

10 CFR Part 26

“Fitness for Duty Programs”

Drug Testing at Commercial Nuclear Power Plants and Fuel Facilities

Paul Harris

Senior Program Manager
Division of Security Policy
Office of Nuclear Security and Incident Response

Presentation Agenda

- Background
- Industry 2007 Performance
- Current Issues
- Next Steps

Background

- 10 CFR Part 26, Fitness for Duty Programs
 - Federal Register, March 31, 2008
 - Effective Date: April 30, 2008
 - Implementation Date, D&A: March 31, 2009
 - Implementation Date, Fatigue: Oct 1, 2009
- Inspection Oversight
 - 10 CFR 26.821
 - Routine and Event Response
 - Enforcement and criminal penalties

Overall Fitness For Duty Strategy

- Requirements for fit, reliable, trustworthy workers
 - Background Checks
 - Fatigue Management
 - Training and Behavioral Observation
 - Drug and Alcohol Testing

Industry Performance

- Percentage positive test results of total positive drug test results by employer

Test result	Federal	Contractors
Refusal	15.6	10.1
Alcohol	38.3	16.3
Marijuana	24.8	42.4
Cocaine	12.1	26.0
Opiates	2.8	2.2
Amphetamines	5.0	2.7

Current Issues

- HHS Guidelines and NRC Regulations
 - Accurate cost accounting
 - Industry burden
- Part 26 Rule Implementation
 - Frequently Asked Questions
- New Reactor Construction
 - Sampling population
 - Transient work force
 - Access controls

Next Steps - Activities

- Timely response to inspector concerns
- Proactive effort to gain industry perspectives
 - Site visits and public meetings
- Part 26 Direct Final Rulemaking
 - HHS Guidelines
 - Recent Enforcement Discretion items
 - Public and industry comment

Questions?

- NRC Fitness for Duty Web Site
 - <http://www.nrc.gov/reactors/operating/ops-experience/fitness-for-duty.html>
- Contact Us
 - Paul Harris, **Senior Program Manager, NSIR**
 - 301-415-1169, Paul.Harris@NRC.gov
 - Valerie Barnes, Senior Level Advisor, RES
 - 301-251-7585, ValerieBarnes@NRC.gov
 - Autumn Szabo, Part 26 Fatigue Project Manager, RES
 - 301-251-7602, Autumn.Szabo@NRC.gov

References

- 10 CFR Part 26, Fitness for Duty Programs
 - Federal Register Date: March 31, 2008
 - Effective Date: April 30, 2008
 - Implementation Date, D&A: March 31, 2009
 - Implementation Date, Fatigue: October 1, 2009
- NEI 06-06, Rev 4, FFD for Construction