

From: Ralph, Melissa
Sent: Thursday, October 04, 2012 1:39 PM
To: SEARS, RUSSELL L
Cc: Harris, Paul; Kozal, Jason; Smith, Will
Subject: RE: EIE Forms Issue

Russell,

Per our discussion yesterday, it is the technical staff's position that answering "Yes" to the question "Did your program only test for NRC-required substances AND at the NRC-specified minimum cutoff levels?" on the NRC Annual Reporting Form meets the requirements in §26.717(b)(2).

This position is justified by the pop-up that appears when you hover your mouse on the selection box. By selecting "Yes" in this box the licensee affirms that it is testing for the substances listed in 26.31(d) and at the cutoff levels specified in 26.133 (as applicable) and 26.163.

It is therefore not necessary to repeat the substances and cutoff levels on the form in order to meet the requirement as long-as they do not differ from what is listed in the applicable sections of the rule text.

Regards,

Melissa Ralph,

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From: SEARS, RUSSELL L [mailto:RSEARS@entergy.com]
Sent: Monday, October 01, 2012 1:56 PM
To: Harris, Paul; Ralph, Melissa; Smith, Will
Subject: EIE Forms Issue
Importance: High

Good Afternoon:

During our NEI AA/FFD conference in Miami, FL in July of this year I spoke with Melissa and Will regarding an internal audit issue we are dealing with at Entergy. We are trying to address a nonconformance written in regard to 10CFR26.717(b)(2). The referenced section requires licensees to include the drugs we test for and the associated cutoff levels in the Annual Performance Data Report we send to the NRC; however, the EIE forms provide by the NRC that we are supposed to use do not contain a section in the report template for the drugs and cutoff levels.

Melissa indicated at the workshop that she would discuss this within your group since the forms were currently under review.

Could you provide some feed back on this issue and if there is any intention to resolve the conflict? If the EIE forms remain the same, Entergy sites will have to make modifications to our reporting format to align with 10CFR26.717(b)(2) on future reports.

Thanks,

Russell Sears
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§ 26.717 Fitness-for-duty program performance data

- (a) Licensees and other entities shall collect and compile FFD program performance data for each FFD program that is subject to this subpart.
- (b) The FFD program performance data must include the following information:
 - (1) The random testing rate;
 - (2) **Drugs for which testing is conducted and cutoff levels**, including results of tests using lower cutoff levels, tests for drugs not included in the HHS panel, and any special analyses of dilute specimens permitted under § 26.163(a)(2);