

TENNESSEE VALLEY AUTHORITY

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JAN 03 1990

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555

Gentlemen:

In the Matter of)	Docket Nos. 50-259	50-390
Tennessee Valley Authority)	50-260	50-391
)	50-296	50-438
)	50-327	50-439
)	50-328	

IMPLEMENTATION OF FITNESS FOR DUTY RULE - 10 CFR PART 26

In accordance with the requirements of 10 CFR 26.73(d), TVA certifies that its Nuclear Power organization has implemented a Fitness for Duty program which meets the requirements of 10 CFR Part 26.

Nuclear Power's Fitness for Duty program is implemented principally by Nuclear Power Standard 2.1.11 and TVA Medical Examiner's Guide Section VII.5, which were upgraded effective December 11 and 4, 1989, respectively. These procedures have now been implemented at TVA's four nuclear plant sites (Bellefonte, Browns Ferry, Sequoyah, and Watts Bar), Nuclear Power's corporate offices in Chattanooga and Knoxville, and other appropriate Nuclear Power work locations.

Since 1983 Nuclear Power's Fitness for Duty program has included a drug awareness component to ensure that all those affected by the Fitness for Duty program understood their obligations to promote a drug-free workplace, the threat posed by illegal drug use, and the availability of help in the event of a drug or alcohol problem. The program has been upgraded several times, including a major enhancement effective October 1987 to provide for random testing substantially in conformance with Department of Health and Human Services guidelines. TVA's approach in implementing Part 26 has been to modify only those aspects of the existing program affected by the new rule. Where Part 26 is silent, the features of the existing program have been retained. For example, the applicability of Nuclear Power's Fitness for Duty policies and procedures are somewhat broader than the scope of Part 26. In addition to persons with unescorted access and employees¹ required to report

¹ At this time, no non-TVA employees are required to report to TVA emergency response centers in accordance with TVA's emergency plans and procedures. Prior to requiring any contractors or vendors to physically report to any TVA emergency response center in accordance with TVA emergency plans and procedures, the program will be revised accordingly.

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to TVA emergency response centers, the program is also applicable to, among others, all Nuclear Power employees, other TVA employees located at Nuclear Power sites or projects, and contractor and vendor employees assigned to the Nuclear Power organization. The random alcohol and drug screening component of the program includes, in addition to persons with unescorted access and employees who must report to TVA emergency response centers, those with an official station at a nuclear plant or project, and Nuclear Power manager and specialist schedule and engineering schedule employees.

In evaluating Nuclear Power's program against the requirements of Part 26, interpretations of the rule's meaning and intent were necessarily made. Outlined below are significant implementation matters, along with a description of how TVA is addressing them.

Administration of alcohol and drug tests following certain events. Section 26.24(a)(3) requires alcohol and drug testing, among other times, "after accidents involving a failure in individual performance resulting in personal injury...if there is reasonable suspicion that the worker's behavior contributed to the event..." TVA interprets this section to require testing where personal error contributed to the injury, and not each circumstance where a person has been injured on the job. Nuclear Power requires testing, among other times, when there is reasonable suspicion that the worker's behavior involved a failure in performance that contributed to a lost-time accident. For Fitness for Duty purposes, a lost-time accident is a work related injury or illness that prevents the employee from reporting to work on any regularly scheduled work day following an accident. This definition is based on regulations issued under the Occupational Safety and Health Act.

Preliminary Positive Test Results. In cases where the results of a person's preliminary drug test analysis indicates the presence of cannabinoids, cocaine, or alcohol, Nuclear Power is continuing its safety-conscious approach of removing the person from Nuclear Power property and placing that person in a non-work pay status pending confirmation of the preliminary test result. In accordance with 10 CFP Part 26, Nuclear Power procedures provide that access to the preliminary test result is limited to the appropriate Medical Review Officer, the Fitness for Duty Program Manager, and the person involved.

Protection of Information. Section 26.29(a) requires licensees to establish and maintain a system of files and procedures for the protection of personal information developed in their Fitness for Duty programs. TVA currently complies with provisions of the Privacy Act of 1974 and maintains its systems of records in a way that protects personal privacy in accordance with the requirements of that Act. TVA believes this system of maintaining its files implements the requirements of Section 26.29(a). Section 26.29(b) restricts the disclosures that may be made of certain records. Records of drug tests and other information collected in the course of the drug testing process will only be disclosed in accordance with Section 26.29(b). The disclosures permitted by Section 26.29(b) are narrower than those discretionary disclosures otherwise permitted under TVA's Privacy Act routine uses. Records which TVA collects for other purposes but which may also be relevant to Nuclear Power's Fitness for Duty program will be released only in accordance with TVA's routine uses under the Privacy Act.

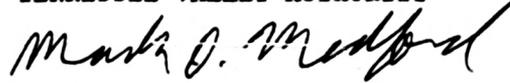
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JAN 03 1990

I hope that this information will be useful to the NRC in the course of its review of the Nuclear Power organization's Fitness for Duty program. Questions regarding TVA's implementation of Part 26 may be directed to me at (615) 751-4776.

Very truly yours,

TENNESSEE VALLEY AUTHORITY



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