

January 31, 2006

MEMORANDUM TO: Stephen D. Dingbaum  
Assistant Inspector General for Audits

FROM: Timothy F. Hagan, Director */RA/*  
Office of Administration

SUBJECT: STATUS OF RECOMMENDATIONS: AUDIT OF  
NRC'S DRUG TESTING PROGRAM (OIG-05-A-05)

The following provides an updated status of our actions in response to recommendations 2 through 12 contained in the subject audit report. In the responses provided to the Office of Inspector General in my memorandum dated September 2, 2005, ADM indicated that we would include implementing procedures addressing recommendations 2, 3, 6, 8, 10 and 11 in Revision 2 of the NRC Drug-Free Workplace Plan (Plan). The Department of Health and Human Services (HHS) does not approve agency implementing procedures; therefore, the implementing procedures developed in response to these recommendations will not be incorporated into the Plan.

#### Recommendation 2

Implement a procedure for updating testing-designated positions in the random drug testing pool. This procedure should capture individuals whose job responsibilities shift over time to include or exclude employees meeting the criteria for inclusion in the drug testing pool.

#### Status

The procedure for updating the testing-designated positions in the random drug testing pool is included in the Security Branch's (SB) "Drug Testing Program Standard Operating Procedures" (SOP), Revision 1, dated January 13, 2006 (Enclosure 1). The SOP implements commitments contained in the Plan.

#### Recommendation 3

Periodically conduct a quality assurance review to ensure that all jobs with testable attributes are included in the random drug testing pool.

#### Status

An SOP to perform a quality assurance review on a biennial basis to ensure that all jobs with testable attributes are included in the random drug testing pool was developed by SB on June 30, 2005. The SOP was revised and implemented on January 13, 2006 (Enclosure 1). The SOP implements commitments contained in the Plan.

Recommendation 4

Revise the categories of testing-designated positions to include computer system administrators and individuals engaged in law enforcement activities who are authorized to carry weapons.

Status

The submittal to the Commission of recommendations for revising the drug testing pool criteria has been delayed due to the delay in obtaining HHS approval of the NRC Drug-Free Workplace Plan, Revision 2. ADM plans to transmit a revised Revision 2 to HHS for their approval by February 17, 2006. The staff anticipates sending recommendations to the Commission for revising the drug testing pool criteria by June 30, 2006.

Recommendation 5

Re-evaluate categories of testing-designated positions and continue to do so biennially.

Status

Consideration of changes to categories of testing-designated positions are anticipated to be provided to the Commission by June 30, 2006. In the meantime, the SOP requires ADM to request Office Director and Regional Administrator review and validation of the current drug testing pool every two years. Based on the date of the last request (November 3, 2004), the next review and validation is scheduled for November 2006.

Recommendation 6

Develop formal written procedures for staff to follow in implementing the agency's random drug testing selection process.

Status

An SOP for staff to follow in implementing the agency's random drug testing selection process was developed by SB on June 30, 2005. This SOP was revised and implemented on January 13, 2006 (Enclosure 1). The SOP implements commitments contained in the Plan.

Recommendation 7

Include in the process a means to drug test the randomly selected employees who are frequently absent.

Status

The deferral of testing clause from the HHS Model Plan is included in the latest version of Revision 2 of the Plan. ADM plans to transmit a revised Revision 2 to HHS for their approval by February 17, 2006.

Recommendation 8

Develop and implement a quality assurance process to periodically verify that employees are randomly selected for drug testing without regard to their name, office, or position.

Status

An SOP to implement a quality assurance process to periodically verify that employees are randomly selected for drug testing without regard to their name, office, or position was developed by SB on June 30, 2005. The SOP was revised and implemented on January 13, 2006 (Enclosure 1). The SOP implements commitments contained in the Plan.

Recommendation 9

Provide and update regularly employee-supervisor lists for drug program staff to facilitate the drug testing notification process.

Status

The Office of Human Resources (HR) electronically provides monthly Employee and Organization Profile reports to drug program staff. This verification was provided to OIG on September 13, 2005 (Enclosure 2).

Recommendation 10

Institute a quality assurance process to verify that notification procedures are implemented in accordance with HHS requirements.

Status

A quality assurance process to verify that notification procedures are implemented in accordance with HHS requirements was incorporated in the SB SOP on June 30, 2005. The SOP was revised and implemented on January 13, 2006 (Enclosure 1). The SOP implements commitments contained in the Plan.

Recommendation 11

Develop and implement policy and procedures to compile all records for compliance with the NRC Drug-Free Workplace Plan.

Status

An SOP to compile all records for compliance with the NRC Drug-Free Workplace Plan was developed by SB on June 30, 2005. The SOP was revised and implemented on January 13, 2006 (Enclosure 1). The SOP implements commitments contained in the Plan.

Recommendation 12

Update the Management Directive System to include the drug testing policy and procedures that employees are expected to follow.

Status

Following Commission approval of changes in the drug testing program, ADM will develop a new Management Directive to describe the drug testing policy and provide an overview of the procedures that employees are expected to follow. This effort is expected to be completed by June 30, 2007.

Enclosures:  
As stated (2)

Recommendation 12

Update the Management Directive System to include the drug testing policy and procedures that employees are expected to follow.

Status

Following Commission approval of changes in the drug testing program, ADM will develop a new Management Directive to describe the drug testing policy and provide an overview of the procedures that employees are expected to follow. This effort is expected to be completed by June 30, 2007.

Enclosures:  
As stated (2)

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