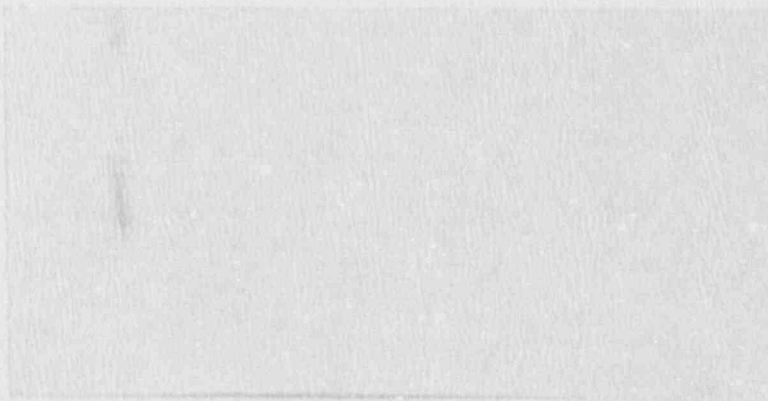




NUCLEAR MANAGEMENT AND RESOURCES COUNCIL



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WORKSHOP PROCEEDINGS FOR

ACCESS AUTHORIZATION  
and  
FITNESS-FOR-DUTY

September 12-14, 1990  
Detroit, Michigan

## NOTICE

This report is presented as unofficial summary proceedings of a two and one-half day workshop on Access Authorization and Fitness-for-Duty, co-sponsored by the Nuclear Management and Resources Council, Inc. (NUMARC) and the Edison Electric Institute (EEI). Neither company nor any of their employees, members, or consultants, or any Workshop participants, make any warranty, expressed or implied, or assume any legal liability or responsibility for the accuracy, completeness or usefulness of any information, apparatus, product or process disclosed in this account, or represent that its use would not infringe privately-owned rights; or assume any liabilities with respect to the use of, or for damages resulting from the use of, any information, apparatus, method, or process disclosed in this meeting account.

The options, conclusions, recommendations and opinions set forth in this report are those of the workshop participants and do not necessarily represent the views of NUMARC or EEI, their employees, members or consultants.

Workshop on Access Authorization

and

Fitness-for-Duty

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SUMMARY PROCEEDINGS

WORKSHOP ON ACCESS AUTHORIZATION

AND

FITNESS-FOR-DUTY

SEPTEMBER 12-14, 1990

DETROIT, MICHIGAN

Summary Proceedings  
Access Authorization  
and  
Fitness-for-Duty  
Workshop

This two and one-half day workshop was conducted at The Westin Hotel, Detroit, Michigan, during the period September 12-14, 1990. It was co-sponsored by the Nuclear Management and Resources Council (NUMARC) and the Edison Electric Institute (EEI) with local support provided by The Detroit Edison Company. There were approximately 200 participants, including nine from the NRC. All but 4 nuclear utilities were represented. A copy of the Agenda has been provided under TAB 2 herein.

Access Authorization

After introductory comments by Tom Tipton, Director of NUMARC's Operations, Management and Support Services Division, the keynote address was presented by Malcolm Dade, Detroit Edison's Vice President for Human Resources. Then followed specific presentations: The first was an overview of the Access Authorization Guidelines (NUMARC 89-01) and an historical perspective of the proposed NRC rule on the subject by NUMARC's Rich Enkeboll. Phil McKee, the NRC's Safeguards Branch Chief gave the NRC perspective on the same subjects. Under TAB 3 are copies of the overhead viewgraphs that provide some specifics.

The current status of the proposed rule on Access Authorization was reported to be awaiting resolution of requisite justification required by the backfit rule and some rewording of information pertaining to access requirements during cold shutdown. The industry position was that these are non-issues with licensees; the real issue is the lack of promulgation of the proposed rule or a reinstatement decision for the policy statement published on March 9, 1988. The document "Industry Guidelines for Nuclear Power Plant Access Authorization Programs" (NUMARC 89-01) is being used by more than half of the utilities, even though many have not yet made a commitment to such use. It was explained how these guidelines came into being and the modifications resulting from discussions with the NRC after the comment period associated

with the Policy Statement; specifically, the differences between Revisions 8A and 8B of the Guidelines -- Revision 8B was printed as NUMARC 89-01.

NUMARC is working on a parallel endeavor to develop guidelines to be used by utilities for collection and transfer of personnel data/information. The purpose of these new guidelines will be to facilitate the exchange of information collected for access authorization purposes. This should result in expeditious processing of itinerant tradesmen for outages. On arrival at a plant site these people might then require little more than site-specific training in order to complete requirements for unescorted access authorization. There is also a potential for program audit assistance from NUPIC (Nuclear Procurement Issues Council). So far, NUPIC has conducted an audit for the industry of the Access Authorization and Fitness-for-Duty programs of the Institute of Nuclear Power Operations (INPO).

Subsequent to Rich Enkeboll's presentation, Phil McKee discussed the need for an Access Authorization rule from the NRC's perspective. A formal rule would:

- o Establish a current standard acceptable to the NRC;
- o Produce a standard measure for licensees to ensure program adequacy;
- o Provide assurance that voluntary improvements are maintained;
- o Provide guidance for the future;
- o Establish an industry-wide standard for uniformity;
- o Provide a well defined basis for inspection and enforcement; and
- o Provide for the transferability of access authorization.

Phil McKee described the three exceptions to the Industry Guidelines presented by the Staff at the December 1989 ACRS meeting. The first involved extending the appeal process to other than permanent employees; the second dealt with the NUMARC 89-01 cold shutdown provisions, with which the NRC is not comfortable, and which will require more work; and the third involved the time frame for the acceptance of grandfathering -- the NRC is considering tying it to the date the rule is approved and to specify that grandfathered access authorization is non-transferrable. When published, there is expected to be a one year implementation period.

Next on the agenda was a discussion of utility experience with the NUMARC 89-01 Guidelines. It was discussed first by a long time user and

second by a licensee who recently implemented the Guidelines. John Ross of Baltimore Gas and Electric Company (BG&E) participated in the development of the Guidelines for several years, and has been involved with their implementation and use at his utility. BG&E has approximately 20 approved vendor screening programs.

To date BG&E has badged 4,607 persons using the NUMARC Guidelines at an estimated annual cost of \$230,000. To maintain program standards and requirements while keeping costs low and the time element short the utility takes specific actions:

- o An educational verification guideline is used which requires ascertaining post-high school attendance outside the 5-year period only if it "led to a degree;"
- o If military service verification has not been received from the National Personnel Records Center (NPRC) before the end of the 180-day temporary access authorization period, a postcard inquiry is forwarded to NPRC;
- o All character references are asked whether they would "recommend" the individual being investigated;
- o For problem employment verifications, a "best effort" is made and these attempts are documented. This information is included in the background investigation report;
- o The BG&E purchasing department forwards a package of necessary security forms to each contractor organization early on; this speeds up future processing. John indicated they have not found the one year employment verification requirement for the temporary access to be a big problem;
- o BG&E has gone to the union hall and pre-screened a pool of persons who can be used during outages; and
- o The Background Investigation (BI) consent form contains a provision permitting release of information about the individual incident to a subsequent industry request.



Garey Toleski discussed Commonwealth Edison Company's (CECo) recent implementation of NUMARC 89-01. In the nine months since starting the program, they have completed about 8,000 screenings for their six sites, with five scheduled refueling outages for the year. They had budgeted \$1.9 million for the year but expect to use an additional \$.5 million by year's end. Temporary BI's take between three and five days to complete. It seems that some employers are requiring a hard copy release from the individual involved; some are declining to release information by phone; and some are even charging up to \$25 for verification of a former employee's employment.

All of CECo's contracts for on-site work contain a Screening Summary Sheet which advises the contractor of security requirements which must be met before access can be granted to his/her personnel. This gives the contractor the ability to do some pre-screening of those to be selected for on-site work. Some lessons learned include:

- o Necessary requirements only on personnel security questionnaires (PSQ) with: detailed instructions, set time limits for completion and an immediate quality control inspection of completed forms;
- o Involvement of Craft Union hierarchy;
- o Coordination of arrival of new workers;
- o Establishment of processing priorities;
- o Development of a record tracking system;
- o Aggressive pursuit of overdue BI's (include penalty clauses);
- o Identification of one station coordinator/spokesperson; and
- o Keeping track of persons denied access (about 1000 so far).

The next segment of the workshop consisted of a panel of the morning's presenters responding to and discussing access authorization questions from workshop participants. Loren Bush, who also joined the panel, made a statement of support for consistency between the access authorization and FFD programs. Specifically, there is no need to duplicate efforts; an adequate background investigation should satisfy the suitable inquiry requirements. In

response to a question concerning reinstatement of access, he discussed the § 73.57 requirement to refingerprint when access has been interrupted for more than a year. While NUMARC 89-01 does not contain a requirement for updating if fewer than 365 days have passed since the individual last had unescorted access, the panel felt there was no update requirement where the individual has remained subject to a contractor's "approved" Continual Behavioral Observation Program (CBOP), even in cases where the individual had been gone from the particular site for more than a year. If an individual remains continuously employed by a contractor firm with an approved screening and CBOP program, and the contractor certifies this in his access request, there is no need to update the BI. A "suitable inquiry" update is implicit in this case. For example, if an individual is on site for 15 days, leaves and then returns before the 180 day period is up, the temporary access is still valid; beyond 180 days it is not. In response to a question regarding contractor screening for short periods, Loren Bush explained the intent has been that the full unescorted access process is to be completed even though a temporary unescorted access authorization can be granted as an interim measure. This understanding is also needed to support reciprocity in the exchange of personnel data throughout the industry.

At the conclusion of the panel discussion the access authorization portion of the workshop was concluded.

#### Fitness-for-Duty

The Fitness-for-Duty portion of the workshop began in the afternoon with Rich Enkeboll providing an historical perspective and an identification of rule implementation issues. These issues had also been put in question form and handed out as topics for discussion at the subject breakout sessions immediately following and during the next day's regional breakout sessions. Summary versions of the participant responses to these issues are included under TAB 4 of these proceedings.

Some information from a preliminary review of several of the first semi-annual performance data forms was provided by NUMARC and some by the NRC and its contractor, Battelle, Pacific Northwest Laboratory. Positive FFD test results show about 1/3 for marijuana, 1/3 for cocaine, and 1/3 for alcohol. The NRC/Battelle preliminary data presented at the workshop by Loren Bush was based on only licensee data received prior to the workshop. In December 1990,

NRC/Battelle provided more complete data which has been included under Tab 3b of these proceedings (three pages-tabular/graphic). Some interesting information to note includes:

- o 1337 positive drug tests out of 137,388 tests for 0.97% overall.
- o 298 positives were from the random test program (0.4%).
- o Percent positives for random tests by employee populations:
  - licensee employees 0.3%
  - long term contractors 0.48%
  - short term contractors 0.66%

To begin the second day of the workshop, Loren Bush explained the NRC Temporary Instruction 2515/106, Fitness-for-Duty: Initial Inspection of Implemented Program, dated July 11, 1990. The NRC's FFD inspection program is limited by resources so the inspections are budgeted for one inspector on site for three days. The regions may choose to use additional inspectors and, in addition, the NRC Headquarters staff and their contractor, Battelle/HARC, will assist in the first few inspections in each region. Obviously, these will not be in-depth inspections. Licensees should ensure their programs meet the regulation through their own quality assurance audit programs and not await the NRC inspection.

The NRC will review key program processes. Such as:

- o Selection and notification for testing;
- o Randomness of selection;
- o Methodology for testing those with infrequent access or those temporarily absent;
- o Collection and processing of specimens with emphasis on chain of custody requirements;
- o Development, use and storage of records;

- o Audit program and follow-up; and
- o Awareness and supervisory training.

To date, the inspections have shown examples of problems in the following areas:

- o Written policy documents are not developed and made available to affected persons;
- o Supervisors of contractors are not trained as required;
- o Corporate and contractor personnel with infrequent access are not actually randomly tested, merely tested periodically. Infrequent testing is more of a problem for licensee employees who are not always immediately available, e.g., linemen who are away from site. As far as contractors and others who do not have a requirement to visit the site except only every several months, the question is really whether they should have unescorted access;
- o Predictability in random testing must be avoided:
  - selection process should be varied (unpredictable)
  - collections should be made over some weekends, nights and holidays;
- o A company policy of counting a self-referral the same as a positive test may have discouraged individuals from seeking help from the Employee Assistance Program.
- o Some utilities have fallen behind the testing rates, due primarily to a shortage of testing personnel or a failure to test those with infrequent access. As far as testing is concerned, the expectation is that if there are 1,000 in the pool, at the end of the year there should have been 1,000 tests completed; this will meet the 100% requirement, but note that statistically only about 67% of the actual population will have been tested at least once;

- o The MRO needs to be skeptical of lab results and persistent in questioning the results wherever necessary. Remember, NIDA certified labs do make mistakes! So far 22 errors have been reported and others should have been but for some licensees misunderstanding the reporting requirement. There have been several blind-specimen problems, particularly where the spiked level is less than 20% above the cutoff level; and
- o It was emphasized that the licensee needs to use common sense; the objectives of the program are in the regulations -- how one meets those should not have to be prescribed by the NRC.

Following the NRC view of FFD inspections came four reports as seen from the utility perspective. Most reported the inspection to be a positive experience and agreed with the NRC findings; others had misgivings. Some inconsistency was noted: e.g., flagging badges of unavailable personnel was a strength at one plant but a weakness at another. Loren Bush pointed out that the difference was due to factors such as how long the flag remained before the person was removed.

In the afternoon the discussion moved on to toxicological perspectives. A two-doctor team (Ron Mack and Mark Mills) provided a give and take discussion with each other concerning considerations needed to be made at the Medical Review Officer level. Key points made were:

- o Most tests for opiates and amphetamines are declared negative due to explained use of prescription drugs or over-the-counter medicines; and
- o Consideration should be given to test for other compounds.

Then Bob Kelm of Detroit Edison explained industry experience with the "suitable inquiry" requirement. Some utilities request the information from former employers in accordance with the rule. Others went directly to the last utility where the individual had unescorted access. The NRC representatives suggested that it is appropriate to do whatever is necessary to get the information; if the employer can't or won't provide it, then it is appropriate to go the next step -- to the utility. Several suitable inquiry

questions were not definitively answered. This issue is discussed under TAB 4 of these proceedings as are many other issues raised during the regional breakout sessions that followed in the afternoon.

The final morning of the workshop began with reports from the facilitators of the breakout sessions, followed by a report on NIDA/DHHS activities, an overall FFD question and answer period and closing remarks from the Chairman, President and CEO of The Detroit Edison Company.

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NOTE: Workshop discussed issues are detailed under TAB 4.

**AGENDA**

AGENDA

for

NUMARC/EEI Co-Sponsored

Access Authorization and Fitness-for-Duty Workshops

Tuesday, September 11, 1990

6:00 - 7:30PM      Workshop Registration  
                         @ Level IV/Cartier Room

Wednesday, September 12, 1990

7:30 - 8:30AM      Workshop Registration and Continental Breakfast  
                         @ Cartier Room

8:30 - 8:45AM      Welcome and Announcements  
                         Introduction of Keynote Speaker

Tom Tipton  
NUMARC OMSS Division Director

8:45 - 9:00AM      Keynote Address

Malcolm Dade  
Vice President - Human Resources  
The Detroit Edison Company

9:00 - 10:00AM      Overview of Access Authorization Guidelines  
                         with Historical Perspective of the NRC Draft Rule

Rich Enkeboll, NUMARC Senior Project Manager

Phil McKee  
Chief, Safeguards Branch  
U.S. Nuclear Regulatory Commission

10:00 - 10:15AM      COFFEE BREAK



10:15 - 10:45AM Utility Experience with NUMARC Access Authorization Guidelines (NUMARC 89-01)

John Ross  
Security Planning Specialist  
Baltimore Gas & Electric Company

Garey Toleski  
FFD Program Administrator  
Commonwealth Edison Company

10:45 - 11:30AM Access Authorization Panel Discussion

Rich Enkeboll/Phil McKee/Loren Bush/  
John Ross/Garey Toleski

Moderator: Bob Whitesel, NUMARC Manager

11:30 - 1:00PM LUNCH (on your own)

1:00 - 2:00PM Historical Perspective and Key Issues Identified in Implementing the Fitness-for-Duty Rule. Information from the submission of the semi-annual performance data form.

Rich Enkeboll

2:00 - 2:15PM COFFEE BREAK

2:15 - 3:15PM Issue Breakouts

A. Human Resources Aspects @ Cartier Room

Facilitators: Utility Rep. Barbara Gessel  
The Toledo Edison Co.

NRC Rep. Curtis Cowgill

B. Security Aspects @ St. Clair Room

Facilitators: Utility Rep. Jim Labis  
D.C. Cook Nuclear Plant

NRC Rep. Gene McPeck

C. Collection/Medical Aspects @ Huron Room

Facilitators: Utility Rep. Pam Hamilton  
Tennessee Valley Authority

Bill Roy  
Duquesne Light Co.

NRC Rep. Loren Bush

3:15 - 3:30PM Facilitator Preparation

3:30 - 4:45PM Facilitator reports from Issue Breakouts

Question and Answer Discussion with panel of facilitators

Moderator: Bob Whitesel

Thursday, September 13

7:30 - 8:00AM Continental Breakfast

8:00 - 8:45AM NRC Inspection Module on FFD

Loren Bush  
Chief of Program Development and Review Section  
U.S. Nuclear Regulatory Commission

8:45 - 9:45AM Utility Experience with NRC FFD Inspections

9:45 - 10:00AM Overview of Inspection Issues/Summary

Peter Moeller  
Manager of Site Protection  
Public Service Electric & Gas Company

10:00 - 10:15AM COFFEE BREAK

10:15 - 11:30AM Panel Discussion on Inspection Experience  
NRC and Utility Representatives

Moderator: Bob Whitesel

11:30 - 1:00PM LUNCH (On your Own)

1:00 - 1:45PM Toxicological Perspectives and Other Considerations in  
Medical Review Officer Determinations

Dr. Mark Mills  
MRO/Consultant to California Nuclear Utilities

Dr. Ron Mack  
Medical Director - Nuclear  
Public Service Electric & Gas Company

1:45 - 2:15PM Sharing of "Suitable Inquiry" Information

Bob Kelm  
Director of Nuclear Security  
The Detroit Edison Company

2:15 - 2:30PM COFFEE BREAK

2:30 - 4:30PM Regional Breakout Sessions:

Region I & V @ Cartier Room

Facilitators: Utility Rep. Bob McDevitt  
Pacific Gas & Electric Co.

NRC Rep. Curtis Cowgill

Region II & IV @ St. Clair Room

Facilitators: Utility Rep. Hollis Hutchison  
TU Electric

NRC Rep. Dave McGuire

Region III @ Huron Room

Facilitators: Utility Rep. Garey Toleski  
Commonwealth Edison Co.

NRC Rep. Gary Pirtle

4:30 - 5:00PM Video on Supervisory Responsibility in Regards to  
Prescription and Over-the-Counter Drug Use

Public Service Electric and Gas Company  
@ Cartier Room

6:00 - 7:00PM NUMARC/EEI/Detroit Edison @ Mackinac Room  
Hosted Reception

Friday, September 14

8:00 - 8:30AM Continental Breakfast

8:30 - 8:35AM Announcements

8:35 - 9:15AM Facilitator Reports from Regional Breakouts

9:15 - 10:30AM Panel/Participant Question and Answer Discussion on  
Identified Issues/Resolutions

Moderator: Bob Whitesel

10:30 - 10:45AM COFFEE BREAK

10:45 - 11:45AM NIDA Consensus Report on Employee Drug Testing.  
DHHS Rulemaking on Clinical Certification.  
NIDA Committee to Evaluate On-Site Drug Testing.

Rich Enkeboll/Mark Mills

11:45 - 12:00PM Remarks (Introduced by Tom Tipton)

John E. Lobbia  
Chairman, President & CEO  
The Detroit Edison Company

12:00PM Adjournment

VIEWGRAPHS

ACCESS AUTHORIZATION

ACCESS AUTHORIZATION  
VIEWGRAPHS  
PREPARED FOR PRESENTATION  
BY  
RICH ENKEBOLL  
OF  
NUMARC

CHRONOLOGY OF ACCESS

AUTHORIZATION ISSUE

- JULY 1983 PROPOSED INSIDER SAFEGUARDS RULES PUBLISHED. THESE INCLUDED ACCESS AUTHORIZATION SCREENING REQUIREMENTS AS ONE OF THE THREE RELATED SAFEGUARDS REQUIREMENTS.
- AUGUST 1984 PROPOSED SAFEGUARDS RULE PACKAGE, 10 CFR 73.56, PUBLISHED FOR PUBLIC COMMENT.
- DECEMBER 1984 A NUMARC (COMMITTEE) WORKING GROUP WAS FORMED TO DEVELOP AN INDUSTRY POSITION STATEMENT ON ACCESS AUTHORIZATION.



MARCH 1985

AFTER A PRESENTATION TO THE COMMISSIONERS, NUMARC WAS ASKED TO WORK WITH THE NRC STAFF TO DEFINE THE PROBLEM AND PROPOSE AN APPROPRIATE COURSE OF ACTION.

1985-1987

NRC AND INDUSTRY STAFFS WORKED TO ACCOMPLISH THE COMMISSIONERS' REQUEST OF MARCH 1985. THE INDUSTRY GROUPS INCLUDED ATOMIC INDUSTRIAL FORUM (AIF), EDISON ELECTRIC INSTITUTE (EEI), AMERICAN SOCIETY FOR INDUSTRIAL SECURITY (ASIS), AND THE NUMARC COMMITTEE.

JANUARY 1986

NUMARC EXECUTIVE  
COMMITTEE ENDORSED  
"INDUSTRY GUIDELINES FOR  
NUCLEAR POWER PLANT  
ACCESS AUTHORIZATION  
PROGRAMS (REV.8)." AN  
INDUSTRY COMMITMENT WAS  
MADE TO ADOPT THE NUMARC  
GUIDELINES THROUGH  
SECURITY PLAN CHANGES IF  
THE NRC WOULD ISSUE A  
POLICY STATEMENT ON  
ACCESS AUTHORIZATION IN  
PLACE OF A RULE.

MARCH 1988

NRC PUBLISHED FOR COMMENT  
THE PROPOSED POLICY  
STATEMENT ON ACCESS  
AUTHORIZATION IN WHICH  
REVISION 8 OF THE  
GUIDELINES WAS ENDORSED.

MARCH 1989

FROM COMMENTS RECEIVED ON THE PROPOSED POLICY STATEMENT, THE STAFF PREPARED AN OPTIONS PAPER ADDRESSING BOTH THE POLICY STATEMENT AND A RULE.

APRIL 1989

THE COMMISSION VOTED UNANIMOUSLY FOR A RULE. THE MAJORITY CHOSE THE OPTION OF A GENERAL RULE WITH A REGULATORY GUIDE THAT WOULD ENDORSE THE INDUSTRY GUIDELINES WITH EXCEPTIONS AS NECESSARY.

JUNE 1989

NUMARC SUBMITTED REVISED GUIDELINES, REVISION 8B, TO THE NRC. THIS REVISION INCORPORATED MODIFICATIONS MADE AS A RESULT OF NRC REVIEW OF PUBLIC COMMENTS.

AUGUST 1989

THE GUIDELINES (REVISION 8B) WERE PUBLISHED AS NUMARC 89-01, "INDUSTRY GUIDELINES FOR NUCLEAR POWER PLANT ACCESS AUTHORIZATION PROGRAMS."

DECEMBER 1989

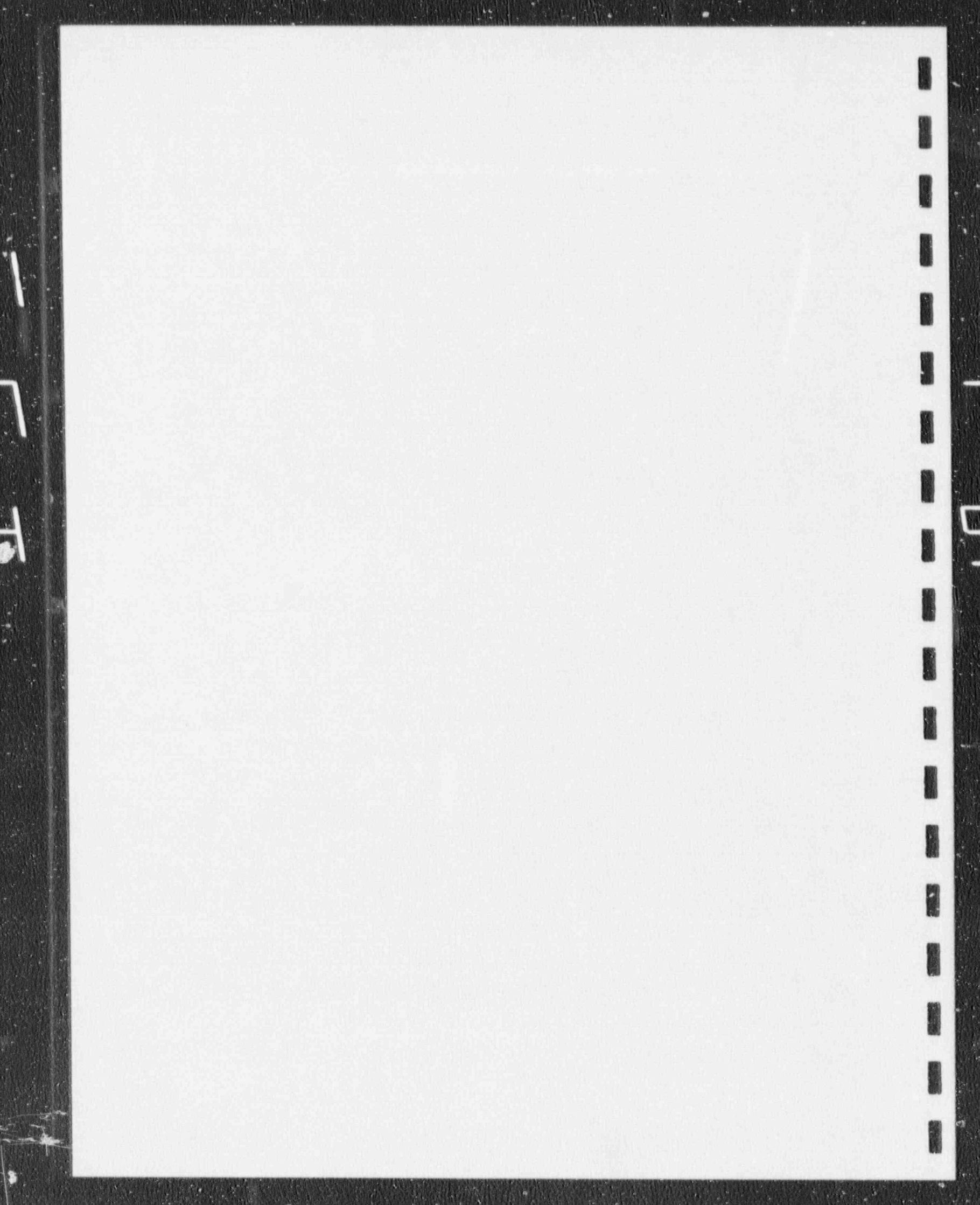
ACRS DISCUSSED AND COMMENTED ON THE PROPOSED ACCESS AUTHORIZATION RULE.

JUNE 1990

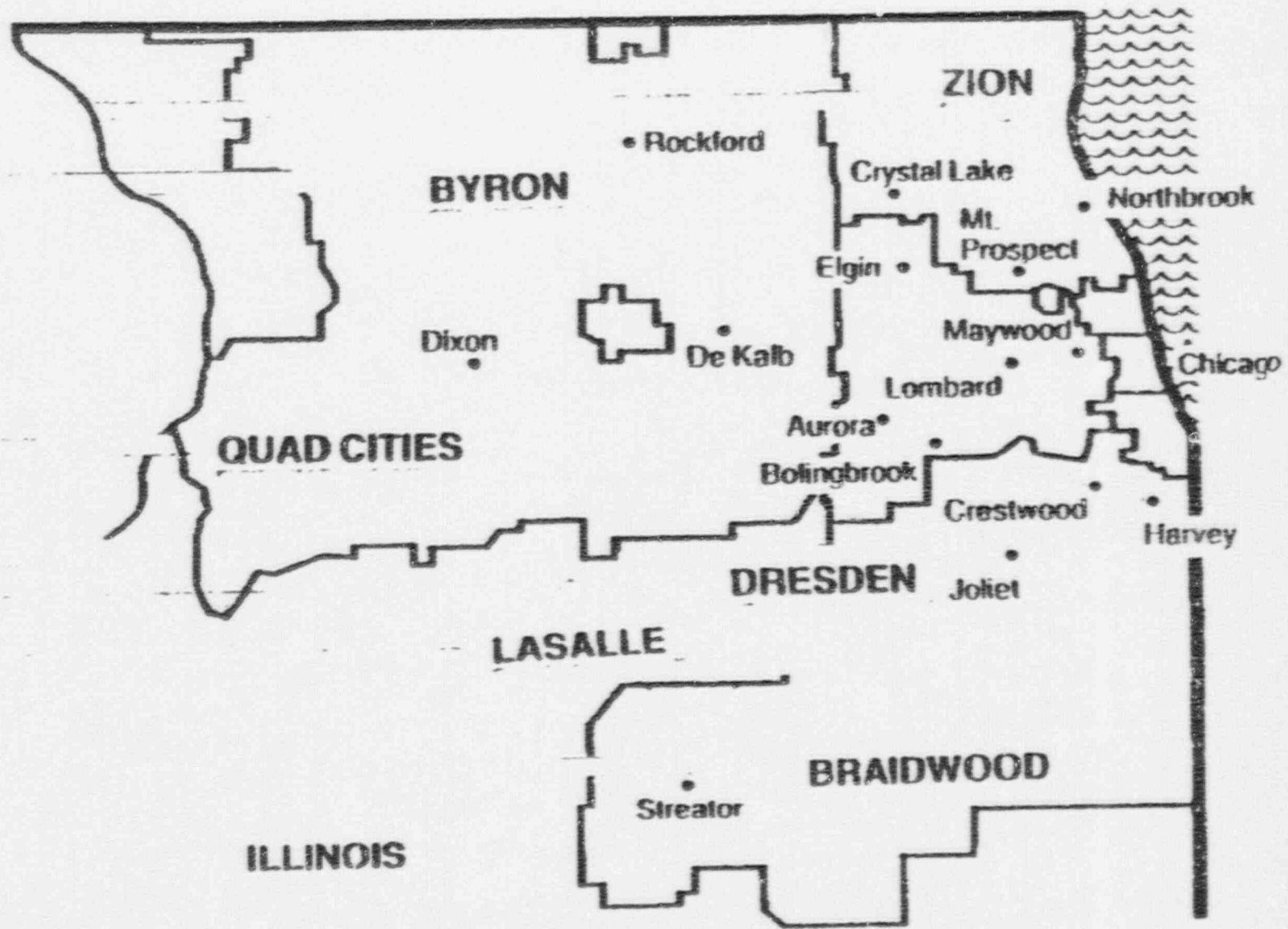
NRC OFFICE ACTION COMPLETED. PROPOSED RULE SENT TO THE EXECUTIVE DIRECTOR FOR OPERATIONS (EDO).

JULY 1990

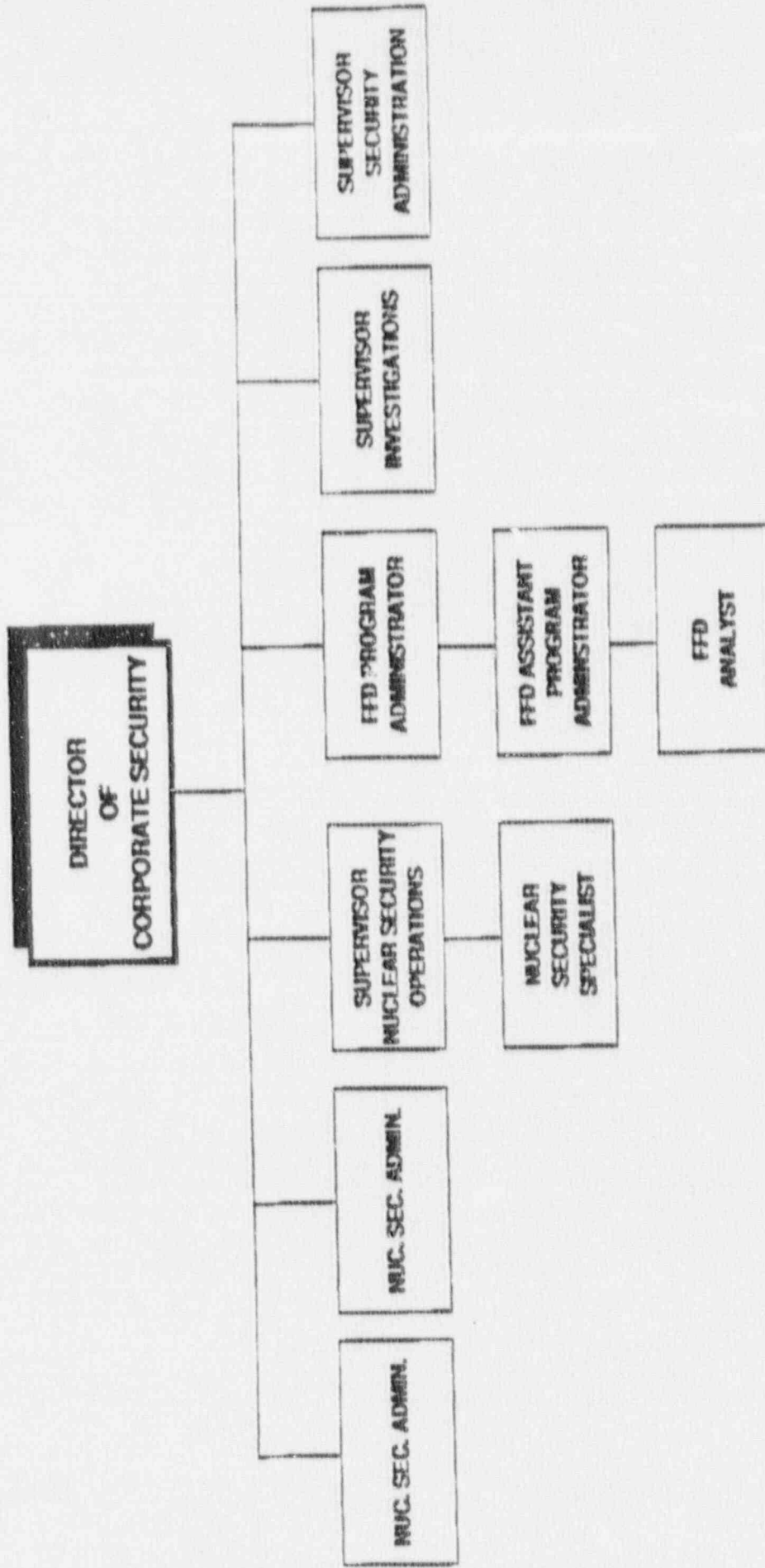
THE PROPOSED RULE WAS RETURNED TO THE STAFF OF OFFICE OF RESEARCH BY THE EDO FOR REQUISITE JUSTIFICATION AS REQUIRED BY THE BACKFIT RULE.



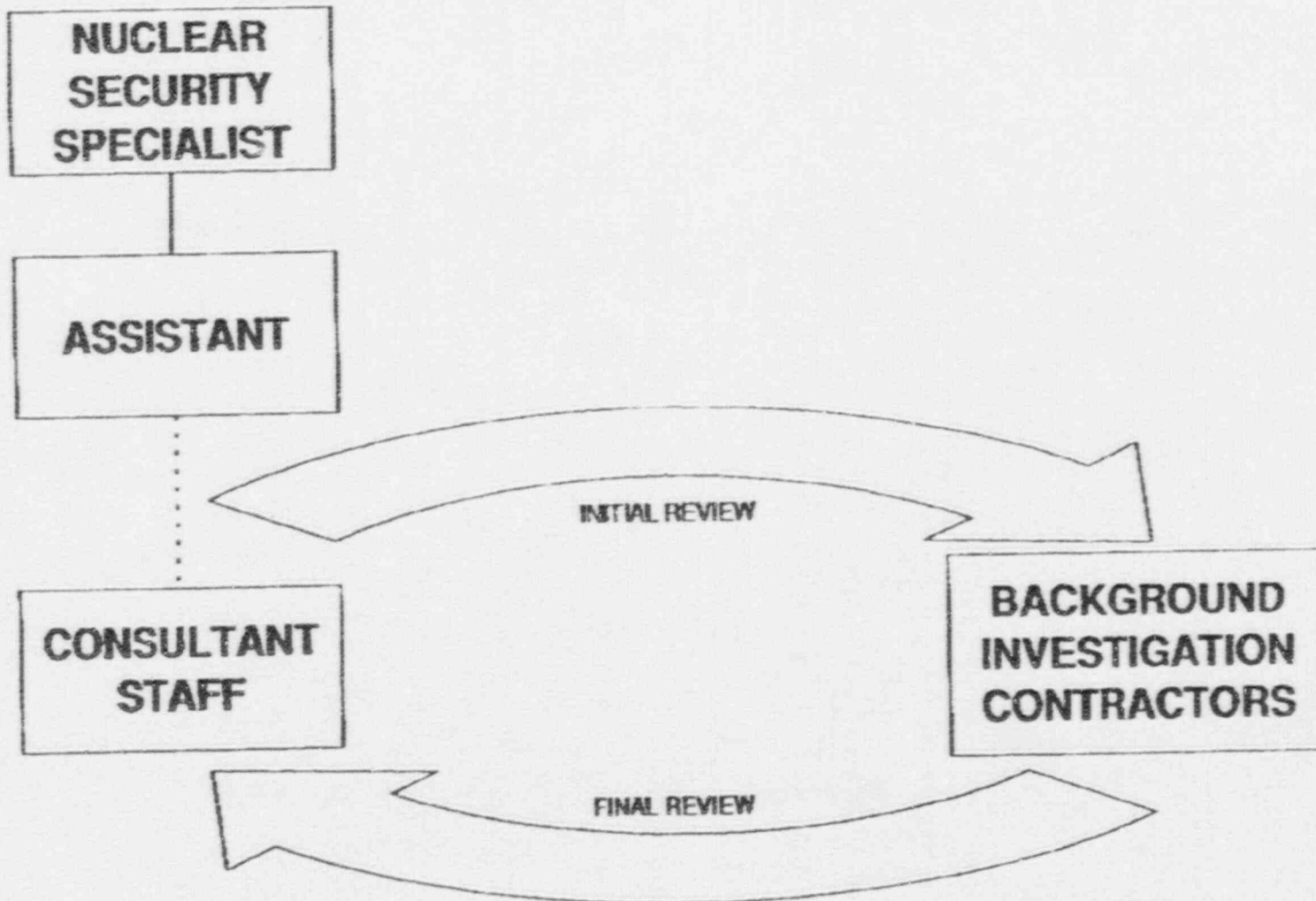
ACCESS AUTHORIZATION  
VIEWGRAPHS  
PREPARED FOR PRESENTATION  
BY  
GAREY TOLESKI  
OF  
COMMONWEALTH EDISON COMPANY



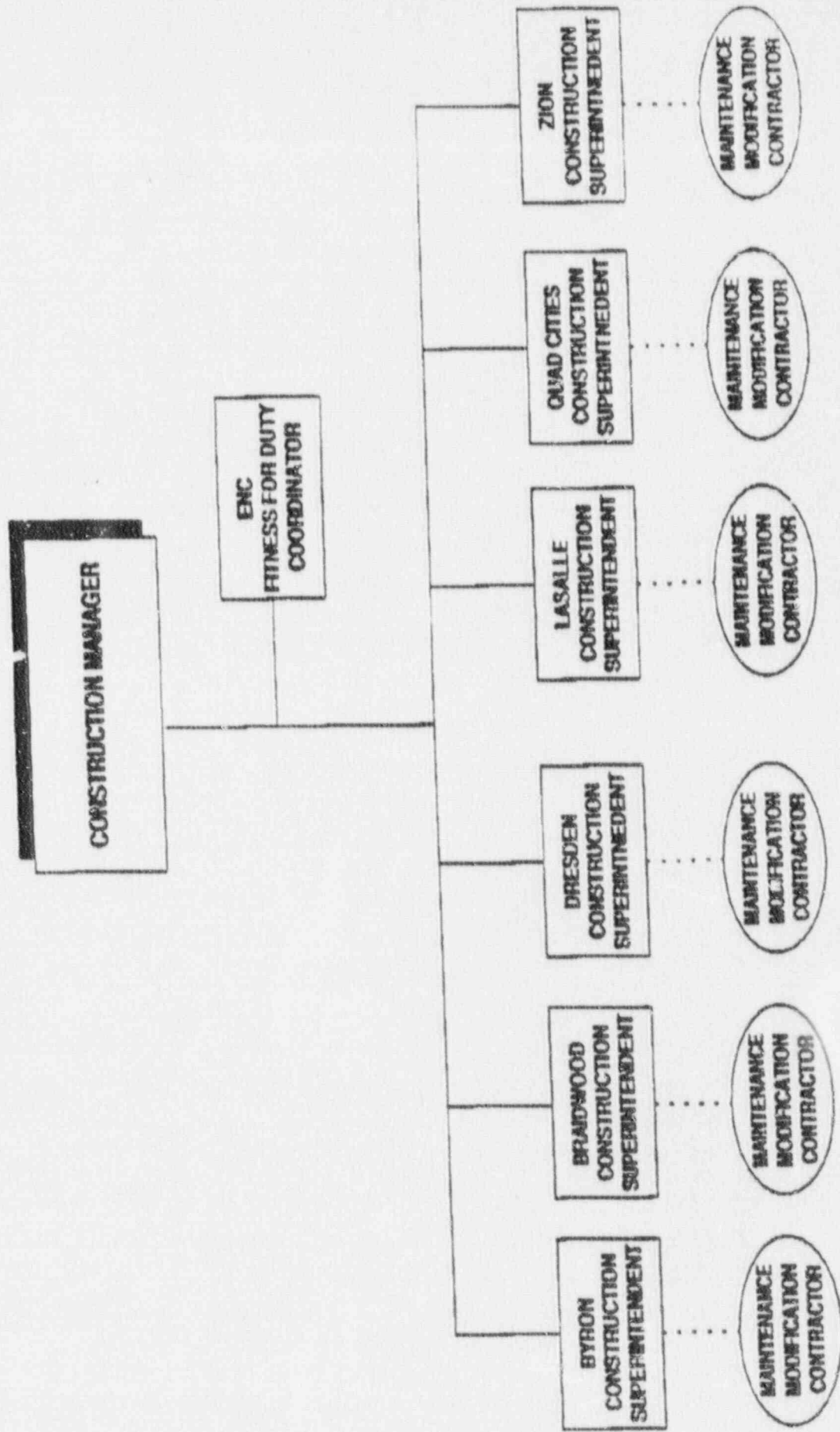
# CORPORATE SECURITY

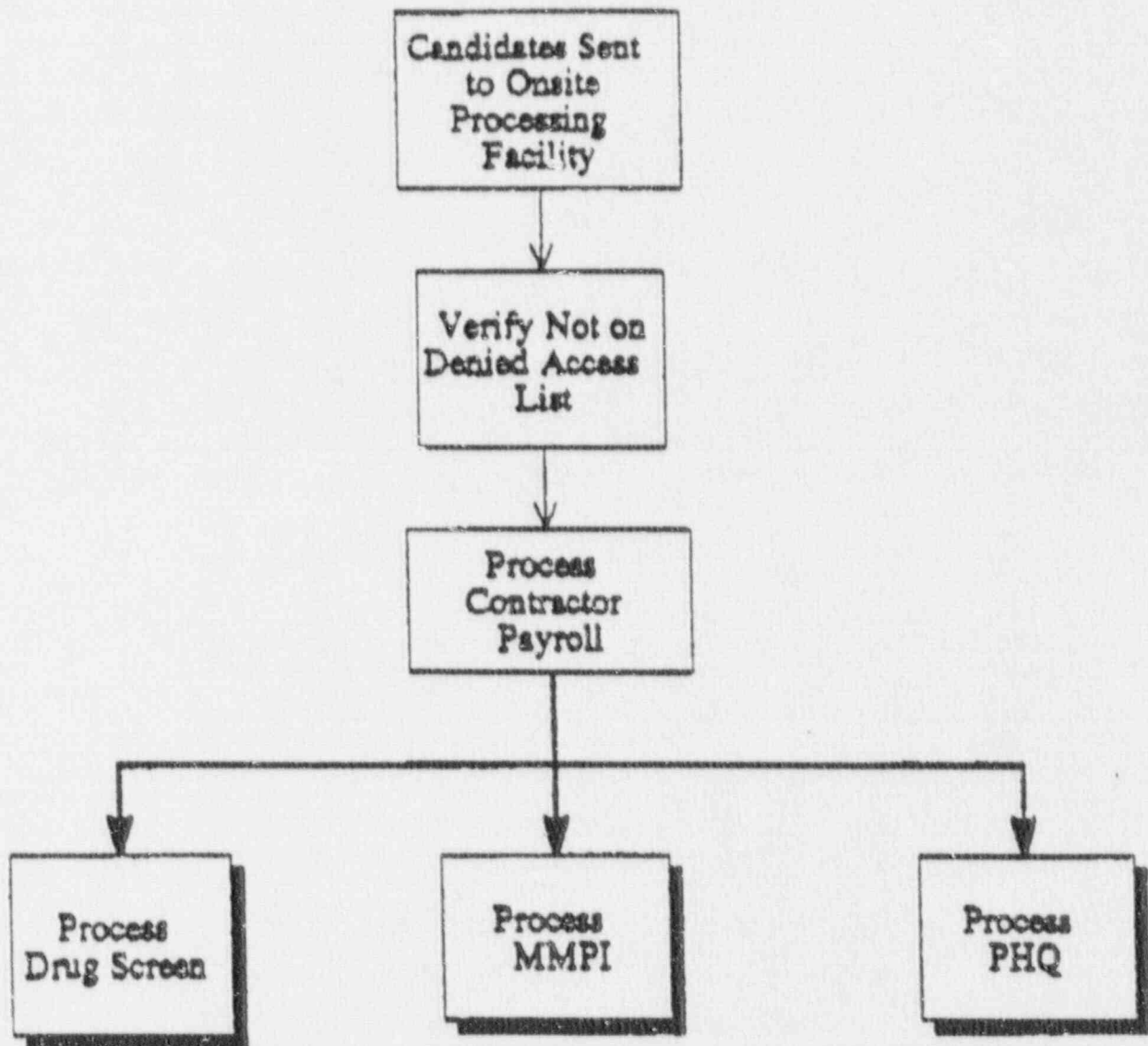






# ENC - CONSTRUCTION





## LESSONS LEARNED

- INVOLVE CRAFT UNION HIERARCHY
- COORDINATE ARRIVAL OF NEW WORKERS
- ESTABLISH PROCESSING PRIORITIES
- ELIMINATE UNNECESSARY PHQ REQUIREMENTS
- CLEARLY DETAIL PHQ INSTRUCTIONS
- SET TIME LIMITS FOR PHQ COMPLETION
- CONDUCT IMMEDIATE Q.C. INSPECTION OF RETURNED FORMS
- DEVELOP A RECORD TRACKING SYSTEM
- AGGRESSIVELY PURSUE OVERDUE BACKGROUND CHECKS
- IDENTIFY ONE STATION COORDINATOR / SPOKESPERSON

**VIEWGRAPHS**

**FITNESS-FOR-DUTY**

FFD  
VIEWGRAPHS  
PREPARED FOR PRESENTATION  
BY  
RICH ENKEBOLL  
OF  
NUMARC

## FITNESS-FOR-DUTY EVENTS

- AUG 1-2, 1989 - EEI FFD WORKSHOP AND DISTRIBUTION OF IMPLEMENTATION MANUAL
- NOV 14-16, 1989 - SOUTHERN CALIFORNIA EDISON ASSISTED THE NRC IN A PILOT VALIDATION OF A DRAFT FFD INSPECTION MODULE
- NOV 29 THRU  
DEC 1, 1989 NIDA CONSENSUS CONFERENCE ON DRUG TESTING ISSUES
- JAN 3, 1990 FFD RULE, 10 CFR 26, IMPLEMENTATION DATE
- MAR 12-15, 1990 - PSE&G WAS THE RECIPIENT OF THE FIRST NRC FFD INSPECTION

## FITNESS-FOR-DUTY EVENTS

(CONT'D)

- MAR 13-16, 1990 - NUCLEAR PROCUREMENT  
ISSUES COUNCIL (NUPIC)  
CONDUCTED INDUSTRY  
AUDIT OF INPO'S FFD  
PROGRAM
- APR 25, 1990 - EEI FFD WORKSHOP  
SCHEDULED FOR ST.  
LOUIS
- JUNE 30, 1990 - END OF FIRST FFD  
REPORTING PERIOD
- AUG 31, 1990 - ALL FFD PERFORMANCE  
DATA FORMS DUE AT NRC
- SEPT 13-14, 1990 - NUMARC/EEI FFD  
WORKSHOP IN DETROIT



## FITNESS-FOR-DUTY ISSUES

- O CONGRESSIONAL BILLS, IF PASSED, COULD HAVE IMPACT ON FEATURES OF CURRENT FFD PROGRAMS:
  - HR 33 (DINGELL-BLILEY) JAN 3, 1989
  - S 1903 (HATCH-BOREN) NOV 17, 1989
  
- O IN A JULY 25, 1989 LETTER TO THE SECRETARY OF HHS, CHAIRMAN CARR REQUESTED ADVICE ON LOWER DRUG TESTING CUTOFF LEVELS AND ADDITIONAL DRUGS. THE DHHS NOVEMBER 21, 1989 RESPONSE WAS OF NON-SUPPORT FOR EITHER POSITION BUT STATED THESE ISSUES WOULD BE ADDRESSED AT A NIDA CONSENSUS CONFERENCE NOV 29-DEC 1, 1989. THERE WAS VERBAL SUPPORT FOR THE NRC POSITION

## FITNESS-FOR-DUTY ISSUES

(CONT'D)

- 0 THERE REMAINS UTILITY CONCERN THAT NO ADMINISTRATIVE ACTION CAN BE TAKEN ON A "PRESUMPTIVE POSITIVE." ONE UTILITY HAS TAKEN ISSUE WITH THIS EXPRESSED REQUIREMENT AS NOT BEING SPELLED OUT IN THE RULE AND BECAUSE THAT UTILITY FOLLOWED THAT PRACTICE PRIOR TO THE RULE.
  
- 0 SOME UTILITIES ARE CONCERNED THAT IT IS TAKING TOO LONG TO GET THE FINAL MRO DRUG TEST DETERMINATION EVEN FOR NEGATIVE RESULTS. THIS IS THE RESULT OF NIDA CERTIFIED LABS SENDING ALL SAMPLE RESULTS FROM A BATCH TO THE MRO AT THE SAME TIME.

## FITNESS-FOR-DUTY ISSUES

(CONT'D)

- C SUITABLE INQUIRY FOR TRANSIENT WORKERS CAN TAKE SEVERAL WEEKS. AN NRC AGREED TO EXPEDIENT FOR OUTAGE ACCESS HAS BEEN TO START THE PROCESS USING THE TEMPORARY ACCESS SECTION OF NUMARC 89-01. THE INITIAL EMPLOYMENT INQUIRY REQUIREMENT IS THEN A CHECK OF THE PAST YEAR.
  
- O FREQUENTLY LOCAL INTERPRETATION OF THE 60 DAY INITIAL DRUG TEST REQUIREMENT HAS BEEN TOO RESTRICTIVE. NUMARC'S UNDERSTANDING IS THAT THE INDIVIDUAL MUST PASS A DRUG TEST WITHIN 60 DAYS PRIOR TO INITIAL ENTRY INTO A 10 CFR 26 FFD PROGRAM WHERE HE/SHE IS SUBJECT TO RANDOM DRUG TESTING AND CONTINUAL BEHAVIORAL OBSERVATION. ANOTHER TEST IS NOT NECESSARY WITHIN THE 60 DAYS BEFORE AN INITIAL GRANTING OF UNESCORTED ACCESS TO A LICENSEE'S PLANT.

## FITNESS-FOR-DUTY QUESTIONS

- 0 HOW SHOULD ONE TREAT A DRUG OR ALCOHOL OFFENSE THAT OCCURRED PRIOR TO THE EFFECTIVE DATE OF THE RULE? IS THERE A "STATUTE OF LIMITATIONS" OR IS A FAILURE FOREVER?
- 0 IS THERE A TIME PERIOD THAT SOMEONE CAN BE AWAY FROM FFD CONTROLS AND NOT HAVE TO BE RETESTED PRIOR TO STARTING WORK AGAIN?
- 0 HOW WILL THE INDUSTRY TRACK VIOLATORS OF THE FFD PROGRAM INCLUDING PRE-EMPLOYMENT FAILURES?
- 0 WHAT ALTERNATIVE TESTING WILL MEET FFD REQUIREMENTS IF UNABLE TO PROVIDE TESTABLE SAMPLE; E.G. DIALYSIS PATIENT, BASHFUL BLADDER?

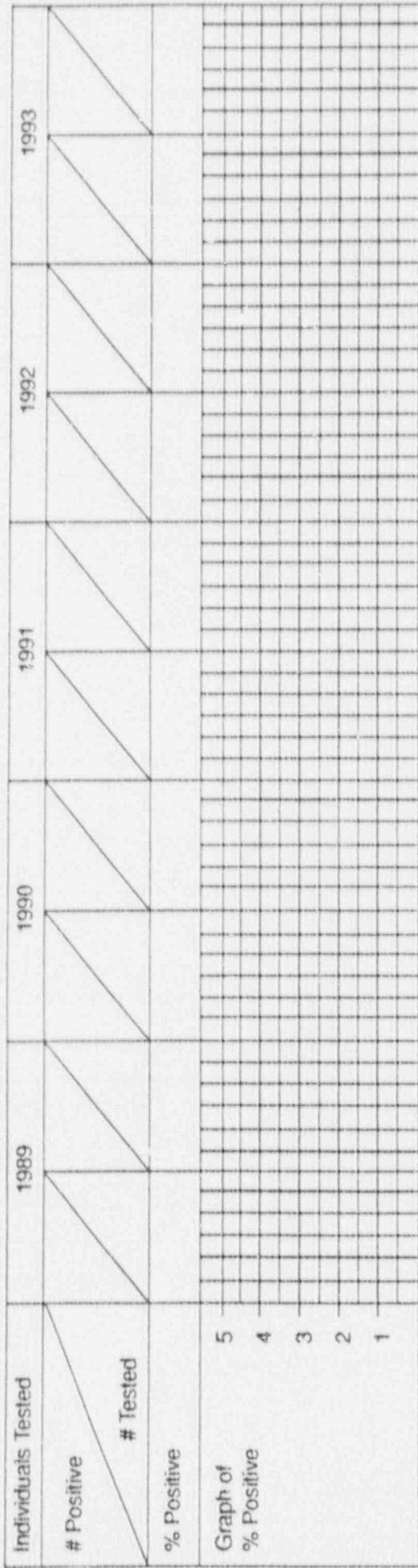
## FITNESS-FOR-DUTY QUESTIONS

(CONT'D)

- O HOW DO UTILITIES ADDRESS THE ISSUE OF LEGAL DRUGS? WHAT ARE THE MERITS OF DEVELOPING A LIST BY CATEGORY TO ALERT EMPLOYEES/SUPERVISORS?
- O IS A LICENSEE AUDIT OF THE BLIND SAMPLE PROVIDER A REQUIREMENT?
- O WHAT IS THE DIFFERENCE BETWEEN A LICENSEE'S ACCEPTANCE OF NIDA LAB AND THE ANNUAL AUDIT?
- O WHAT IS INDUSTRY'S PHILOSOPHY ON ACCEPTING A CONTRACTOR'S FFD PROGRAM?
- O WHAT ARE THE PITFALLS AND BENEFITS OF USING SPLIT SAMPLES?
- O DO ALL UTILITIES HAVE A "NO DRINKING" POLICY? WHAT IF BAC MEASURES 0.03%?



# Random Testing Program Results



## Confirmed Positive Tests for Specific Substances

Substance	1989	1990	1991	1992	1993
Marijuana					
Cocaine					
Opiates					
Amphetamines					
Phencyclidine					
Alcohol					

Revised: July 21, 1989

## FFD PERFORMANCE DATA FORM EXPLANATION

### First Sheet (to be filled out semi-annually):

1. **Company** - The name of company/utility.
2. **Six Months Ending** - This form is to be filled out on a semi-annual basis covering the periods of January 1 to June 30 and July 1 to December 31. The first required form will be cover the period January 1, 1990 to June 30, 1990. (Implementation date is to be no later than January 3, 1990.) (As a pre-rule baseline and to exercise the company's FFD data collection system it would be beneficial to fill out a form for the period July 1, 1989 to December 31, 1989.)
3. **Location** - Enter the plant, corporate headquarters, or other utility entity for which the data is being collected. Each company should complete a separate form for each nuclear site. Corporate and other support locations may be separately consolidated.
4. **Contact Name** - Enter the name of person responsible for collecting the data and filling out the form.
5. **Phone Number** - Enter the phone number used to reach the responsible contact.
6. **Cutoffs: Screen/Confirmation (ng/ml)** - Enter specific cutoff levels used by the company or mark the box labeled Appendix A to 10 C.F.R. § 26 if the NRC standard cutoff levels are used. If more stringent cutoff levels are being used, record the values for both screen and confirmation in ng/ml (e.g. marijuana 50/15), except for alcohol which is recorded as a percentage of blood-alcohol concentration (BAC). If additional authorized substances are being tested in the company program, fill in the substance name and cutoff levels used in the blank spaces provided.
7. **Average Number With Unescorted Access** - There are three blanks to record the average number of licensee employees, long term contractor personnel, and short term contractor personnel in the unescorted access test population. The contractor personnel in the unescorted access test population should include those in approved contractor programs, as well as personnel in the licensee's program. The definition of long term and short term is the licensee's option (e.g. some define 6 months or less as short term). This separation would allow long term contractor employees, like security personnel, to be categorized separately from trade contractors that may be on site no longer than for an outage. If the company chooses not to split contractors into these two groups, then record total



contractors in the short term contractor column and put N/A (not applicable) in the other space. In each category, the number to be entered is the average number of people in the random drug testing pool during the six-month reporting period (January 1 through June 30 or July 1 through December 31); it is the sum of the average weekly random test populations divided by the number of weeks in the reporting period.

8. **Categories** - These blanks should contain the number of samples tested in each category and the number of confirmed positive samples in each category reported by the Medical Review Officer during the six-month reporting period. The rule does not differentiate between "pre-employment" and "pre-badging" or between "for cause" and "post-accident." The blanks provided on the form allow for a separation into these categories in case a company chooses to analyze the data for each category separately.
- o The "pre-employment" testing category results would be limited to those persons seeking to get a job in the nuclear power portion of the company.
  - o The "pre-badging" testing category is for current employees who are being moved into a position in the company requiring unescorted access to the Protected Area.
  - o The "periodic" testing category is for use by those companies that will continue to test samples coincident with annual physicals or similar periodic events.
  - o The "for cause" testing category is for providing the results of tests based on behavioral observation programs or after receiving credible information that an individual is abusing drugs or alcohol.
  - o The "post accident" testing category results would be for those tests administered because of the occurrence of events as opposed to behavioral observations.

Only those categories required by the rule (pre-badging, for cause, random and follow-up) must be included in the data collection spaces, but companies are encouraged to use the additional data categories to aid in the evaluation of individual segments of the program.

The "# tested" in each category is the number of urine/breath samples provided for testing purposes. An individual may provide several samples during the period; each occasion is counted.

The "# positive" in each category is the number of confirmed positives. If the company uses cutoff levels more restrictive than DHHS/NRC, the "# positive" columns should be split; on the left side record confirmed positives based on DHHS/NRC cutoff levels and on the right side record confirmed positives based on the company's more restrictive cutoff levels.

9. # Referred to EAP - Record the total number of licensee employees referred to a Employee Assistance Program (EAP) because of testing positive on any alcohol or drug test for the six-month reporting period. This number need not be the same as the total number of positives, because of factors such as, the individual resigned, refused EAP, is a repeat offender, etc. Companies may also want to track contractors in a similar manner although no blank is provided. The shaded areas are not intended to be used.
10. # Access Restored - The rule requires that unescorted access to the Protected Area be denied to any person who the Medical Review Officer has determined to have a confirmed positive test. The "# Access Restored" space is for recording the number of licensee employees who have had a confirmed positive test and who have done whatever the company policy requires in order to have their unescorted access status restored. Companies may also keep track of contractors in a similar manner although no blank is provided. The shaded areas are not intended to be used.

Second Sheet (this is a five year record incorporating data from the semi-annual records):

11. The Random Testing Program Results - This section provides space for recording the results of the semi-annual (or more frequent if desired) random drug/alcohol testing data for a period of up to five years. The upper portion has spaces to record the semi-annual values of the number of individuals tested (individuals may be tested more than once during the period) and the confirmed positive test results (recorded as one per occasion that an individual is tested even if that individual was positive for more than one of the substances listed under Confirmed Positive Test for Specific Substances [see Item 12]). The lower portion is a five-year trend graph used to plot the total percent positive during each six-month reporting period (plotted semi-annually, or more frequently if desired).

Although there is no separation of percent positive for drugs versus percent positive for alcohol, some licensees may choose to plot drug and alcohol test results separately in addition to the total percent positive. Similarly, some companies may choose to separately plot employees and contractors. Separate sheets can be used if desired.

12. The Confirmed Positive Test for Specific Substances - This section provides spaces for the number of confirmed positive tests, recorded by substance, during each semi-annual reporting period. This must include test results for those substances listed and other drugs tested for during the 6 month reporting period. Please note that there is no direct correlation between the sum of these numbers and the number of positives entered in Item 11; multiple positives per individual in Item 11 are recorded as separate items in this table.

Third Sheet (not provided with the form, but required for final rule reporting purposes):

The final rule requires this data to be submitted to the Commission within 60 days of the end of each six-month reporting period. In addition to the information provided by the standard form, a summary of management actions is required. This should include: initiatives taken, lessons learned, effectiveness evaluation, etc., as appropriate. The data is to be analyzed and appropriate actions taken to correct program weaknesses.

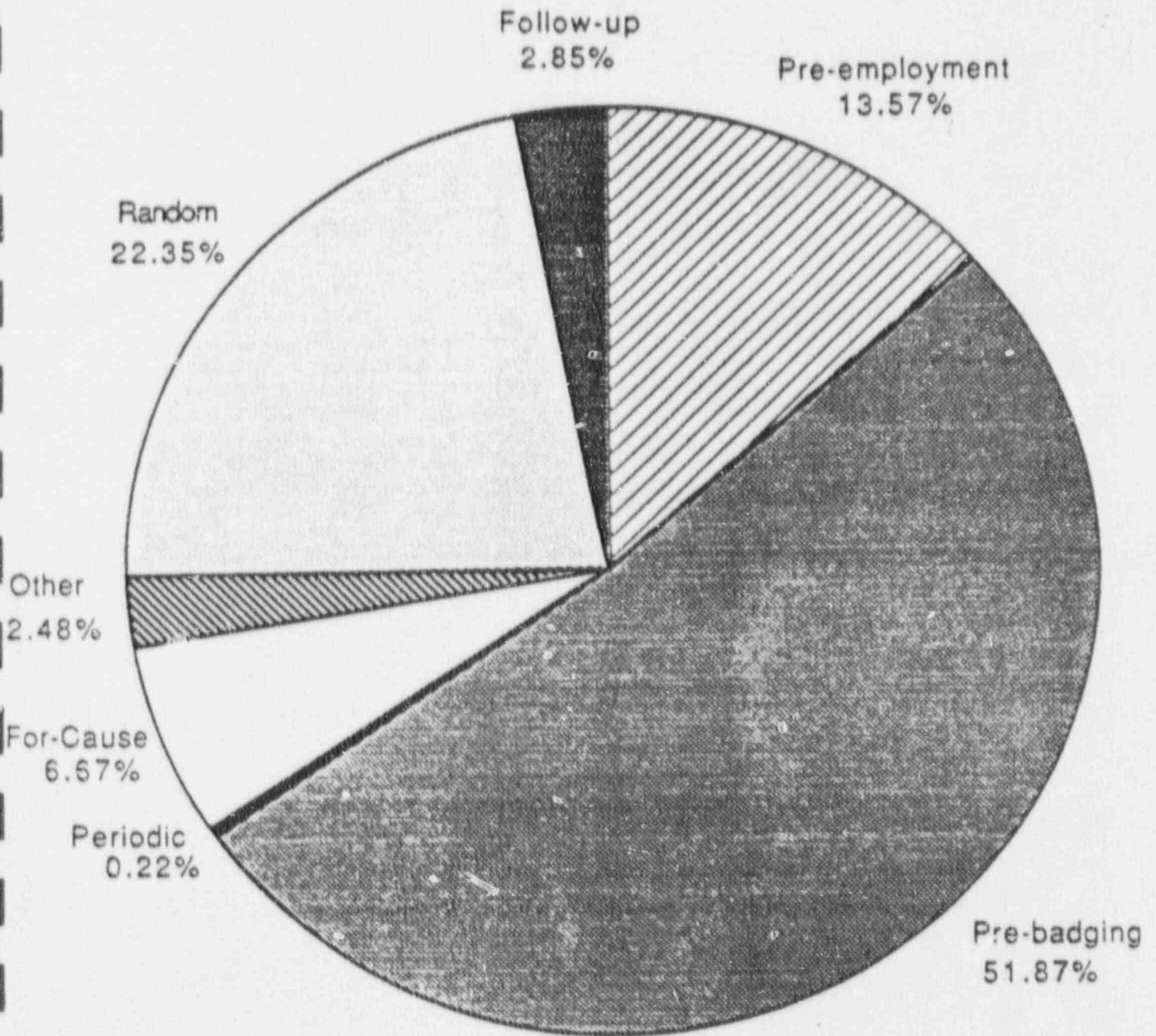
A summary listing of events reported by telephone under 10 C.F.R. § 26.73 is also required to be included. The brief summary should include the date of the event, the position of the individual (e.g. auxiliary operator, security guard, etc.), how discovered (e.g. random testing), substance detected, and management actions taken (e.g. referred to EAP) in that reporting period.

FFD  
POST-WORKSHOP  
SUBSTITUTES  
FOR VIEWGRAPHS  
USED BY NRC  
DISPLAYING INDUSTRY PERFORMANCE DATA  
COLLATED BY BATTELLE/HARC  
DECEMBER 1990

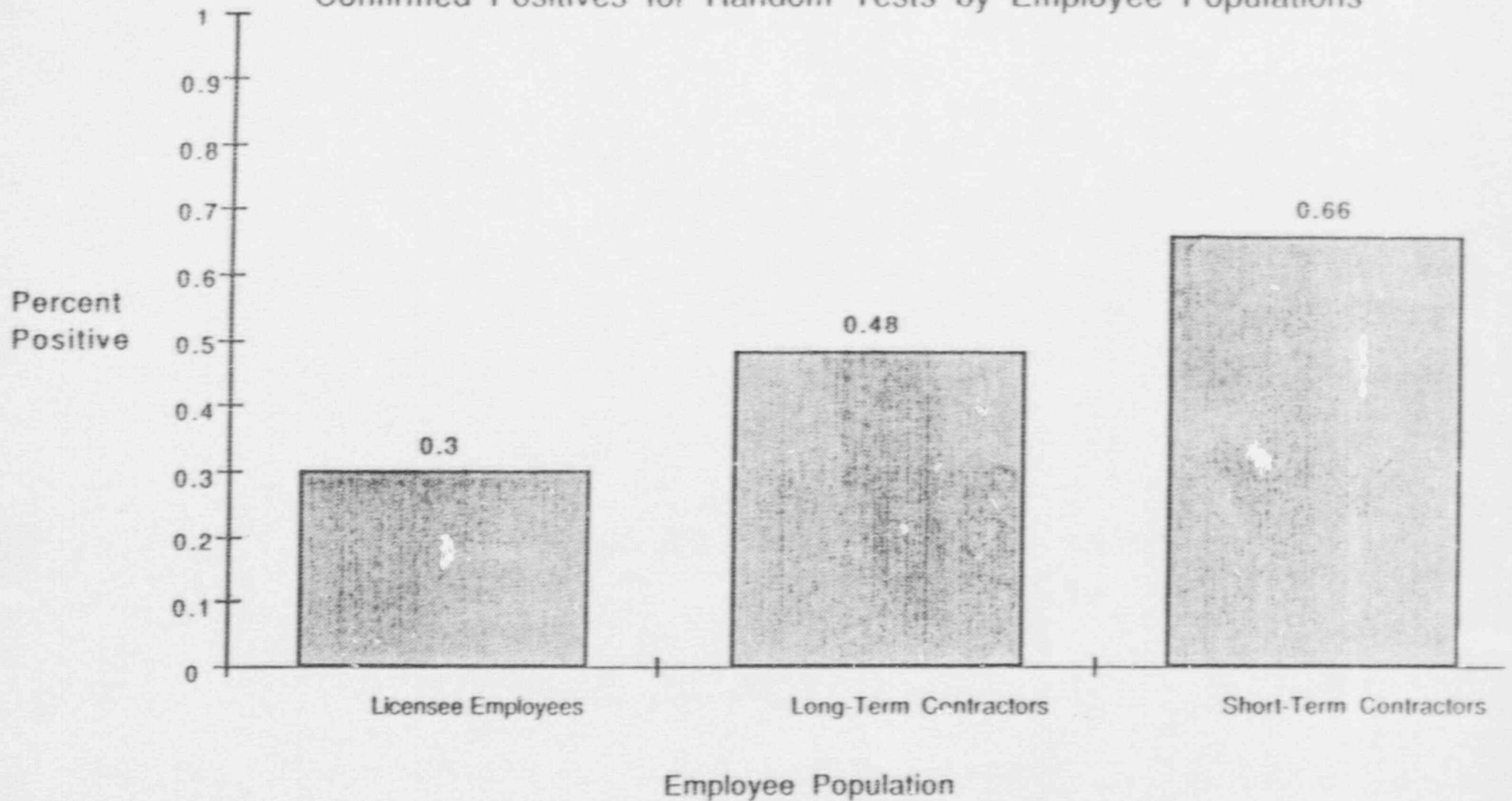
TABLE 1: SEMI-ANNUAL FITNESS-FOR-DUTY REPORT  
(JANUARY THROUGH JUNE 1990)

CATEGORIES	LICENSEE EMPLOYEES (AVERAGE NUMBER WITH UNESCORTED ACCESS: 1184)	CONTRACTOR (LONG-TERM/SHORT-TERM) (AVERAGE NUMBER WITH UNESCORTED ACCESS: 969)
PRE-EMPLOYMENT Number Tested Number Positive Average Percent Positive Range Percent Positive	6437 64 .99	9862 117 1.29
PRE-BIDDING Number Tested Number Positive Average Percent Positive Range Percent Positive	9258 118 1.27	36,293 674 1.58
PERIODIC Number Tested Number Positive Average Percent Positive Range Percent Positive	1899 2 .18	179 1 0.56
FOR-CAUSE Number Tested Number Positive Average Percent Positive Range Percent Positive	184 39 23.78	168 58 29.76
POST-ACCIDENT Number Tested Number Positive Average Percent Positive Range Percent Positive	15 0 0	6 0 0
RANDOM Number Tested Number Positive Average Percent Positive Range Percent Positive	58,395 152 0.38	23,175 146 0.63
FOLLOW-UP Number Tested Number Positive Average Percent Positive Range Percent Positive	917 36 3.93	189 2 1.66
OTHER Number Tested Number Positive Average Percent Positive Range Percent Positive	568 29 5.18	156 4 2.56
TOTAL Number Tested Number Positive Average Percent Positive Range Percent Positive	68,877 443 0.64	66,511 894 1.38

Confirmed Positives by Test Type (n=1337)



Confirmed Positives for Random Tests by Employee Populations



FFD  
VIEWGRAPHS  
PREPARED FOR PRESENTATION  
BY  
BOB KELM  
OF  
THE DETROIT EDISON COMPANY



NOTED DIFFERENCES AMONGST UTILITIES:

- o ONLY PROVIDING RELEVANT DATA SINCE JANUARY 3, 1990
- o SOME UTILITIES/CONTRACTOR AGENTS GO BACK TO NUCLEAR POWER PLANTS AND EMPLOYERS FOR DATA

26.3

## SUITABLE INQUIRY

BEST EFFORT VERIFICATION OF EMPLOYMENT HISTORY  
(5/3 YEARS)

TO DETERMINE:

- o IF PERSON IN PAST TESTED POSITIVE FOR ILLEGAL DRUGS
- o WAS SUBJECT TO PLAN TO TREAT SUBSTANCE ABUSE (EXCEPT SELF REFERRAL)
- o REMOVED FROM OR INELIGIBLE FOR ACTIVITIES DEFINED IN 10CFR26
- o DENIED ACCESS AT OTHER NUCLEAR PLANT OR OTHER EMPLOYMENT IN ACCORDANCE WITH A FITNESS FOR DUTY POLICY
- o IF SUCH A RECORD EXISTS UNESCORTED ACCESS MUST BE BASED ON MANAGEMENT/MEDICAL DETERMINATION OF FITNESS FOR DUTY AND THE ESTABLISHMENT OF AN APPROPRIATE FOLLOW-UP TESTING PROGRAM





FFD# 80-380

SUITABLE INQUIRY

Applicant \_\_\_\_\_ SBE \_\_\_\_\_ DOB \_\_\_\_\_

Employed by \_\_\_\_\_ Address \_\_\_\_\_

Contact \_\_\_\_\_ Title/Position \_\_\_\_\_ Phone \_\_\_\_\_

Position of Applicant \_\_\_\_\_ Dates: From \_\_\_\_\_ To \_\_\_\_\_

QUESTIONNAIRE

TO THE BEST OF YOUR KNOWLEDGE, while in your employ, or at your facility, has the individual..

- 1) Ever tested positive for drugs or use of alcohol that resulted in on-duty impairment? NO X YES \_\_\_\_\_ UNKNOWN \_\_\_\_\_
- 2) Been removed from activities due to drugs or alcohol use? NO X YES \_\_\_\_\_ UNKNOWN \_\_\_\_\_
- 3) Subject to a plan for treating substance abuse? NO X YES \_\_\_\_\_ UNKNOWN \_\_\_\_\_
- 4) Denied unescorted access in any other nuclear power plant? NO X YES \_\_\_\_\_ UNKNOWN \_\_\_\_\_

If YES to any of the above, please explain: \_\_\_\_\_

Do you feel there is anyone else we should/could contact for further information regarding this individual? NO \_\_\_\_\_ YES \_\_\_\_\_  
(obtain telephone # and address)

FURTHER COMMENTS: Responses Applicable on Form 2 only

(If it is your company's policy to not disclose this information please state so)

Additional comments on reverse side or attached: YES \_\_\_\_\_ NO \_\_\_\_\_

06.06.90  
DATE

[Signature]  
(SIGNATURE OF INDIVIDUAL COMPLETING FORM)

[Signature]  
(COMPANY NAME)

Public Head  
Licensed  
Private Investigator

# SECURITY SCREENING & INVESTIGATION CO., INC.

P.O. Box 205 • 108 N. Main Street  
Boxley, Georgia 31513

Phone No. (912) 367-5064



## SUITABLE INQUIRY

APPLICANT \_\_\_\_\_ SS# \_\_\_\_\_ DOB \_\_\_\_\_  
COMPANY \_\_\_\_\_ ADDRESS \_\_\_\_\_  
CONTACT \_\_\_\_\_ TITLE/POSITION \_\_\_\_\_ PHONE \_\_\_\_\_  
POSITION OF APPLICANT PIPEFILTER DATES: FROM 6-26 TO 2-90

### QUESTIONNAIRE

TO THE BEST OF YOUR KNOWLEDGE, AT YOUR FACILITY, HAS THE INDIVIDUAL.....

- 1) EVER TESTED POSITIVE FOR DRUGS OR USE OF ALCOHOL THAT RESULTED IN ON DUTY IMPAIRMENT? NO  YES \_\_\_\_\_ UNKNOWN \_\_\_\_\_
- 2) BEEN REMOVED FROM ACTIVITIES DUE TO DRUGS OR ALCOHOL USE? NO  YES \_\_\_\_\_ UNKNOWN \_\_\_\_\_
- 3) SUBJECT TO A PLAN FOR TREATING SUBSTANCE ABUSE? NO  YES \_\_\_\_\_ UNKNOWN \_\_\_\_\_
- 4) DENIED UNEXCORATED ACCESS IN ANY OTHER NUCLEAR POWER PLANT? NO  YES \_\_\_\_\_ UNKNOWN \_\_\_\_\_

IF YES TO ANY OF THE ABOVE, PLEASE EXPLAIN: \_\_\_\_\_

DO YOU FEEL THERE IS ANYONE ELSE WE SHOULD/COULD CONTACT FOR FURTHER INFORMATION REGARDING THIS INDIVIDUAL? NO  YES \_\_\_\_\_

FURTHER COMMENTS: \_\_\_\_\_

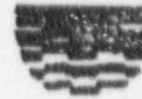
ADDITIONAL COMMENTS ON REVERSE SIDE OR ATTACHED: YES \_\_\_\_\_ NO

11 Nov 80  
DATE

[Signature]  
(SIGNATURE OF INDIVIDUAL COMPLETING FORM)



# SUITABLE INQUIRY



ENERGY  
OPERATIONS

TO: Fuel II

ENRGI ENERGY RESOURCES, INC. A LICENSEE, IS CONDUCTING A SUITABLE INQUIRY IN ACCORDANCE WITH 10 CFR PART 26. PLEASE PRINT AND ANSWER THE BELOW QUESTIONS AND RETURN TO:

ENERGY OPERATIONS  
ATTN: CORPORATE SECURITY  
P.O. BOX 754  
PORT GARDNER, MS 39180  
FAX NUMBER (601) 437-2414

NAME: \_\_\_\_\_  
DATE OF BIRTH: \_\_\_\_\_ VERIFIED ( ) YES ( ) NO  
SOCIAL SECURITY: \_\_\_\_\_ VERIFIED ( ) YES ( ) NO  
EMPLOYER: \_\_\_\_\_ DATE EMPLOYED: FROM 9/89 TO 4/89  
ADDRESS: Newport M.

NO YES RTR

- \_\_\_ \_\_\_ \_\_\_ HAS SUBJECT EVER TESTED POSITIVE FOR DRUGS? (IF YES, EXPLAIN) \_\_\_\_\_
- \_\_\_ \_\_\_ \_\_\_ HAS SUBJECT EVER USED ALCOHOL RESULTING IN ON-DUTY IMPAIRMENT? (IF YES, EXPLAIN) \_\_\_\_\_
- \_\_\_ \_\_\_ \_\_\_ HAS SUBJECT EVER BEEN TREATED FOR SUBSTANCE ABUSE EXCEPT FOR SELF-REFERRAL THAT DID NOT RESULT IN A REPORT TO MANAGEMENT? (IF YES, EXPLAIN) \_\_\_\_\_
- \_\_\_ \_\_\_ \_\_\_ HAS SUBJECT'S UNESCORTED ACCESS TO PROTECTED OR VITAL AREAS OR ACTIVITIES UNDER THE SCOPE OF 10 CFR PART 26, FITNESS FOR DUTY EVER BEEN REMOVED? (IF YES, EXPLAIN) \_\_\_\_\_
- \_\_\_ \_\_\_ \_\_\_ HAS SUBJECT EVER BEEN DENIED EMPLOYMENT OR UNESCORTED ACCESS TO A NUCLEAR POWER PLANT IN ACCORDANCE WITH A LICENSEE'S PFD POLICY? (IF YES, EXPLAIN) \_\_\_\_\_
- \_\_\_ \_\_\_ \_\_\_ IS THERE ANY OTHER INFORMATION WHICH WOULD ADVERSELY REFLECT UPON THEIR RELIABILITY AND TRUSTWORTHINESS. (IF YES, EXPLAIN) \_\_\_\_\_

RTR - REFUSED TO RELEASE

ADDITIONAL COMMENTS: \_\_\_\_\_

\_\_\_\_\_  
PRINT NAME DATE  
\_\_\_\_\_  
SIGNATURE TITLE

BY - 01  
23 MAR 90

PLEASE EXPEDITE

Grand Gulf

SEC4

SECURITY SCREEN - 4

NAME : \_\_\_\_\_  
EMPLOYEE ID : \_\_\_\_\_

FITNESS FOR DUTY

Chemical Testing Date: \_\_\_\_\_

Utility: \_\_\_\_\_

Screening Company : \_\_\_\_\_

Holding Company : \_\_\_\_\_

EMPLOYEE FITNESS FOR DUTY HISTORY

- (1) Tested positive for Drugs or over used Alcohol resulting in on-duty impairment. ....
- (2) Treated for Substance Abuse except for self-referral that did not result because of FFD problem. ....
- (3) Removed because of FFD problem. ....
- (4) Denied unescorted access per a licensee's FFD policy. ....

**VIEWGRAPHS  
PREPARED AND  
ANNOTATED FOR PRESENTATION**

**BY**

**DR. RON MACK, M.D.**

**OF**

**PUBLIC SERVICE ELECTRIC & GAS CO.**



DRUG USE AND MRO

LICIT

LEGAL

ILLICIT

ILLEGAL

PASSIVE/INNOCENT INGESTION - EXPOSURE

(? MAY BE DEFENSE - USE OF SOMEONE ELSE'S PRESCRIPTION  
DRUG

REGULATORY DIRECTION ABSENT

"REVIEW AND INTERPRET POSITIVE LAB TEST RESULTS"

"EXAMINE ALTERNATE MEDICAL EXPLANATIONS"

(20 CFR 26 A.SPB, 2.9 (B))

LEGITIMATE MEDICAL EXPLANATION ?

COMMON SENSE

REASONABLE CONSISTENT APPROACH

THE LEGAL DRUG ISSUE

o PRESCRIPTION DRUGS

o OTC

OPAIRES (CODEINE, MORPHINE)

BARBS (SHORT ACTING? LONG ACTING? PHENOBARBITAL)

BENZODIAZEPINES (VALIUM, ATIVAN)

"OTHER SELECTED PSYCHOACTIVE AGENTS"

OPIATES

o MOST FREQUENTLY ENCOUNTERED CLASS OF DRUGS WHICH CAN PRODUCE

"MRO EXCUSED POSITIVE"

"MRO GENERATED NEGATIVE"

-6- MAM HAS A SHORT HALF LIFE

- THE POPPYSEED DEFENSE

- CODEINE/MORPHINE RATIO IS INDEFENSIBLE

? >5000 NG = ABUSE/MISUSE OF HEROIN  
MORPHINE  
CODEINE

? MORPHINE ONLY INDICATES ILLICIT USE

o MOST HEROIN USERS POSITIVE FOR ILLEGAL DRUGS AND/OR DISTINGUISH THEMSELVES IN OTHER WAYS.

STIMULAMINES - DISPENSING IN THE WORKPLACE - NOT A GOOD PRACTICE  
208 SEDATION  
208 NO SEDATION  
608 MILD EFFECTS

CARDIAC MEDS. - LOW INCIDENCE OF ADVERSE DRUG REACTION AND/OR SIDE EFFECTS  
- CARDIAC DISEASES GENERALLY PRESENT SIGNIFICANT THREAT OF SUDDEN INCAPACITY

"THE FREQUENCY OF ADVERSE CNS REACTIONS TO THE COMMONLY EMPLOYED DECONGESTANTS IS LOW"

PG 332

JOURNAL OF OCCUPATIONAL MEDICINE  
APRIL, 1990  
VOLUME 22 , # 4

COULD THERAPEUTIC EFFECTS OR ADVERSE REACTIONS INTERFERE WITH JOB PERFORMANCE OR CREATE A SAFETY HAZARD?

- 1.8 BILLION PRESCRIPTIONS WRITTEN EACH YEAR - NUMBER OF ADVERSE REACTIONS AND INCIDENTS OF UNDESIRE SIDE EFFECTS IS UNKNOWN
- THE CONTRIBUTION OF THE EFFECTS OF MEDICATION TO INDUSTRIAL ACCIDENTS IF UNKNOWN
- THE EFFECTS ON PRODUCTIVITY IS UNKNOWN

- HEROIN ABUSE (1980) RELATIVELY UNCOMMON ( 500,000 IN USA)
- 1 TO 2 % OF US POPULATION USED A PRESCRIPTION NARCOTIC WITHOUT MEDICAL SUPERVISION WITHIN 1 MONTH OF INTERVIEW (1986 NIDA CAPSULES)
- HEROIN USERS POSITIVE FOR OTHER DRUGS
- HEROIN USERS USUALLY DISTINGUISH THEMSELVES IN OTHER WAYS
- MORE FREQUENTLY ABUSE/MISUSE PRESCRIPTION NARCOTICS NOT CONFIRMED BY GCMS
- "CLINICAL EVIDENCE" NEEDED IN ADDITION TO URINE TEST OF UNAUTHORIZED USE FOR ANY OPIUM, OPIATE, OR OPIUM DERIVATIVE (E.G. MORPHINE, CODEINE)
- "RECENT NEEDLE TRACK MARKS OR BEHAVIORAL PSYCHOLOGICAL SIGNS OF ACUTE OPIATE INTOXICATION OR WITHDRAW"  
26/A/SPB/2.9 (d)

ORDER OF ADDICTION POTENTIAL

1. CENTRAL STIMULANTS (ESPECIALLY COCAINE)
2. OPIATES
3. ALCOHOL
4. SEDATIVE HYPNOTICS (BARBS/BENZOS)
5. NICOTINE
6. ANXIOLYTICS
7. MARIJUANA
8. INHALANTS AND ANESTHETICS
9. PCP AND HALLUCINOGENS

% OF USERS WHO BECOME DEPENDANT?

DATA NOT AVAILABLE FOR ALL CLASSES

10% FOR ALCOHOL

85% FOR COCAINE

RELATIVE ADDICTION POTENTIAL - ABUSE LIABILITY SEDATIVE HYPNOTICS

METHAQUALONE - (QUAALUDE)

SHORT ACTING BARBITURATE: (PENTO, SECO, AMC,  
BARBITAL)

MEPROBAMATE

BENZODIAZEPINES (VALIUM, ATIVAN)

Advances in Alcohol &  
Substance Abuse  
Vol. 9 August 1990



BENZODIAZEPINES

- \* LESS ADDICTIVE/LOWER ABUSE POTENTIAL THAN BARBITURATES
- \* CAN USUALLY IDENTIFY PARENT COMPOUND ON GCMS

BARBITURATES

- \* HIGH ABUSE LIABILITY
- \* SHORT ACTING 5 TO 7 TIMES GREATER ADDICTION ABUSE POTENTIAL
- \* > THAN 50 COMPOUNDS USED MEDICALLY
- \* POSSIBLE TO SCREEN AND CONFIRM ONLY SHORT INTERMEDIATE ACTING BARBS

FOR DRUGS COMMONLY PRESCRIBED OR IN OVER THE COUNTER  
PREPARATIONS (EG. BARBS AND BENEO'S) THE NCO SHALL  
DETERMINE WHETHER THERE IS CLINICAL EVIDENCE IN  
ADDITION TO THE URINE TEST OF UNAUTHORIZED USE OF ANY  
OF THESE SUBSTANCES OR THEIR DERIVATIVES

- \* PHYSICAL EXAM
- \* ACUTE INTOXICATION OR WITHDRAW ?

OTHER DRUGS - SHOULD BE EMPLOYER OPTION

ALCOHOL "A SEPARATE ISSUE MANAGED BY OTHER WELL ESTABLISHED  
MEANS"

BENEOS

BARBS

ANTI-ANXIETY

ANTIHISTAMINES

METHOQUALONE

METHADONE

DESIGNER DRUGS (SUBSTITUTE AMPHETAMINES)

LSD

NICOTINE

CAFFEINE

NIDA CR 1990  
Pg. 25 - 26

NUCLEAR EMPLOYEE ASSISTANCE PROGRAM GUIDELINES

1. STRUCTURE EAP/FITNESS-FOR-DUTY PROGRAM TO ENCOURAGE SELF-REFERRALS.
2. PROVIDE AT LEAST ONE OPPORTUNITY FOR REHABILITATION.
3. PROVIDE STRUCTURED, INTENSIVE FOLLOW-UP.
4. PARTICIPATE IN TREATMENT MONITORING.
5. SEEK MEDICAL CONSULTATION AND/OR APPROPRIATE MANAGEMENT CONSULTATION WHEN AN INDIVIDUAL MAY PRESENT A POSSIBLE HAZARD TO THE SAFETY OF HIMSELF/HERSELF OR OTHERS.

PRICES

- Urine Collection & shipment	\$10-35 mean: \$15-20
- Laboratory Analysis (screening & GC/MS confirmation)	\$20-65 mean: \$35-50
- Screening alone	\$ 8-25
- GC/MS alone	\$60-120 (including man for \$150-250 all opiate pos.)
MRO Review of results	
- Negatives (administrative only)	\$ 2-20 mean: \$5-10
- Positives (admin. and MRO)	\$ 50-200
- Single, combined fee	\$ 20-60
Policy Development	\$100-150/hr
- FFD Policy (10-50 page document)	\$10,000-40,000
- Disposition and legal testimony	\$200-300/hour
- Alcohol Breath Testing	\$10 - for negative
- Random Selection Process (selection, notification, documentation)	\$50-75 -for positive
- FFD Inquiry response	\$50-10 each
Training -Video	\$500-1,000/day
- Development, handouts, testing, scoring, data management	
- For Cause Exam - Off Hours Testing Urine Breath Blood Physician Exam	\$150-300

## FITNESS-FOR-DUTY-ISSUES

THESE QUESTIONS WERE PREPARED  
BEFORE THE WORKSHOP AND  
DISTRIBUTED FOR DISCUSSION IN THE  
BREAKOUT SESSIONS. THE BOLDFACE  
TEXT CONTAINS A COMPOSITE OF  
PARTICIPANT COMMENTS.

## Topical Breakout Sessions

Wednesday, September 12, 1990, 2:15 - 3:15PM

### A. Human Resources Aspects - Breakout Discussion

#### Issues:

1. Some utilities consider a self-referral to EAP for drugs or alcohol as the first positive and proceed with sanctions accordingly. What concerns does this policy present? Is there a consensus on how this issue should be handled?

It is not a good idea to consider a self-referral for drugs or alcohol as the first positive primarily because this policy discourages an individual from getting help through EAP. The sanctions that follow a positive would undoubtedly cause an individual to spend his/her effort trying to avoid getting caught. The goal of the program is a drug free workforce, not punishment of individuals who are trying to overcome a problem.

2. The alcohol cutoff level of 0.04% BAC may be treated as a "go or no-go" gauge as is the case for drug cutoffs. From a human resources standpoint is there follow up information that should be pursued even if the test result is less than 0.04% but a positive reading above zero? If so, what is it and how should the process be handled?

The alcohol cutoff level 0.04% BAC is a "go or no-go" limit as far as sanctions are concerned just like for drug cutoff levels. However, there is a significant difference in practical application that should be considered in company policy. There is medical/scientific information that can be used to suggest that you may not want someone working under the influence of even 0.03% BAC.

Someone reporting for work with as little as 0.02% BAC may imply the individual has a drinking problem. The individual may not have violated the FFL rule to be 0.02% BAC, but he/she would have had a blood alcohol level of at least 0.095% just 5 hours before reporting to work. It is likely that a few more hours will elapse

before an individual reports after being randomly selected for drug and alcohol testing, while metabolizing alcohol at the rate of 0.015% BAC per hour.

3. NUREG-1385, Section 7.3, states that a person who has been gone from a site and removed from the FFD program must be treated like a "new" employee upon his/her return. This would require retraining even if the period away was less than 365 days, the accepted period for access authorization retention. Is this an arbitrary judgment? What concerns does it present to licensees?

The NRC rule interpretation stated in NUREG-1385, § 7.3 is considered implausible by the industry. It states that a person who has been gone from a site and removed from the FFD program must be treated like "a 'new' employee, including training, upon his/her return." It is considered adequate to provide refresher training to everyone in the FFD program once a year but the NRC seems to assume that if you are not subject to random testing for a short while that you forget everything you knew about the FFD program. This issue will be included in the NUMARC comments to be provided to the NRC for future Part 26 revisions.

4. There has been a lot of recent industry experience with prescription and over-the-counter drugs. What are the benefits or drawbacks that would accrue by developing a list of these drugs as suggested by the NRC in NUREG-1385, Section 9.17?

None of the industry participants expressed an interest in having a list of prescription and over-the-counter drugs as suggested by the NRC in NUREG-1385, § 9.17. In fact such a list could create problems because in the attempt to simplify a complex situation the list would become the arbitrator without the benefit of knowledge of the individual's reaction to the medicine which can be quite varied for different people. Instead of a list there should be a company policy and part of the training program that explains that the individual is the first line of defense in determining if the medication is affecting his/her performance. The individual's supervisor is to be involved as the backup and the medical officer is considered to be the technical expert in support of the first two in making a determination of potential impairment. As noted in the agenda, this was the topic of the



The current requirement to collect a 60 ml specimen has been shown to be unnecessary; 30 ml may be sufficient depending on laboratory requirements, whether on-site testing is performed and whether split samples are collected. The NRC staff is considering a relaxation of this requirement.

5. There continues to be interpretation problems of NUREG-1385, Sections 5.4 through 5.6, concerning the "batching" requirements. It affects the timely access of contract personnel for outages. Should the site management be able to receive negative results directly from the on-site test facility or the NIDA laboratory as soon as known as long as there is a system that doesn't make an obvious positive-negative split? What techniques can be used to allow reporting the negatives when known without compromising the potential positives until confirmed by the MRO?

The "batching" of samples sent to a NIDA certified laboratory is to get traceable quality assurance. As stated in NUREG-1385, negative results of pre-access and follow up tests may be immediately reported to management. Results of random tests await completion of laboratory tests and MRO evaluation in order to protect the identity of those who may have tested positive but who have not yet been confirmed positive by the MRO. This is not considered to be a problem for a licensee because everyone in the random drug testing pool continues to have unescorted access while this process is being completed.

## Topical Breakout Sessions

Wednesday, September 12, 1990, 2:15 - 3:15PM

### B. Security Aspects - Breakout Discussion

#### Issues:

1. Drug testing is an element of access authorization. Most programs are under human resources/health care departments. There appears to be no specific reason that this support services function is included in the Security rating of the Systematic Assessment of Licensees Program (SALP). What concerns, if any, are there in giving the Security organization the responsibility for fitness-for-duty programs in the overall performance evaluation process?

There are usually three responsible organizations at a utility with responsibility for aspects of the FFD program: security, human resources, and health care. Several participants noted that their program success was highest when there was an FFD program administrator in charge of coordinating the efforts. Since security is the one group that has had the previous experience of interfacing with the NRC on regulatory matters, it is the logical choice to shepherd the FFD effort. There has been a comment attributed to NRC headquarters that FFD may soon fall outside the security SALP category, but regional inspectors claim that they will include it in the security SALP rating. There is ongoing review of this issue.

2. The NRC FFD rule does not require the use of drug dogs but does require efforts to maintain a drug free workplace. What specific efforts does your utility use to meet this requirement? What are the pros and cons of using drug dogs? What deterrence is there to keep drugs out of the workplace?

Drug dog use continues to be a controversial issue. The NRC suggests that it is one of several proactive methods that a utility can use to maintain a drug free workplace. They consider it to be a good idea but not a requirement. Some utilities find the use of drug dogs very useful in keeping drugs out of the workplace, while others find it more intimidating than helpful.

3. After the MRO has determined a person to have been confirmed positive for drugs, does your utility make any attempt to ask the individual if his source of drugs was from site-related suppliers? What are the pros and cons of such an investigation?

Another proactive effort suggested by the NRC to root out drugs in the workplace is to follow up on information that may be gleaned from an individual who has had a positive drug test result. Presumably, the utility would check that the work of the person with a positive drug test has been done satisfactorily. More specifically, the NRC position is that: "there is no regulatory requirement to interview a person who has tested positive for drugs relative to determining where he/she obtained the drugs. It should be noted that if drugs are found on site or information is obtained that the individual who tested positive obtained the drugs on site, the NRC would expect this to be a matter of significant concern to the licensee and reported to the NRC." Most utilities feel that if an investigation is necessary it is the job of the local law enforcement agency (LLEA) and that is where it should remain. Of course, if anything in this regard is learned, it would be pursued.

4. How does the licensee assess the effectiveness of his FFD program from a security standpoint? What part of this is self-auditing? What about analysis of trends?

The FFD rule requires that program data be analyzed and appropriate actions taken to correct program weaknesses. In pursuing this, the inspectors want to see responsive action based on trend analysis with effectiveness measures in use. Self-auditing is frequently only a once a year snapshot that does not lead to continuing dynamic action in making improvements. Some utilities realize that they have not maintained a 100% selection for random testing only after reviewing the data collected for the semi-annual performance data submission. Audits are essential to measure company programs against the regulation but may not adequately measure overall program effectiveness.

video presentation by the medical department of the Public Service Electric and Gas Company.

5. Employee Assistance Programs (EAP) are essential to the process of helping people overcome their problems. What criteria should be used to evaluate the effectiveness of an EAP? How should a person's fitness to return to work be evaluated? What are the key considerations in a follow up program? Is follow up appropriate for suitable inquiry concerns?

Employee Assistant Programs (EAP) are enjoying success in helping drug and alcohol abusers to return to work. There was some concern about inconsistencies between utility programs. Some licensees treat a self-referral as a first positive; while others terminate those testing positive the first time without an EAP assessment. The recently enacted Americans With Disabilities Act (ADA) of 1990, has amended the Rehabilitation Act of 1973 such that it is no longer required to provide reasonable accommodation to employees using illegal drugs. Although it is legal to terminate first positive drug users without offering rehabilitation, it was considered in the industry's best interest to offer to help rehabilitate these people. The pool of qualified and talented people available to the industry is finite, suggesting that we should protect the investment by supporting rehabilitation where possible. The ADA also requires that there be no discrimination in hiring practices for people who have been rehabilitated.

## Topical Breakout Sessions

Wednesday, September 12, 1990, 2:15 - 3:15PM

### C. Collection/Medical Aspects - Breakout Discussion

#### Issues:

1. There are misunderstandings associated with some terminology used in describing actions associated with the rule. The terms in question are:
  - pre-screen test result
  - screen test result
  - initial test result
  - initial screen test result
  - preliminary test result
  - presumptive positive result
  - confirmed positive result

Concerns would be minimized with common use of definitions. This session is encouraged to do so.

Terminology seems to be used interchangeably. Even with the definitions provided there continues to be some misunderstanding or confusion. The NRC staff acknowledged that DHHS coined these terms but they will look for inconsistencies during their upcoming FFD Rule review and modify as necessary.

2. Some utilities wait 15-20 minutes prior to administering the alcohol breath test. Is this necessary? What precautions can be taken to obviate this waiting period? Are there other problems associated with the alcohol testing methodology? If the first breath test result is essentially zero and the equipment has proven to be properly operational, does the test have to be repeated in 2-10 minutes? Why?

Some utilities are waiting 15-20 minutes prior to administering the alcohol breath test. The expected procedure is to ask the person being tested if any potentially interfering substance has been ingested during the past 15 minutes. If the answer is no, it is proper to proceed directly with the test. A waiting period is

appropriate only if there was a recent ingestion of a potentially interfering substance (e.g. mouthwash). If there is doubt and the first test is positive, a waiting period may be in order. Even though paperwork may consume the 15-20 minute period, it is important to recognize that this period is not mandated in the rule, except as noted above, and if required by state law. There seems to be agreement by the NRC staff that there is nothing to be gained with a second breath test for confirmation when the first test is essentially negative (less than 0.01% BAC) as most are.

3. Some laboratories have had false positives and false negatives associated with spiked blind samples. All of these occasions are interpreted by the NRC as "unsatisfactory performance testing results." Each, therefore, requires an investigation and an incident report submitted to the NRC within 30 days. Does this create any problems for your utility? Are you aware that blind samples may not test positive if not spiked to at least 20% over the test cutoff level? Are there other problems or considerations? Do you consider 10% blind proficiency samples excessive? What level would provide a satisfactory QC check?

The burden of the current blind sample program should be diminished by doing no more than that required under the Department of Transportation's blind sample testing portion of their drug testing rule (54 FR 49856 - 49 CFR Part 40): three blind samples per 100 employee specimens submitted with a maximum of 100 blind samples per calendar quarter. Experience has shown that utilities should request that blind samples be spiked to at least 20% above the test cutoff level for the utility for that drug. If the MRO receives results contrary to his expectation, the event must be reported to the NRC as an "unsatisfactory performance test result," with appropriate follow up. NIDA should evaluate proficiency performance data to ensure what is happening is satisfactory.

4. The rule requires the collection of at least 60 ml of urine (App.A, § 2.4(g)(11)). Is this amount really needed or would a lesser amount be sufficient? An NRC letter of September 6, 1990 states, the "NRC's expectation is that the specimen be of sufficient quantity for all necessary analysis and reanalysis." What amount is nominally sufficient?

5. The rule authorizes the MRO to have a NIDA lab retest a positive sample if he feels it is warranted or if the individual requests it. What techniques/controls are in place that avoid retesting every positive sample? Are split samples useful in this regard?

Many utilities do not conduct on-site testing of specimens but do maintain a split sample as authorized but not required by the rule. The MRO is expected to be the judge of whether a sample needs to be retested, but the individual may also request a retest. The licensee should have established procedures addressing how this is to be accomplished. If there is no split sample, the residual left at the NIDA certified laboratory is retested at the same laboratory. If a split sample is available it can be sent to the same laboratory for testing or to another certified laboratory. Some utilities allow the individual in question to pick a certified laboratory of his/her choice. The retest must be accomplished in a timely manner (nominally 3 days). If the retest is negative, an investigation as of the cause of the difference should be conducted. The individual now has a negative test status unless the retest is proven to be erroneous. Laboratories are not perfect -- they do make errors. The MRO must ensure the errors are caught and corrected.

## Regional Breakout Sessions

Thursday, September 13, 1990, 2:30 - 4:30PM

### D. Issues for Regional Breakout Discussions

#### Issues:

1. Suitable Inquiry is a time consuming process. Partial relief can be obtained by seeking temporary access authorization in accordance with NUMARC 89-01. Current misunderstanding has background investigators requesting information from utilities instead of the person's employer. There is no specified time frame that can be used before requiring a suitable inquiry update. If the individual works for the same employer, why can't this transfer period be 365 days? What if the individual is a craftsman from a union hall?

A "suitable inquiry" determination for the past five years seems to be more of a burden than it's worth. Records are incomplete because there was no requirement to do this until January 1990. Most non-utility employers don't have FFD programs so these subjects didn't arise unless an individual was terminated for being caught impaired on the job. There is a feeling by many employers that they'll be sued by the individual if they release any derogatory information. Many consider the request for information to be a burden, so they charge up to \$25 and take a month to respond. No one will respond without a hard copy release from the individual and few will provide information by phone or FAX. The only relief the industry has had is from the previous temporary unescorted access authorization provisions that allow interim access for six months after the completion of the one year employment check, a "best effort" for a one year suitable inquiry check and a current negative drug test result. The "best effort" authorization requires complete documentation. The NRC's position is that suitable inquiry is a subset of a background investigation. The industry strongly suggests that there needs to be some relief from this burden, including the following:

- o The program should be no more restrictive than that of accepted access authorization requirements; allow a 365 day absence from



the site before requiring a suitable inquiry check beyond his/her current employer, and the last nuclear power plant where unescorted access had been granted.

- o Consider establishing an industry repository for suitable inquiry data that can be checked in a manner similar to what is done for a credit check.

2. The NRC FFD Inspection Module is general and uses some subjective terms like "unusual gaps" or "subverted process." Who resolves differences of opinion between the NRC inspector and utility personnel? By what process?

When there is a controversial NRC inspection determination, the issue is to be referred to NRC Headquarters to ensure that the regional interpretation does not go beyond the intent of the rule. Unfortunately, where the rule is indeterminate, varying interpretation arise even at the headquarters level. Some utility representatives voiced preference for a more detailed rule to avoid interpretation; the majority felt the flexibility afforded by the current rule provides latitude for management to make judgments based on the circumstances of each situation. The NRC emphasized that differences of opinion should be resolved on-site when they arise.

3. For those utilities that have cutoff levels more stringent than those of DHHS/NRC, what lessons have you learned? What are the problems associated with the more stringent program? What problems have developed because of the variance in cutoff levels within the industry?

The use of drug testing cutoff levels more stringent than those of DHHS/NRC has identified a significant number of "additional" marijuana users; these people would have had test results below the DHHS/NRC cutoff level. There have been negotiations with some unions, and there are some extra reporting requirements but in general, there have been few problems managing the programs using the lower cutoff levels. The main issue continues to be a variable standard and some lack of acceptance of a cutoff level that is not as stringent as the one imposed on one's own employees. The generally preferred standard licensees would use is 50 ng/ml for the screen cutoff level for marijuana and 10 ng/ml for the confirmation

cutoff level. The NRC is pursuing those levels in communication with DHHS. The first set of performance data has shown that many casual marijuana users are missed at the 100 ng/ml screen level as noted in earlier drug testing programs. The calculated percentage using the this recent collected data is lower than the 80% previously noted at some utilities before the rule, that used 20 ng/ml or 25 ng/ml as the screen cutoff. Almost half of the positive results are being missed using DHHS cutoffs vs lower cutoff levels for marijuana. Specifically, of the 17 utilities that reported their data using more stringent marijuana cutoff levels, 43% more positives were confirmed than would have been found using the DHHS cutoff level.

4. What has experience shown in regards to contractor's FFD programs? Are they being accepted or do licensees provide the services for contractor personnel? Should the industry be doing anything differently in this regard?

There continues to be reluctance on the part of many utilities to accept contractor FFD programs. Some of the large vendor/contractor companies are having their programs accepted but not by the majority of the utilities. The concern is that the annual audit does not provide the comfort needed to accept someone else's work. The licensee has the liability and the responsibility if there are violations of the regulations. Maybe if a national audit group (like NUPIC - Nuclear Procurement Issues Council) would provide a utility manned and managed program there would be less reluctance. The members of INDEX (Integrated Nuclear Data Exchange) and NEDS (Nuclear Employee Data System) believe their systems will eventually remove this reluctance after a good record is established.

5. The NRC has a rulemaking out for comment that would add the following sentence to § 26.24(d) of the FFD Rule:

"No individual may be removed or temporarily suspended from unescorted access based solely on unconfirmed positive initial screening test results in the absence of other evidence that the individual is impaired or that the individual might otherwise pose a safety hazard."

What concerns would this have for your utility?

The rulemaking in progress by the NRC would specifically forbid any action on a presumptive positive. This modification is facing mixed reviews. Some licensees feel that is what the intent of the rule has been all along, and it would specifically protect an individual from being stigmatized by any potentially false positive screen result. Others maintain that the primary concern is the safety of the plant, and suggest that management will be conscientious in regard to the individual's right of privacy. Therefore they oppose the proposed rulemaking. The four NRC commissioners also seem to be split on this issue. Some people feel plant safety is protected by the supervisory observation under the behavioral observation program with a "for cause" test when there is any doubt. Others feel the issue remains trustworthiness, not just impairment that can be observed. A common base for those opposed to the rule modification was their commitment to on-site testing; those who do it and those who want to keep that option open.

6. You have submitted your first semi-annual FFD Performance Data report to the NRC. What problems did you have in submitting this report? What needs to be changed to make the report better -- less burdensome and more meaningful?

It is apparently too soon to tell how the performance data reporting is going. The reports have yet to be analyzed but most utilities seem to have done a proper job in reporting. A copy of the form and associated guidance is included under TAB 3b.

7. Does your utility have any problems granting unescorted access to another utility's personnel without auditing their FFD programs? If so what problems? What about contractors who have FFD programs? How could utilities share audit results pursuant to the rule?

Some utilities continue to withhold blanket acceptance of other utilities FFD programs. However, most utilities will now accept someone from another utility if he/she has been certified to be in an FFD program that meets the requirements of 10 CFR 26. The person remains in the employer's random pool but the host company will collect and process a specimen when requested to do so by the individual's employer. (Also see previous discussion on issue 4.)

8. What methods do you consider acceptable to ensure people with infrequent unescorted access are appropriately included in the random drug testing program?

Infrequent unescorted access continues to be an unresolved issue with the NRC. The NRC's definition appears to have gotten narrower as their inspection experience increased. As written post-workshop, in October 1990, the following are extracts from a follow-up NRC inspection report:

"When persons who have infrequent access are selected for random testing and... they are not on site or in the vicinity of the site... they are not tested. Their names are returned to the testing pool and someone else is selected and tested. This results in persons who work on site being tested at a higher rate than those with infrequent access.

Additionally, individuals with infrequent access are only at risk of being selected and tested on those infrequent occasions when they are on site. ... This approach allows persons with infrequent access to essentially be excluded from random selection and testing and establishes a predictability in testing that does not provide the deterrence of random testing as required by 10 CFR 26.24(a).

Finally, because those individuals not on site are not randomly tested, they are not covered by a program meeting 10 CFR Part 26. Therefore, when such individuals return to the site, pre-access process is required by the rule.... It should be noted that such testing is periodic in nature and highly predictable, rather than random and unpredictable. The licensee may accept the results of any test as the pre-access test.... However, these tests may not be routinely used to maintain individuals with infrequent access in an eligible access pool without being subject to random testing."

By these words, to be considered by the NRC to be in a random pool the individual must be selected and tested on a random basis. The current utility use of an infrequent access badge tagging process does not meet this definition. These people must be escorted because the pre-access screening process is considered periodic and not random. By another interpretation, no one is allowed to remain in an infrequent access

category for more than 60 days while otherwise being maintained in a random pool, essentially continuously, for the remainder of the year.

This issue will be included in the NUMARC comments to be provided for the upcoming NRC evaluation/revision of Part 26.

9. Some utilities do not have round-the-clock urine collection facilities. Backshift collections are done at the beginning or at the end of a shift. What problems, if any, does this create in meeting the requirements of the rule?

The NRC notes that some licensees do not test on some weekends, holidays, and through some backshifts. Other licensees only change the random pool periodically or only select names once a week. The NRC considers these techniques shortcomings in the random testing process in that there are predictable gaps when no one is subject to random testing. This diminishes the deterrent effect of random testing. Additionally, if sampling is only done at the end of a shift the NRC's concern is that this will result in missing potential impairment at the beginning of a shift even though a continual behavioral observation program (CBOP) is in place. The issue remains that a positive alcohol test result will disappear by metabolism at a nominal rate of 0.015% BAC per hour. A similar NRC concern exists when a supervisor delays notifying an individual to report for a random test.

10. Knowing what you know today, after several months experience with the FFD Rule, what modifications should be proposed through NUMARC to the NRC to minimize the burden and expense of the program?

Other than the observations collected in the previous discussion, the main issue is the necessity of the entire program. A analysis shows that there is no drug problem in the nuclear power industry - less than 0.3% random positives of utility employees subject to 10 CFR 26; contractors are little more than that. Those utilities that had a drug testing program before the rule report little difference in the before and after results (whether random or not). The data should be reviewed to determine if an adequate argument can be made for changes in some aspects of the program. Specifically, there is no reason to retain the 100% random testing requirement. There is

no evidence that suggests that the deterrent effect will be appreciably less if the random testing rate is reduced to 25%. To test this notion the NRC could select a few utilities in each region to provide test data by allowing a different utility in each region to reduce the random testing rate to 10%, 25%, and 40% for a six month evaluation period. Then alter the testing rate to the lowest percentage feasible based on the collected data.

ATTENDEE LIST

WORKSHOP ON ACCESS AUTHORIZATION

AND

FITNESS-FOR-DUTY

SEPTEMBER 12-14, 1990

DETROIT, MICHIGAN

ACCESS AUTHORIZATION AND  
FITNESS-FOR-DUTY (FFD) WORKSHOP REGISTRATION

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NOTE: Not everyone who registered was in attendance.