

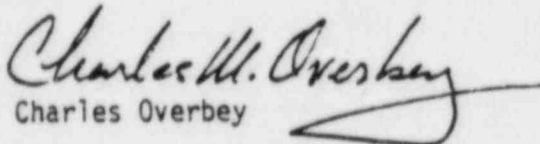
July 31, 1984

Tom Rehm:

Frank Gillespie asked me to bring two points to your attention with respect to the memo on staff requirements concerning the Fitness for Duty Rule.

First, Division of Rules and Records has indicated that they will process the rulemaking package in time to make the SECY suspense date of 8/6/84, if they are told that the EDO has signed the attached MEMO to the Chairman. Therefore, will you please call me (x-37945) or Tom Ryan (x-37656) as soon as Mr. Dircks has signed off so we can inform DRR.

Second, NUMARC and INPO have asked for a meeting in September with Hugh Thompson and Frank Gillespie to discuss the industry's role in developing fitness for duty procedures and criteria. It is our opinion that, as a minimum, the EDO should sign the more "tentatively" stated memo in order to go forward with the rule which would provide the staff with meaningful leverage for the September Meeting.


Charles Overbey

8506130247 850128
PDR FOIA
HEATH84-827 PDR

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CRGR'S LATEST SUMMARY REPORT OF ITS ACTIVITIES

Item description:

Review of the rule and policy statement on backfitting proposed in SECY 82-326

Latest CRGR status:

10/8/82 The committee could not support the rule changes proposed in SECY 82-326. Instead the committee proposed an alternate rule to that in SECY 82-326. In a memorandum to the commission dated 9/27/82, the EDO recommended that the rule changes proposed in SECY 82-326 not be adopted.

Originating office: ELD

Category: 2

Item received: 8/18/82

CRGR review: 9/1/82

Completed: 9/1/82

Briefing on proposed actions to address failures of certain types of containment electrical penetration assemblies

10/8/82 The committee suggested that since several weeks will pass before a bulletin is issued, an information notice should be issued soon to communicate currently available information to licensees and permit holders. IE will return to CRGR when the proposed bulletin is ready. EDO action concerning this briefing is not needed.

Originating office: IE

Category: 2

Item received: 8/24/82

CRGR review: 9/9/82

Completed: 9/9/82

Briefing concerning proposed revisions to 10 CFR 140, Criteria for an Extraordinary Nuclear Occurrence

10/8/82 The CRGR concluded that it need not review the revised rule since no generic requirements were being proposed. EDO action concerning this briefing is not needed.

Originating office: RES

Category: 2

Item received: 8/24/82

CRGR review: 9/9/82

Completed: 9/9/82

Briefing concerning the cost/benefit study of design requirements for inadequate core cooling/instrumentation. (Response to CRGR request for additional information - CRGR Meeting No. 11 held on 3/24/82)

10/8/82 The committee concluded that additional instrumentation to detect inadequate core cooling is desirable. NRR is preparing a commission paper on this topic, and the paper will take into account the CRGR comments.

Originating office: NRR

Category: 2

Item received: 8/30/82

CRGR review: 9/22/82

Completed: 9/22/82

Briefing concerning the proposed resolution of the reactor coolant pump trip issue

10/8/82 The committee deferred making recommendations concerning this issue until additional information has been developed by the staff.

Originating office: NRR

Category: 2

Item received: 9/20/82

CRGR review: 9/21/82

Completed: (Action-DEDOGR)

Briefing concerning proposed action to address the BWR pipe cracking issue

10/8/82 The committee deferred making recommendations concerning this issue until the staff met with BWR licensees and obtained additional information. IE will return to CRGR when the bulletin is ready.

Originating office: IE

Category: 2

Item received: 9/20/82

CRGR review: 9/21/82

Completed: (Action-IE)

This is the latest report of the CRGR (Committee to Review Generic Requirements) on its activities, covering Aug. 28 through Oct. 1. The previous report covered June 30 through Aug. 27 (Inside NRC, 20 Sept., 16). Items are reviewed by the panel in two categories. Category 1 items are deemed urgent and require review within two working days. Category 2, which includes everything else, covers the bulk of CRGR's work.

NRC FINDS NO BIG DRUG PROBLEM AT ZION BUT PROBE PROMPTS FURTHER ACTION

A six-month investigation by NRC has revealed that marijuana was used by employees at Commonwealth Edison's Zion station but that drug use there was not widespread. In a 57-page report issued Nov. 2, NRC Region III Administrator James Keppler told Comm Ed, however, that the agency had "concerns about certain station personnel who admitted using drugs off site within the time period in which the usage could affect on-job performance."

Keppler, on the other hand, went on to praise the utility for responding to the investigation with a new drug abuse policy and drug awareness program. That program, a Comm Ed spokesman said, is much more ex-

elicit and visible than the company's "old generic program." The spokesman added, "Before, our drug policy was usually put on a shelf and gathered dust, but since this investigation it has been put up front. This one is much more detailed."

The investigation — which NRC staffers said may serve as a model for further agency efforts in this area — was launched last December following a report on the Chicago NBC television affiliate in which several Zion guards made allegations about drug use and security at the plant. The television station also aired an interview with an undercover investigator hired by the utility to look for drug use at Zion. The investigator claimed drugs were being sold and used at Zion and that the utility was covering up the results of her investigation. She was later fired because she had revealed her identity to other workers at the plant. She left the Chicago area after being beaten by a man she claimed was wearing a jacket with a Zion emblem on it.

In its report, NRC said no information was developed to substantiate widespread drug use or that the alleged acts resulted in unsafe plant operations at Zion. The agency, however, did tell the utility it was concerned with its finding that marijuana was smoked on site. However, the employees involved were not identified and NRC found nothing to substantiate allegations that drugs were sold at the plant.

Empty beer cans on the site suggested that employees had consumed alcohol at the station, NRC said, and since 1980 at least five persons have been found to be under the influence of alcohol when reporting to work. Also, NRC said, some control room operators were "inattentive" during their shifts, although reports of workers asleep on the job were not proven in the NRC investigation.

One violation of NRC requirements was found — Comm Ed had failed to follow proper search procedures for some hand-carried items. The agency said that the utility has taken corrective measures on this problem.

The Zion investigation was the first of its kind to be conducted by the NRC Region III Office, an agency spokesman said. "Certainly the framework is there now for future investigations of this kind." The NRC spokesman also said the agency "sees a growing awareness that in all of society drugs are being used and there is a potential of them being used by nuclear plant employees."

As a result of the Zion allegations and other similar ones, NRC has issued an information notice on "increasing frequency of drug-related incidents," has appointed a task force to survey the industry's drug problems and is considering for the first time formal drug-related regulations.

The agency spent more than 350 man-days on the Zion investigation, interviewing 200 people. Said a utility official: "I think the drug use issue has always been there, but the NRC had not been involved in the past. This investigation will serve as a test case for the NRC. They will take what they have learned here and apply it around the country." — *Lynne Reaves, Chicago*

NRC CONTRACT UPDATE

Contracts Awarded

NRC-10-82-696. Maintenance and Operation of the Local Public Document Room. Maintain and operate the LPDR by way of filing documents and/or microfiche, maintaining document collection and furnishing information to patrons in addition to other related services. Period of Performance — twelve months. Sponsor — Office of Administration. Status — Fixed-price contract awarded to the State Library of Pennsylvania in the amount of \$10,753.81.

NRC-04-82-002. Near-Ground Tornado Windfields. Critical evaluation of tornado windspeed estimates based on engineering analysis of damage and missile behavior. This is basically a continuation of the work currently being performed on Contract No. NRC-04-76-345 with Texas Tech University. Period of Performance — Sept. 27, 1982 through Sept. 30, 1983 for Phase I plus one year for each Phase II option. Sponsor — Office of Nuclear Regulatory Research. Status — Cost reimbursement contract awarded to Texas Tech University in the amount of \$84,984.

NRC-05-82-246. Presentation of General and Refresher Courses in Non-Destructive Examination (NDE). Basic and advanced NDE courses. Period of Performance — Sept. 27, 1982 through Sept. 30, 1985. Sponsor — Office of Inspection & Enforcement. Status — Fixed-price contract awarded to Rockwell International Corp. in the amount of \$92,330.

RS-NRR-82-134. TMI-2 Fire Protection Evaluation. The contractor will review and evaluate the licensee's revised fire hazards analysis for unit 2. The contractor will perform an onsite fire protection survey and provide a safety evaluation. Period of Performance — three months after

contract effective date. Sponsor — Office of Nuclear Reactor Regulation. Status — Cost-plus-fixed-fee contract awarded Sept. 29, 1982 to Rolf-Jensen and Associates, Inc., in the amount of \$17,904.02.

NRC-03-82-118. Fire Protection Program Review Case Work Plants I. The contractor shall assist in the review and evaluation of final safety analysis reports and fire hazards analyses submitted by applicants for the purpose of obtaining an operator's license. Period of Performance — twenty-nine months. Sponsor — Office of Nuclear Reactor Regulation. Status — Contract awarded to Gage-Babcock and Associates, Inc., on Sept. 28, 1982 on a cost-plus-fixed-fee basis in the amount of \$128,504.

NRC-03-82-128. Availability of Medical Treatment to Minimize Early Fatalities Post Severe Reactor Accidents. The contractor shall determine the availability of sources by geographic region, nationwide, of emergency supportive medical services and personnel for handling treatment of people with acute radiation injury in the unlikely event of a severe reactor accident to reduce potential fatality levels. Period of Performance — forty-five days. Sponsor — Office of Nuclear Reactor Regulation. Status — Contract awarded Sept. 27, 1982 to Andrulis Research Corp. under SBA's 8(a) program. Contract amount: \$31,715. Type of contract: cost-plus-fixed-fee.

NRC-02-82-046 and NRC-02-82-047. Reviewing the Hydrogeologic Investigations of the Nevada Test Site (NTS) — Projects C and D. The contractor is to evaluate existing DOE information and associated investigations together with plans for future DOE investigations of hydrogeology of the NTS for the purpose of providing assistance in the preparation and review of the site characterization re-



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

MEMORANDUM FOR: Chairman Palladino

FROM: William J. Dircks
Executive Director for Operations

SUBJECT: JULY 9, 1984, CHILK MEMO ON STAFF REQUIREMENTS CONCERNING
THE FITNESS FOR DUTY RULE

This memo describes staff actions taken in response to Part I of the subject Staff Requirements memo concerning the Fitness for Duty Rule.

The Commission requested that the staff explore the nuclear industry's willingness to develop fitness for duty procedure guidelines and acceptance criteria. In accordance with this direction the staff has had informal discussions with the Nuclear Utility Management and Human Resources Committee (NUMARC) which tentatively indicate that, while they remain opposed to an NRC rule, NUMARC is willing to undertake the development of detailed program elements and acceptance criteria for a fitness for duty program. A letter is being prepared to Mr. Miller, Chairman of NUMARC, formally requesting their participation.

The subject memorandum also requested the preparation of a generic letter to all licensees providing a general description of how the NRC will determine compliance with the fitness for duty rule. In view of industry's willingness to undertake the development of detailed program elements and acceptance criteria, the staff believes that an Information Notice to all licensees after the rule is published in the Federal Register is more appropriate at this time. This alternative action is being taken because the staff feels that issuance of an Information Notice (draft copy enclosed) rather than a generic letter is more likely to achieve the desired industry cooperation and will encourage the industry to proceed with its own fitness for duty program and criteria development effort.

The rule itself, as approved by the Commission, is broadly worded rather than prescriptive and allows the nuclear industry to assume the responsibility and cost of developing guidelines and procedures for establishing fitness for duty programs as well as criteria for evaluating their adequacy. Staff believes that sufficient information and capability for developing and implementing fitness for duty programs exists in the private sector. Further, the NRC has no unique capability in this area and the nuclear industry is capable of providing

guidance to licensees that allows them to take into consideration circumstances that may be unique to their own facilities. An example of an existing industry effort to provide guidance in this important area is the "Guide to Effective Drug and Alcohol Policy Development" published in September 1983 by an Edison Electric Institute (EEI) Task Force.

Though not yet approved by INPO, the Performance Objectives and Criteria now utilized by INPO during their periodic corporate office evaluations could be expanded to include an evaluation of each of the program elements described in the rulemaking package, i.e.: (1) a statement of responsibilities of the program coordinator, managers, supervisors, and employees who come in contact with persons with access to vital areas; (2) an observation procedure; (3) a procedure (diagnosis, referral, return to duty) for assisting individuals who meet the criteria for alcohol/drug abuse or emotional instability; (4) an administrative procedure for processing individuals who refuse assistance and/or who wish to exercise their appeal rights; and (5) training provisions for all personnel and management to acquaint them with the licensee's fitness for duty procedures.

As described in the enclosed Information Notice, NRC intends to determine utility compliance with the Fitness for Duty Rule through a program which stresses NRC review of INPO/NUMARC activities as opposed to the normal approach of NRC development of acceptance criteria, followed by compliance inspections at all licensee facilities. Through visits to INPO to review program status and evaluation reports, periodic NRC accompaniment on INPO evaluations, and selected direct inspections conducted by the NRC's Performance Appraisal Team or Regional Offices, NRC will monitor the effectiveness and progress of licensees in administering a fitness for duty program which meets the intent of the NRC rule. Except for a limited number of inspections to evaluate the progress of the industry program (as stated above), NRC does not plan to conduct plant-by-plant compliance inspections unless there are indications that reasonable programs are not being established by licensee management. If inadequacies are found by the NRC, they will be referred, on a case-by-case basis, to the appropriate licensing staff.

The staff will issue the enclosed Information Notice as the most effective means of notifying the industry of how NRC plans to implement the Fitness for Duty Rule. This course of action incorporates an approach similar to that currently under consideration by the Commission with respect to certain other regulatory concerns, for example, ALARA and training programs.

The effective date of the rule will be 30 days after publication of the rule in the Federal Register. Licensees will then have nine months to comply with the rule.

William J. Dircks
Executive Director for Operations

Enclosure: Draft Information
Notice no. 84-XX

cc: Commissioner Roberts
Commissioner Asselstine
Commissioner Bernthal
Commissioner Zech
SECY
OPE
OGC

Contact:
Frank Gillespie, D/DRAO, RES
Telephone: 443-7936



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

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Executive Director for Operations

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The staff will issue the enclosed Information Notice as the most effective means of notifying the industry of how NRC plans to implement the Fitness for Duty Rule. This course of action incorporates an approach similar to that currently under consideration by the Commission with respect to certain other regulatory concerns, for example, ALARA and training programs.

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William J. Dircks
Executive Director for Operations

Enclosure: Draft Information
Notice no. 84-XX

cc: Commissioner Roberts
Commissioner Asselstine
Commissioner Bernthal
Commissioner Zech
SECY
OPE
OGC

Contact:
Frank Gillespie, D/DRAO, RES
Telephone: 443-7936

Review Copy 7/30

SSINS-No.: 5835
IN 84-

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF INSPECTION AND ENFORCEMENT
WASHINGTON, D.C. 20555

July , 1984

IE INFORMATION NOTICE NO. 84- : FITNESS FOR DUTY RULE

Addressees:

All nuclear power plant facilities holding an operating license (OL) or construction permit (CP).

Purpose

To provide licensees with a copy of the Fitness for Duty Rule and provide a general description of how the NRC will determine compliance with the rule.

Discussion

On July 5, 1984, the Commission approved publication of the final rule on Fitness for Duty. The amendment to Part 50 will affect operating power reactors and will become effective 30 days after publication of the rule in the Federal Register. The rule will require licensees to establish and implement written procedures within 9 months after the effective date of the amendment. Licensees that cannot meet the deadline must submit a request for extension to the NRC no later than 90 days prior to the end of the nine month period. Requests for extension shall be submitted to the Director of Nuclear Reactor Regulation and must demonstrate good cause for the request, with a description of efforts to date and expected implementation date.

In discussions with the NRC staff, the Nuclear Utility Management and Human Resources Committee (NUMARC) has indicated their intention to undertake the development of detailed program elements and acceptance criteria for a fitness for duty program. The Performance Objectives and Criteria now utilized by INPO during their periodic corporate office evaluations could be expanded to include an evaluation of each of the five program elements contained in the statement of considerations published with the final Fitness for Duty rule.

In recognition of the INPO/NUMARC initiatives, NRC intends to determine utility compliance with the Fitness for Duty rule through a program which stresses NRC review of INPO/NUMARC activities as opposed to the normal approach of NRC development of acceptance criteria, followed by compliance inspections at all licensee facilities. Through visits to INPO to review program status and evaluation reports, periodic NRC accompaniment on INPO evaluations, and selected direct inspections conducted by the NRC's Performance Appraisal Team or Regional Offices, NRC will monitor the effectiveness and progress of licensees in administering a fitness for duty program which meets the intent of the NRC rule. Except for a limited number of inspections to evaluate the progress of the industry program (as stated above), NRC does not plan to conduct plant-by-plant compliance inspections unless there are indications that effective programs are not being established by licensee management.

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No written response to this information notice is required. If you need any additional information about this matter, please contact the Division of Quality Assurance, Safeguards, and Inspection Programs, Office of Inspection and Enforcement (DQASIP:OIE) or the Division of Human Factors Safety, Office of Nuclear Reactor Regulation (DHFS:NRR).

Edward L. Jordan, Director
Division of Emergency Preparedness
and Engineering Response
Office of Inspection and Enforcement

Technical Contacts: L. Bush, OIE
(301) 492-8080
H. Booher, NRR
(301) 492-4816

Attachments:

1. List of Recently Issued IE
Information Notices
2. Copy of FR# _____ dated _____

No Lower Required

Rule Affirmed

7/5/84 9 T

MEMORANDUM FOR: William J. Dircks
Executive Director for Operations

FROM: Robert B. Minogue, Director
Office of Nuclear Regulatory Research

SUBJECT: REVIEW BY EDO OF ONGOING RULEMAKINGS SPONSORED BY RES

Enclosed is the review package of an ongoing Fitness for Duty rulemaking for which RES is the sponsoring office.

This submittal responds to the memorandum dated April 9, 1984 from J.M. Felton, Director, Division of Rules and Records, ADM, requesting offices to update NRC Regulatory Agenda entries.

My recommendations concerning whether and how to continue with the specific ongoing rulemaking sponsored by RES have been coordinated in draft form with the appropriate Division Director of the user office.

Robert B. Minogue, Director
Office of Nuclear Regulatory Research

Enclosure: RES Rulemaking Review Package
for Fitness for Duty of Personnel
with Access to Nuclear Power Plants

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|---------------|---------------|---------------|---------------|--------------|
| HFSB/DRAO/RES | HFSB/DRAO/RES | HFSB/DRAO/RES | DDIR:DRAO/RES | DIR:DRAO/RES |
| T.G. Ryan | C.M. Overbey | J.A. Norberg | M.L. Ernst | R.M. Bernero |
| 7/ /84 | 7/ /84 | 7/ /84 | 7/ /84 | 7/ /84 |
| DDIR:RES | DIR:RES | | | |
| D.F. Ross | R.B. Minogue | | | |
| 7/ /84 | 7/ /84 | | | |

TITLE:

Fitness for Duty of Personnel with Access to Nuclear Power Plants

CFR CITATION:

10 CFR 50

ABSTRACT:

The proposed rule would require licensees to establish and implement controls to provide reasonable assurance that persons with unescorted and escorted access to vital areas of nuclear power plants are fit for duty. The Commission initiated the rule in response to concern by members of the public that nuclear power plant personnel, like airline pilots, should not be permitted to perform activities that could degrade the public health and safety while unfit for duty as a result of actions such as the consumption of alcoholic beverages. The result of the proposed rule would be the further protection of the public health and safety by requiring persons with unescorted or escorted access to vital areas of nuclear power plants to be fit for duty.

TIMETABLE:

NPRM 08/05/82 47 FR 33980

NPRM Comment Period Start 08/05/82 47 FR 33980

NPRM Comment Period End 10/04/82

Final Proposed Rule to Commission 08/15/83 SECY 83-339

Supplementary Information to Commission 03/15/84 SECY 83-339A

Final Commission Action 07/05/84 M840705

LEGAL AUTHORITY:

42 USC 2236; 42 USC 2237

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Thomas G. Ryan
Office of Nuclear Regulatory Research
Washington D.C. 20555
(301) 443-7656



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

MEMORANDUM FOR: Chairman Palladino

FROM: William J. Dircks
Executive Director for Operations

SUBJECT: JULY 9, 1984, CHILK MEMO ON STAFF REQUIREMENTS CONCERNING
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The staff will issue the enclosed Information Notice as the most effective means of notifying the industry of how NRC plans to implement the Fitness for Duty Rule. This course of action incorporates an approach similar to that currently under consideration by the Commission with respect to certain other regulatory concerns, for example, ALARA and training programs.

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William J. Dircks
Executive Director for Operations

Enclosure: Draft Information
Notice no. 84-XX

cc: Commissioner Roberts
Commissioner Asselstine
Commissioner Bernthal
Commissioner Zech
SECY
OPE
OGC

Contact:
Frank Gillespie, D/DRAO, RES
Telephone: 443-7936

Review Copy 7/30

SSINS-No.: 5835
IN 84-

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF INSPECTION AND ENFORCEMENT
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July , 1984

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In discussions with the NRC staff, the Nuclear Utility Management and Human Resources Committee (NUMARC) has indicated their intention to undertake the development of detailed program elements and acceptance criteria for a fitness for duty program. The Performance Objectives and Criteria now utilized by INPO during their periodic corporate office evaluations could be expanded to include an evaluation of each of the five program elements contained in the statement of considerations published with the final Fitness for Duty rule.

In recognition of the INPO/NUMARC initiatives, NRC intends to determine utility compliance with the Fitness for Duty rule through a program which stresses NRC review of INPO/NUMARC activities as opposed to the normal approach of NRC development of acceptance criteria, followed by compliance inspections at all licensee facilities. Through visits to INPO to review program status and evaluation reports, periodic NRC accompaniment on INPO evaluations, and selected direct inspections conducted by the NRC's Performance Appraisal Team or Regional Offices, NRC will monitor the effectiveness and progress of licensees in administering a fitness for duty program which meets the intent of the NRC rule. Except for a limited number of inspections to evaluate the progress of the industry program (as stated above), NRC does not plan to conduct plant-by-plant compliance inspections unless there are indications that effective programs are not being established by licensee management.

No written response to this information notice is required. If you need any additional information about this matter, please contact the Division of Quality Assurance, Safeguards, and Inspection Programs, Office of Inspection and Enforcement (DQASIP:OIE) or the Division of Human Factors Safety, Office of Nuclear Reactor Regulation (DHFS:NRR).

Edward L. Jordan, Director
Division of Emergency Preparedness
and Engineering Response
Office of Inspection and Enforcement

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Attachments:

1. List of Recently Issued IE
Information Notices
2. Copy of FR# _____ dated _____

TITLE:

Fitness for Duty of Personnel with Access to Nuclear Power Plants

CFR CITATION:

10 CFR 50

ABSTRACT:

The proposed rule would require licensees to establish and implement controls to provide reasonable assurance that persons with unescorted and escorted access to vital areas of nuclear power plants are fit for duty. The Commission initiated the rule in response to concern by members of the public that nuclear power plant personnel, like airline pilots, should not be permitted to perform activities that could degrade the public health and safety while unfit for duty as a result of actions such as the consumption of alcoholic beverages. The result of the proposed rule would be the further protection of the public health and safety by requiring persons with unescorted or escorted access to vital areas of nuclear power plants to be fit for duty.

TIMETABLE:

NPRM 08/05/82 47 FR 33980

NPRM Comment Period Start 08/05/82 47 FR 33980

NPRM Comment Period End 10/04/82

Final Proposed Rule to Commission 08/15/83 SECY 83-339

Supplementary Information to Commission 03/15/84 SECY 83-339A

Final Commission Action 08/15/84

LEGAL AUTHORITY:

42 USC 2236; 42 USC 2237

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

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Fitness For Duty For Personnel With Access To Nuclear Power Plants

1. The issue to be address, i.e., the problem to be corrected.
 - o Provide reasonable assurance that persons with access to nuclear power plants are not under the influence of alcohol, other drugs, or otherwise unfit for duty because of mental or physical impairments that could affect their performance in any way contrary to safety.
2. The necessity and urgency for addressing the issue.
 - o The NRC recognizes alcohol and drug abuse to be a social, medical, and safety problem affecting people in almost every industry and occupational group. For example, 46% of all non-fatal and 40% of all fatal U.S. industrial accidents involve alcohol, at an annual cost of \$12-15 billion. Given the pervasiveness of the problem in our society, it seems reasonable to assume that alcohol and drug abuse, as well as other emotional and psychological factors, are also prevalent in the nuclear utility industry.
3. Alternative to rulemaking.
 - o (1) Maintain status quo. The NRC does not currently have regulations which specifically address the issue of fitness for duty.
 - o (2) Issue policy statement delineating Commission policy regarding fitness for duty.
 - o (3) Issue broad regulation which requires licensees to provide reasonable assurance that personnel are fit for duty in accordance with general guidelines.
 - o (4) Issue prescriptive regulation which requires licensees to assure that personnel are fit for duty as specifically defined in the regulation.
4. How the issue will be addressed through rulemaking.
 - o The proposed rule would require licensees to establish and implement controls to provide reasonable assurance that personnel with access to nuclear power plants are fit for duty. The detailed method for implementing this requirement would be left to the licensee in order to allow it to focus on his its situation taking into consideration its employees and any other circumstance unique to its own facility.
5. How the public, industry, and NRC will be affected as the result of rulemaking, including benefits and cost, occupational exposure, and resources.
 - o Implementation of this regulation would benefit the licensee by reducing plant downtime or equipment damage caused by human errors committed by personnel unfit for duty. Its implementation would

provide the NRC and the public with greater assurance of safer operation of nuclear facilities. Its implementation could involve an initial cost to licensees, however, there is known potential for benefiting licensees and the public economically since positive cost-benefit ratios are reported from industries with fitness for duty programs.

6. NRC resources and scheduling for the rulemaking.

- o - Professional Staff Months - 12 months
- NPRM (47 FR 33980), 08/05/82
- Final Rule Package (SECY-83-339), 08/15/83
- Response to Commission Questions on Rulemaking (SECY-83-339A), 03/15/84

RECOMMENDATIONS TO EDO FOR CONTINUING RULEMAKING

Background

The Fitness for Duty final proposed rule package was submitted to the Commission on August 15, 1983 (SECY 83-339). Supplementary information on the fitness for duty rule was provided to the Commission on March 15, 1984 (SECY 83-339A).

The rule, as currently proposed, requires that licensees establish and implement procedures for providing reasonable assurance that all persons (including NRC and other Government employees) with escorted or unescorted access to vital areas of nuclear power plants be fit for duty (i.e., not under the influence of alcohol, other drugs, or other mental or physical impairment that could affect his or her performance in any way contrary to safety).

Licensees who are unable to meet a 9-month rule implementation deadline are required to request extensions, in writing, to the Director, Office of Nuclear Reactor Regulation. Any licensee encountering an NRC or other Government employee not fit for duty when requesting access to vital areas of its facility, is required to assign an escort to that NRC or other Government employee and immediately notify a previously identified NRC, or other Government Department or agency official.

Status

Since March 15, 1984 the staff has received Affirmation Response Sheets from Commissioners Palladino and Bernthal approving the fitness for duty rule. Both direct that the staff develop, perhaps in the form of a Regulatory Guide, clear guidance on what the licensee's procedures must include and what criteria will be used by the NRC in reviewing those procedures.

Recommendations

The fitness for duty rule, as proposed in SECY 83-339A, should be continued with the Commission.

SECY 83-339A (P.2) states that the NRC staff intends to use an Edison Electric Institute (EEI) booklet entitled, "Guide to Effective Drug and Alcohol Policy Development" for reviewing licensee procedures responding to the fitness for duty rule. Reviews of the EEI booklet by NRC staff, involved in the fitness for duty rulemaking, indicate that it is nothing more than a collection of anecdotal experiences not very well tied together. Nor does it establish clear guidance to licensees or the NRC staff as to what constitutes a viable, well integrated program for providing reasonable assurance that fitness for duty will be maintained in vital areas of nuclear power plants. It is recommended, therefore, that a small 4-5 month contract be reinstated with Battelle Human Affairs Research Centers, to develop a sound technical basis (regulatory analysis) to support a Regulatory Guide for licensees to respond to the proposed rule, and NRC staff to review licensee procedures and otherwise enforce the rule.

19 JULY 1984

PLEASE FILE IN PUBLIC DOCUMENT
ROOM UNDER FITNESS FOR DUTY
RULE (10 CFR 50.54 (bb)) -

SEE 82-196 / 83-339 / 83-339A.

DAVE GARNER
2-4381

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3-7656
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REGULATORY ANALYSIS FOR FINAL RULE TO PROVIDE REASONABLE
ASSURANCE THAT PERSONNEL WITH UNESCORTED ACCESS TO PROTECTED AREAS
ARE NOT UNDER THE INFLUENCE OF ALCOHOL OR OTHER DRUGS OR
OTHERWISE UNFIT FOR DUTY

1. PROPOSED ACTION

1.1 Description

This final rulemaking action requires each licensee operating a commercial power reactor licensed under 10 CFR 50.21(b) or 10 CFR 50.22 to establish and implement procedures designed to provide reasonable assurance that all persons with unescorted access to protected areas, while in those protected areas, are not under the influence of alcohol or other drugs or otherwise unfit for duty.

1.2 Need for Proposed Action

The Commission recognizes alcohol and drug abuse to be a social, medical and safety problem of epidemic proportions, affecting people in almost every industry and occupational group. For example, the National Institute on Alcohol Abuse and Alcoholism (NIAAA), in its 1981 Report to Congress, reports that 46% of all non-fatal and 40% of all fatal U.S. industrial accidents involve alcohol, at an annual cost of \$12-15 billion. Given the pervasiveness of the problem in our society, it seems reasonable to assume that alcohol and drug abuse, as well as other emotional and psychological factors, are also prevalent in the nuclear industry. Prudence, therefore, requires that appropriate precautionary measures be imposed to reduce the probability of a person under the influence of alcohol, drugs, or otherwise unfit for duty either causing an accident or decreasing the effectiveness of the response to an accident.

Alcohol and drug abusers' job performance can be expected to be negatively affected due to the presence of, or withdrawal from, chemicals in their blood stream. For example, four ounces of alcohol in the blood stream of a 165-pound

EEI Guide to Effective

Drug and Alcohol

Policy Development