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NRC Enforcement Policy Revision; Processing Fitness-for-Duty Drug and Alcohol Cases

Comment On: NRC-2016-0185-0001

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

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Comment on FR Doc # N/A

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General Comment

See attached file(s)

Attachments

Comment (final)

I do not support the passing of the proposed change to the Nuclear Regulatory Commission's Enforcement Policy (the Policy) to Section 4.1 which is entitled "Considerations in Determining Enforcement Actions Involving Individuals". I think the Nuclear Regulatory Commission (NRC) should continue to review and enforce the decisions of licensees in drug and alcohol cases, because the employees and licensees that are under the authority of this code are entrusted with a lot of responsibility considering they have access to nuclear materials. Although data has shown that licensees have done a satisfactory job with ensuring that individuals who violate the drug and alcohol rules are given the proper sanctions, there is always a possibility that this ethical standard could deteriorate. It would not be tactful to entrust such a power with individual entities such as licensees without having at least some kind of oversight from one overarching power.

Even though the proposed change to the rule includes an exception/condition for the NRC to provide enforcement in the case of an individual violating the drug and/or alcohol rules, this exception does not capture enough. The condition that would allow the NRC to exercise their enforcement power in drug and alcohol cases is if "there is an apparent deficiency of the licensee's FFD program." My concern lies in the chance that a licensee does not have an adequate FFD program, but it is a minor problem at first and then grows to the point where it is difficult to contain it or control it. Problems that lie in any licensee program should be nullified as soon as possible, when they are in their most primitive stage so that it does not become a pervasive issue. My worry specifically has to do with the word "apparent." If the issue within a FFD program is not apparent, will it be caught in time before it gets out of hand? There is a possibility that a catastrophic mistake could occur if a person is not properly sanctioned for being under the influence of drugs and/or alcohol and he or she does not perform or act in a manner that would maintain the safe handling of nuclear materials. Also, one should consider that if other employees view the consequences as lax, they might be more prone to imitate the same behavior. Another point of contention that I have extends from my lack of knowledge of how the NRC will find out or determine if a FFD program of a licensee is deficient if they are not involved in the enforcement of actions taken by them. Is there a way to know there is an issue without being present when things go awry? Maybe and maybe not. In this case, certainty is necessary for the safety of people in this country.