - Chemical testing at unannounced intervals, to ensure that an individual is maintaining abstinence from the use of illegal drugs or the abuse of legal drugs or alcohol.
- 2.3.10 **HHS-Certified Laboratory** - A urine and blood testing laboratory that maintains certification to perform drug testing under the Department of Health and Human Services (DHHS) "Mandatory Guidelines for Federal Workplace Drug Testing Programs" (53 FR 11970).
- 2.3.11 **Illegal drugs** - Those drugs included in Schedules I through V of the Controlled Substance Act (CSA), but **NOT** when used pursuant to a valid prescription or when used as otherwise authorized by law, provided such use is reported by the individual to their supervisor before commencing work at PBNP.
- 2.3.12 **Initial or screening tests** - Immunoassay screen for drugs or drug metabolites to eliminate "negative" urine specimens from further consideration or the first breathalyzer test for alcohol. Initial screening may be performed at NMC approved testing facilities; a second screen and confirmation testing for drugs or drug metabolites must be conducted by a HHS-certified laboratory.
- 2.3.13 **Medical Review Officer** - A licensed physician responsible for receiving laboratory results generated by a 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 their medical history and any other relevant biomedical information.
- 2.3.14 **Permanent record book** - A permanently bound book in which identifying data on each specimen collected at a collection site are permanently recorded in the sequence of selection.

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- 2.3.15 **Protected area** - The area to PBNP encompassed by physical barriers and to which access is controlled.
- 2.3.16 **Random test** - A system of unannounced drug testing administered in a statistically random manner to a group so that all persons within that group have an equal probability of selection.
- 2.3.17 **Reason to believe** - Reason to believe that a particular individual may alter or substitute the urine specimen.
- 2.3.18 **Reasonable** - NOT conflicting with reason; NOT extreme or excessive.
- 2.3.19 **Split sample** - A portion of a urine specimen that may be stored to be tested in the event of appeal.

3.0 RESPONSIBILITIES

3.1 Employee Assistance Program (EAP)

Provide assistance to NMC, WE employees and their families in dealing with a wide range of personal problems, including alcohol and other drug dependency or abuse, which may adversely affect their performance.

3.2 NMC PBNP FFD Program Manager (FFDPM)

3.2.1 Administer the PBNP fitness-for-duty policy and procedures.

3.2.2 Provide PBNP drug and alcohol random test locations with random test days, shifts and periods that random testing will be conducted.

3.3 Medical Review Officer

Responsible to interpret and evaluate an individual's positive FFD test result together with his or her medical history and any other relevant biomedical information.

3.4 Collection Technician

Responsible to perform drug or alcohol collections.

3.5 Security Shift Supervisor (SSS)

If needed, assist the Collection Technician in notification of personnel that have been selected to be tested.

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4.0 PROCEDURE

4.1 General Performance Objectives

- 4.1.1 Provide reasonable assurance that individuals with unescorted access authorization to the PBNP protected area will perform their tasks in a reliable and trustworthy manner and are **NOT** under the influence of any substance, legal or illegal, or mentally or physically impaired from any cause, which in any way adversely effects their ability to safely and competently perform their duties;
- 4.1.2 Provide reasonable measures for the early detection or persons who are **NOT** fit to perform activities associated with the operation and/or maintenance of PBNP; and
- 4.1.3 Achieve a drug-free workplace at PBNP and a workplace at PBNP free of the effects of such substances.

4.2 Use Of Illegal And Legal Drugs

The sale, use, or possession of illegal drugs at any time is strictly prohibited. The abuse of legal drugs, prescription or over-the-counter medications may impact upon the reliability of workers with unescorted access authorization to the PBNP protected area and is prohibited.

- 4.2.1 Contractors or vendors determined to have been involved in the sale, use, or possession of illegal drugs and abuse of legal drugs shall have their unescorted access authorization to the PBNP protected area canceled for a minimum of 14 days.
- 4.2.2 NMC, WE employees involved in the sale, use or possession of illegal drugs and abuse of legal drugs shall have their unescorted access authorization to the PBNP protected area canceled for a minimum of 14 days and be subject to disciplinary action up to and including discharge from employment with NMC, WE or referral to the employee assistance program (EAP).
- 4.2.3 The Local Law Enforcement Agency (LLEA) shall be notified if illegal drugs, or substances suspected of being illegal, are found on Company property.
- 4.2.4 The use of various legal hemp products, including hemp seeds and hemp oil, is **NOT** a legitimate medical explanation for a confirmed positive for THC metabolite. Positive test results for THC will be subject to management actions and sanctions. (Reference 5.1)

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4.3 Use Of Alcohol

- 4.3.1 The sale, use, possession of alcohol during the span of any working period (including lunch or other break periods) whether at PBNP or NOT, or while on WE property at PBNP at anytime, is prohibited.
- 4.3.2 The smell of alcohol shall be immediately reported to your Supervisor or site Security.
- a. Other indicators of alcohol misuse include unsteady gait or slurred speech.
 - b. Odor of alcohol warrants for-cause testing.
 - c. Failure to report the odor of alcohol, or any other possible indicator of alcohol misuse, is a violation of the FFD Program and will result in denial of access at NMC Sites.
- 4.3.3 Individuals determined to have been involved in the sale, use, or possession of alcohol during the span of any working period (including lunch or other break periods) whether at PBNP or NOT, or while on WE property at PBNP at anytime shall have their unescorted access authorization to the PBNP protected area canceled for an indefinite period of time.
- a. NMC and WE employees will be subject to severe disciplinary action up to and including discharge from employment with NMC and WE.
 - b. The PBNP Site Vice President or designee may make a determination that the possession of alcohol was unintentional and dispose of the violation without canceling the individuals unescorted access authorization.

NOTE: Individuals are NOT to assume that NOT consuming alcohol 5 hours prior to their arrival to PBNP will reduce their BAC below 0.04%. Individuals reporting to PBNP are responsible to ensure their fitness-for-duty when reporting to work. Having consumed a considerable amount of alcohol outside of the 5-hour abstinence period may NOT leave an individual fit-for-duty with just 5 hours abstinence.

- 4.3.4 The consumption of alcohol during the five (5) hour period preceding any scheduled working period involving the access to the PBNP protected area is prohibited. Individuals determined to have consumed alcohol within the five (5) hour period shall have their unescorted access authorization to the PBNP protected area canceled for an indefinite period of time.
- NMC and WE employees will be subject to severe disciplinary action up to and including discharge from employment with NMC and WE.

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4.3.5 Individuals determined to be under the influence of alcohol during the span of any working period or otherwise while on WE property at PBNP shall have their unescorted access authorization to the PBNP protected area canceled for an indefinite period of time. Under the influence of alcohol for this procedure means having a blood alcohol concentration of 0.04 percent or greater as indicated by a confirmed positive test.

- NMC and WE employees will be subject to severe disciplinary action up to and including discharge from employment with NMC and WE.

4.4 Other FFD Factors

Factors other than illegal drug use or alcohol abuse may adversely affect an individual's FFD within the PBNP protected area. Such factors include, but are NOT limited to mental stress, fatigue, illness, abuse of legal drugs, etc.

4.4.1 Individuals are to report any problem to their supervisor or NMC liaison that affects their ability to safely and competently perform their duties.

- a. Injury or illness may leave a worker unable to perform their job functions.
- b. Emotional problems, if left unresolved might cause the worker to become distracted, interfering with safe work activities.
- c. Dietary conditions or lack of sleep can result in a worker performing the job in an unsafe manner.

4.4.2 Fatigue in general due to excessive hours worked or overtime could have an impact on a persons ability to competently perform their duties. When fatigue becomes a factor in daily performance, decision making and competency, the individual shall report to their supervisor fatigue for consideration in assignment of duties. (Reference B-1)

4.4.3 Individuals covered by the PBNP FFD Program may be required to submit to an alcohol or drug assessment, psychological evaluation or reasonable medical examinations as a condition of continuing their unescorted access authorization to the PBNP protected area.

4.4.4 Factors may also result in a decision by NMC to cancel the individual's unescorted access authorization to the PBNP protected area for an indefinite period of time.

- NMC and WE employees may be released from employment with NMC and WE.

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4.5 Prescription Drugs And Over-The-Counter Medication

Prescription drugs and over-the-counter medication may affect job performance in a variety of ways.

4.5.1 It is the individual's responsibility to remain fit for duty and understand the effects during the use of prescription or over-the-counter medications.

- If unsure of the affect that a particular drug or drugs may have, contact your physician or pharmacist, or contact the NMC medical department.

4.5.2 Notify your supervisor or NMC liaison of prescription or medications which may impact your work or performance. (Reference B-2)

4.6 Fitness For Duty Training

FFD training includes those topics under 10 CFR 26.21(a) and 26.22(b) and applies to all individuals within the scope of the PBNP FFD Policy and Procedure.

Initial FFD training must be completed prior to assignment to PBNP and refresher training must be completed on a nominal 12 month frequency or more frequently where the need is indicated.

4.6.1 A record of the training must be retained for a period of at least 3 years.

- The PBNP training department is responsible for maintaining a record of an individual's attendance by use of the Training Attendance Report, PBF-6401 or LMS attendance report. (Reference B-3)

4.6.2 Individuals who are applicants for unescorted access to PBNP and have received equivalent FFD training by another NMC licensee within the previous 12 months, will satisfy the PBNP FFD training requirements.

4.7 Contractual Requirements

All contractors, vendors, persons or entity which operates under a contractual relationship with the NMC PBNP shall understand and adhere to the NMC FFD requirements.

4.7.1 NMC Supply Services will obtain written agreements between NMC and contractors that will define:

- a. NMC is responsible to the Nuclear Regulatory Commission (NRC) for maintaining an effective FFD program in accordance with 10 CFR 26. The contractor is responsible for adhering to the NMC FFD policy or maintaining and adhering to an effective FFD program formally reviewed and approved by the NMC PBNP FFDPM.

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- NMC approved contractor/vendor FFD programs shall be audited annually and meet established standards. (Reference 5.2)

b. Personnel having been denied access or removed from activities within the scope of 10 CFR 26 at another nuclear power plant for violations of a FFD policy will **NOT** be assigned to PBNP without the knowledge and consent of NMC. Such person must have completed a rehabilitation program approved by NMC.

4.7.2 The written agreements may be accomplished by delivery to the contractor, a current revision of the NMC FFD Policy And Procedures with the purchase order or contract and referencing the document in the purchase order or contract.

4.8 Employee Assistance Program (EAP)

4.8.1 NMC and WE maintain an EAP designated to provide assistance to NMC and WE employees and their families in dealing with a wide range of issues, such as:

- a. Drug or alcohol problems.
- b. Personal problems that could affect fitness for duty.

4.8.2 NMC and WE EAP(s) services *shall*:

- a. Be designed to achieve early intervention and provide confidential assistance.
- b. Provide short-term counseling, referral services and treatment monitoring to employees with problems that could adversely affect the performance of activities within the scope of 10 CFR 26.

4.8.3 NMC supervision/management may initiate a mandatory worker referral to the EAP where behavior-related performance problems are observed, as established by direct productivity measures, including (one or more of the following examples):

- a. Declining production output,
- b. Reduced accuracy,
- c. Frequent
 1. Tardiness
 2. Absenteeism, especially on Mondays or Friday s
 3. Sick leave
 4. Interactions with other employees regarding personal problems
 5. Disciplinary problems involving low motivation or morale

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- 4.8.4 The FFDPM *shall* be responsible for:
- a. Evaluating FFD information received from EAP professionals and recommending access authorization status changes in accordance with Section 4.12.
 - b. Coordinating mandatory worker referrals (as defined in Section 4.8.3) to the EAP using SEC-261, EAP Supervisory Referral.
 - c. Administering the worker return to duty process in accordance with Section 4.11.
 - d. Maintaining assessment and treatment records.
 - e. Tracking return to duty commitments.
- 4.8.5 The NMC/WE EAP *shall* recommend removal from duty to the site FFDPM if:
- a. An employee's ability to competently and safely perform his/her duties is adversely affected by illness or emotional instabilities other than those of a temporary nature (e.g., sick fatigue, injury); or,
 - b. An employee clearly presents a danger to him/herself, other personnel, property, or the health and safety of the public.
- 4.8.6 The site FFDPM *shall* develop a recommendation concerning unescorted access status in accordance with Section 4.12 and notify when appropriate:
- a. Employee's supervisor/management.
 - b. Site Vice President.
- 4.8.7 As requested by NMC, EAP personnel *shall* perform assessments and/or provide employee referral to outside programs for NMC/WE employees removed from duty. Assessments *shall* identify recommendations for rehabilitation and delineate terms and conditions for continued access or return to duty. The above information *shall* be documented on EAP letterhead.
- 4.8.8 EAP services are strictly confidential:
- a. No verbal or written information *shall* be communicated to supervision/management without the written consent of the employee, except in the event of supervisory referral or as referenced in Section 4.8.1 or 4.8.3.
 - b. EAP records will not become part of the employee's personnel file.
- 4.8.9 NMC and WE employees *shall not* be disciplined for participation in the EAP. However, if an employee engages in conduct which is in violation of the PBNP FFD Program, participation in the EAP *will not* excuse the employee from the disciplinary consequences of such conduct.

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4.9 Removal From Duty

4.9.1 Impaired workers, or those whose FFD may be questionable, shall be removed from activities within the scope of this directive and may be returned only after they are determined to be fit to perform activities within the scope of this directive.

4.9.2 The FFD Program Manager, shall ensure:

a. Notification to management regarding:

1. Workers testing positive on for-cause, random, or follow-up drug and/or alcohol tests.
2. EAP/MRO recommendations to suspend access where a workers ability to competently and safely perform his/her duties is adversely affected by illness or emotional instabilities other than those of a temporary nature. (e.g., sick, fatigue, injury); or
3. An employee clearly presents a danger to him/herself, other personnel, property, or the health and safety of the public.
4. Notification to PBNP Security Manager when any worker is removed from duty.
5. For workers removed from duty, unescorted access is suspended.
6. NMC management, affected workers and contractor management are notified of unescorted access denials based on FFD.

4.10 Management Actions And Sanctions To Be Imposed

4.10.1 The immediate management action to be imposed against any NMC, WE employee or contractor found to be in violation of NMC PBNP FFD policy is noted in Section 4.2 or 4.3. To summarize the action to be taken by NMC management in determining the appropriate "follow-on" actions in the case of Section 4.2 or 4.3 violations is set forth in policy, i.e., discharge from employment for NMC, WE employees and barred from PBNP property for contractors.

4.10.2 In addition to the immediate action of canceling NMC and WE employee's unescorted access authorization to the PBNP protected area, the employee shall be placed on indefinite suspension without pay pending further investigation. In determining the appropriate "follow-on" actions to take, NMC management must keep in mind the minimum requirements of 10 CFR 26.27(b).

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- a. Impaired workers, or those whose fitness may be questionable, shall be removed from activities within the scope of 10 CFR 26, and may be returned only after determined to be fit to safely and competently perform activities within the scope of 10 CFR 26.
- b. Lacking any other evidence to indicate the use, sale, or possession of illegal drugs onsite, a confirmed positive test result must be presumed to be an indication of offsite drug use.
 - The first confirmed positive test must, as a minimum, result in immediate removal from activities within the scope of 10 CFR 26 for at least 14 days and referral to EAP for assessment and counseling during any suspension period. Plans for treatment, follow-up, and future employment must be developed and any rehabilitation program deemed appropriate must be initiated during such suspension period. Satisfactory management and medical assurance of the individual's fitness to adequately perform activities within the scope of 10 CFR 26 must be obtained before permitting the individual to return to these activities.

NMC management shall schedule a return meeting with individuals to ensure appropriate satisfactory follow-on actions are understood, to include any rehabilitation requirements or company "Last Chance Agreements". (Reference B-4)
 - Subsequent confirmed positive test must result in removal from unescorted access to the PBNP protected area and activities within the scope of 10 CFR 26 for a minimum of 3 years from the date of removal.
- c. Persons removed for periods of 3 years or more under the provisions of 10 CFR 26.27(b) may be granted unescorted access and assigned duties within the scope of 10 CFR 26 only when NMC receives satisfactory medical assurance that the person has abstained from drugs for at least 3 years. Satisfactory management and medical assurance of the individual's fitness to adequately perform activities within the scope of 10 CFR 26 must be obtained before permitting the individual to perform activities within the scope of 10 CFR 26.

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- Persons granted unescorted access or whose access is reinstated under these provisions must be given unannounced follow-up tests at least once every month for 4 months and at least once every 3 months for the next 2 years and 8 months after unescorted access is reinstated to verify continued abstinence from proscribed substances. Any confirmed use of drugs through this process or any other determination of subsequent involvement in the sale, use or possession of illegal substances must result in permanent denial of unescorted access.
 - d. Sanctions for confirmed misuse of alcohol, valid prescription, and over-the-counter drugs shall be sufficient to deter abuse of legally obtainable substances as a substitute for abuse of prescribed drugs.
- 4.10.3 Refusal to provide a specimen for testing and resignation prior to removal for violation of NMC PBNP FFD policy concerning drugs must be recorded as removals for cause. These records must be retained for the purpose of meeting the requirements of 10 CFR 26.27(a).
- Individuals refusing to provide a specimen for testing will have their unescorted access suspended and appropriate actions and sanctions applied.
- 4.10.4 With the minimum requirements in mind, following an NMC or WE employee's suspension for a violation of Section 4.2 or 4.3, the PBNP Plant Manager and the Site Vice President - PBNP may consult with the following individual(s) in determining the appropriate "follow-on" actions and sanctions to be applied in each case.
- PBNP FFD Program Manager
 - Medical Review Officer (MRO)
 - Employee Relations Consultant
- a. NMC or WE employees who are provided "Last Chance Agreements" to maintain their employment after a violation of the FFD program, will be subject to the stipulation of the agreement as it is written.
 - b. Contractor employees shall be denied unescorted access to PBNP for a minimum of one year from the date of a confirmed positive test for drugs or alcohol, and/or for other factors that may adversely affect an individuals FFD within the PBNP protected area.
- 4.10.5 If the individual who has violated any provisions of the FFD policy is the PBNP Plant Manager, then the Site Vice President - PBNP shall consult with the named individual(s). If the Site Vice President - PBNP violates FFD provisions, then the NMC Chief Nuclear Officer shall consult with the named individual(s).

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4.11 Management & Medical Assurance of Fitness for Duty

4.11.1 General

- a. Personnel removed from duty in accordance with the NMC Fitness for Duty Program shall not be returned to duty until management and medical assurance of fitness for duty is obtained.
- b. For personnel requesting unescorted access, management and medical assurance of fitness for duty shall be obtained before UAA is granted.

4.11.2 Responsibilities

- a. The Access Manager, NMC shall provide guidance for obtaining management and medical assurance of fitness for duty.
- b. Management shall be responsible for:
 1. Recommending assessment elements where an individual has been removed from duty.
 2. Approving return to duty following a suspension of unescorted access based on FFD.
 3. The NMC Medical Review Officer (MRO) shall be responsible for:
 4. Determining assessment elements.
 5. Reviewing assessment results and recommendations.
 6. Making recommendations to NMC management and NMC Security for return to duty (RTD).
 7. Approving RTD.
- c. EAP, where mandatory referral or Section 4.8.5 criteria apply, shall recommend assessment elements and removal from duty.
- d. NMC Security section members shall be responsible for:
 1. Coordinating the administrative aspects of assessment and Return to Duty (RTD).
 2. Tracking outstanding post-RTD requirements to ensure completion.
 3. Briefing management on MRO assessment recommendations.

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4.11.3 Assessment/Rehabilitation

- a. Assessment elements determined per Section 4.11.2 shall be documented on SEC-246, FFD Assessment Elements.
- b. Assessment and rehabilitation shall be completed by individuals and /or programs licensed by appropriate state authorities.
- c. All individuals testing positive for drugs in accordance with 10CFR26 under the NMC or other licensee FFD Program shall:
 1. Complete a same-gender observed pre-access test prior to being returned to duty.
 2. Be denied unescorted access to the protected area or assignment to duties at the EOF or TSC for a minimal period of 14 days.

4.11.4 Follow-up Testing

- a. Individuals shall be subject to follow-up testing at a minimum frequency of once a month for four months and once a quarter for the next two years and eight months after unescorted access is reinstated following:
 1. A 5 year suspension of access authorization for involvement in the sale, use or possession of illegal drugs while within a protected area, or
 2. A 3 year suspension for a second positive drug test.
- b. Assessment elements determined per Section 4.11.2 shall be documented on SEC-246, FFD Assessment Elements.
- c. Except as required by Section 4.11.4 (a), individuals with a positive 10CFR26 drug or alcohol test should be subject to follow-up testing six times within the first year and once per quarter within the second year following return to duty.
- d. Additional follow-up testing shall be determined by the respective NMC MRO and factor recommendations as applicable by the Employee Assistance Program and NMC management after assessment of the circumstances surrounding the FFD Concern. Follow-up testing shall be completed as required by SEC-247, FFD Evaluation Record.
- e. All follow-up testing shall be for drugs and alcohol on an unannounced basis.
- f. Follow-up test requests shall be documented on SEC-249, NMC Request For Follow-up Testing.

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- g. Outstanding follow-up testing requirements shall be tracked on NMC Security Form QF-0334, Nuclear AA/FFD Active Case Log.
- h. Outstanding follow-up testing requirements as identified in PADS shall be a condition of unescorted access at NMC sites and shall be implemented using Forms SEC-248, FFD Requirements/Recommendations, and SEC-249, NMC Request For Follow-up Testing.

4.11.5 Return to Duty Requirements

- a. If Form SEC-247 conditions return to duty on successful completion of MRO or management requirements, SEC-248, shall be executed identifying:

- Specific RTD requirements indicated on SEC-247.

NOTE: Only the duration of follow-up testing shall be communicated to the individual, the frequency shall not be communicated.

- Any work restrictions as identified by NMC management.

- b. SEC-248 shall be signed by the FFDPM or returnee's NMC Supervisor and the worker.
- c. Personnel with outstanding return to duty requirements shall be tracked on NMC Security Form QF-0334.

4.11.6 FFD Determinations

- a. Prior to approving an individual as fit for duty, management and medical assurance of FFD shall be documented through completion of SEC-247.

4.12 Evaluating FFD Information

4.12.1 Responsibilities

- a. PBNP Fitness for Duty Program Manager (FFDPM) shall be responsible for:
 - Reviewing all derogatory FFD information for individuals with current unescorted access to determine whether to recommend:
 - (a) For-cause testing and/or FFD exams.
 - (b) Removal from duty.

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- (1) Recommending denials and suspensions of access authorization based on FFD in accordance with site Access Authorization Program implementing procedures.
 - (2) Evaluating fitness for duty actions for reportability/loggability.
- b. NMC Security section members shall be responsible for:
1. Informing the Site FFDPM of derogatory FFD information identified in assigned background investigations, suitable inquiries, and psychological evaluations.
 2. Investigating all derogatory FFD information in accordance with applicable site Access Authorization Program procedures for determining eligibility for unescorted access authorization.
 3. Immediately reviewing with the FFDPM all derogatory FFD information received on individuals with current unescorted access.
 4. Recommending to the FFDPM the denial or suspension of access authorization.
 - (a) In the FFDPM's absence, the lead NMC Security section member shall assume the responsibilities of the SAAL as defined herein.

4.12.2 General

- a. All information obtained through the conduct of background investigations, suitable inquiries, psychological evaluations, receipt of FFD allegations or any other derogatory FFD information shall be used to determine an individual's FFD.
- b. Sources of information for FFD allegations include: worker self-reports, third-person reports, and information gathered from local law enforcement agencies and news accounts.
- c. To ensure impartiality, NMC Security section members shall remove themselves from any evaluation and recommendation process regarding a relative, co-worker or personal friend.

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4.12.3 Derogatory FFD Information

- a. The following are examples of derogatory FFD information, which may have been developed from information provided by the individual or information developed during the background investigation of the individual.
 1. Sale, use or possession of illegal drugs.
 2. Positive drug or alcohol test conducted in accordance with 10CFR26 or any licensee fitness for duty program.
 3. Removal from duty or denial of employment in accordance with any licensee, vendor, or contractor FFD program.
 4. Criminal History.
 - (a) Any arrests, charges, or convictions for violation of any law related to drugs or alcohol as disclosed on site in-processing paperwork, developed during the background investigation, or disclosed by the worker in accordance with the NMC or site fitness for duty policies.
 - (b) Criminal history related to drugs or alcohol received from NRC FBI Criminal History Check.
 5. Treatment for substance abuse.
 6. Refusal to drug and/or alcohol test.
 7. SEC-247, FFD Evaluation Record, recommends the worker must meet FFD requirements prior to, or to maintain, unescorted access authorization.
 8. Worker failure to comply with the requirements of SEC-248, FFD Requirements/Recommendations.

NOTE: Failure to comply with recommendations is not considered derogatory information.

9. Any other information that could call into question the fitness of a worker. Examples of information include:
 - (a) Use of physician-prescribed, mood-altering drugs, narcotics, depressants, amphetamines, or other controlled substances.

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- (b) Use of over-the-counter drugs affecting fitness, such as heavy machinery, or similar precautions.
- (c) Abuse of legal drugs (including alcohol).
- (d) Physical violence.
- (e) Illness or emotional instabilities.
- (f) A medical history or medical diagnosis of habitual alcoholism.

10. NMC Security section members shall investigate all derogatory information in accordance with guidelines established in site Access Authorization Program procedures implementing 10 CFR Part 73.56 requirements.

4.12.4 Evaluating FFD Information

- a. NMC Security section members shall review all sources of FFD information referenced in Section 4.12.2 (a) for derogatory information as defined in Section 4.12.3.
- b. If derogatory information is not identified, the NMC Security section member shall proceed in accordance with guidelines established in site Access Authorization Program procedures implementing 10 CFR Part 73.56 requirements and NRC January 7, 2003 Access Authorization Order requirements.
- c. If derogatory FFD information is identified, the NMC Security section member shall proceed to Section 4.12.5.

4.12.5 Evaluating Derogatory FFD Information

- a. Individuals with Current Unescorted Access
 - 1. NMC Security section members shall immediately inform the FFDPM.
 - 2. The FFDPM shall:
 - (a) Investigate in accordance with Access Authorization Program guidelines for investigating derogatory information.
 - (b) If substantiated, evaluate the information and make a determination on individuals unescorted access status.

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- (c) Recommend to the Site Vice President:
 - (1) For-cause testing and/or removal from duty if appropriate.
 - (2) Removal from duty in accordance with Section 4.9.
 - (3) Suspending the individual's access authorization in accordance with Access Authorization Program procedures, depending on the significance of the derogatory information, pending further investigation.
- (d) Record information review and disposition by:
 - (1) Completing the applicable site Access Authorization Program derogatory information disposition form, or
 - (2) Recording derogatory information and disposition in applicable site electronic Access Authorization/Fitness for Duty database, and
 - (3) Processing appropriate unescorted access authorization status change.
- (e) If the fitness of an NRC employee is questioned, place the employee under escort and immediately contact the NRC Regional III Administrator at 630-829-9657.

b. Individuals Requesting Unescorted Access

- NMC Security section members shall:
 - (a) Investigate in accordance with site Access Authorization Program guidelines for investigating derogatory information.
 - (b) Evaluate substantiated FFD information. Changes in access status shall be made in accordance with site Access Authorization Program procedures.
 - (c) Inform the FFD Program Manager of derogatory FFD information.
 - (1) The FFD Program Manager shall coordinate determination of rehabilitation requirements in accordance with Section 4.11.

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- (d) Record information review and disposition by:
 - (1) Completing the applicable site Access Authorization Program derogatory information disposition form, or
 - (2) Recording derogatory information and disposition in applicable site electronic Access Authorization/Fitness for Duty database, and
 - (3) Processing appropriate unescorted access authorization status change.
- c. Personnel with outstanding FFD requirements shall be tracked on NMC Security Table QF-0334, Nuclear AA/FFD Active Case Log.

4.13 Reporting

4.13.1 FFD Event NRC Reporting

- a. The Site FFDPM and NMC Access Manager shall jointly evaluate FFD event information to determine NRC reporting requirements per 10CFR26 and Section 4.13.1 (b).
- b. Reportable FFD events shall include the following:
 - 1. Sale, use, or possession of illegal drugs within the protected area.
 - 2. Any acts by any person licensed under 10CFR55 to operate a power reactor or by any supervisory personnel assigned to perform duties within the scope of 10CFR26:
 - (a) Involving the sale, use or possession of a controlled substance,
 - (b) Resulting in confirmed positive tests on such persons.
 - (c) Involving use of alcohol within the protected area, or
 - (d) Resulting in a determination of unfitness for scheduled work due to the consumption of alcohol.
- c. If the FFD event information meets any of the criteria in 10CFR 26.73 (a), the FFDPM, or designee, shall initiate notification of the event to NRC Operations Center by telephone (301-816-5100) within 24 hours of the discovery of the event. This reporting shall be coordinated through the NMC and/or Site Regulatory Affairs Department.

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- d. Security Director, NMC shall approve FFD periodic and event reporting.
- e. FFD reporting shall be accomplished through the applicable plant Regulatory Affairs department.

4.13.2 Semi-Annual NRC Reporting

- a. The FFDPM shall:
 - 1. Collect and compile fitness-for-duty performance data on a standard form and submit this data to the NRC within 60 days of the end of each 6-month reporting period (January-June and July-December). The data shall include: random testing rate; drugs tested for and cut-off levels, including results of tests using lower cut-off levels and tests for other drugs; work force populations tested; number of tests and results by population and type of test (i.e., pre-badging, random, for-cause, etc.) substances identified; summary of management actions; and a list of events reported. The data must be analyzed and appropriate actions taken to correct program weaknesses.
 - 2. Use the NRC approved Nuclear Energy Institute (NEI) Performance Data Form, for the 6-month Period ending June or December, 20XX, and instructions for reporting performance data per Section 4.13.2 (a) (1).
 - 3. Analyze performance data and recommend actions to be taken to correct any program weaknesses.
 - 4. Draft a cover letter, for NMC or Site Regulatory Affairs approval, summarizing management actions taken and program analysis per Section 4.13.2 (a) (3)
- b. Approved letter in Section 4.13.2 (a) (4) shall accompany the semi-annual FFD Program Data. This information shall be submitted to NRC within timeframe in Section 4.13.2 (a) (1).

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4.13.3 FFD Event/Periodic Reports

Event	Timing	Recipient
NRC employee not fit for duty	Immediately after discovering unfit condition	Regional Administrator
Sale, use or possession of illegal drugs in the protected area	24 Hrs	NRC Operations Center is (301) 816-5100
Acts by licensed operators or supervisory personnel involving: sale, use or possession of controlled substance; confirmed positive test results; use of alcohol within the protected area; determination of unfitness for scheduled work due to consumption of alcohol	24 Hrs	NRC Operations Center is (301) 816-5100
Drug and alcohol testing results and analysis; summary of management actions and a list of events related to fitness for duty	Semi-annually, 60 days after end of each 6 month reporting period, ending June 30 and December 31	U.S. Nuclear Regulatory Commission ATTN: Document Control Desk Washington DC 20555
Imposition of more stringent cutoff levels of testing for additional substances	Within 60 days of changing cutoff levels of testing	-U.S. Nuclear Regulatory Commission ATTN: Document Control Desk Washington DC 20555 -U.S. Nuclear Regulatory Commission, Region III, 801 Warrenville Rd, Lisle, IL 60532-4351 -NRC Resident Inspector at the applicable plant
Unsatisfactory HHS laboratory performance test results	Within 30 days of performance testing incident	-U.S. Nuclear Regulatory Commission ATTN: Document Control Desk Washington DC 20555 -U.S. Nuclear Regulatory Commission, Region III, 801 Warrenville Rd, Lisle, IL 60532-4351 -NRC Resident Inspector at the applicable plant

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False positive error due to administrative error	Promptly after discovering error	-U.S. Nuclear Regulatory Commission ATTN: Document Control Desk Washington DC 20555 -U.S. Nuclear Regulatory Commission, Region III, 801 Warrenville Rd, Lisle, IL 60532-4351 -NRC Resident Inspector at the applicable plant
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4.14 Protection Of Information / Personnel

- 4.14.1 All documents which identify employees of NMC, WE and of NMC contractors or vendors, with **other-than-negative** chemical test result reports, shall be maintained in locked storage, or if located in a computer file, be under password protection when **NOT** being used by authorized personnel.
- 4.14.2 NMC and each approved contractor and vendor shall **NOT** disclose the personal information collected and maintained to persons other than assigned MRO's, other licensees or their authorized representatives legitimately seeking the information as required by 10 CFR 26 for unescorted access decisions and who have obtained a release from current or prospective employees or contractor personnel, NRC representatives, appropriate law enforcement officials under court order, the subject individual or their representative, or to those license representatives who have a need to have access to the information in performance of their duties, including audits of NMC approved contractor's and vendor's programs, to persons deciding matters on review or appeal, and to other persons pursuant to court order. NMC, and each approved contractor or vendor, may **NOT** withhold evidence of criminal conduct from law enforcement officials.
- 4.14.3 Every effort should be made to protect the confidentiality of the person (s) being tested. All information should be given to the individuals involved and **NOT** in a group setting. (Reference B-5)

4.15 Reviewing FFD Denials

4.15.1 Responsibilities

1. The respective Senior Site Vice President *shall* be responsible for deciding the disposition of requests for review of denials based on FFD.
2. FFDPMs *shall* be responsible for:
 - a. Notifying individuals denied access authorization of the basis and right to review.
 - b. Briefing the Senior Site VP on review requests received and coordinating disposition.
 - c. Notifying individuals of review dispositions.
 - d. Preparing individual notification of denial letters and right to review forms.

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4.15.2 General

1. To ensure impartiality, NMC Security members *shall* remove themselves from any review process regarding a relative, co-worker or personal friend.
2. Pending final disposition of review request, access authorization *shall* remain suspended or denied.
3. Individuals for whom access authorization is reversed *shall* become immediately eligible to reapply for access authorization.
4. Actions taken in response to the review request *shall* be documented on NMC Security Form QF-0367.

4.15.3 Notifications

1. All individuals denied access authorization in accordance with section 4.12 *shall* be notified of their right to request a review. This notification *shall* be made within 3 business days for positive drug screen denials and within 10 business days for all other FFD related denials following the access authorization denial.
2. Individuals *shall* be notified of their right to request a review with SEC-266 and QF-0367.
3. Individuals *shall* be notified of review request dispositions with NMC Security Form QF-0369 or QF-0370

4.15.4 NMC Officer Review

1. The Site FFDPM *shall* brief the responsible Senior Site VP on all review requests of denials based on FFD, presenting the basis for denial and information supporting review requests.
2. NMC Senior Site VP disposition of the review request *shall* be documented on NMC Security Form QF-0367.

4.16 Inspections, Records, And Reports

NMC and each contractor and vendor implementing a NMC approved FFD program shall permit duly authorized representatives of the NRC to inspect, copy, or take away copies of records and inspect premises, activities and personnel as may be necessary to accomplish the purpose of 10 CFR 26.

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4.17 Record Keeping

NMC and each contractor and vendor implementing a NMC approved FFD program under the provisions of 10 CFR 26.23 shall:

- 4.17.1 Retain records of inquiries conducted in accordance with 10 CFR 26.27(a) that result in the granting of unescorted access, until 5 years following termination of such access authorization;
- 4.17.2 Retain records of confirmed positive test results which are concurred in by the MRO, and the related personnel actions for a period of 5 years;
- 4.17.3 Retain records of persons made ineligible for 3 years or longer for assignments of activities within 10 CFR 26.27(b) (2), (3), (4) or (c), until the NRC terminates each license under which the records were created;
- 4.17.4 Collect and compile FFD program performance data and submit this data to the NRC within 60 days of the end of each 6-month reporting period. The data must include:
 - a. Drugs tested for and cut-off levels, including results of tests using lower cut-off levels and tests for other drugs;
 - b. Workforce populations tested, numbers of tests and results by population, and type of test (i.e., pre-access, random, for-cause, etc.);
 - c. Substances identified, summary of management actions, and a list of events reported under 10 CFR 26.73.
- 4.17.5 Data and analysis must be retained for 3 years.

4.18 Audits

- 4.18.1 NMC shall audit the FFD program nominally every 12 months. In addition, audits must be conducted nominally every 12 months of those portions of FFD programs implemented by NMC approved contractors and vendors.
(Reference 5.2)
 - a. NMC may accept audits of contractors and vendors conducted by other licensees and need **NOT** re-audit for the same period of time.
 - b. Each sharing utility shall maintain a copy of the audit report, to include findings, recommendations and corrective actions.
 - c. NMC retains responsibility for the effectiveness of NMC approved contractor and vendor programs and the implementation of appropriate corrective action.

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- 4.18.2 Audits must focus on the effectiveness of the program and be conducted by individuals qualified in the subject(s) being audited, and independent of both FFD management and personnel directly responsible for the implementation of the FFD program.
- 4.18.3 The results of the audit, along with recommendations, if any, must be documented and reported to senior corporate and PBNP management. The resolution of the audit findings and corrective actions must be documented.
- 4.18.4 Audit documents must be retained for 3 years.

4.19 Random Test Dates

The NMC FFDP is responsible for providing NMC drug and alcohol random test locations with random test days, shifts and periods that random testing will be conducted. (Reference 5.4)

4.20 Chemical Testing Program

The NMC PBNP FFD chemical testing program (CTP) requires chemical testing for unescorted access authorization, random testing, for cause testing (reasonable suspicion), and follow-up testing for illegal drugs, illegal drug metabolites and alcohol. All chemical testing accomplished pursuant to the CTP shall be done in accordance with 10 CFR 26, Appendix A.

4.20.1 Split Samples:

All urine specimens collected under the CTP shall be split into two parts at the collection site.

- a. One part of the sample shall be maintained until the other part, submitted to the HHS-Laboratory, has been determined by the MRO to be negative.
 - A request may be made by the MRO to test the split sample maintained at the NMC approved HHS laboratory should the submitted sample be declared positive by the MRO.
 - This test of the split sample will be performed by a second HHS-Laboratory and the results transmitted to the MRO without regard to the cutoff levels.
- b. The tested individual may request within 72 hours that the MRO have the split sample tested, once having actual notice they tested positive.

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4.20.2 Pre-access Testing:

Testing within 30 days prior to the initial granting of unescorted access or assignment to activities within the scope of the NMC PBNP FFD CTP.

- a. Upon receipt of a request for unescorted access, the applicant will be instructed to report to the most appropriate collection site to provide specimens for testing.
- b. The collection of urine and breath specimens (and blood if requested by the applicant), and all analysis shall be done within the NMC PBNP FFD CTP.

4.20.3 Random Testing - PBNP:

Random testing shall be conducted at an annual rate equal to at least 50% of those personnel with active badge at Point Beach Nuclear Plant.

Refer to PBFAA 1.3 regarding specific information on computer random selection and personnel notification. (Reference 5.5)

4.20.4 Adulterating Sample:

If there is reason to believe that an individual may have altered or substituted a urine specimen:

- a. Another specimen shall be collected under the direct observation of a same gender collection certified person. Approval shall be obtained by the FFDPM, PBNP Security Supervisor, or MRO prior to direct observation testing.
- b. An individual may volunteer to have his or her oral temperature taken to provide evidence to counter the reason to believe for those specimens that the temperature falls outside the prescribed range of 90.5° - 99.8°F.
- c. All urine specimens suspected of being adulterated, substituted or found to be diluted shall be forwarded to the laboratory for testing. (Reference B-8)
- d. Suspect individuals shall have their unescorted access to PBNP suspended until the laboratory results are received.
 - Negative test results may warrant unescorted access being reinstated.
 - Positive test results confirming adulteration or substitute of a specimen shall result in the removal of unescorted access to PBNP permanently.

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4.21 Blind Performance Testing

4.21.1 The submission of blind performance specimens to the primary contracted NMC HHS laboratory is required by 10 CFR 26, Appendix A, 2.8(e)(2) to ensure continued satisfactory performance. This requires the submission of known positive and known negative specimens and certain actions upon discovery of errors. (Reference B-9)

4.21.2 During the initial 90-day period of any new drug testing program, NMC shall submit blind performance test specimens to each NMC DHHS certified laboratory it contracts within the amount of at least 50 percent of the total number of samples submitted (up to a maximum of 500 samples) thereafter a minimum of 10 percent of all samples (to a maximum of 250) submitted per quarter.

Approximately 80 percent of the blind performance test samples shall be blank (i.e., certified to contain no drug) and the remaining samples shall be positive for one or more drugs per sample in a distribution such that all the drugs to be tested are included in approximately equal frequencies of challenge. The positive samples shall be spiked only with those drugs for which NMC PBNP is testing.

- a. The NMC contractor, Aurora Occupational Health shall monitor the rates of submission of individual's specimens on a continuous basis and submit the appropriate ratio of blind specimens.
- b. The MRO shall immediately report to the NMC PBNP FFDPM any unsatisfactory blind performance test.

4.22 Department Of Health And Human Services (DHHS) Laboratory Examinations

4.22.1 Reporting:

- a. A report shall be made by the contracted NMC PBNP Health and Human Services Laboratory (HHS) to the MRO or FFDPM within 24 hours after discovery of:
 - Specimen tampering;
 - Discrepancies in the information on specimen containers;
 - Discrepancies in the information on the chain of custody forms at the time the specimens are received.
- b. The FFDPM will notify appropriate NMC management.
- c. Specimens shall be processed as outlined in laboratory procedures.

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- d. Results of all tests are to be reported only to the appropriate MRO as outlined in the NMC approved HHS certified laboratories procedures.
- e. A monthly statistical summary, as required in 10 CFR 26 Appendix A, 2.7 (g)(6), shall be provided to the FFDPM NOT more than 14 calendar days after the month covered by the summary.

4.22.2 Unsatisfactory Blind Specimen Test Reporting

- a. MRO *shall* investigate all unsatisfactory blind specimen tests results (false positives, negatives and invalids). MRO *shall* prepare a report of investigative findings and any corrective action taken to prevent recurrence of the unsatisfactory blind specimen test result.
- b. If the MRO investigation concludes that the unsatisfactory blind specimen test result is a false negative.
 - MRO or responsible HHS-certified lab *shall* prepare a report of investigative findings and corrective action taken by laboratory. The report *shall* be dated and signed by the individuals responsible for day-to-day management and operation of the HHS-certified laboratory.
 - The report prepared in 4.22.2 (b) *shall* be submitted to the NRC as a report of unsatisfactory performance testing incident within 30 days following the date of report.
- c. If the MRO investigation concludes that unsatisfactory blind specimen is a false positive, the MRO *shall* immediately notify the FFDPM who immediately notifies the NRC. A report *shall* be prepared and submitted in accordance with 4.22.2. (b) herein.
 - If the error is determined to be an administrative error (e.g., clerical, sample mix-up, etc.), the MRO may require a review and re-analysis of previously run specimens if the error appears systematic.
 - If the error is determined to be a technical or methodological error, the MRO *shall* instruct the responsible HHS-certified laboratory to:
 - (a) Submit to NMC all quality control data from the batch of specimens which included the false positive specimen.
 - (b) Retest all specimens analyzed positive for that drug or metabolite from the time of the last satisfactory performance test cycle. This retesting *shall* be documented by a statement signed by the individual responsible for the day-to-day management of the laboratory's substance testing program.

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4.23 Medical Review Officer (MRO)

4.23.1 For test results which are other than positive, the MRO will:

Send the reports to the NMC PBNP FFDPM for filing in the appropriate NMC, WE employee and contractor files.

4.23.2 As appropriate, order collection site observations of the next urine acquisitions from particular individuals with respect to specific gravity and creatinine results from the individuals last urine test.

4.23.3 If a urine test is determined to be scientifically insufficient:

File the information that it may be made available for NRC with personal data being held private.

4.23.4 Results determined to be positive by the MRO shall be signed and dated confirming positive results on the custody and control form attesting to the validity of the test results and the continuity of the specimen custody and control. Positive results shall be reported to the FFDPM. (Reference B-10)

4.24 NMC PBNP FFD Program Manager

The FFDPM will be responsible for administering the NMC PBNP fitness-for-duty policy and procedures.

4.24.1 The FFDPM will receive FFD data from various sources.

4.24.2 File data in a manner that results in the information being maintained in confidence as required by 10 CFR 26.29.

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5.0 REFERENCES

- 5.1 NPM 2000-0267, Hemp Products
- 5.2 NEI 94-02, Standardized Industry Audit Process for Licensee-Approved Contractor/Vendor Access Authorization and Fitness For Duty Programs
- 5.3 10 CFR 26, Fitness For Duty Programs
- 5.4 FP-S-AA-01, NMC Access Authorization Program
- 5.5 PBFAA 1.3, FFD Computer Random Selection Process & Personnel Notification
- 5.6 SEC-226, Personal Certification for Collection Persons
- 5.7 NMC Policy, CP0016 – Fitness For Duty
- 5.8 WE Policy on Alcohol and Other Drug Use - Policy No. 147
- 5.9 NP 1.7.18, Unscheduled Work Period (UWP) Call-in
- 5.10 SEC-246, FFD Assessment Elements
- 5.11 SEC-247, FFD Evaluation
- 5.12 SEC-248, FFD Requirements/Recommendations
- 5.13 SEC-249, NMC Request For Follow-Up Testing
- 5.14 SEC-261, EAP Supervisory Referral
- 5.15 SEC-266, NMC Fitness for Duty Based Denial – Request for Review
- 5.16 QF-0334, Nuclear AA/FFD Active Case Log
- 5.17 QF-0367, Request for Review of UAA Denial
- 5.18 QF-0369, Request for Review of UAA Denial Disposition – Upheld
- 5.19 QF-0370, Request for Review of UAA Denial Disposition – Reversed

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6.0 BASES

- B-1 CR 98-2445 #4, Valve mis-position
- B-2 CR 98-1582 #7, Relay testing 1 cal PMT performed without entering applicable LCO.
- B-3 QCR 97-0325 #9, Procedure revisions required.
- B-4 SP 99-007, Develop return to work meeting.
- B-5 ECP 98-13 #5, Employee Concern Program
- B-6 CR 98-3481, FFD random list formula inadequate.
- B-7 CR 99-0731 #1, Evaluate notification process.
- B-8 OE 9569, A pre-access urine sample was found to contain a adulterant.
- B-9 CR 92-389, Blind submission less than 10%.
- B-10 QCR 98-0255 #1, MRO Signature on positive test results.