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 50-251 Turkey Point Plant, Unit 4, Florida Power and Light C 05000251
 AUTH.NAME AUTHOR AFFILIATION
 BOHLKE,W.H. Florida Power & Light Co.
 RECIP.NAME RECIPIENT AFFILIATION
 CHILK,S.J. Office of the Secretary of the Commission

SUBJECT: Comment opposing proposed rule 10CFR55 re fitness-for-duty programs.Believes current program aggressively supports performance objective of fitness-for-duty regulation & applied equally to all persons granted unescorted access.

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JUNE 29 1990

Mr. Samuel J. Chilk
Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

OFFICE OF SECRETARY
DOCKETING & SERVICE
USNRC

Attention: Docketing and Service Branch

Re: Nuclear Regulatory Commission; Proposed Rule - 10 CFR Part 55,
Operators' Licenses; 55 FR 14288(April 17, 1990); Request for
Comments

Dear Mr. Chilk:

On April 17, 1990, the Nuclear Regulatory Commission (NRC) published for public comment a proposal to amend its regulations specifying that the conditions and cutoff levels established pursuant to the Commission's "Fitness-For-Duty Programs", are applicable to licensed operators as a condition of their license. These comments are submitted on behalf of the Florida Power & Light Company (FPL).

FPL is an investor-owned utility serving over three (3) million customers in the State of Florida. FPL is a licensed operator of two nuclear power plant units in Dade County, Florida and two units in St. Lucie County, Florida.

On June 7, 1989 (54 FR 24468) the NRC issued a new 10 CFR Part 26 rule entitled Fitness-for-Duty Program to require licensees authorized to construct or operate nuclear power reactors to implement a Fitness-for-Duty program. The performance objective of this program is to provide reasonable assurance that nuclear power plant personnel will perform their tasks in a reliable and trustworthy manner, and not under the influence of any prescription, over-the-counter or illegal substance which in any way adversely affects their ability to safely and competently perform their duties. FPL is firmly committed to an uncompromising Fitness-for-Duty program and believes that the program at FPL aggressively supports the performance objective of the Fitness-for-Duty regulation. FPL believes that the proposed rule is unnecessary and unjustifiably singles out licensed operators from all other nuclear plant personnel with unescorted access to the plants.

The current Fitness-For-Duty rule applies with equal force to all persons granted unescorted access to protected areas. The rule also applies to all personnel, whether employed by the licensee or one of its vendors or contractors, who report to a licensee's Technical Support Center or Emergency Operations Facility in

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an FPL Group company

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accordance with licensee emergency plans and procedures. The proposed rule would require that licensed operators be treated differently than all other persons whose performance is governed by FPL's Fitness-for-Duty program. The proposed rule imposes more stringent requirements on the licensed operators, but the NRC offers no [persuasive or compelling] evidence to justify the different treatment of licensed operators. FPL management has great respect for and trust in the Turkey Point and St. Lucie licensed operators and sees no reason for licensed operators to be treated any differently from other plant personnel with respect to the FPL Fitness-for-Duty program.

The Nuclear Management and Resources Council, Inc. (NUMARC) has offered comments on the subject proposed rule. FPL supports these comments and particularly endorses the following NUMARC comment:

The background section of the Federal Register notice states that the purpose of amending the current regulation is to "...provide a basis for taking enforcement actions against licensed operators..." in regard to fitness-for-duty. However, the current regulation, § 55.61(b)(3) & (4), clearly states that licenses can be revoked, suspended, or modified, in whole or in part, "(3) For willful violation of, or failure to observe any of the terms and conditions of the Act, or the license, or of any rule, regulation, or order of the Commission, or (4) For any conduct determined by the Commission to be a hazard to safe operation of the facility" (emphasis added).

Existing regulations thus provide the basis for enforcement actions against licensed operators for violation of the fitness-for-duty rule making this proposed rule unnecessary.

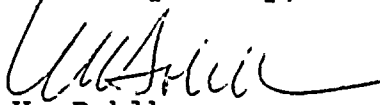
The proposed rule also would require the operators to report their use of prescription or over-the-counter drugs which could possibly cause physical or mental impairment to the licensee's medical review officer. Under FPL's program, all FPL personnel taking prescribed medication must consult with their physicians to determine whether the drug may have an adverse effect on performance. FPL personnel taking over-the-counter (OTC) medication must be aware of any adverse effects it may have on their performance as defined on the manufacturer's label. If prescribed or OTC medication being taken may have an adverse effect on performance, the individual must notify his/her supervisor immediately upon reporting to work. Failure to inform supervision of taking prescription or OTC medication which may have an adverse effect on performance can result in disciplinary action up to and including discharge for Company employees and denial of access to the nuclear plant sites for contractor employees. In light of the

Fitness-For-Duty program safeguards outlined above and in the absence of any evidence that licensed operators are of such special concern that justify more stringent treatment, FPL believes that the rule requiring the operators to report the use of prescription drugs or OTC medications to the licensee's medical review officer is unnecessary.

In summary, FPL believes that 1) the current FPL Fitness-For-Duty program adopted pursuant to 10 CFR Part 26 aggressively supports the performance objective of the Fitness-For-Duty regulation and is applied equally to all persons granted unescorted access and, 2) current regulations provide the basis for enforcement actions against licensed operators for violations of Fitness-for-Duty requirements. Therefore, the proposed rule is unnecessary.

FPL appreciates the opportunity to comment on the proposed rule. We would welcome the opportunity to discuss our comments and concerns with the NRC staff.

Yours very truly,



W.H. Bohlke
Vice President
Nuclear Engineering and Licensing

