

UNITED STATES

NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

COMSECY-06-0043

September 6, 2006



Approved.

MEMORANDUM TO: Chairman Klein
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons

Dale E. Klein
Dale E. Klein 09/21/06

FROM: *Luis A. Reyes*
Luis A. Reyes
Executive Director for Operations

SUBJECT: NUCLEAR REGULATORY COMMISSION (NRC) DRUG-FREE
WORKPLACE PLAN - RECOMMENDED CHANGES TO DRUG
TESTING POOL

The purpose of this memorandum is to seek Commission approval of the staff's recommendation to include all NRC employees in its random drug testing pool.

BACKGROUND:

On September 15, 1986, President Reagan signed Executive Order 12564 (EO) to establish standards to achieve a Drug-Free Federal Workplace and require that the head of each Executive agency establish a program to test for the use of illegal drugs by employees in "sensitive" positions. The Department of Health and Human Services (HHS), as a member of the Interagency Coordinating Group (ICG) Executive Committee, was given the authority to review and approve Federal agencies' drug testing programs. HHS approved NRC's Drug Testing Plan that was implemented, in December 1988. In 1989, HHS issued the "Model Plan for a Comprehensive Drug Free Workplace Program" to all Federal agencies to guide their programs. NRC revised its Drug Testing Plan in March 1990 to comply with these new guidelines. In November 1997, NRC's Drug Testing Plan was superseded by the "NRC's Drug-Free Workplace Plan" (the Plan), NUREG/BR-0134, Revision 1, which is currently in effect.

Revision 1 of the Plan was developed based on NRC's understanding and interpretation of the EO requirements, along with guidance received from HHS and the Department of Justice (DOJ), at the time regarding which positions in an agency should be included in the random drug testing pool. A position included in the pool is termed a "testing designated position" (TDP). Guidance from HHS and DOJ defined criteria for presumptive, preferred, discretionary, and specifically disfavored TDPs. It required agencies to include all positions defined as presumptive in their random drug testing pools. In order to ensure reasonable uniformity among

CONTACT: Christine J. Secor, ADM/DFS/PSB
301-415-6546

09/06/2006 16:21



REQUEST REPLY BY: 9/21

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*Approved, see
attached comments
E. McInnes Jr.
9/7/06*

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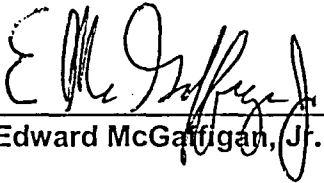
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Commissioner McGaffigan's Comments on COMSECY-06-0043

I support Option 1. I also support providing additional resources for the drug testing program so that 1,800 employees (about half of the new pool) can be tested annually. We should not reduce the frequency of tests as we double the pool to be tested.

I also believe that 100 percent of badged contractor employees routinely having access to NRC facilities should be subject to random drug testing (with about half being tested in any given year). This should be done through new contract clauses to the extent it is not already being accomplished by existing contracts.


Edward McGaffigan, Jr. 9/7/06
(Date)



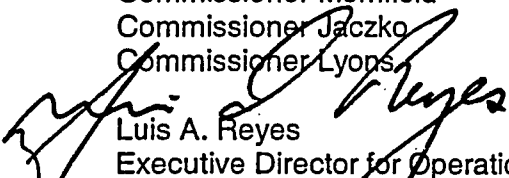
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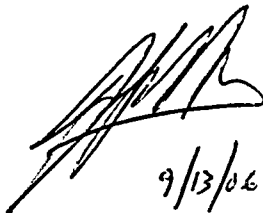
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MEMORANDUM TO: Chairman Klein
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FROM:  Luis A. Reyes
Executive Director for Operations

Approved.


9/13/06

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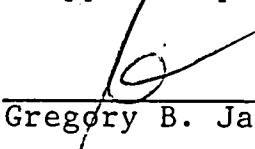
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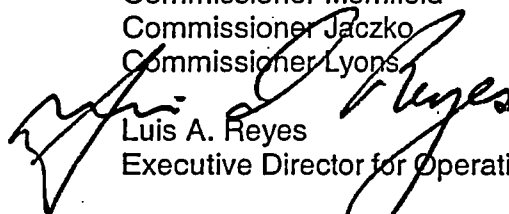
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I approve Option 1.

MEMORANDUM TO: Chairman Klein
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Gregory B. Jaczko
Date 9/14/06

FROM: 
Luis A. Reyes
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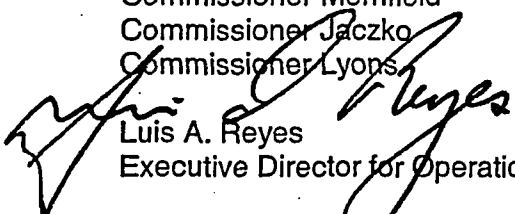
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Peter B. Lyons
9/15/06
Date

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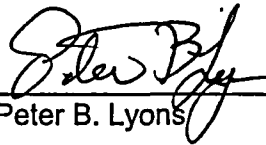
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Commissioner Lyons' Comments on COMSECY-06-0043

I approve the staff recommendation, Option 1, to designate all NRC positions as "sensitive" and put all NRC employees in the drug testing pool. The implementation plan developed for Commission consideration should address options for the testing rate, including resource implications.


Peter B. Lyons

9/15/06

Date