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(58 FR 15810) (19)

CALVERT CLIFFS NUCLEAR POWER PLANT
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CHARLES H. CRUSE
PLANT GENERAL MANAGER
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June 21, 1993

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

ATTENTION: Docketing and Service Branch
SUBJECT: Calvert Cliffs Nuclear Power Plant
Unit Nos. 1 & 2; Docket Nos. 50-317 & 50-318
Proposed Rule Change; 10 CFR Part 26, Fitness-for-Duty Programs
(58 FR 15810, March 24, 1993)

Gentlemen:

This letter provides Baltimore Gas and Electric Company's comments on the proposed change to the Fitness-for-Duty (FFD) rule (58 FR 15810, March 24, 1993). We are pleased to see the NRC continue to improve its regulations based on industry experience and we support the proposed change to 10 CFR Part 26. However, we strongly recommend that the following provision be added to the rule.

Specifically, we recommend a change to allow a performance based graduated scheme for determining individual employee and contractor random testing rates based on the previous two years' testing results. Specifically, we propose the following scheme:

Positive Test Rate (%)	² Required Testing Rate (%)
¹ X > 0.50	100
¹ X ≤ 0.50	50

¹ X equals a licensee's two-year positive test rate.

² The required testing rate for the two-year period directly following the previous two-year period.

Each licensee would apply these criteria to the positive random test results of their previous two year's testing results to determine the testing rate of employee and contractor/vendor populations for the next two-year period. Each population could have different testing rates based on each population's two-year positive test rate percentage.

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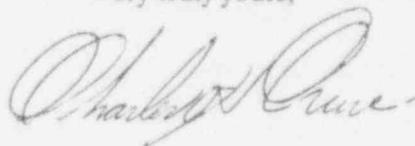
The following points reinforce our recommendation.

- ▶ The flexibility provided by a performance-based scheme would have several advantages over the present draft of the rule change. Incorporation of the scheme described above would reduce the number of future changes to 10 CFR Part 26 resulting from industry testing experience. The revised rule would allow the licensee to make appropriate changes to their random testing rate (i.e. lower or raise their testing rate percent in response to reduction or growth of their two-year positive rate percent) of licensee employees and contractor/vendor employees without a change to the rule. Another advantage provided by our recommendation is licensee cost savings. If this recommendation is accepted, licensees could make a one-time change to their applicable fitness-for-duty program implementing policies and procedures to incorporate the scheme as published in the rule. This would preclude the need for FFD program changes stemming from future rule changes that are in turn tied to changing industry testing experience.
- ▶ Our recommendation would make the rule more equitable to all licensees. Licensees would test at a rate commensurate with their previous testing experience, rather than the aggregate industry testing experience.
- ▶ Lastly, our recommendation would provide an important additional incentive to all licensees to utilize every available mechanism to maximize conformance with the underlying principles of the FFD rule.

The Federal Register notice of March 24, 1993 also states that the NRC is specifically interested in comments as to whether certain positions critical to safe operation of the nuclear power plant, such as licensed reactor operators, should be excluded from any reduction of the random testing rate. We support the NRC's conclusion that the overall effectiveness of the fitness-for-duty program will not be significantly impacted by the proposed rule change. We contend that this statement is true even if employees who fill positions critical to safe operation of the plant are tested at a rate of 50 percent. Therefore, all positions that are filled by licensee employees should be included in the reduction of the random testing rate.

We appreciate the opportunity to comment on the proposed rule modification and would be pleased to discuss any questions you may have regarding our comments.

Very truly yours,



CHC/TWG/twg/dlm/bjd

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