

# PUBLIC SUBMISSION

<b>As of:</b> 12/3/19 9:29 AM <b>Received:</b> November 29, 2019 <b>Status:</b> Pending_Post <b>Tracking No.</b> 1k3-9dky-oeqz <b>Comments Due:</b> December 02, 2019 <b>Submission Type:</b> Web
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**Docket:** NRC-2009-0225

Fitness-for-Duty Drug Testing Program Requirements

**Comment On:** NRC-2009-0225-0009

Fitness for Duty Drug Testing Requirements; Request for Comment on Proposed Rule and Draft Regulatory Guide

**Document:** NRC-2009-0225-DRAFT-0037

Comment on FR Doc # 2019-18491

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## General Comment

10 CFR 26.75 provides for sanctions on any individual who violates the FFD program. As noted below, the sanction for possession of illegal drugs, consumption of alcohol within a protected area, or while performing duties shall result in a minimum 5 year denial. This section does not address use of other intoxicating agents such as solvents, computer cleaners, glue, etc that have a equal to or greater impairing effect. Additionally, the abuse of prescription drugs with the sole intent of impairing or producing a high is also not discussed in this section. Clearly the focus of this section is to address any individual who would willfully abuse substances with the sole intent of producing a high to alter consciousness, thus jeopardizing safety and security. There have been cases noted with licensees involving the use of inhalants and/or prescription drug abuse where other entities have argued that the language of the code did not support sanctions in these specific cases.

Recommendation: Consider language that addresses substance abuse in all forms within the protected area or during performance of any tour of duty.

Any individual who is determined to have been involved in the sale, use, or possession of illegal drugs or the consumption of alcohol within a protected area of any nuclear power plant, within a facility that is licensed to possess or use formula quantities of SSNM, within a transporter's facility or vehicle, or while performing the duties that require the individual to be subject to this subpart shall immediately have his or her authorization unfavorably terminated and denied for a minimum of 5 years from the date of the unfavorable termination of authorization.