



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

September 18, 2019

ALL AGREEMENT AND NON-AGREEMENT STATES
STATE LIAISON OFFICERS

NOTICE OF REQUEST FOR COMMENT: PROPOSED AMENDMENT TO TITLE 10 OF THE
CODE OF FEDERAL REGULATIONS PART 26 TO ADDRESS THE DRUG TESTING
GUIDELINES ISSUED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
(STC-19-060)

PURPOSE: To provide notification of the U.S. Nuclear Regulatory Commission's (NRC's) request in the *Federal Register* for public comment on the proposed regulation that would more closely align the NRC's fitness for duty drug testing requirements with the guidelines issued by the U.S. Department of Health and Human Services (HHS).

BACKGROUND: The NRC is proposing to amend its regulations regarding fitness for duty programs to more closely align the NRC's drug testing requirements for certain licensees with updates made to the HHS "Mandatory Guidelines for Federal Workplace Drug Testing Programs" (HHS Guidelines). These changes would enhance the ability of licensees and other entities to identify individuals using illegal drugs, misusing legal drugs, or attempting to subvert the drug testing process. The proposed rule also would provide additional protections to individuals subject to drug testing, and would improve the clarity, organization, and flexibility of the NRC's regulations.

DISCUSSION: Enclosed with this letter is the *Federal Register* notice for the proposed rule. The proposed rule was published in the *Federal Register* (84 FR 48750), on September 16, 2019, and posted on the Federal e-rulemaking portal <http://www.regulations.gov> under Docket No. NRC-2009-0225. Comments on the proposed rule are due by December 2, 2019; see the *Federal Register* notice for instructions on how to submit comments.

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If you have any questions regarding the Fitness for Duty Drug Testing Requirements rulemaking or this correspondence, please contact the individual named below:

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Sincerely,

/RA/

John R. Tappert, Director
Division of Rulemaking
Office of Nuclear Materials Safety
and Safeguards

Enclosures:
As stated

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DATED: September 18, 2019

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