

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS
OFFICE OF NUCLEAR REACTOR REGULATION
WASHINGTON, DC 20555-0001

January 17, 1997

NRC ADMINISTRATIVE LETTER NO. 97-01: STATE INITIATIVES TO LEGALIZE
SCHEDULE 1 DRUGS

Addressees

All holders of operating licenses or construction permits for nuclear power reactors and all licensees authorized to possess or transport Category I nuclear material.

Purpose

The U.S. Nuclear Regulatory Commission (NRC) is issuing this administrative letter to remind addressees that the requirements of Part 26 of Title 10 of the Code of Federal Regulations (10 CFR Part 26) remain in effect, even where State law attempts to legalize the use of Schedule 1 drugs. It is expected that recipients will review this administrative letter and take whatever actions are considered appropriate to ensure continued compliance with Commission rules regarding the use of controlled substances under Federal law. This administrative letter does not create any new or changed NRC requirements or staff positions; no specific action or written response is required.

Background

On November 5, 1996, California voters passed an initiative (Proposition 215) authorizing physicians to recommend the use of marijuana for the treatment of "any [other] illness for which marijuana provides relief." It does not require a physician's prescription or other written record of the recommendation.

In Arizona, voters passed an initiative (Proposition 200) allowing the medical use of all controlled substances in Schedule I of the Controlled Substance Act,¹ not just marijuana. It requires a physician's prescription, following a second opinion from another physician.

Licensees for nuclear power plants may be affected because outage workers are highly mobile and may come from a State that permits the use of Schedule I drugs contrary to Federal law.

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updated on 1/27/97

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¹21 U.S.C.812(B)(1). A Schedule I drug is one "which has no currently accepted medical use." Physicians are authorized to prescribe drugs in Schedules II-V. The Schedule I drugs for which the NRC requires testing are marijuana, heroin, and PCP. Cocaine, amphetamines, methamphetamines, marinol, and many opiates are in Schedule II or other schedules.

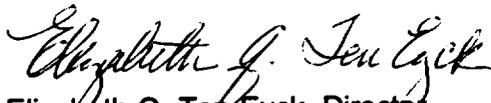
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Discussion

Rules of the NRC, which are promulgated for radiation safety in nuclear power plants and Category I licensees under the Atomic Energy Act of 1954, as amended, preempt State law, such as California Proposition 215 and Arizona Proposition 200. Accordingly, the California and Arizona initiatives do not affect the application of 10 CFR Part 26 or licensee programs that implement those NRC requirements. This also applies to any other current or future State laws that permit the use of controlled substances other than as permitted under Federal law.

Addressees are also reminded that licensee programs established to satisfy 10 CFR Part 26 require workers to report to the licensee any condition, including the use of any medication (whether prescribed or not), that may result in their not being fit to safely and competently perform their duties.

This administrative letter requires no specific action or written response. Should any licensee conclude that it needs to revise its written policy to address these matters, persons covered by the policy should be informed of the change in accordance with 10 CFR 26.21. If you have any questions about this matter, please contact one of the technical contacts listed below or the appropriate NRC regional office.



Elizabeth Q. Ten Eyck, Director
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Office of Nuclear Material Safety
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Thomas T. Martin, Director
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Office of Nuclear Reactor Regulation

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LIST OF RECENTLY ISSUED
 NRC ADMINISTRATIVE LETTERS

Administrative Letter No.	Subject	Date of Issuance	Issued to
96-05	Compliance with the Rule "Timeliness in Decommissioning of Material Facilities"	11/05/96	All material and fuel cycle licensees
96-04	Efficient Adoption of Improved Standard Technical Specifications	10/09/96	All holders of OLs for nuclear power reactors who have not converted to the improved standard technical specifications
96-03	Centralization of Quality Assurance Program Review Responsibility in the Office of Nuclear Reactor Regulation	09/27/96	All holders of OLs or CPs for nuclear power reactors
95-03, Rev. 1	Availability of Reactor Vessel Integrity Database	07/10/96	All holders of OLs or CPs for nuclear power reactors
96-02	Licensee Responsibilities Related to Financial Qualifications	06/21/96	All holders of OLs or CPs for nuclear power reactors
94-13, Rev. 2	Access to Nuclear Regulatory Commission Bulletin Board Systems	05/03/96	All NRC licensees.
96-01	Operator Licensing National Examination Schedule	01/09/96	All holders of OLs or CPs for nuclear power reactors.
95-06	Relocation of Technical Specification Administrative Controls Related to Quality Assurance	12/12/95	All holders of OLs or CPs for nuclear power reactors.

OL = Operating License
 CP = Construction Permit

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*SEE PREVIOUS CONCURRENCES Tech Editor has reviewed and concurred on 1/13/97
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Attachments:

1. List of Recently Issued NMSS Administrative Letters
2. List of Recently Issued NRC Administrative Letters

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The consumption of food products containing hemp is also unacceptable as a basis for classifying a marijuana test as negative. Consuming a food product containing hemp is not a legitimate medical explanation for a prohibited substance or metabolite in an individual's specimen.

Addressees should inform their fitness-for-duty program administrators, their MROs, and their workforce of the information contained herein. Addressees should remind their workers that their policy concerning the reporting of any condition, including the use of any medication (whether prescribed or not) that may result in their not being fit to safely and competently perform their duties, continues to apply. Should any licensee conclude that it needs to revise its written policy to address these matters, under 10 CFR 26.21, persons covered by the policy should be informed of the change.

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