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Neil S. Hibler, Ph.D., FAClinP  
Director

January 18, 2002

U.S. Nuclear Regulatory Commission  
Karen D. Cyr, General Counsel  
Office of the General Counsel  
Washington, DC 20555

RE: NRC Requirements for Psychological Evaluations

Dear Ms. Cyr:

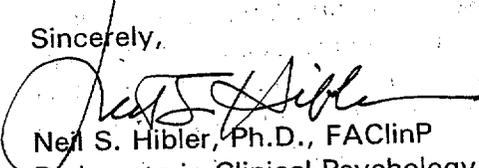
I am seeking your assistance in defining the standards of the Nuclear Regulatory Commission (NRC) regarding psychological selection screening of employee applicants and evaluating incumbents when their reliability is in doubt. Our group provides psychological services to scores of Federal law enforcement, security and intelligence agencies, and two recent requests have raised issues attributed to the NRC that I hope you can resolve.

These two requestors were power companies with nuclear plants under your agency's regulation. Both companies asked our group to conduct psychological screening of employment candidates and fitness for duty evaluations of incumbents whose continuing suitability was in doubt. These firms asked that we use a specific psychological test (the Minnesota Multiphasic Personality Inventory - 2, AKA: MMPI-2) and nothing else, not even an interview, unless that was thought essential on a case by case basis. Both companies said that this use of the MMPI-2 was required by the NRC. One representative cited 10 CFR 73.56 as the source of his opinion, the other could not cite a source, but made clear that this is what they have always done.

I am writing to clarify this issue because such use of this test (or any other in this fashion) violates the basic rules of psychological assessment and would not result in accurate or useful findings. Of course, power companies must have reliable evaluations that can surely and fairly determine the psychological suitability of those assessed. I believe the concern introduced by these recent interactions with nuclear operators reveals an issue critical to the safe and secure operation of any nuclear facility.

In at least two locations, there appear to be violations of not only professional psychological practice requirements, but also likely adverse discrimination under the EEOC and failures under the Americans with Disabilities Act (ADA). It would appear to be important to examine this concern further. I am certain that the NRC expects accurate, fair psychological services, it is not at all clear that is what the facilities your regulate are receiving. I invite the opportunity to discuss this issue further.

Sincerely,

  
Neil S. Hibler, Ph.D., FAClinP  
Diplomate in Clinical Psychology  
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