

Jan. 11, 1990

MEMORANDUM FOR: Phillip F. McKee, Chief
Reactor Safeguards Branch
Division of Reactor Inspection
and Safeguards
Office of Nuclear Reactor Regulation

FROM: Eugene W. McPeck
Reactor Safeguards Branch
Division of Reactor Inspection
and Safeguards
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF NRC/NUMARC MEETING TO DISCUSS
FITNESS-FOR-DUTY INTEREST

An open meeting with NUMARC (see enclosure 1, Forthcoming Meeting With NUMARC) to discuss implementation of fitness-for-duty programs was held on December 21, 1990, at One White Flint North (see enclosure 2 for list of attendees).

An industry overview of operating experience with the rule, along with numerous items of interest to the industry (see Enclosure 3), was presented by NUMARC. Discussions centered on approaches to clarify the existing rule in future rulemaking and on the re-evaluation of current NRC interpretation of certain aspects of the existing rule.

NUMARC agreed to survey the industry and to provide the NRC with issues and recommended changes for future consideration during rulemaking. The possibility of NUMARC developing an FFD (Good Practices) list similar to their Guidelines for Nuclear Power Plant Access Authorization Program which NRC could endorse was also discussed.

15/
Eugene W. McPeck
Reactor Safeguards Branch
Division of Reactor Inspection
and Safeguards

cc: B. Grimes, NRR
P. McKee, NRR
L. Bush, NRR

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

Enclosure I

Dec. 13, 1990

MEMORANDUM FOR: T. Murley* B. Grimes F. Miraglia*
 F. Congel W. Lanning W. Russell*
 J. Partlow B. Boger D. Crutchfield
 S. Varga C. Rossi J. Richardson
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FROM: Phillip F. McKee, Chief
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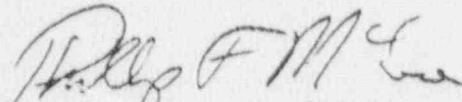
SUBJECT: FORTHCOMING MEETING WITH NUMARC

DATE & TIME: Friday, December 21, 1990, at 10:30 a.m.

LOCATION: One White Flint North
Room 6B9
11555 Rockville Pike
Rockville, Maryland 20852

PURPOSE: To discuss industry issues regarding implementation of
fitness-for-duty programs.

PARTICIPANTS*: NRC NUMARC
 B. Grimes R. Enkeboll
 P. McKee R. Whitesel
 L. Bush


Phillip F. McKee, Chief
Reactor Safeguards Branch
Division of Reactor Inspection
and Safeguards
Office of Nuclear Reactor Regulation

* Meetings between NRC technical staff and applicants or licensees are open for interested members of the public, petitioners, intervenors, or other parties to attend as observers pursuant to "Open Meeting Statement of NRC Staff Policy," 43 Federal Register 28058, 6/28/78.

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Industry Fitness-for-Duty Regulatory Interests

1. Suitable inquiry requirements are burdensome and in need of clarification.
2. Current NRC interpretation of infrequent unescorted access is too narrow.
3. The NRC expectation of round-the-clock random drug and alcohol testing places an unnecessary burden on licensees.
4. Requiring random testing of 100% of the employee/contractor population requirement is excessive; performance data show an insignificant number of the tested population are using drugs.
5. The panel of drugs tested for under Part 26 should be minimized for random testing based on site-specific actual collected performance data.
6. Lower the marijuana drug testing cutoff levels to 50 ng/ml screen and 10 ng/ml confirmation.
7. Remove the requirement that places the specimen courier in the chain-of-custody.

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8. Allow licensee management the option of temporary administrative removal of an individual's unescorted access pending drug test confirmation. Delete the batch reporting requirement.
9. Delete the requirement for the unnecessary second/confirmation breath test when the first one is essentially zero ($< 0.01\%$ BAC).
10. Reduce the number of blind samples required to be submitted to no more than required by the Department of Transportation.
11. Re-evaluation the FFD contractor supervisory training interpretation that holds a licensee accountable for training a supervisor that does not perform this function on-site.
12. Re-evaluate the interpretation that an individual who has been favorably removed from a random program must be trained as a "new employee" even though he/she received this training within the past year.
13. Modify the required current specimen collection quantity to be 30 ml vice 60 ml.
14. Clarification is required for a suitable inquiry drug testing record.

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15. Clarification is needed of what followup testing if any, is required after the first drug testing violation.

16. The term "unsatisfactory performance test result" triggers a 30-day report to the NRC, but the rule is not clear if this includes: false negatives, blind samples, or administrative errors.

17. Several changes in rule wording would be helpful to accommodate administrative efficiency in conforming to Part 26:
 - a. Modify §2.4(j) by substituting "Program Administrator" for "Medical Review Officer, such that the section reads: "Failure to Cooperate." If the individual refuses to cooperate with the urine collection or breath analysis process (e.g., refusal to provide a complete specimen, complete paperwork, initial specimen), then the collection site person shall inform the FFD Program Administrator and shall document the non-cooperation in the permanent record book and on the specimen custody and control form. The FFD Program Administrator shall report the failure to cooperate to the appropriate management."

 - b. Modify §2.9 (a) by adding the word "positive" between "review" and "results," such that the section reads: "Medical Review Officer shall review positive results."

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- c. Modify §2.8(e)(3) to read: "The positive samples shall be spiked -- at least 20% above the cutoff level -- with only those drugs for which the licensee is testing."

- d. Provide definitions in §26.3 for terms used in Part 26 or change terms used to those already defined. These include:
 - (1) Prescreening test results
 - (2) Screening test results
 - (3) Initial test results
 - (4) Initial screening test results
 - (5) Preliminary test results
 - (6) Prescreening positive results
 - (7) Confirmatory positive results
 - (8) Best effort.