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FROM: SAMUEL W. BODMAN

SUBJECT: Decisions regarding drug testing for Department of Energy positions that require access authorizations (Security Clearances)

In consideration of the report on the Task Force Review of the Departmental Personnel Security Program (February 2007), I have made the following decisions regarding drug testing for Department of Energy (DOE) positions that require access authorizations (security clearances).

1. I have determined that all Federal and contractor positions that require a security clearance ("Q" or "L") and all employees in positions that currently have security clearances have the potential to significantly affect the environment, public health and safety, or national security. Therefore, all such positions will be considered to be in Testing Designated Positions (TDP), which means that they are subject to applicant, random and for cause drug testing.

2. All applicants for TDPs (including those that do not require clearances, such as truck drivers) will be tested before final selection into the position or, for current Federal or contractor employees, before a security clearance is granted.

3. All applicants for security clearances (including current Federal employees and contractor employees applying for a new clearance) who have been determined to have used illegal drugs within the twelve months preceding their completion of a Questionnaire for National Security Positions (SF-86) will be disqualified from further consideration for a security clearance, until such time as they can demonstrate non-use of illegal drugs for twelve consecutive months.

4. The Chief Health, Safety and Security Officer and the Chief Human Capital Officer will develop an explanation (fact sheet) of possible actions that may result if an employee or applicant tests positive for illegal drugs, with appropriate references to the due process provisions of 10 C.F.R. 707.14 (for contractor employee positions) and Chapters III and IV of DOE O 3792.3 (for Federal employee positions).

5. Those TDPs under DOE O 3792.3 (for Federal employees) and 10 C.F.R. Part 707 (for contractor employees) that are designated to be included in the pool for 100 percent annual random sample (primarily employees in the Human Reliability Program) will continue to be included in a 100 percent annual sample. All other TDPs are to be included in a pool subject to a 30 percent annual sample rate for random drug testing. For the Federal employee program, the Office of Human Resources (HR) will implement this change immediately, subject to the 30-day individual written notice to each affected employee required by Order 3792.3. For contractor employee positions covered by 10 C.F.R. Part 707, the Office of Health, Safety and Security and the Office of the General Counsel will undertake a rulemaking proceeding to amend the regulations as expeditiously as possible to effectuate this change. In the interim, all contractor employee clearance holders are to be immediately included as TDPs, following consultation with the contractors as required by the Part 707 regulations, and will be subject to drug testing at the rates prescribed under the current version of regulation.

I am directing HR, working closely with the Under Secretaries, to ensure timely implementation of the decisions outlined above for the Federal employee drug testing program. I am directing the Director, Office of Management, working with the Under Secretaries, to take steps to ensure timely implementation by all DOE contractors of the decisions outlined above. I also expect HSS, HR and the Under Secretaries to proceed with implementation of the other recommendations of the Personnel Security Task Force as previously approved and directed.

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