

PUBLIC SUBMISSION

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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

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General Comment

10 CFR 26.27, Written Policies and Procedures denotes how licensee's should establish their written policies and procedures. 26.27 b (4) captured below, establishes that the consumption of alcohol (impairing substance) is prohibited within a time period of 5 hours. While alcohol is among the most commonly used/abused legal substance, it by no means is the only impairing substance. There are additional substances equally as impairing and intoxicating as alcohol. Some examples include, prescription opiates, inhalant substances, benzodiazepines, sedatives, sleep aids, etc. The purpose of the 5 hour prohibition is to ensure no individual assumes duties in an impaired state as a result of consuming alcohol. However, it seems more prudent to stipulate that the 5 hour rule apply to any substance with known impairing qualities. For example, would an individual who engaged in huffing of an known intoxicating chemical (solvents, aerosol sprays, gases, cleaning fluids, etc) within ah hour of reporting for duty violate the 5 hour rule? Without doubt, the intoxicating affect of these substances are

greater than or equal to alcohol. Yet, the current code language specifically calls out alcohol while neglecting to mention other substances that are equally impairing. While naming every impairing substance may not serve the purpose, would it be more efficacious to stipulate that any impairing substance ingested within 5 hours of reporting is prohibited, including alcohol.

Prohibit the consumption of alcohol, at a minimum

(i) Within an abstinence period of 5 hours preceding the individual's arrival at the licensee's or other entity's facility, except as permitted in 26.27(c)(3); and