

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

26.31 denotes the conditions for collection. Administration of post event collection specific to the 4 hour reference has cause some confusion in the industry. Very often a safety event is still under investigation after four hours leaving the OSHA recordable question unanswered. It may be that the recordable question is not answered for 24 hours or more. Personnel who are injured and transported for medical treatment may not return to duty days or weeks later without FFD testing. The rule is clear that medical assistance cannot be delayed for FFD testing consideration. However, when minor injuries occur, and the subject individual returns to duty the 8-10 hours later, the question of recordability is not yet answered, program personnel are often seeking guidance about whether FFD collections make sense under this standard. Language that clarifies this frequent scenario would be most beneficial.

Additionally, the term "substantial degradation to the level of safety" has been frequently

debated. The question is often asked, "What constitutes "substantial degradation?" Licensees are generally attempting to define what is meant by substantial. It seems more prudent to state that degradations of plant safety that generally may compromise general safety and security may be more appropriate.

Post-event. As soon as practical after an event involving a human error that was committed by an individual who is subject to this subpart, where the human error may have caused or contributed to the event. The licensee or other entity shall test the individual(s) who committed the error(s), and need not test individuals who were affected by the event whose actions likely did not cause or contribute to the event. The individual(s) who committed the human error(s) shall be tested if the event resulted in

- (i) A significant illness or personal injury to the individual to be tested or another individual, which within 4 hours after the event is recordable under the Department of Labor standards contained in 29 CFR 1904.7, "General Recording Criteria," and subsequent amendments thereto, and results in death, days away from work, restricted work, transfer to another job, medical treatment beyond first aid, loss of consciousness, or other significant illness or injury as diagnosed by a physician or other licensed health care professional, even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness;
- (ii) A radiation exposure or release of radioactivity in excess of regulatory limits; or
- (iii) Actual or potential substantial degradations of the level of safety of the plant;