



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

January 9, 1991

The Honorable Sam Gejdenson
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Gejdenson:

I am responding to your letter of December 12, 1990, in which you forwarded a constituent's inquiry concerning problems he is experiencing in obtaining a security clearance for unescorted access at Millstone Nuclear Power Plant. The concerns raised by your constituent involve fitness-for-duty matters and your letter asked for NRC's assistance in defining the meaning of drug rehabilitation.

NRC regulations applicable to this area are contained in Part 26, Title 10 of the Code of Federal Regulations (10 CFR 26), "Fitness-for-Duty Programs" (copy enclosed), which requires that programs meeting the rule be implemented by January 3, 1990. Although the rule does not specifically define or require drug rehabilitation, there are several related requirements contained in Section 26.7 of the rule. Briefly, before granting an individual unescorted access to a nuclear power plant, the licensee or its contractor must conduct a suitable inquiry to determine if the individual has ever been identified as an abuser of alcohol or legal drugs or a user of illegal drugs. The regulation specifies that the inquiry must include a best effort to obtain information to determine whether the individual had previously tested positive for illegal drugs or had been subject to a plan for treating substance abuse. If such a record is established, the rule requires that granting of unescorted access must be based on a management and medical determination of fitness for duty and establishment of an appropriate follow-up testing program. Ultimately, it is the facility licensee who decides to grant or to withhold unescorted access to the nuclear plant and that decision is made after considering the information obtained and evaluated. No NRC regulation precludes licensees or their contractors from considering additional factors in deciding to grant or refuse access to their facilities.

The NRC has published information related to the development of plan... treatment, followup, and future employment of individuals who have drug and alcohol problems. This information can be found in Chapter 7 of NUREG/CR-5227, "Fitness for Duty in the Nuclear Power Industry: A Review of Technical Issues," and Section 12.4 of NUREG/CR-1354, "Fitness for Duty in the Nuclear Power Industry: Responses to Public Comments." Copies of these publications are enclosed.

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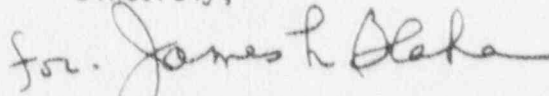
In your constituent's case, the Boston Edison Company tested him and compiled information on the drug test before the NRC's fitness-for-duty requirements governed the drug and alcohol abuse program. However, after speaking with personnel from the Pilgrim Nuclear Power Station, we understand that your constituent tested positive on August 15, 1988. Although this testing preceded the implementation of the NRC requirements, the licensee was using a laboratory that is now certified by the Department of Health and Human Services and the test specimen was subjected to the series of tests that meet present standards. In addition, a physician (Medical Review Officer) then under contract to the licensee reviewed the laboratory test results.

Since the initial letter to your constituent which informed him of his positive drug test results, we understand that the Medical Review Officer has, upon request, forwarded him copies of the laboratory test results on two occasions.

Your constituent took the correct action by informing Burns International Security Services of the information concerning the results of his earlier drug test. As discussed above, this information has to be evaluated before a decision is made on granting him unescorted access to the Millstone Nuclear Power Plant. However, the decision regarding granting or refusing unescorted access to the nuclear plant are ultimately the responsibility of the utility licensed by the NRC.

I trust this response adequately addresses your constituent's inquiry.

Sincerely,



James M. Taylor
Executive Director
for Operations

Enclosures:

1. 10 CFR Part 26
2. NUREG/CR-5227
3. NUREG/CR-1354