

## FFDProgram Resource

---

**From:** FFDProgram Resource  
**Sent:** Wednesday, October 05, 2011 1:51 PM  
**To:** [REDACTED]  
**Subject:** Response to your inquiry to the U.S. Nuclear Regulatory Commission

[REDACTED]

Thank you for your inquiry.

NRC-licensed nuclear power plants (such as [REDACTED]) are subject to the requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 26, Fitness for Duty Programs, and 10 CFR 73.56, Access Authorization Requirements. The information provided below describes NRC regulations outlining the minimum sanctions that NRC licensees must impose on a person in violation of the drug and alcohol provisions of a licensee's FFD policy. The regulations also enable licensees to impose more stringent sanctions than those outlined in NRC regulations.

With regard to a confirmed positive alcohol or drug test result, licensees are required by 10 CFR 26.75(e) to impose the following minimum sanctions:

- (1) The first violation of the FFD policy involving a confirmed positive drug or alcohol test result must, at a minimum, result in the immediate unfavorable termination of the individual's authorization for at least 14 days from the date of the unfavorable termination.
- (2) Any subsequent confirmed positive drug or alcohol test result, including during an assessment or treatment period, must result in the denial of authorization for a minimum of 5 years from the date of denial.

Additionally, 10 CFR 26.75(g) states:

For individuals whose authorization was denied for 5 years under paragraphs (c), (d), (e)(2), or (f) of this section, any subsequent violation of the drug and alcohol provisions of an FFD policy must immediately result in permanent denial of authorization.

Accordingly, you first must complete any sanctions imposed by the licensee at the time of the positive drug test result. For example, if you have one year remaining in a 5-year denial, you will be ineligible for authorization (i.e., licensee approval to have unescorted access to the power reactor plant Protected Area and perform certain duties) until the remaining one-year period is over. Once the imposed sanction is over, a licensee is enabled by regulation to grant you authorization if it elects to hire you. 10 CFR 26.69(b) and (c) provide the requirements that licensees must implement in order to grant authorization to any individual with "potentially disqualifying fitness-for-duty information." This review would include, in part, a review of past confirmed positive drug and alcohol test results. Furthermore, the NRC licensee must also meet the minimum requirements of 10 CFR 73.56(d) – (h) in order to grant access authorization to any person.

Should you elect to pursue employment at a particular NRC-licensed plant, you will need to contact that licensee to understand its particular employment policies and practices. You may also wish to review 10 CFR 26.69(b) and (c) and 10 CFR 73.56(d) – (h) to understand the requirements that the particular NRC licensee will need to meet in order to grant you authorization if they elect to hire you. The licensee would need to satisfy these requirements if you were hired either as an employee or as a contractor with unescorted access to the facility's protected area and to perform the duties described in 10 CFR 26.4(a) – (e) and, at the licensee's discretion, 10 CFR 26.4(f) or (g).

Additional information on Fitness for Duty and Access Authorization is available through the applicable sections of the NRC's Public Website ([Fitness for Duty](#) and [Access Authorization](#)). To review the above referenced NRC regulations, please access <http://www.nrc.gov/reading-rm/doc-collections/cfr/part026/full-text.html#part026-0069>.

Please feel free to contact us should you require any additional information.

Regards,

*Melissa Ralph,*

Security Specialist, Access Authorization Program  
Security Programs Support Branch  
Division of Security Policy  
Office of Nuclear Security and Incident Response  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
Melissa.Ralph@nrc.gov  
Phone: (301) 415-7609  
Fax: (301) 415-5373

Note: The information herein is provided as a public service and solely for informational purposes and is not, nor should be deemed as, an official NRC position, opinion or guidance, or "a written interpretation by the General Counsel" under 10 CFR 26.7, on any matter to which the information may relate. The opinions, representations, positions, interpretations, guidance or recommendations which may be expressed by the NRC technical staff responding to your inquiry are solely the NRC technical staff's and do not necessarily represent the same for the NRC. Accordingly, the fact that the information was obtained through the NRC technical staff will not have a precedential effect in any legal or regulatory proceeding.

From: [REDACTED]  
Sent: Tuesday, August 16, 2011 2:56 PM  
To: NSIR\_WebServices Resource  
Subject: Response from "Contact Us about Public Meetings on Nuclear Security and Safeguards;

Below is the result of your feedback form. It was submitted by

[REDACTED] on Tuesday, August 16, 2011 at 14:55:41

-----  
comments: My name is [REDACTED] I am writing this e-mail to you regarding my security access to nuclear facilities. In 2007 I had a positive alcohol test while working at [REDACTED] and I was denied access. This was my second offense, and I was terminated from the company. I have had opportunities to be employed at other utilities in the country, but because of my denial at [REDACTED] I was unable to pursue employment. Is there any way possible to regain access to the nuclear industry? My life is now in a positive state, and I have a few years left in me to be of a positive impact to the industry. I just do not know what, if any, options exist to regain access. I would appreciate any advice you could provide me with. Thank You  
[REDACTED]

organization:

address1: [REDACTED]

address2:

city: [REDACTED]

state: [REDACTED]

zip: [REDACTED]

country: United States

phone: [REDACTED]

---