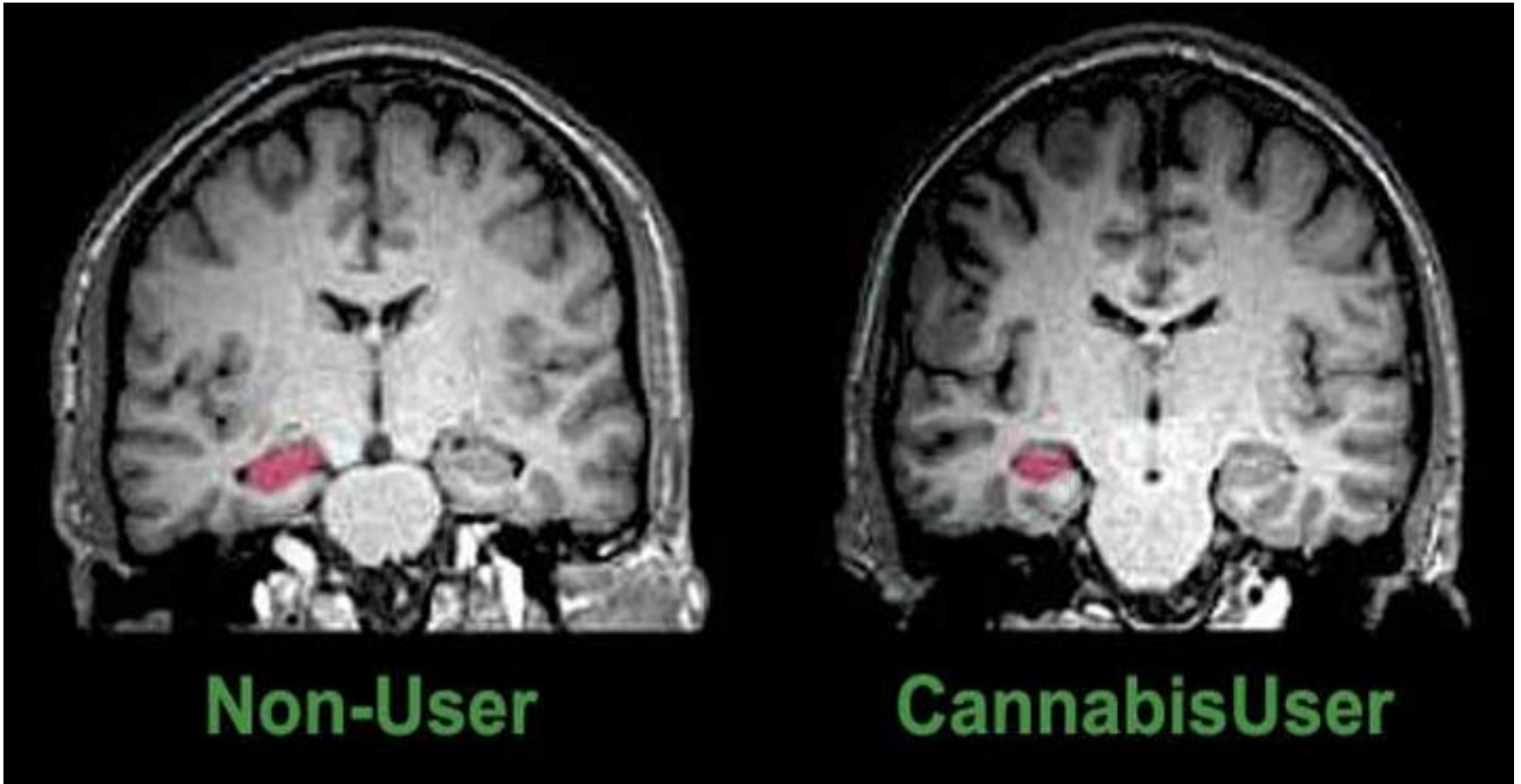


Marijuana

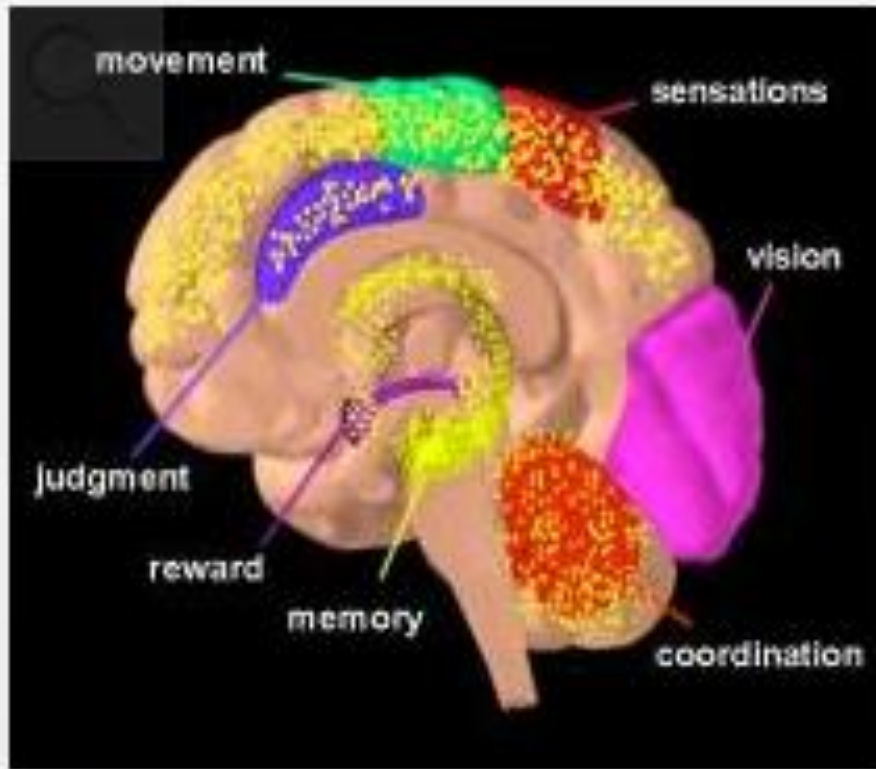
The Impact on Fitness for Duty and other Regulatory Programs

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Marijuana – The Supporters and Promoters



Marijuana – The Adverse Effects



THC acts on numerous areas (in yellow) in the brain.

<https://www.sciencedirect.com/science/article/pii/S0376871615003142>

https://www.youtube.com/watch?v=VrLSr_O7e0Y&feature=player_embedded

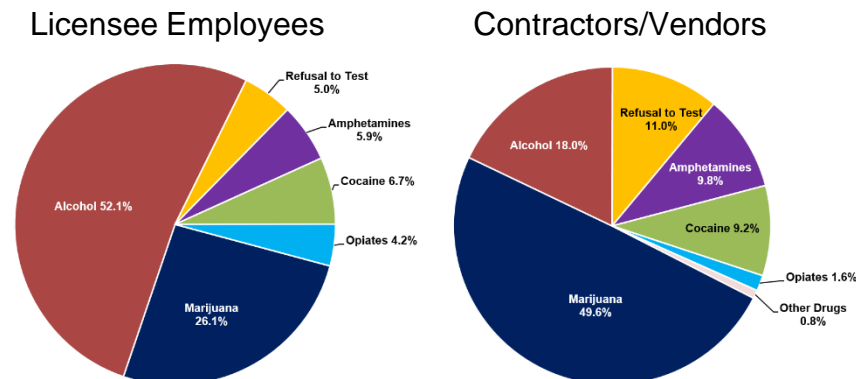


www.drugabuse.gov

Marijuana Use in the Industry

Marijuana has a proportionately strong presence in the commercial nuclear industry.

- a) 1st most used illicit substance of choice for contractor/vendors, followed by alcohol
- b) 2nd most used illicit substance by licensee employees, being led by alcohol
- c) Marijuana use results in 24-hour reportable events
- d) The NRC staff still believes that with improved licensee communications and training, marijuana use (and alcohol abuse) within the industry can be reduced



2014 preliminary data

Marijuana and NRC-regulated Facilities*



	<u>P-Rx Sites</u>	<u>Complex D Sites</u>	<u>ISFSI</u>	<u>RTR</u>	<u>Cat 1, 2, 3</u>	<u>Uranium Recovery</u>	<u>Agreement (NRC/State)</u>
Alaska	--	--	--	--	--	--	No – 64/0
Arizona	1	--	1	--	--	--	Yes – 12/366
California	1	2	4	3	--	--	Yes – 57/1852
Colorado	--	1	1	--	--	State Authority	Yes – 20/366
Connecticut	1	1	2	--	--	--	No – 180/0
Delaware	--	--	--	--	--	--	No – 52/0
Hawaii	--	2	--	--	--	--	No – 60/0
Illinois	6	3	6	--	1	State Authority	Yes – 32/711
Maine	--	0	1	--	--	--	Yes – 2/125
Maryland	1	1	1	3	--	--	Yes – 84/598
Massachusetts*	1	1	1	2	--	--	Yes – 25/500
Michigan	3	1	3	1	--	--	No – 501/0
Montana	--	--	--	--	--	--	No – 89/0
Nevada	--	--	--	--	--	--	Yes – 3/237
New Jersey	3	1	3	--	--	--	Yes – 39/638
New Mexico	--	--	--	1	2	4 – NRC-licensed	Yes – 14/198
New York*	4	1	4	1	--	--	Yes – 22/1403
Oregon	--	--	1	2	--	--	Yes – 5/35
Rhode Island	--	--	--	1	--	--	Yes – 1/49
Vermont	--	1	1	2	--	--	No – 34/0
Washington	1	0	1	1	1	State Authority	Yes – 15/405
Washington, DC*	--	--	--	--	--	--	NA

* As of August 2014

Radioactive Waste Transportation



Nuclear Waste Strategy Coalition
www.thenwsc.org



Key Messages

- 1) Overall positive rates are low; however, marijuana represents a disproportionate number of positives within the scope of 10 CFR Part 26 drug testing.
- 2) Marijuana use is indicative of an individual who is unlikely to be trustworthy and reliable.
- 3) If DOJ/DEA reschedules marijuana or if recreational use becomes wide spread, rulemaking and guidance will be necessary
- 4) There are very few scientifically-established, peer-reviewed, clinical trials that have correlated marijuana use to impairment. See NIDA Science Spotlight, June 23, 2015.
- 5) Regardless of scheduling, the current staff position is that marijuana use will continue to be prohibited

Potential Rule Impacts

Access Authorization	Part 73.56 (background and criminal investigations)
Behavioral Observation	Part 26.33, 73.55(i)(5), and 73.56(f)
Certified Fuel Handlers	Parts 50 and 72
Construction	Part 26, Subpart K
Clearances	Parts 10, 11, and 25
Emergency Preparedness	Part 26.4, TSC and EOF
Fitness for Duty	Part 26 drug testing, sanctions, fitness determinations, etc.
Insider Mitigation	Part 73.55(b)(9)
Licensed Operators	Part 55.53(i), (j), & (k) medical quals/exams and drug use
MC & A	Part 74
Physical Protection & Security	Part 73, prohibited from OCA/PA (like alcohol?)
Research & Test Reactors	Part 55.53(i) & (k), biennial medical & voluntary drug program
Security Officers	Part 73, App B, medical qualifications and exams
Transportation	Parts 26 and 73, and DOT & DOE

The Staff Marijuana Strategy

Initial Positions

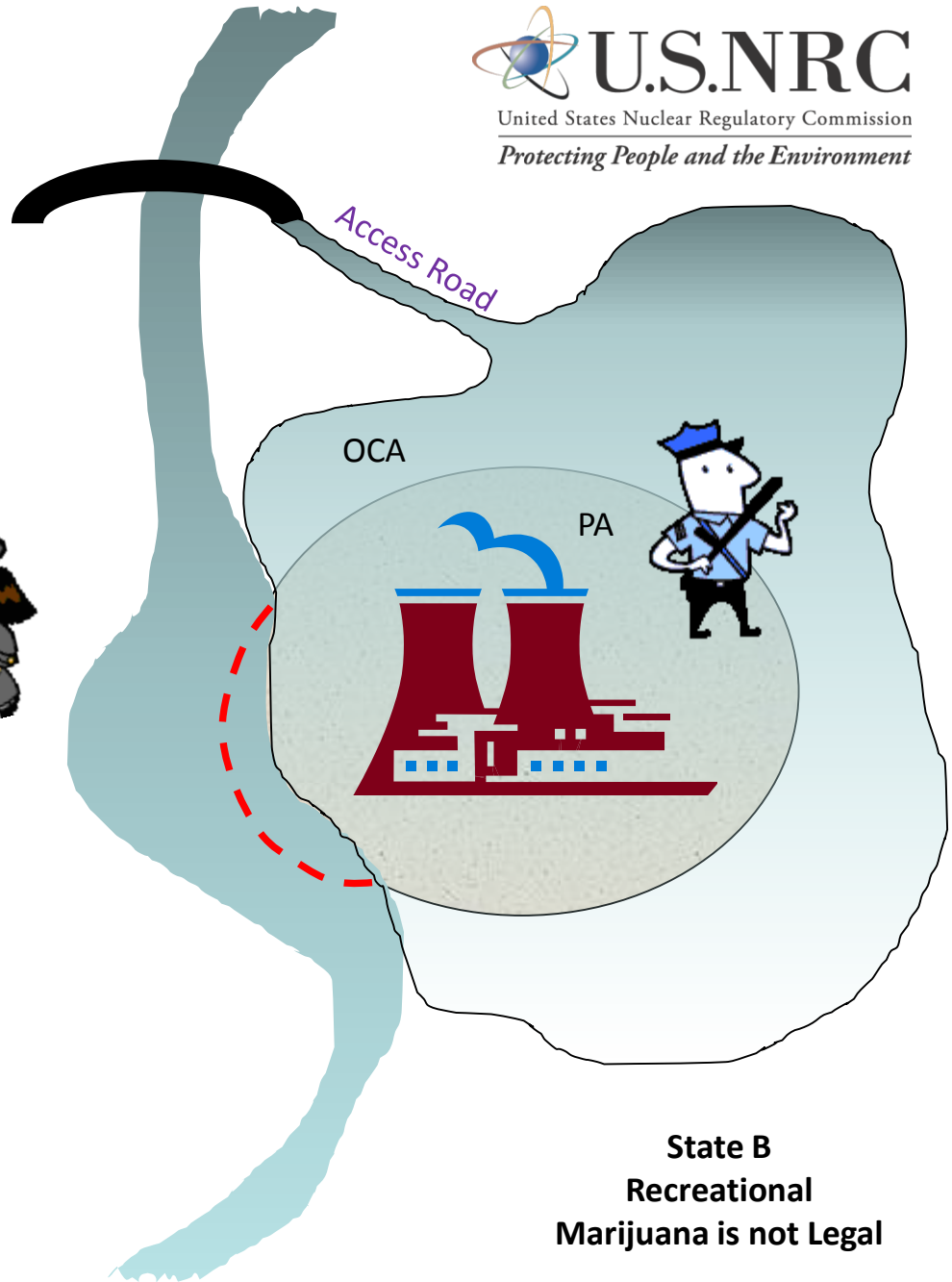
- Rulemaking will be necessary
- Pending studies to the contrary, marijuana will be considered as a medically-disqualifying drug (MDD)

Execution Steps

1. Develop a Regulatory Basis that marijuana is a MDD
2. If marijuana is MDD, what about all the other impairing substances?
3. If defining MDDs, what about “permissive/exempt prescription drugs (PPD)”?
4. Implement a pro-active regulatory framework, by requiring:
 - a) Announce all prescription medications, with exceptions
 - b) MRO or nurse review of prescriptions based on job function? Or access?
 - c) Enable MRO access to State Prescription Databases
5. Identify all sections in Part 26 and other Parts that will be affected
6. Fully vet HIPAA, ADA, and other privacy considerations
7. Inform the industry and public early and often – public meetings

Scenario Illustration

State A
Recreational marijuana use,
sale, & possession are Legal



State B
Recreational
Marijuana is not Legal