From: Harris, Paul
To: "diane_kean@di-mgmt.com"
Subject: NRC staff technical response to Ms. Diane Kean via OE webportal
Date: Friday, March 13, 2015 1:49:00 PM

Hi Ms. Kean,

I am Paul Harris, the senior program manager for the drug and alcohol testing provisions within 10 CFR Part 26, "Fitness for Duty Programs." In response to your question, I provide the following staff technical answer.

For privacy reasons, I removed your provided address and telephone number from this email, because this email will be saved as a public record.

If you have additional questions, please feel free to email or call me. Thank you.

Paul

Paul Harris

U.S. Nuclear Regulatory Commission / Office of Nuclear Security and Incident Response
Division of Security Policy / Security Programs Support Branch
Senior Program Manager, Fitness for Duty Programs

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The information in this response 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 an 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.

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Question: Would a nuclear component reliability engineer be disqualified for employment because he takes Rx meds for a psychiatric condition? Among his Rx regimen, he takes Adderall (an amphetamine) that has been Rx by a physician. Please advise

Answer: The determination of whether an individual would be "disqualified for employment because he takes Rx meds for a psychiatric condition" is solely and completely a licensee determination. The Commission's regulations are focused on assuring public health and safety, common defense and security, and the protection of the environment – not on employment. However, there are regulations that are applicable to your question should a person desire to seek employment that requires access authorization to a commercial nuclear facility subject to 10 CFR Parts 26 and 73.

Based on your question, it appears that you are applying for a nuclear-related job, and if your job requires you to have access (i.e., unescorted access authorization) to the Protected Area of the facility, to certain types of controlled information, or certain roles and responsibilities, as described in 10 CFR 26.4, the NRC-licensed facility (e.g., a nuclear power plant) hiring you is required to complete a number of requirements before they can allow you to have access authorization or perform a nuclear-related duty or responsibility as described in § 26.4. For example, within the 10

CFR Part 26 provisions: (1) you will need to provide a self-disclosure in accordance with §26.61; (2) the licensee will need to complete a suitable inquiry per §26.63; (3) you will be subject to a pre-access drug and alcohol test under §26.65; and, (4) you will be placed in the random drug and alcohol testing program under §26.67. Further, a fitness determinations under §26.189 could be conducted to provide reasonable assurance that an individual is not under the influence of any substance, legal or illegal, or mentally or physically impaired from any cause, which in any way adversely affects their ability to safely and competently perform their duties. If you test positive for any substance (including a prescription medications such as Adderall or Adderall XR), the licensee's Medical Review Officer will interview you before reporting any positive drug testing result to the licensee, §26.183(c)(1). The drugs that the NRC requires a licensee to test for are in §26.163, yet, the licensee may also test for additional drugs if they have such a provision established in accordance with §26.31(d).

In addition, as part of gaining "authorization" to the facility, the licensee will have to complete a number of security requirements as well. These include, but are not limited to those described in 10 CFR 73.56, such as a background investigation, an employment history evaluation, and that most applicable to your question a psychological assessment. The requirement associated with psychological assessments is described in 10 CFR 73.56(e). This regulation states, in part, that the licensee shall ensure that a psychological assessment has been completed before the individual is granted unescorted access or unescorted access authorization. A licensed psychologist or psychiatrist is required to conduct the psychological assessment.

So, under the NRC's regulations, the use of a prescription medication and/or a medical condition (e.g., a mental or physical condition) are not disqualifying by themselves; however, the licensee must complete a number of reviews to ascertain whether they can grant you authorization under 10 CFR Parts 26 and 73.

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From: External_Safety_Culture Resource [External_Safety_Culture.Resource@nrc.gov]
Sent: Friday, January 23, 2015 11:24 AM
To: Thompson, Catherine; Sieracki, Diane; Morrow, Stephanie
Subject: FW: Response from "Contact Us about Safety Culture Public Meetings and Presentations;

From: diane_kean@di-mgmt.com[SMTP:DIANE_KEAN@DI-MGMT.COM]
Sent: Friday, January 23, 2015 11:24:01 AM
To: External_Safety_Culture Resource
Subject: Response from "Contact Us about Safety Culture Public Meetings and Presentations; Auto forwarded by a Rule

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

(diane_kean@di-mgmt.com) on Friday, January 23, 2015 at 11:24:01

through the IP 23.63.227.79

using the form at http://www.nrc.gov/about-nrc/safety-culture/sc-contactus.html

and resulted in this email to external_safety_culture.resource@nrc.gov

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comments: Would a nuclear component reliability engineer be disqualified for employment because he takes Rx meds for a psychiatric condition? Among his Rx regimen, he takes Adderall (an amphetamine) that has been Rx by a physician. Please advise.

name: Diane Kean

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