

memorandum

DATE: October 18, 2006

REPLY TO
ATTN OF: IG-40

SUBJECT: Letter Report on "Drug Testing For Security Positions at DOE's Portsmouth and Paducah Sites" (S05IS036), Report No. INS-L-07-01

TO: Manager, Oak Ridge Office

This Letter Report provides the results of an Office of Inspector General (OIG) inspection regarding the Department of Energy's (DOE's) drug testing program for security positions at DOE's Portsmouth Gaseous Diffusion Plant (Portsmouth), Piketon, Ohio, and the Paducah Gaseous Diffusion Plant (Paducah), Paducah, Kentucky.

BACKGROUND

In 1993, both plants were leased to the United States Enrichment Corporation, a privately owned government created entity, to enrich uranium for sale to commercial nuclear reactors. Currently, Paducah enriches and sells uranium. Residual enriched uranium remains in enriching equipment at Portsmouth, which is now in "cold standby" status. Enriched uranium at both sites is categorized as special nuclear material. Authorities for Protective Force Officers at both sites to carry weapons and make arrests are through the Oak Ridge Office.

The OIG received information that drug paraphernalia, which contained traces of methamphetamine, had been found within a limited security area at Paducah; and, that later, a Protective Force Officer at that site tested positive for use of methamphetamine. The Officer's employment was subsequently terminated.

The objective of our inspection was to determine whether DOE random drug testing procedures had been implemented at Paducah for protective force personnel. Due to its similarity with the Paducah site, we expanded the scope of our inspection to include the Portsmouth site.

RESULTS OF INSPECTION

We determined that DOE random drug testing procedures for protective force personnel had not been implemented at the Portsmouth and Paducah sites. The drug testing program at both sites was limited to pre-employment drug screening and "for cause" drug screening (a drug test for a specific event which would cause management to believe that an employee had been using drugs). Consequently, the absence of a random drug testing program decreased the likelihood that drug use by protective force officers at the sites would be detected.

Title 10, Code of Federal Regulations, Part 707 "Workplace Substance Abuse Programs at DOE Sites," (10 CFR 707) applies to DOE contracts with a value of \$25,000 or more at sites owned by DOE and operated under the authority of the Atomic Energy Act of 1954 (AEA), and that involve access to or handling of classified information or special nuclear material. In

accordance with 10 CFR 707, specified individuals will be subject to *random* [emphasis added] drug testing, including protective force personnel who possess firearms and require potential contact with, or proximity to, the public at large.

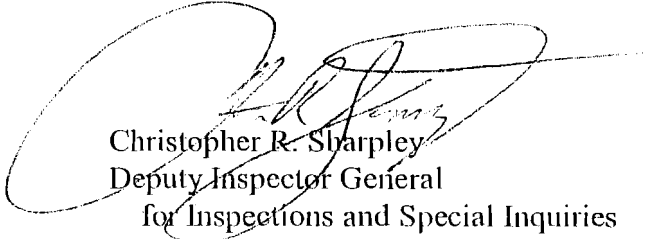
The requirements of 10 CFR 707 appear to apply to both Portsmouth and Paducah. Specifically, both sites:

- are owned by DOE and subject to the requirements of the AEA;
- contain both classified information and special nuclear material;
- have protective force personnel who possess firearms and, who are in frequent contact with the public; and,
- have security force contracts for DOE with a dollar value in excess of \$25,000.

Consistent with DOE's policy to maintain a drug free environment for its workforce, we recommend that the Manager, Oak Ridge Office ensure that a workplace substance abuse program for Protective Force Officers is established at the Portsmouth and Paducah sites consistent with the requirements of 10 CFR 707.

In response to our draft report, the Manager, Oak Ridge Office, concurred in principle with our recommendation and supported our position for random drug testing. The Manager stated that Oak Ridge is in a unique position with the United States Enrichment Corporation and is in the process of determining the appropriate mechanism to impose 10 CFR 707. A plan of action is in process and is targeted to be completed by December 31, 2006.

This inspection was conducted in accordance with the "Quality Standards for Inspections" issued by the President's Council on Integrity and Efficiency. We appreciate the cooperation we received from the field offices and Headquarters during this inspection. If you have any questions concerning this review, please contact Ms. Christine Shafik or me at (202) 586-4109.



Christopher R. Sharpley
Deputy Inspector General
for Inspections and Special Inquiries

cc: Chief of Staff
Assistant Secretary, Office of Environmental Management
Chief, Office of Health, Safety and Security
Director, Office of Internal Review (CF-1.2)