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Comment On: NRC-2016-0185-0001

Processing Fitness-for-Duty Drug and Alcohol Cases; Policy Revision; Request for Comment

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General Comment

I am writing to recommend no change to the Fitness-for-Duty Drug and Alcohol Cases NRC-2016-018. Attached is my comment in full.

"I think there are several serious risk issues associated with the proposed rule change that the NRC may not have thoroughly considered and I believe the proposed rule change is premature and inadequate in it's scope."

Attachments

PC Jensen FFD NRC Rule Change

Processing Fitness-for-Duty Drug and Alcohol Cases NRC-2016-0185 28 Oct 2016

I am writing to recommend that the Nuclear Regulatory Commission (NRC) Fitness for Duty (FFD) rule is kept intact. In reviewing historic and related information regarding FFD I find conflicting statements and am concerned, once again, that the NRC is not taking seriously its mandates to protect the public and nuclear workers. Allowing industry to self-police is akin to letting the fox guard the hen house.

I have several questions and comments about this proposal. In line references are cited below in References.

1. 10 CFR § 26.75 "(i) states "To ensure that no records are retained, access to the system of files and records must be provided to personnel who are conducting reviews, inquiries into allegations, or audits under the provisions of § 26.41, and to NRC inspectors." Will the proposed rule change result in zero funding for the NRC to review industry reports regarding FFD, or, will funding remain to regularly review industry activity with regards to § 26.75?
2. Will the proposed rule change result in no annual reports specific to industry activity with regard to § 26.75? (reference FFD Performance Reports 1998-2013).
3. There have not been annual FFD Performance Reports for the years 2014 and 2015 published online. Has the NRC stopped preparing these reports?
4. How can NRC staff claim "The data indicates no adverse trends" (Processing Fitness-for-Duty Drug and Alcohol Cases) when there are no reports for the past two years published?
5. What response do NRC staff have to Lucas Hixson's comment "the first thing that we discovered was that there is a definite increase in the trends reported Fitness For Duty events. In this five-year window that we looked at, they more than doubled – almost 2-1/2 times what they were in 2008 and 2013." ("Report details drug and alcohol violations at U.S. nuclear plants") and Arnie Gundersen's comment "the growing incidence of drug and alcohol violations is disturbing because major nuclear accidents such as the one at Three Mile Island were in part the result of operator error." ("Report details drug and alcohol violations at U.S. nuclear plants").
6. What effect on the NRC budget and staff duties will the proposed rule change have?
7. What effect on NRC's exposure to liability will the proposed rule change create?
8. It appears that the NRC is seeking to reduce redundancy, but, there is a larger issue at hand. Is the current rule truly redundant, or, are there oversight mandates that must remain intact in order to protect the public and workers from industry and human failures?
9. While the proposed rule change addresses drugs and alcohol alone, the purpose of the FFD is to also identify other potential issues such as mental illness. Is it not possible that such issues are directly related to a person's mental health? By not overseeing industry actions with regard to § 26.75 specific to alcohol and drugs, will the NRC risk not identifying mental health risks?

I think there are several serious risk issues associated with the proposed rule change that the NRC may not have thoroughly considered and I believe the proposed rule change is premature and inadequate in its scope.

Thank you for this opportunity to comment.

Pia C. Jensen
Salto, Uruguay

References

Processing Fitness-for-Duty Drug and Alcohol Cases <https://www.federalregister.gov/documents/2016/10/05/2016-24073/processing-fitness-for-duty-drug-and-alcohol-cases>

10 CFR § 26.75 Sanctions www.nrc.gov/reading-rm/doc-collections/cfr/part026/part026-0075.html

FFD Performance Reports www.nrc.gov/reactors/operating/ops-experience/fitness-for-duty-programs/performance-reports.html

"Report details drug and alcohol violations at U.S. nuclear plants" www.tampabay.com/news/business/energy/report-details-drug-and-alcohol-violations-at-us-nuclear-plants/2142636