

POLICY ISSUE

(Notation Vote)

March 19, 2007

SECY-07-0052

FOR: The Commissioners

FROM: Luis A. Reyes
Executive Director for Operations /RA/

SUBJECT: NUCLEAR REGULATORY COMMISSION DRUG-FREE
WORKPLACE PLAN - RECOMMENDED TESTING RATE

PURPOSE:

To provide the Commission with options and the staff's recommendations for (1) the annual random drug testing rate¹ for NRC employees, and (2) testing of badged contractor employees with associated resource implications, and an implementation plan as directed in Staff Requirements Memorandum for COMSECY-06-0043, "Nuclear Regulatory Commission (NRC) Drug-Free Workplace Plan - Recommended Changes to Drug Testing Pool," dated September 29, 2006.

BACKGROUND:

By memorandum dated September 29, 2006, "Staff Requirements - COMSECY-06-0043 - Nuclear Regulatory Commission (NRC) Drug-Free Workplace Plan - Recommended Changes to Drug Testing Pool," the Commission approved the staff's recommendation to designate all NRC positions as sensitive and include all NRC employees in its random drug testing pool, and directed staff to develop an implementation plan for Commission consideration, addressing options for the testing rate, including badged contractor employees² and address resource complications.

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

¹ The annual random drug testing rate is defined as the number of tests conducted divided by the total number of individuals in the random drug testing pool.

² The staff has considered drug testing for those contractor employees whose duties are of a nature that can legally support including them in a mandatory Federal drug testing program.

NRC's Drug-Free Workplace Plan currently stipulates an annual random drug testing rate of 50 percent for those in a testing designated position. With the current testing pool of approximately 1,800 employees subject to random testing, approximately 900 random and approximately 200 applicant tests are being conducted each year.

Over the last two years, there have been less than .05 percent positive drug tests. We believe this low percentage of positive tests are a direct result of the 50 percent testing rate of those in testing designated positions. In accordance with NRC's policy that its workplace be free from illegal use, possession, or distribution of controlled substances, it is essential that NRC maintains a random drug testing frequency that ensures a sufficient number of employees are tested each year.

There are several contracts that currently include provisions for drug testing in certain situations or for certain positions, e.g., post-accident and pre-assignment screening for certain sensitive positions, such as operators of government vehicles, personnel security support, and those who carry weapons.

DISCUSSION:

The staff considered the current Fitness for Duty (FFD) program for nuclear power plants and results of a survey of other Federal agency programs to develop options and recommended testing rates.

The current FFD program for nuclear power plants, regulated under Title 10 of the Code of Federal Regulations, Part 26 (10 CFR 26), requires licensees to drug test at a rate of at least 50 percent.

Federal agencies that have a security clearance program test employees in sensitive positions at the following rates:

- The National Security Agency tests at a target rate of 100 percent.
- Department of Energy (DOE) employees eligible for annual random testing are tested at a 50 percent rate. These include all employees with a Q security clearance and employees in safety sensitive positions (e.g., electricians, linemen). DOE uses a target rate of 100 percent for very sensitive nuclear weapons related positions.
- The Department of Defense (DOD) has moved to a target rate of 100 percent of their civilian and military workforce. In FY 2006, DOD achieved a 75 percent testing rate.
- The Environmental Protection Agency (EPA) has a testing rate of 15 percent for all of their cleared employees and Presidential appointees, emergency response personnel, drivers, and employees who carry weapons.
- The Federal Aviation Administration and Federal Air Marshals under the Department of Transportation test at a 25 percent testing rate.
- The Transportation Security Administration, under the Department of Homeland Security, tests at a 33 percent testing rate.

Some aspects of NRC's mission are similar to both DOE and EPA. DOE test employees in sensitive positions at a minimum rate of 50 percent. While EPA may have some similarity to the NRC in mission, the majority of EPA positions are not considered sensitive and do not require a security clearance.

ANNUAL RANDOM DRUG TESTING RATE OPTIONS:

The staff examined four annual random drug testing rate options (see Enclosure 1 for pros and cons for each option) for the Agency's approximate 3,500 employees. The testing rate options are:

1. 25 percent;
2. 50 percent;
3. 100 percent; or
4. 50 percent for highest risk employees (i.e., those who hold NRC Q security clearances) and a 25 percent rate for all other employees.

The staff conducted probability calculations for the four annual random drug testing rate options based on the current Commission approved testing frequency of ten times a year. As expected, calculations indicate that the probability of being randomly selected for drug testing at least once during the year increases as the testing rate increases. For example, at a 25 percent annual random drug testing rate, the probability of being randomly selected during a one-year period is 22 percent. At a 50 percent annual random drug testing rate, the probability of being randomly selected at least once during a one-year period is 40 percent. At a 100 percent annual random drug testing rate, the probability of being randomly selected at least once during a one-year period is 65 percent.

RESOURCE REQUIREMENT ESTIMATES FOR TESTING NRC STAFF:

The following resource requirement estimates for each option are in addition to those currently budgeted for in FY 2007 and FY 2008 (\$376K and \$396K, respectively) for the Drug Testing Program; these costs will extend into each successive year. All options assume implementation in FY 2008 and 100 percent testing of applicants who have accepted positions with the NRC.

Option 1 (25 percent of employees) - resource requirements would be expected to increase by approximately \$67K.

Option 2 (50 percent of employees) - resource requirements would be expected to increase by approximately \$204K.

Option 3 (100 percent of employees) - resource requirements would be expected to increase by approximately \$443K.

Option 4 (50 percent of employees with Q clearance/25 percent of remaining employees) - resource requirements would be expected to increase by approximately \$190K.

For each of the options presented above, FY 2008 funds will come from the reallocation of funds from lower priority items; FY 2009 funds will be addressed through the FY 2009 Planning, Budgeting, and Performance Management (PBPM) process. Regardless of the option chosen for the testing rate, the cost of the program will increase over the current program due to the increased number of staff in the pool.

RECOMMENDATION FOR EMPLOYEE DRUG TESTING RATE:

The staff recommends that the Commission approve Option 2 which will maintain a 50 percent testing rate while increasing the pool to include all NRC employees. This option provides a reasonable deterrence of illegal drug use by all NRC employees with a reasonable expenditure of NRC resources. In addition, the 50 percent testing rate is consistent with the Commission-approved 50 percent testing rate in 10 CFR 26 for those individuals who have unescorted access to nuclear power plants.

CONTRACTOR RANDOM DRUG TESTING PROGRAM:

NRC does not currently require that all badged or unbadged contractor employees be included in the Federal random drug testing program since they are not NRC employees. However, under contract provisions, NRC currently requires random drug testing for its contractors who operate government vehicles, carry weapons and perform pre-assignment drug testing for the personnel security contractor. The staff reviewed activities performed by badged and unbadged NRC contractors requiring unescorted access against the NRC employee drug testing criteria and the requirements of 10 CFR 26. Based on the results of this review, the staff developed strategies for badged and unbadged contractor employees who may require unescorted access to nuclear power plants, access to safeguards and/or classified information, and those who admit to recent drug use. Two options for contractor drug testing are provided in Enclosure 2.

RECOMMENDATION FOR CONTRACTOR DRUG TESTING:

The staff recommends that the Commission approve Option 2, which will require pre-assignment and random drug testing for badged and unbadged NRC contractors who are in sensitive positions (i.e., those who operate government vehicles and carry weapons as well as those that require unescorted access to nuclear power plants, and access to safeguards and/or classified information) or admit to recent illegal drug use. Drug testing of contractors based solely on their having access to NRC physical facilities cannot be justified under applicable law.

RESOURCE SUMMARY:

As a result of its review of this issue, the staff recommends that the Commission continue with a 50 percent testing rate for all NRC employees and that the current program for drug testing a limited number of badged contractor employees be expanded to include those contractors who require unescorted access to nuclear power plants, access to safeguards and/or classified information, and those who admit to recent illegal drug use.

It is anticipated that implementation of recommended options will commence in FY 2008.

For employee drug testing, the additional cost to implement Option 2 (50 percent annual random drug testing rate) is approximately \$204K. An implementation plan for Option 2 is provided as Enclosure 3. For contractor drug testing, while specific details on the implementation of Option 2 to extend this program to contractors have yet to be developed, the staff estimates the cost to be approximately \$190K for an estimated total increased cost of \$394K. A separate implementation plan for contractor testing, along with detailed resource estimates, will be provided for Commission review by August 29, 2007.

These additional resources are not included in the FY 2008 budget, but will be reallocated from lower priority activities. For FY 2009, resources will be addressed in the FY 2009 PBPM process.

COMMUNICATION PLAN:

A Communication Plan for disseminating information to employees and fulfilling our statutory obligations with the National Treasury Employees Union is enclosed (Enclosure 4).

COORDINATION:

The Office of the Chief Financial Officer has reviewed this paper for resource implications and has no objections. The Office of General Counsel has reviewed this paper and has no legal objection.

/RA/

Luis A. Reyes
Executive Director
For Operations

Enclosures:

1. Annual Drug Testing Rate Options
for Employees - Pros and Cons
2. Contractor Drug Testing Program
Options - Pros and Cons
3. Implementation Plan
4. Communication Plan

ANNUAL DRUG TESTING RATE OPTIONS FOR EMPLOYEES - PROS AND CONS

NRC's Drug-Free Workplace Plan currently stipulates an annual random drug testing rate of 50 percent for those in a testing designated position. Options for annual random drug rates are provided below:

Option 1: Testing rate of 25 percent.

Pro:

This option is the least costly. Resource requirements would be expected to increase by approximately \$67K to handle testing of all applicants who have accepted positions with the NRC (approximately double the current workload) at all locations around the country, and to maintain the larger random drug testing pool. Testing costs remain essentially the same.

Cons:

1. This testing rate lowers the deterrent effect on illegal drug use for those in the random drug testing pool by reducing the probability of an individual being randomly selected during a one-year period to 22 percent.
2. This option utilizes a testing rate much lower than the testing rate imposed on the nuclear industry by Title 10 of the Code of Federal Regulations, Part 26 (10 CFR 26), "Fitness For Duty Programs."
3. This option would require software changes in the Employee Drug Testing and Tracking System (EDTTS) to implement the new rate. Total cost required to implement this option would be dependent on whether the current legacy system could be modified or if a new system would need to be developed.
4. Compared to the current practice, the highest risk employees (i.e., those that hold NRC Q security clearances), will be tested at the same rate as all other employees.

Option 2: Testing rate of 50 percent.

Pros:

1. This testing rate maintains the current deterrent effect on illegal drug use for those in the drug testing pool, i.e., probability of an individual being randomly selected during a one-year period is 40 percent.
2. This option is consistent with the testing rate imposed on the nuclear industry by 10 CFR 26.
3. This option is consistent with DOE's minimum testing rate of 50 percent of its employees in sensitive positions.
4. This option would not require software changes in EDTTS.

Cons:

1. Resource requirements would be expected to increase by approximately \$204K per year.
2. Compared to the current practice, the highest risk employees (e.g., those that hold NRC Q security clearances), will be tested at the same rate as all other employees.

Option 3: Testing rate of 100 percent.

Pros:

1. This option is consistent with DOD's and NSA's target testing rates of 100 percent.
2. This option has the greatest deterrent effect on illegal drug use for those in the random drug testing pool by increasing the probability of an individual being randomly selected during a one-year period to 65 percent.

Cons:

1. This option is the most costly to implement as resource requirements would be expected to increase by approximately \$443K.
2. The highest risk employees (e.g., those that hold NRC Q security clearances), will be tested at the same rate as all other employees.
3. Cost estimate would be dependent upon if the current legacy system could be modified or if a new system would need to be developed.

Option 4: Testing rate of 50 percent for highest risk employees (those that hold NRC Q security clearances) and 25 percent testing rate for remaining employees.

Pro:

The highest risk employees will be tested at a higher rate than all other employees.

Cons:

1. This option would require an increase in resources by approximately \$188K.
2. This option would require software changes in EDTTS to implement the new rate. Total cost required to implement this option would be dependent on whether the current legacy system could be modified or if a new system would need to be developed. It is possible that two systems would have to be developed to track and process the two distinct employee groups.
3. There is a greater risk factor with two testing rates in that employees may be placed in the wrong risk category and tested at the wrong rate.

CONTRACTOR DRUG TESTING PROGRAM OPTIONS - PROS AND CONS

NRC does not currently require that all badged or unbadged contractor employees be included in the Federal random drug testing program since they are not NRC employees. However, under contract provisions, NRC currently requires random drug testing for its contractors who operate government vehicles, carry weapons and perform pre-assignment drug testing for the personnel security contractor. Options for a contractor drug testing program are below:

Option 1: Maintain the current practice for NRC contracts that currently include provisions for drug testing (e.g., drivers and those who carry weapons).

Pro:

No change to current practice or resource requirements is necessary.

Con:

Badged and unbadged contractors who wish to obtain unescorted access to nuclear power plants are currently being tested under the licensee's drug testing program. This eliminates a degree of independence from the licensee programs for NRC contractors performing inspections and oversight functions.

Option 2: Require pre-assignment and random drug testing for badged or unbadged contractors in sensitive positions (i.e., those that operate government vehicles and carry weapons as well as those that require unescorted access to nuclear power plants or access to safeguards and/or classified information). Any badged or unbadged contractor who admit to illegal drug use, whether in a sensitive position or not, would also be subject to pre-assignment and random drug testing.

Pros:

1. Badged or unbadged contractor employees in sensitive positions or those who admit to illegal drug use would be subject to drug testing.
2. Consistent with 10 CFR 26.

Con:

NRC would incur higher contracting costs to fund contractor drug testing and there would be resource implications due to the requirement to incorporate provisions for drug testing into pertinent NRC contracts and manage an NRC contractor drug testing program. The resource requirements would be expected to increase by approximately \$190K.

IMPLEMENTATION PLAN

STEP	ACTION	RESPONSIBLE PERSON	DATE
1	ADM submits revised Plan to Department of Health and Human Services (HHS), minus approved 3/9/07 testing rate.	Timothy Hagan, D/ADM	March 9, 2007
2	Receipt and resolution of any questions from HHS and approval of Plan	S. Schoenmann, C/PSB, and Christine Secor, DPM/PSB	Spring 2007
3	Commission approves an appropriate rate of testing for NRC employees	NRC Commission	Unknown
4	Office of the Secretary (SECY) notifies staff of Commission decision and approval	SECY	3 Business Days After Commission Approval
5	NRC notifies HHS of approved testing rate	Timothy Hagan, D/ADM	2 Business Days After SECY Notifies Staff
6	Internal implementation group activities	S. Schoenmann, C/PSB, Christine Secor, DPM/PSB, Angela Bolduc, OLR/HR, Jon Lobe, OLR/HR, OGC Representative, Mindy Landau, OEDO	2 Business Days After Commission Approval of Drug Testing Rate
7	NTEU is notified of Commission approved testing rate and afforded all appropriate statutory rights	James McDermott, D/HR and Timothy Hagan, D/ADM	2 Business Days After SECY Notifies Staff
8	Staff will schedule and conduct several information/awareness sessions for all NRC employees after agreement is reached between the NRC and NTEU	S. Schoenmann, C/PSB, and Christine Secor, DPM/PSB	Scheduled 60 Business Days After SECY Notifies Staff
9	The general 60-Day Notice of NRC's Drug Testing Program will be issued to employees to increase awareness and understanding of changes to NRC's program.	S. Schoenmann, C/PSB, and Christine Secor, DPM/PSB	65 Business Days After SECY Notifies Staff

STEP	ACTION	RESPONSIBLE PERSON	DATE
10	If the Commission approves the current 50 percent testing rate, implementation will be effective no sooner than 60 days from the date of the 60-Day notice and will be in accordance with NRC's current drug testing program policy and procedures.	S. Schoenmann, C/PSB, and Christine Secor, DPM/PSB	125 Business Days After SECY Notifies Staff
11	If the Commission approves a testing rate of other than 50 percent, modifications to the existing random generation program will be initiated.	S. Schoenmann, C/PSB, and Christine Secor, DPM/PSB	240 Business Days After SECY Notifies Staff
12	Implement changes in the Drug Testing Program	Sharon Stewart, D/DFS	250 Business Days After SECY Notifies Staff

COMMUNICATION PLAN

DRUG FREE WORKPLACE - CHANGES IN NRC DRUG TESTING PLAN

OBJECTIVE

The objective of this plan is to provide information and awareness to U.S. Nuclear Regulatory Commission (NRC) employees on changes to the NRC Drug-Free Workplace Plan (Plan). This Plan will facilitate communications within the agency and provide timely, consistent and understandable information to employees and stakeholders.

BACKGROUND

On September 15, 1986, President Reagan signed Executive Order 12564 (EO) to establish standards to achieve a Drug-Free Federal Workplace. The EO requires that each agency head develop a program to test for the use of illegal drug use by employees in sensitive positions, and gives the Department of Health and Human Services (HHS) the authority to review and approve Federal agencies' drug testing programs.

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 Plan in March 1990 to comply with these guidelines and revised the Plan again in November 1997. The Plan can be found on the internal NRC website at <http://www.internal.nrc.gov/ADM/OLDDfs/drugfreework.html>.

Achieving a drug-free America is one of our nation's highest priorities and NRC's comprehensive plan includes extensive awareness and education opportunities for all employees relative to drug testing, counseling, and provisions for rehabilitation of employees who use illegal drugs. Over the last few years, HHS has provided new guidance to federal agencies relative to drug testing. In keeping with HHS guidance, the staff has revised the Plan and submitted it to HHS on March 9, 2007, for review and approval prior to implementation. This revision includes the provision to designate all NRC positions as sensitive and include all NRC employees in the random drug testing pool, as well as other changes.

In 1999 HHS issued "Guidance for Selection of Testing Designated Positions," to include the preferred testing criteria for personnel having access to truly sensitive information. Since all NRC employees shall obtain at least a Secret, or L, security clearance, any NRC employee, if they have a need to know, can have access to classified information. This satisfies the HHS preferred criteria of personnel having access to truly sensitive information.

By memorandum dated September 6, 2006, "Nuclear Regulatory Commission Drug-Free Workplace Plan - Recommended Changes to Drug Testing Pool," the staff presented to the Commission for approval a recommendation to designate all NRC positions as sensitive and include all NRC employees in its random drug testing pool. In NRC Announcement (<http://www.internal.nrc.gov/announcements/items/2632-security.html>), dated October 3, 2006, NRC employees were informed that the Commission approved the recommendation to designate all NRC positions as sensitive and include all NRC employees in the random drug testing pool.

Once HHS has approved the revised Plan, the National Treasury Employees Union (NTEU) will be notified of the revisions, and they will be provided all appropriate bargaining rights. The Plan will also be made available to all employees and the requisite changes will be implemented in accordance with the Plan.

KEY MESSAGES

- Given the nature of NRC's responsibilities, and the importance of public trust and confidence in NRC's ability to carry out its mission effectively, the Commission emphasizes that the use of illegal drugs by NRC employees is unacceptable and will not be tolerated by the Agency.
- Employees were informed via NRC Announcement dated October 3, 2006, that the Commission approved the recommendation to designate all NRC positions as sensitive and include all NRC employees in the random drug testing pool.
- NRC's change from including approximately one-half of the current NRC employees in the random drug testing pool to all NRC employees in the random drug testing pool is consistent with the intent of Executive Order 12564, dated September 15, 1986, which states "Federal employees are required to refrain from the use of illegal drugs."
- Employees will receive a 60-day notice, as required by the NRC Drug-Free Workplace Plan, that all employees are now included in NRC's random drug testing pool.
- NRC's Drug-Free Workplace Plan stipulates an annual random drug testing rate of ___* percent for those in a testing designated position (all NRC employees). All applicants are required to undergo preemployment drug testing.
- The current Fitness for Duty (FFD) program for nuclear power plants, regulated under Title 10 of the Code of Federal Regulations, Part 26 (10 CFR 26), requires licensees to drug test at a rate of at least 50 percent. Taken together, the rate cited in the CFR, as well as the rate that is used by other agencies, gives NRC a sound bases to use a testing rate of at least ___* percent.
- The NRC Drug Program staff will notify the supervisor of an employee that has randomly been selected for drug testing approximately one hour prior to actual collection. The supervisor will verbally and privately inform the employee that he/she has been identified through a random selection process for drug testing. The employee will also be informed in writing by completing a "Notice to Appear for Random Drug Test" form that requires the signature of the employee and supervisor. The Drug Program staff may directly call the employee to be tested if the supervisor cannot be reached.

* Rate will be inserted upon Commission approval.

- Any employee may self-admit to using illegal drugs. If an employee admits to using illegal drugs, prior to being notified of a pending drug test, they will be referred to the Employees Assistance Program for assessment and rehabilitation, as applicable, and will not be subject to disciplinary action.
- Over the last two years, there have been less than .05 percent positive drug tests. We believe this low percentage of positive tests are a direct result of the 50 percent testing rate of those in testing designated positions. In accordance with NRC 's policy that its workplace be free from illegal use, possession, or distribution of controlled substances, it is essential that NRC maintains a random drug testing frequency that ensures a sufficient number of employees are tested each year.

STAKEHOLDERS

Internal Stakeholders

Commissioners
Office of the Executive Director of Operations (OEDO)
All NRC employees
Office of Administration (ADM)
Office of Human Resources (HR)
Office of the General Counsel (OGC)
Office of the Chief Financial Officer (OCFO)
Office of Public Affairs (OPA)
National Treasury Employees Union (NTEU)

External Stakeholders

NRC contractors who admit to recent illegal drug use or are in sensitive positions (i.e., operate government vehicles and carry weapons, or require unescorted access to nuclear power plants and access to safeguards and/or classified information).

Public Interest Groups
General Public
Media, General and Trade (i.e., Inside NRC)
Congress
Nuclear Industry
HHS

COMMUNICATIONS TEAM

The primary responsibility of the Communications Team is to ensure that a consistent, accurate, and timely message is conveyed to our stakeholders relative to changes in the NRC Drug Testing Program. The team consists of the following staff:

Timothy Hagan, Director, ADM
Sharon Stewart, Director, Division of Facilities and Security (DFS)
Calvin Byrd, Special Assistant to Director, DFS

Mark Lombard, Deputy Director, DFS
Sandra Schoenmann, Chief, Personnel Security Branch (PSB), DFS
Christine Secor, Drug Program Manager, PSB/DFS
Elizabeth Langley, Drug Program Specialist, PSB/DFS
James McDermott, Director, HR
Angela Bolduc, Chief, Organization and Labor Relations (OLR), HR
Marvin Itzkowitz, Assistant General Counsel for Administration, OGC
Peter Rabideau, Deputy Director, OCFO
Mindy Landau, Senior Communication Assistant, OEDO
Eliot Brenner, OPA

COMMUNICATION TOOLS

EDO Updates, NRC Reporter, NR&C, and NRC Announcements - These communication tools will be used as necessary to describe the changes in the drug testing program, the rationale for the changes, the time frame for the changes, and to communicate program progress and status.

ADM Website - The website will contain information of interest relative to the random drug testing program and provide an up-to-date status of the program.

Bargaining Sessions with NTEU - These sessions will serve to fulfill our statutory obligations.

Meetings with NRC Office Directors - These meetings will allow ADM to communicate the Plan and schedule with the office heads.

Internal briefings - Internal briefings and awareness/information sessions will be conducted at various points in the process, as needed, to keep internal stakeholders informed.

ACTION PLAN

In preparation of the Commission decision relative to the annual random drug testing rate, ADM is completing the actions described in Table 1.

Table 1

STEP	ACTION	RESPONSIBLE PERSON	DATE
1	ADM submits revised Plan to Department of Health and Human Services (HHS), minus approved 3/9/07 testing rate.	Timothy Hagan, D/ADM	March 9, 2007
2	Receipt and resolution of any questions from HHS and approval of Plan	S. Schoenmann, C/PSB, and Christine Secor, DPM/PSB	Spring 2007
3	Commission approves an appropriate rate of testing for NRC employees	NRC Commission	Unknown

STEP	ACTION	RESPONSIBLE PERSON	DATE
4	Office of the Secretary (SECY) notifies staff of Commission decision and approval	SECY	3 Business Days After Commission Approval
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9	The general 60-Day Notice of NRC's Drug Testing Program will be issued to employees to increase awareness and understanding of changes to NRC's program.	S. Schoenmann, C/PSB, and Christine Secor, DPM/PSB	65 Business Days After SECY Notifies Staff
10	If the Commission approves the current 50 percent testing rate, implementation will be effective no sooner than 60 days from the date of the 60-Day notice and will be in accordance with NRC's current drug testing program policy and procedures.	S. Schoenmann, C/PSB, and Christine Secor, DPM/PSB	125 Business Days After SECY Notifies Staff
11	If the Commission approves a testing rate of other than 50 percent, modifications to the existing random generation program will be initiated.	S. Schoenmann, C/PSB, and Christine Secor, DPM/PSB	240 Business Days After SECY Notifies Staff
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EVALUATION AND MONITORING

ADM, NTEU and other internal stakeholders will evaluate and monitor the effectiveness of implementing the communication plan on a periodic basis to ensure that communications are

effective. The results of the evaluation will be shared with the OEDO by the Director, ADM. Success in communicating messages will be measured by both formal (e.g., stakeholder feedback forms that will be used at formal forums/meetings) and informal (e.g., routine interfaces with stakeholders) means. Appropriate modifications will be made to the communications strategy based on this assessment.

UPDATES AND REVISIONS

If revisions are necessary to the Plan or its key messages, the Director of DFS will ensure that formal revisions are made and placed in ADAMS and on the ADM and Communication Plan Web pages.

QUESTIONS AND ANSWERS (Q&As)

1. WHO IS COVERED UNDER THIS PROGRAM?

All NRC employees and any individual who is tentatively selected for employment at NRC and who has not, immediately prior to selection, been subject to random testing.

2. WHAT IS NRC'S ANNUAL RANDOM TESTING RATE AND FREQUENCY OF TESTING?

NRC has a ___* percent annual testing rate of all employees; that is, the number of random tests conducted each year is equal to ___* percent of the total number of NRC employees. Testing is conducted 10 times each fiscal year. At a ___* percent testing rate, the probability of being randomly selected at least once during a one-year period is ___* percent.

Because employees are eligible to be selected for each of the 10 random testing series per year, some employees may be selected more than once during the fiscal year and some employees may not be selected at all.

3. WHAT DRUGS DOES NRC TEST FOR?

- Marijuana
- Cocaine
- Phencyclidine (PCP)
- Amphetamines
- Opiates

4. WHAT ARE NRC'S DRUG TESTING PROCEDURES?

NRC follows procedures outlined in HHS Mandatory Guidelines, dated April 13, 2004. A "Random Drug Testing Checklist For Employees" is distributed to NRC employees when randomly selected for drug testing.

* Rate will be inserted upon Commission approval.

5. **WHAT IF AN EMPLOYEE IS SELECTED FOR RANDOM TESTING AND IS NOT AVAILABLE FOR TESTING THAT DAY?**

An employee randomly selected for drug testing may be deferred from testing that day if he/she is in an approved leave status or is in an official travel status away from the test site or about to embark on official travel scheduled before testing notification.

6. **HOW ARE EMPLOYEES NOTIFIED OF RANDOM DRUG TESTING?**

The employee's first-line supervisor or higher official in the employee's management chain receives notice on the testing day that an individual has been randomly selected for drug testing. The supervisor will then notify the individual. After reasonable attempts to contact the supervisor have been unsuccessful, the employee may be contacted directly by a member of the Drug Program staff.

7. **WHAT HAPPENS WHEN AN EMPLOYEE WORKING AT HOME UNDER THE AGENCY FLEXIPLACE PROGRAM IS IDENTIFIED FOR RANDOM DRUG TESTING?**

An employee contacted for random drug testing is required to return to the office for that purpose. However, exceptions may be granted by DFS, on a case-by-case basis.

8. **WHAT HAPPENS IF AN INDIVIDUAL IS UNABLE TO PROVIDE A SUFFICIENT VOLUME OF URINE SPECIMEN?**

The individual will be given a reasonable amount of liquid to drink distributed through a period of up to three hours.

The individual must remain in the drug testing facility under the direct observation of the collector or NRC drug program staff, while drinking fluids. If the person refuses to attempt to provide a specimen or leaves the collection site before the collection process is completed, the collector will record this as a "refusal to test" on the "Remarks" line of the chain of custody form. NRC's contract Medical Review Officer will determine if there is a legitimate medical reason for his/her inability to provide a urine specimen.

9. **WILL EMPLOYEES BE FIRED IF THEY TEST POSITIVE?**

Not Necessarily. The degree of severity of the disciplinary action taken against an employee found to use illegal drugs will depend on the circumstances of each case; will be consistent with the Executive Order; and may include the full range of disciplinary actions including written reprimand, admonishment, and removal from service. In determining the actual disciplinary action taken, the agency will consider whether the employee has completed a treatment or rehabilitation program. The NRC can discipline any employee who has been found to use illegal drugs, but will not discipline an employee who voluntarily admits to illegal drug use in accordance with the NRC Drug-Free Workplace Plan. The disciplinary action will be consistent with the collective bargaining agreement and other appropriate statutes, orders and regulations, but some disciplinary action must be initiated.

10. **WHERE CAN EMPLOYEES FIND NRC'S POLICY ON THE ILLEGAL USE OF DRUGS?**

Agency Announcement No. 94, dated July 10, 1987, Subject: Drug Testing Policy Statement emphasizes that the use of illegal drugs by NRC employees is unacceptable and will not be tolerated by the Agency (<http://www.internal.nrc.gov/ADM/Drugtest.html>).

NRC's Drug-Free Workplace Plan, NUREG/BR-0134, Rev. 1, dated November 1997. Revision 2 has been forwarded to HHS for comment and approval and will be implemented upon HHS approval and after NTEU has been afforded all applicable bargaining rights.

11. **WHO CAN EMPLOYEES CONTACT FOR QUESTIONS REGARDING RANDOM DRUG TESTING?**

Christine Secor, NRC's Drug Program Manager at 301-415-6546 or 240-506-2193
Elizabeth (Bess) Langley, Drug Program Specialist at 301-415-7045

12. **IS DRUG-TESTING A PRE-REQUISITE FOR NEW EMPLOYEES?**

Yes. NRC requires 100 percent drug testing of all applicants prior to their employment.

FINAL CLOSE-OUT

The Chief, Personnel Security Branch, will prepare a brief close-out lessons-learned paragraph or memorandum describing the specific challenges and successes of the plan, to include whether success measures were achieved. This close-out will be attached to the communication plan.