

Presentation for the Drug Testing Advisory Board

U.S. Department of Health and Human Services
Substance Abuse and Mental Health Services Administration

10 CFR Part 26 Fitness for Duty Programs

A Direct Contribution to Safety and Security

Discussion Topics

- Introduction
- 10 CFR Part 26, Fitness for Duty (FFD) Programs
 - Background
 - The FFD Strategy
 - FFD Program Elements
 - A thought on being fit for duty
- Technical Issues
- Industry Performance
- Contacts



Background – Part 26 History

In June 1989, the Part 26 FFD rule established:

- Drug and alcohol testing at commercial power reactors
- Behavioral observation program
- Sanctions for FFD policy violations
- Protections of employee rights and assistance programs

In March 2008, the FFD rule was amended to:

- Strengthen the effectiveness of the rule
- Broaden the applicability of the rule to other NRC licensees
- Align a number of provisions with the Federal drug testing program
- Enhance consistency between FFD and access authorization requirements
- Establish fatigue management requirements

Background

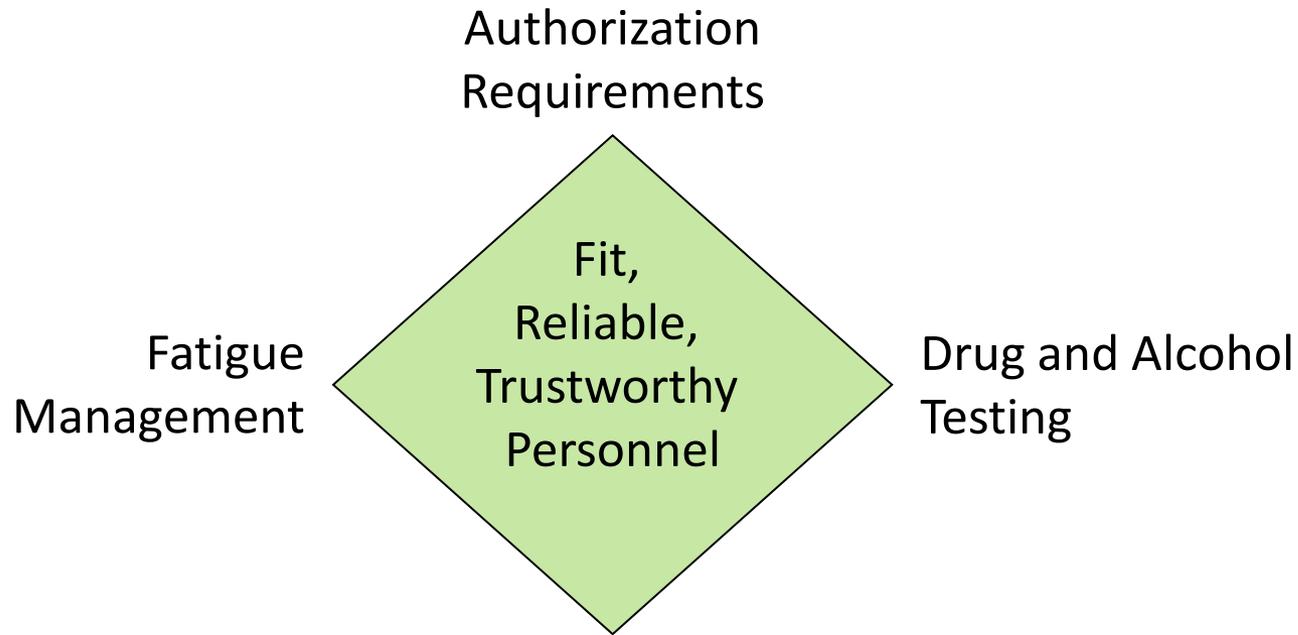
FFD Mission

The mission of the FFD program is to provide a direct contribution to safety and security through the effective policy development in support of licensing, rulemaking, and inspection of licensees and other affected entities that implement the drug and alcohol provisions of 10 CFR Part 26, “Fitness for Duty Programs.”



Limerick Generating Station
Exelon Generating Co., LLC
Source: www.exeloncorp.com

The FFD Strategy

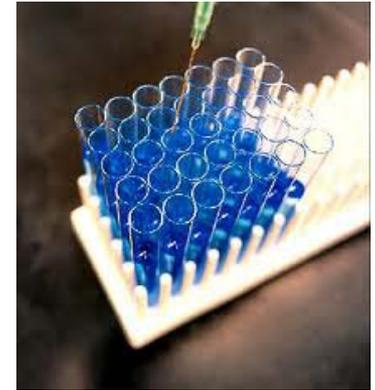


Behavioral Observation



FFD Program Elements

1. Performance objectives
2. Policy, programs, procedures, and training
3. Drug and alcohol testing
4. Behavioral observation
5. Employee assistance program
6. Protection of information (i.e., privacy protection)
7. Employee appeal/review process for violations
8. Licensee Testing Facilities and Laboratories
9. Determinations of fitness
10. FFD authorization
11. Audits and corrective actions
12. Reports, recordkeeping, and reportability



What is being Fit for Duty?

Being fit for duty is part of the NRC's defense-in-depth regulatory framework that helps provide assurance that persons covered by Part 26 can safely and competently perform assigned duties.

From the requirements in Part 26, being fit for duty means, in part, that a person is:

- a) not under the influence of any legal or illegal drug or substance as defined by testing cutoffs and/or a determination of fitness;
- b) not impaired by acute or cumulative fatigue; and,
- c) mentally and physically capable of safely and competently performing assigned duties.

Being fit for duty also informs the licensee's determination of whether a person is trustworthy and reliable.



Technical Issues

1. Oral fluids and hair testing requirements (HHS Guidelines)
2. Updating of urine testing requirements (HHS Guidelines)
3. Synthetic drug abuse
4. Prescription drug abuse
5. Impairment caused by use of multiple prescriptions
6. Guidance on determinations of fitness
7. Other technical issues



Current Staff Activities

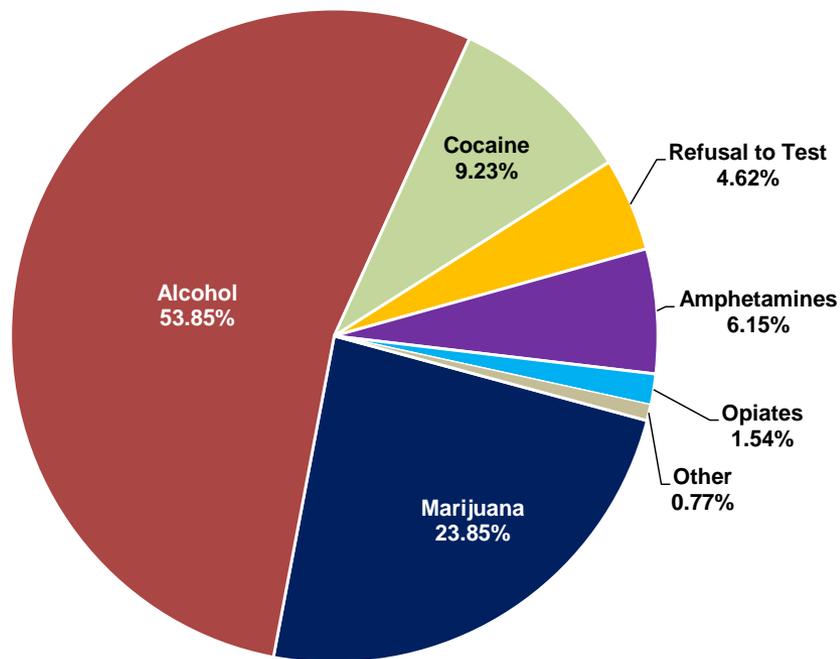
1. Rulemaking
2. Evaluation of lessons learned and technical issues
3. Guidance development
4. Outreach – Federal partners
5. Inspection and oversight technical coordination
6. Licensee and public interactions



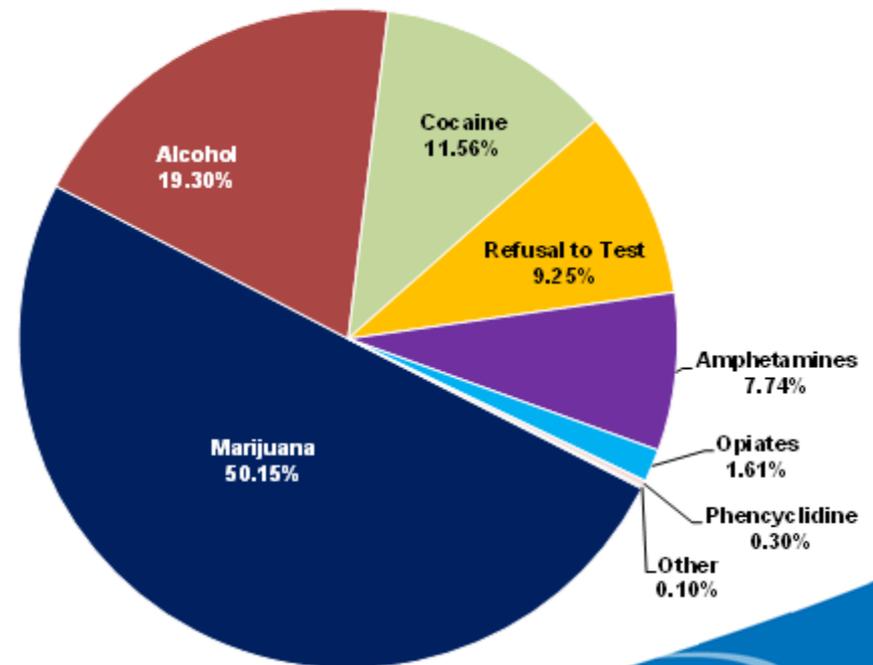
2011 Industry Performance

- 76 Licenses and other entities reported FFD performance data
- 61 Number of facilities electronically reporting
- 178,586 Total number of drug and alcohol tests conducted in CY 2011
- 0.60 % Overall industry positive rate
 - 0.23 % Overall positive rate for licensee employees
 - 0.77 % Overall positive rate for contractor/vendors
- 37 Number of drug & alcohol events reported to the NRC
 - 24 of these 37 events involved supervisors
 - 2 of these 37 events involved NRC-licensed operators
- 90 % Percentage of all tests that involved marijuana, cocaine, or alcohol
 - 52 % involved marijuana
 - 26 % involved alcohol
 - 12 % involved cocaine

2011 Positive Test Results by Substance, Licensee Employees



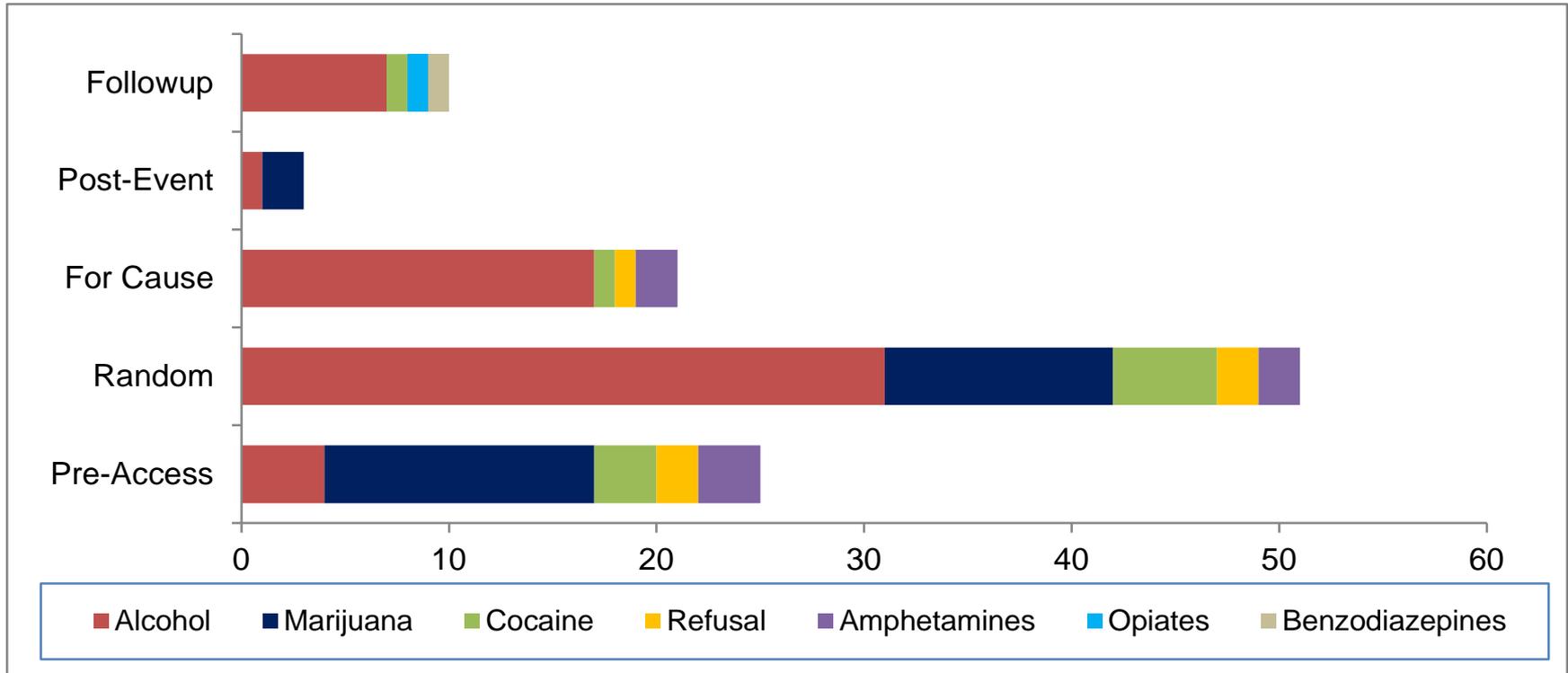
2011 Positive Test Results by Substance, Contractors/Vendors



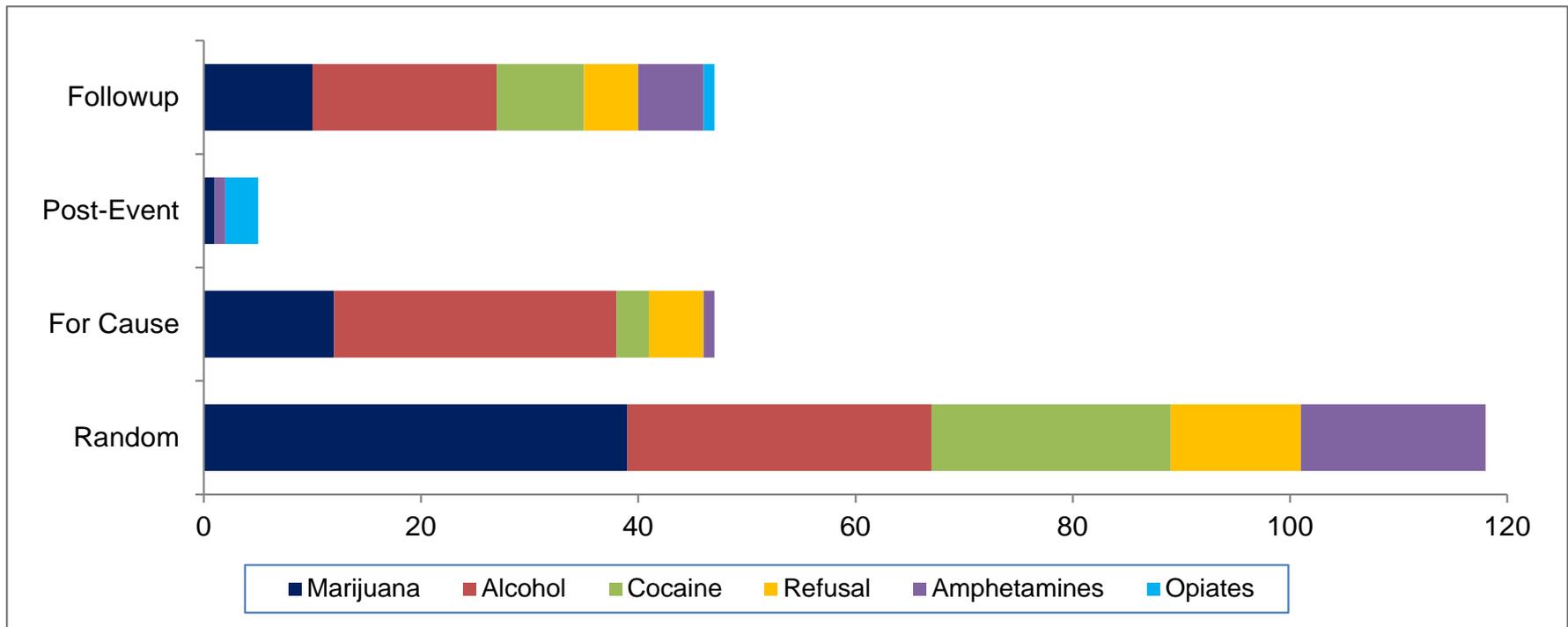
Trends in Positive Test Rates, all test types by Employment Category (1993–2011)



Licensee Employees, Positive Results by Substance and Reason for Test (electronically-reported results)



Contractors/Vendors, Positive Results by Substance and Reason for Test (electronically-reported results)



Contacts



FFD Program Group

Paul Harris, Senior Program Manager

Paul.Harris@nrc.gov 301-415-1169

David Diec, Senior Program Manager

David.Diec@nrc.gov 301-415-2834

Will Smith, Security Specialist

Will.Smith@nrc.gov 301-415-6144

Melissa Ralph, Security Specialist

Melissa.Ralph@NRC.gov 301-415-7609

FFD Program Group Organization

Security Programs and Support Branch
Division of Security Policy
Office of Nuclear Security and Incident Response
U.S. Nuclear Regulatory Commission

Other Technical Members

Earl Libby, Project Manager

Office of New Reactors

Earl.Libby@nrc.gov 301-415-0522

Kamishan Martin, Human Factors Engineer

Office of Nuclear Reactor Regulation

Kamishan.Martin@nrc.gov 301-415-3469

DaBin Ki, Human Factors Analyst

Office of Nuclear Regulatory Research

Dabin.Ki@nrc.gov 301-251-7920