

October 31, 1989

The Honorable Brock Adams
United States Senate
Washington, D.C. 20510

Dear Senator Adams:

I am responding to your letter of September 29, 1989, in which you referenced a constituent's inquiry concerning mandatory random drug testing in the nuclear industry. Your constituent discusses the effects of the Nuclear Regulatory Commission's rulemaking on individual rights and constitutional freedoms.

The Commission carefully considered individual rights, and public comments related thereto, in determining whether random testing was needed for protecting public health and safety. See enclosed NUREG-1354, "Fitness-for-Duty in the Nuclear Power Industry: Responses to Public Comments." The enclosed Federal Register notice also summarizes public comments and responses. At 54 FR 24488, the Commission concluded that the imperatives of safe operation of nuclear power reactors fully justified promulgation of the rule and noted that two cases decided by the Supreme Court on March 21, 1989, indicated that the rule was a proper and prudent regulatory action for the protection of public health and safety.

The NRC's final rule on fitness-for-duty programs, 10 CFR Part 26, includes measures to protect the individual, such as appropriate safeguards to ensure that test results are accurate and reliable and provision of appeal rights.

I trust this response adequately addresses your constituent's inquiries concerning mandatory drug testing.

Sincerely,

Original Signed By:
James M. Taylor

James M. Taylor
Acting Executive Director
for Operations

Enclosures:

- 1. NUREG-1354
- 2. Federal Register
Notice (54 FR 24468)
- 3. NUREG-1385

Document Name: HONORABLE BROCK ADAMS

See previous concurrences

OGC
R. Finner
10/27/89
10/24/89

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The Honorable Brock Adams
United States Senator
United States Senate
Washington, D.C. 20510

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

ACTION

EDO Principal Correspondence Control

FROM: Sen. Brock Adams
DUE: 10/24/89
EDO CONTROL: 0004815
DOC DT: 09/29/89
FINAL REPLY:

Sen. Brock Adams

TO:

NRC

FOR SIGNATURE OF: ** GRN ** CRC NO: 89-1111

Executive Director

DESC:

ROUTING:

ENCLOSES LETTER FROM JACK G. TELLEFSON CONCERNING
MANDATORY DRUG TESTING

Norry, ADM
Bird, OP

DATE: 10/13/89

ASSIGNED TO: NRR CONTACT: Murley

SPECIAL INSTRUCTIONS OR REMARKS:

NRR RECEIVED: OCTOBER 13, 1989
ACTION: DRIS:GRIMES

NRR ROUTING: MURLEY/SNIEZEK
MIRAGLIA
PARTLOW
CRUTCHFIELD
GILLESPIE
MOSSBURG

*Make / Bush - action
Brief reply noting
public involvement,
Comm. considered
issue of power -
enclose NUREGS which
discuss drugs &
public comments*
[Signature]

