



**Constellation
Nuclear**

**Calvert Cliffs
Nuclear Power Plant**

*A Member of the
Constellation Energy Group*

August 31, 2000

U. S. Nuclear Regulatory Commission
Washington, DC 20555

ATTENTION: Document Control Desk

SUBJECT: Calvert Cliffs Nuclear Power Plant
Unit Nos. 1 & 2; Docket Nos. 50-317 & 50-318
Request for Further Review of 10 CFR Part 26, Fitness for Duty

Constellation Energy Group and Calvert Cliffs Nuclear Power Plant, Inc. personnel have reviewed the Nuclear Regulatory Commission's revised Fitness for Duty Rule that was placed on the ADAMS system in July 2000.

We support and endorse the concerns and sentiments outlined in a letter sent to Chairman Meserve, dated August 28, 2000, and signed by Ralph E. Beedle, Nuclear Energy Institute.

There appears to be a significant number of changes in this rule since the comment period closed in 1996. We understand that the amendments are still undergoing internal review by Nuclear Regulatory Commission staff. However, we are concerned that these amendments will significantly increase the regulatory and administrative burden of managing this program, without enhancing the protection to public health and safety. To better serve and protect the public, new technology for subverting drug tests needs to be considered.

We are concerned over the apparent lack of industry involvement in this rulemaking since 1996. The industry's experience of managing fitness for duty programs in the interim is vitally important and should be considered before implementing the rule as proposed.

Some areas of concern are:

- The medical evaluation of fitness, and the history of drug abuse definitions and their application;
- Suitable inquiry time constraints and inconsistencies between the current and proposed versions of Part 26. The proposed changes appear to be more restrictive than 10 CFR 73.56;
- Unclear and complicated drug testing requirements; i.e., with the return-to-duty, pre-access, and random testing requirements; and

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- Title 10 CFR Part 26 inconsistencies as compared to the Department of Health and Human Services regulations and other Federal substance abuse programs.

We would like the rule statement of considerations and the regulatory analysis made available to the public, so we can understand the rationale for the proposed amendments.

Furthermore, we request a public forum be held to ensure understanding and to address and resolve the issues outlined in the August 28, 2000 letter from Nuclear Energy Institute. We appreciate the Commission's consideration of this request.

Should you have questions regarding this matter, we will be pleased to discuss them with you.

Very truly yours,



CHC/PSF/bjd

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