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The Honorable Ivan Selin  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Chairman Selin:

SUBJECT: PROPOSED AMENDMENTS TO FITNESS-FOR-DUTY RULE  
(10 CFR PART 26)

During the 386th meeting of the Advisory Committee on Reactor Safeguards, June 4-5, 1992, we reviewed the proposed amendments to the Fitness-For-Duty (FFD) rule which the staff plans to issue for public comment in the near future. Our review was in response to the November 7, 1991 Staff Requirements Memorandum (SRM), "SECY-91-293 - Assessment of Implementation of the Fitness-For-Duty (FFD) Rule and Need for Changes to the Rule." In that SRM, you asked us to review and comment on these proposed amendments prior to their submittal to the Commission. During our meeting, we had the benefit of discussions with representatives of the NRC staff and NUMARC. (NUMARC had not seen this proposed amendment package and was unable to provide detailed comments.) We also had the benefit of the documents referenced.

The staff has evaluated information from a number of sources to determine the effectiveness of the rule since it was implemented during January 1990, and to identify potential desirable changes to the rule. These evaluations included the results of inspections of licensee FFD programs, periodic licensee reports on program results, initiatives by the National Institute on Drug Abuse and NUMARC, Commission's instructions included in the SRM dated November 7, 1991, and a letter from NUMARC dated April 17, 1991 which provided some 51 proposed modifications to the rule based on the nuclear power industry's first year's experience with the FFD programs. We have no objection to the publication of the proposed amendments for public comment.

As an additional matter, because the existing testing program is resource intensive and there appears to be minimal use of drugs and alcohol at nuclear power plants, the staff proposes to investigate the possibility that a reduced testing schedule would be effective in maintaining an appropriate program for detection of substance abuse. We encourage this activity.

Sincerely,

David A. Ward  
Chairman

References:

1. Staff Requirements Memorandum dated November 7, 1991 from Samuel J. Chilk, Secretary, for James M. Taylor, Executive Director for Operations, Subject: SECY-91-293 ŷ Assessment of Implementation of the Fitness-for-Duty (FFD) Rule and Need for Changes to the Rule
2. SECY-91-293 dated September 17, 1991 for The Commissioners from James M. Taylor, Executive Director for Operations, Subject: Assessment of Implementation of the Fitness-For-Duty (FFD) Rule and Need for Changes to the Rule
3. U.S. Nuclear Regulatory Commission, Draft Part 26 ŷ Fitness for Duty Programs, dated April 20, 1992 (PREDECISIONAL)