

From: FFDProgram Resource
Sent: Tuesday, April 03, 2012 8:00 AM
To: '24210@ameren.com'
Subject: Response to your inquiry to the U.S. Nuclear Regulatory Commission

Ms. Lee:

Thank you for your inquiry. Title 10 of the *Code of Federal Regulations* (10 CFR) 26.187(d)(7) requires substance abuse experts (SAEs) to receive qualification and training on the reporting and recordkeeping requirements of 10 CFR Part 26. This includes, in part, the requirements under 10 CFR 26.187(f) for documentation and under 10 CFR 26.37 for protection of information.

Under 10 CFR 26.3(d), contractors and vendors who implement FFD programs or program elements relied on by the licensees and other entities specified in 10 CFR 26.3(a) through (c), are subject to the requirements of 10 CFR Part 26 to the extent that those licensees or other entities rely on those programs or program elements to meet the requirements of 10 CFR Part 26. As licensees and other entities would not rely on an SAE for the reports required under 10 CFR 26.719(a), 10 CFR 26.719 would not require SAEs to report to the NRC.

Additional information on Fitness for Duty is available through the U.S. Nuclear Regulatory Commission's (NRC's) public Web site: <http://www.nrc.gov/reactors/operating/ops-experience/fitness-for-duty.html>.

The NRC hopes that the information above answers your question. Please feel free to contact the agency should you require any additional information.

Regards,

Melissa Ralph,

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Note that the information herein is provided as a public service and solely for informational purposes and is not, nor should be deemed as, an official NRC position, opinion or guidance, or "a written interpretation by the General Counsel" under Title 10 of the *Code of Federal Regulations* (10 CFR) 26.7, "Interpretations," on any matter to which the information may relate. The opinions, representations, positions, interpretations, guidance, or recommendations that may be expressed by the NRC technical staff in response to your inquiry are solely those of the NRC technical staff and do not necessarily represent the same for the NRC. Accordingly, the fact that the information was obtained through the NRC technical staff will not have a precedential effect in any legal or regulatory proceeding.

From: 24210@ameren.com[SMTP:24210@AMEREN.COM]
Sent: Wednesday, March 16, 2011 4:59:20 PM
To: FitnessForDuty Resource
Subject: Response from "Contact Us About Fitness-for-Duty"
Auto forwarded by a Rule

Below is the result of your feedback form. It was submitted by

(24210@ameren.com) on Wednesday, March 16, 2011 at 16:59:20

comments: 10CFR26 Section 26.187.d.(7), This section addresses the requirement to train a Substance Abuse Expert (SAE) in "reporting and recordkeeping requirements of this subpart". Relative to the training requirement for reporting, is this requesting that SAEs be trained to the requirements of 10CFR26.719? Does the "other entity" in 10CFR26.719 include the SAE and if so, do they have a direct reporting requirement to the NRC, as that section implies?

If the intent is that the "other entity" report to the licensee, should the regulation be clarified to include all persons within the scope of 10CFR26, such as SAE, MRO, Psychologists, etc. to have the same reporting requirements to the licensee that is outlined in 10CFR26.35(c)(2) so that the licensee, in turn, can report that to the NRC? Currently section 10CFR26.35(c)(2) only applies to Employee Assistance Program personnel. It is likely that this type of information could be discovered during a determination of fitness.

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