

## NUCLEAR REGULATORY COMMISSION (NRC) - Procedures for Alcohol & Drug Testing

The NRC has published a final rule for its Fitness for Duty Programs contained in 10 CFR Part 26. Subpart E of Part 26 pertains to alcohol and drug collection and testing procedures. These new procedures became effective in March 2008 and licensees (facilities licensed to operate nuclear reactors for power generation) were required to implement the changes by 3/31/2009.

The new procedures are very close to the U.S. Department of Transportation procedures with only a few exceptions. Below is a summary of the new procedures as interpreted by Intoximeters, Inc. For definitive guidance customers should contact the NRC's Office of Nuclear Reactor Regulation at (301) 415-2834 or by email to [fitnessforduty@nrc.gov](mailto:fitnessforduty@nrc.gov).

1. Covered individuals are tested for drugs and alcohol for the following reasons:
  - a. Pre-access
  - b. For cause (reasonable suspicion)
  - c. Post event (post accident or incident)
  - d. Follow-up
  - e. Random
2. Collect either breath or oral fluids for initial alcohol tests. Breath must be collected for confirmatory alcohol tests.
3. Alcohol Screening Devices (breath or saliva) must be approved by NHTSA and placed on the CPL for ASDs. ASDs can only be used for initial tests and may not be used for confirmatory tests.
4. Evidential Breath Testers are the only means of performing a confirmatory alcohol test and must be approved by NHTSA and placed on the CPL for EBTs. EBTs must have the following capabilities to be used for confirmatory tests:
  - a. Provides printed result
  - b. Assigns a unique test number to each test which the collector and the donor can see before each test and which is printed on each copy of the test result
  - c. Distinguish alcohol from acetone at the .02 level
  - d. Test an air blank
  - e. Perform an accuracy check
  - f. User of equipment must follow most recent Quality Assurance Plan approved by NHTSA
  - g. User of equipment must use only calibration devices appearing on the NHTSA CPL for calibrating units
5. To ensure that confirmed positive alcohol test results are obtained from an EBT that is properly calibrated the user of the equipment must implement one of the following procedures:
  - a. If an EBT fails an accuracy check, cancel every confirmed positive test result that was obtained using the EBT after the last successful accuracy check; OR
  - b. After every confirmed positive test result, conduct an accuracy check of the EBT in the presence of the donor. If the EBT fails the accuracy check, cancel the donor's test result and conduct another initial AND confirmatory test on a different EBT as soon as practicable.
6. Inspection, maintenance, and calibration of the EBT must be performed by its manufacturer or a maintenance representative certified by the manufacturer (or certified by a State health agency or other appropriate State agency).
7. Alcohol collectors must receive qualification training and demonstrate proficiency in applying the procedures. At a minimum, training must include:
  - a. The alcohol testing requirements of Part 26
  - b. Operation of the specific alcohol testing device(s) to be used; either ASDs or EBTs consistent with the most recent version of the manufacturer's instructions

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- c. Methods to address “problem” collections such as shy lung and attempts to tamper with the process
  - d. How to correct problems in collections
  - e. The collector’s responsibility for maintaining the integrity of the collection process, ensuring the privacy of the donor, and avoiding conduct or remarks that could be taken as offensive or inappropriate.
8. Prior to the initial test, the collector explains the procedure, shows the donor the form(s) to be used, and asks the donor to sign a consent-to-testing form
9. The collector asks the donor whether s/he, in the past 15 minutes, has had anything to eat or drink, belched, or put anything into the mouth (i.e.; cigarette, candy, chewing gum) and instruct the donor to avoid these activities during the collection process.
  - a. If the donor states that s/he has not engaged in the activities listed above, proceed with the alcohol test
  - b. If the donor states that s/he has engaged in the activities above, inform the donor that a 15-minute waiting period is necessary to prevent an accumulation of mouth alcohol from leading to an artificially high reading. The donor must not eat, drink, chew, or put anything in the mouth during this time.
  - c. Explain that the alcohol test process will be conducted at the end of the waiting period, even if the donor has not followed the instructions not to eat, drink, chew or put anything in the mouth.
10. The collector conducts the initial breath test
  - a. If the initial test result is less than .020, the collector declares the test result as negative
  - b. If the initial test result is .020 or higher, the collector shall record the time the test result was obtained (or verify the time on a printed result) and inform the donor that a confirmatory test is required.
11. The confirmatory test must begin as soon as possible, but no more than 30 minutes after the conclusion of the initial test. **IT IS NOT NECESSARY TO OBSERVE A WAIT PERIOD BETWEEN THE INITIAL AND CONFIRMATORY TESTS.**
12. If the EBT used for the initial test meets the requirements of #4 above, then the same EBT may be used for confirmatory testing.
13. For a confirmatory test, the collector must ensure an air blank is conducted on the EBT and show the result to the donor.
  - a. If the air blank result is not .000, the collector should conduct a 2<sup>nd</sup> air blank. If the reading on the second blank is not zero, the EBT should be taken out of service and the test should proceed on another EBT.
14. For a confirmatory test, the collector must read the unique test number on the EBT and make sure the donor reads the same number.
15. The result of the confirmatory test must be printed as stated in #4 above.
16. The test result is declared a confirmed positive under any of the following conditions:
  - a. If the confirmatory test result is .040 or higher, the test is confirmed positive
  - b. If the confirmatory test result is .030 or higher and the donor has been in a work status for at least 1 hour at the time of the initial test, the test is confirmed positive
  - c. If the confirmatory test result is .020 or higher and the donor has been in a work status for at least 2 hours at the time of the initial test, the test is confirmed positive
17. The test result is declared negative:
  - a. If the result of the confirmatory test is equal to or greater than .010 but less than .020 and the donor has been in a work status for 3 hours or more at the time of the initial test. The donor may not perform any duties that require the individual to be subject to the Part 26 regulation and may not return to such duties until a determination of fitness indicates that the donor is fit to safely perform his or her duties.