

May 3, 2013

MEMORANDUM TO: Lawrence E. Kokajko, Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

FROM: Christiana Lui, Director */RA/*
Division of Security Policy
Office of Nuclear Security and Incident Response

SUBJECT: REGULATORY BASIS TO ADDRESS TITLE 10 OF THE *CODE OF
FEDERAL REGULATIONS* PART 26, ALIGNMENT WITH DRUG
TESTING GUIDELINES FROM THE DEPARTMENT OF HEALTH
AND HUMAN SERVICES

Enclosed for your review is the regulatory basis to address the alignment of Title 10 of *the Code of Federal Regulations* (10 CFR) Part 26 with the drug testing guidelines published by the Department of Health and Human Services (HHS Guidelines), including recommendations to address regulatory constraints identified during the development of the regulatory basis.

This Regulatory Basis document has been developed with input from staff in the Office of Administration, the Office of Nuclear Material Safety and Safeguards, the Office of New Reactors, the Office of Nuclear Reactor Regulation, the Office of the General Council, and the Office of Nuclear Regulatory Research.

The staff concludes that a sufficient regulatory basis exists to proceed with rulemaking. Therefore, the U.S. Nuclear Regulatory Commission (NRC) should develop a proposed rule that will more closely align the NRC's drug testing requirements with the 2008 HHS Guidelines.

Enclosure:

1. *Regulatory Basis* (ML13066A703)

CONTACT: Melissa Ralph, NSIR/DSP
(301) 415-7609

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OFFICE	NSIR/DSP/PSPB	NSIR/DSP/PSPB:BC	ADM/DAS/RADB	NMSS/FCSS
NAME	MRalph	ABowers/Acting	CBladey (J. Shepherd for via email)	JKinneman (via email)
DATE	4/08/13	4/16/13	4/29/13	4/17/13
OFFICE	NRO/DARR	RES/DRA	NSIR/DSP:DD	
NAME	MMayfield (via email)	R. Correia (via email)	CLui	
DATE	4/23/13	4/22/13	5/3 /13	

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