Discussion Topics

- Fitness-for-Duty (FFD) Program Objective
- Rulemaking Update
- FFD Program Performance Trend Update - Subversion Trends
- Laboratory Performance
A licensee must implement an FFD program to provide reasonable assurance that persons are:

- Trustworthy and reliable;

  AND

- Not under the influence of any substance, legal or illegal, or mentally or physically impaired from any cause, which in any way adversely affects their ability to safely and competently perform assigned duties.
Assuring Safety and Security through a Defense-in-Depth Strategy

Access Authorization

Drug and Alcohol Testing

Fit Reliable Trustworthy Workers

Fatigue Management

Behavioral Observation

Slide 4
Rulemaking Update

10 CFR Part 26, HHS Guidelines (RIN 3150-AI67; Docket NRC-2009-0225)

Final Rule package with the Commission for vote (September 2021).

That staff has proposed in the Final Rule to:

- Align the urine drug testing panel and cutoff levels with revisions in the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs issued in 2008 and 2017

- Provide option to collect and test an oral fluid specimen under direct observation collection conditions (consistent with the HHS Mandatory Guidelines for Federal Workplace Drug Testing of Oral Fluid issued in 2019)

- Strengthen subversion detection methods by mandating special analyses testing of specimens collected under direct observation conditions (i.e., suspected subversion attempts)
HHS-Certified Laboratory Performance in 2021

- Specimen shipments impacted by a severe weather event (snowstorm) that shut down a major express mail service shipping hub

- Shipments of specimens lost in transit to laboratory

- Specimen testing delays (not meeting 5-business day testing requirement in Part 26)

- One HHS-certified laboratory ceased operations and impacted a number of our licensee testing programs
Subversion Attempt Trends (2016-2021)

Subversion attempt: Any willful act or attempted act to cheat on a required test (e.g., refuse to provide a specimen, alter a specimen with an adulterant, provide a specimen that is not from the donor’s body)

<table>
<thead>
<tr>
<th></th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>2021*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Subversion Attempts</td>
<td>305</td>
<td>305</td>
<td>298</td>
<td>307</td>
<td>288</td>
<td>272</td>
</tr>
<tr>
<td>Percentage of Drug Testing Violations</td>
<td>32.4%</td>
<td>31.9%</td>
<td>31.0%</td>
<td>34.5%</td>
<td>34.4%</td>
<td>29.7%</td>
</tr>
<tr>
<td>Identified at Pre-access Testing</td>
<td>77.6%</td>
<td>72.1%</td>
<td>67.5%</td>
<td>77.5%</td>
<td>74.7%</td>
<td>71.3%</td>
</tr>
<tr>
<td>Committed by Contractor/Vendors</td>
<td>98.0%</td>
<td>97.7%</td>
<td>95.6%</td>
<td>97.4%</td>
<td>96.2%</td>
<td>94.5</td>
</tr>
<tr>
<td>Percentage of Sites Reporting At Least One Subversion</td>
<td>53%</td>
<td>64%</td>
<td>70%</td>
<td>61%</td>
<td>72%</td>
<td>71%</td>
</tr>
</tbody>
</table>

* Draft data (2021 reporting cycle closed on February 28, 2022)

Subversion attempt sanction: Permanent denial unescorted access, 10 CFR 26.75(b)
Additional Research on Improving Detection of Subversion Attempts?

• Tighten acceptable temperature range on urine specimens that requires a directly observed collection?

• For testing events where two urine specimens collected during the same event (1st unobserved, 2nd observed), consider establishing criteria for determining a refusal to test based on differences in specimen temperature, creatinine concentration, and pH?
Electronic Reporting
FFD Program Performance Information

- Annual information reporting (10 CFR 26.717)
- Information is uniform, robust, and event specific.
- Permits additional trending and analysis