

**NEI White Paper:
“Enabling a Remote Response by Members
of an Emergency Response Organization”
March 2023**

**NRC Feedback Regarding
Fitness for Duty Considerations**

August 27, 2024



Purpose of Discussion

Provide NRC staff feedback on several topics in the NEI draft white paper that, as written, would not align with 10 CFR Part 26, "Fitness For Duty Program" requirements



Discussion Topic 1 – Definition of Remote Response

White Paper Section: 2, “Background”:

A “remote response” is defined as “An ERO [Emergency Response Organization] member responding to an emergency from a location other than the physical Emergency Response Facility (ERF) to which the member is assigned.”

NRC Staff Feedback:

The guidance should explicitly clarify that even though a licensee's ERO member may sometimes perform their ERO duties at a location other than the physical ERF, these ERO members are still subject to licensee's 10 CFR Part 26 fitness for duty program because these individuals are normally required to physically report to the ERF as specified in the licensee's emergency plans and procedures.

10 CFR 26.4, FFD program applicability to categories of individuals.

(c) All persons who are required by a licensee in § 26.3(a) and, as applicable, (c) to physically report to the licensee's Technical Support Center or Emergency Operations Facility by licensee emergency plans and procedures shall be subject to an FFD program that meets all of the requirements of this part, except §§ 26.205 through 26.209 and subpart K of this part.

Discussion Topic 2 – Remote Responders Certify Fit-For-Duty Prior to Assuming Emergency Response position

White Paper Section:

Step #4 – Other Applicable Regulatory and Site Requirements.

Fitness-for-Duty

Individuals filling remote response positions must adhere to the Fitness-for-Duty (FFD) requirements in 10 CFR 26, "Fitness for Duty Programs," and station procedures. When applicable, a site should develop a method for remote responders to certify they are fit-for-duty prior to assuming their emergency response positions. For example, a site could use an electronic sign-in board (in WebEOC or a similar tool) with language stating that, by signing-in, the member certifies they are fit-for-duty. This method offers the added benefit of allowing facility managers to see when a position is filled and the name of the position-holder.

Discussion Topic 2 (continued) – Remote Responders Certify Fit-For-Duty Prior to Assuming Emergency Response position



NRC Staff Feedback:

- The example in the guidance reads that an ERO member could electronically self-certify that they are fit for duty.
- Asking a remote ERO member to simply read and sign a statement in an electronic form would not meet the 10 CFR 26.27(c)(3)(i) requirement to "state" whether they consider themselves to be fit for duty or whether they have consumed alcohol within the pre-duty abstinence period. Instead, that statement must be made by the ERO member to another person.

10 CFR 26.27(c)(3) Describe the process that the licensee or other entity will use to ensure that individuals who are called in to perform an unscheduled working tour are fit for duty. At a minimum—

(i) The procedure must require the individual who is called in to state whether the individual considers himself or herself fit for duty and whether he or she has consumed alcohol within the pre-duty abstinence period stated in the policy;

Discussion Topic 3 – Behavioral Observation Program for ERO Members in a Remote Setting

White Paper Section:

Step #4 – Other Applicable Regulatory and Site Requirements.

NRC Staff Feedback:

- An ERO member that physically reports to the ERF would be in-person and subject to observation by other ERO members.
 - Performing functions in a remote setting would not provide the same observation opportunities.
- The guidance should consider how the licensee's behavioral observation program would be enabled in a remote setting.

Questions

Where Can I Get Help?

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