

IBEW



53FR36795 26

Local No. 1323

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Address of Writer 509 Cumberland Ave

Athens TN 37303

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November 21, 1988

Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Dear Sirs,

This letter is in response to your request for comments to the proposed rule concerning Fitness for Duty. As a local union in the International Brotherhood of Electrical Workers (IBEW) representing licensed and unlicensed Reactor Operators (ROs) and Assistant Unit Operators (AUOs) employed by the Tennessee Valley Authority (TVA) at Watts Bar Nuclear Plant in Spring City Tennessee, we hereby submit the following comments requested by the Commission in the Federal Register, Vol.53, No. 184, concerning 10 CFR Part 26, Fitness for Duty.

First, let it be understood that the officers and membership of Local Union 1323 do not condone drug or alcohol use in the workplace. It is accepted as fact that it can have severe effects on the operation of a nuclear plant, and adversely affect employee safety. It is our responsibility as a local union to provide quality craftsmen, physically and mentally capable of operating a nuclear plant, to the TVA, and also to work jointly with the TVA in policing our membership in order to maintain a drug and alcohol free environment in the workplace.

In the summary, the general objective is stated as being "to provide reasonable assurance that nuclear power plant personnel are not under the influence of any substance...which, in any way adversely affects their ability to safely and competently perform their duties". Further on in the article under "Discussion", there are several questions listed for comments. In response to Question No. 1, and keeping in mind the general objective of the proposed rule, we feel that the basis for medical examination and/or urinalysis should be probable cause, not random screening. Probable cause has historically been the basis for individual protection from unreasonable or illegal search. It also prevents the innocent from feeling like, or being treated like, the guilty. In other words, why punish the whole group for the transgressions of one?

On the other hand, random screening raises questions of constitutionality, rights of workers, rights of employers, fiscal problems, appeal problems, etc. It also leads to anger and frustration in the employees, which affects their ability to "perform their duties".

We must agree with Commissioner Roberts statement, "testing for cause would be the preferred alternative, since it can also offer detection and deterrence while having a much better chance of being found constitutional." We submit that testing "for cause" would also improve employee attitude and morale, thus improving "performance of their duties".

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In summary, we the officers and members of IBEW Local Union 1323 do not condone the on-the-job use of drugs or alcohol. However, we do not condone random drug screening of nuclear plant employees, either. We strongly urge you of the Commission to revise the proposed rule on Fitness for Duty to reflect probable cause as the basis of a program which will achieve "reasonable assurance" of a drug and alcohol free nuclear environment.

Sincerely,

A handwritten signature in cursive script that reads "G. G. Whitehead".

G. G. Whitehead

Vice President

IBEW Local Union 1323