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OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

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

Attention: Docketing and Service Branch

Re: Proposed Rule - 10 CFR Part 26  
Fitness-for-Duty Programs:  
Nuclear Power Plant Personnel  
55 Fed. Reg. 35648 (Aug. 31, 1990)  
Request for Comments

Dear Mr. Chilk:

In 55 FR 35648, the NRC requested comments on a proposed rule that would preclude a nuclear power reactor licensee's removal or temporary suspension of an individual's unescorted access based solely on initial screening drug test results under 10 CFR § 26.24(d). These comments are submitted on behalf of the Florida Power & Light Company (FPL), a licensed operator of two nuclear power plant units in Dade County, Florida and two units in St. Lucie County, Florida.

FPL believes this proposed amendment to 10 CFR Part 26 would unduly restrict a licensee from taking prudent action in those cases in which an initial screening test is positive for proscribed substances. Licensees who perform onsite screening should be free to take appropriate action as a result of a positive screen taking into account all of the circumstances, including any corroborative evidence and the licensee's obligation to assure safe plant operation. This action, if any, may be administrative in nature (e.g., reassignment to a less critical position) with no disciplinary action being taken until the Medical Review Officer's evaluation is completed and a determination made concerning drug use. A licensee may choose to limit its administrative action to those substances in which the initial screen is positive for particular substances, e.g., marijuana, cocaine, and alcohol.

Certainly, a licensee's policy should be sensitive to the potential negative impact on the affected individual. If an individual is exonerated, efforts must be made to ensure that the individual's reputation and career are not adversely affected. FPL believes that

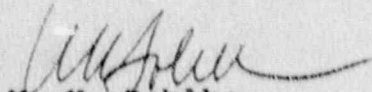
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a sound company policy concerning onsite screening can strike the proper balance between the rights of an individual and the responsibilities of a licensee to protect the public health and safety.

The Nuclear Management and Resources Council (NUMARC) is also offering comments on the subject proposed rule. FPL endorses the NUMARC comments and recommendations.

In conclusion, FPL believes that the proposed rule should not be adopted and that the current Part 26 should remain as written.

FPL appreciates the opportunity to comment on the proposed rule.



W. H. Bohlke  
Vice President  
Nuclear Engineering and Licensing

WHB/lef