

# 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

The conditions detailing remote collections (collections remote from the licensee) are not clearly denoted in the present code verbiage. 26.4 h,2, featured below seems to suggest that licensees may conduct remote collections via personnel who are asked to provide collections for the licensees. There are sections of the code that allow for remote collections at hospitals for example, as a contingency when emergency conditions dictate. Some licensees have established remote collection sites to manage personnel who are remote from the licensee's collection facilities. Examples include Information Technology, Engineering and other personnel who may reside in other states hundreds of miles from the licensee and provide services to the licensee remotely. This section of code (26.4 h, 2) is confusing and does not clearly provide sufficient guidance on managing the issue of remote collections. IF remote collections are permissible; under what conditions may they be managed? Concerns have been raised regarding how such collection facilities should or should not be audited if they are

providing infrequent services to the licensee, and are not involved the daily operations of the FFD program. Should licensee's depend on other licensee collection facilities to manage this unique population of workers? If so, what guidance dictate the methods for managing the process? What should occur if the donor tests positive at licensee who is collecting a specimen for another licensee? Clearly, licensee's collecting specimens for each other is a far better option than relying on unvetted remote collection facilities. However, there are scenarios that create the possibly that remote collections could not be completed by another licensee due to distance. Recommend guidance that provides for clear direction concerning this unique issue. Licensee company's increasingly are placing demands on FFD program personnel to accommodate remote collection conditions that would allow the licensee to meet the definition of critical group, thereby requiring placement in the FFD program.

Individuals who have applied for authorization to have the types of access or perform the activities described in paragraphs (a) through (d) of this section shall be subject to 26.31(c)(1), 26.35(b), 26.37, 26.39, and the applicable requirements of subparts C, and E through H of this part.

(i) The following individuals are not subject to an FFD program under this part:

(1) Individuals who are not employed by a licensee or other entity in this part, who do not routinely provide FFD program services to a licensee or other entity in this part, and whose normal workplace is not at the licensee's or other entity's facility, but who may be called on to provide an FFD program service, including, but not limited to, collecting specimens for drug and alcohol testing, performing behavioral observation, or providing input to a determination of fitness. Such individuals may include, but are not limited to, hospital, employee assistance program (EAP) or substance abuse treatment facility personnel, or other medical professionals;