

DOCKET NUMBER
PROPOSED RULE PR 26

(55 FR 35648)

October 27, 1990

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Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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Attention: Docketing and Service Branch

OFFICE OF SECRETARY
DOCKETING AND SERVICE
BRANCH

Reference: Proposed Rule - Fitness-for-Duty Programs: Nuclear Power
Plant Personnel

10 CFR Part 26.24 (d) Dated August 31, 1990

Dear Mr. Secretary,

I wish to register my full support of the amendment to 10 CFR 26.24 (d) which "would prohibit management actions based upon an unconfirmed positive initial screening test when there is an absence of any other evidence of impairment or an indication that the individual might otherwise pose a safety hazard".

I stand with Commissioner Rogers and Commissioner Curtiss in defending the rights of the individual. Commissioner Rogers makes the point very well about possible errors in the testing process and the prospect of unwarranted damage to an individual's reputation and self esteem. This potential for damage to the person cannot be taken lightly and should be the largest factor favoring the rule, for it is the total person that is required to give or follow direction.

Taking a guilty until proven innocent approach would serve only to further erode a highly dedicated and professional workforce which has become ever more sensitive to unwarranted personal attack. For what reason is such an unrealistic approach proposed? I would ask the Chairman's reaction if the locks were mistakenly changed to his office, he is then humiliated first by being told to go home, then further that his co-workers cannot intervene on his behalf. Acquaintances begin to treat him like a leper because of the stigma and possibility of guilt by association. To top all that off, he won't be paid until exonerated, no matter how long it may take.

Shouldn't the fact that (he and) these persons under the rule work closely with, and are observed for aberrant behavior by others, count for something? These highly professional team-mates rely heavily on each other, not wanting an impaired link in the chain because of pride in job, but also for fear the impairment of a co-worker would have the opportunity to bring them to grief as well. The NPC has a duty to uphold, we have jobs to protect. We have no tolerance for drugs either, but at the same time can't abide by a policy that isn't more flexible at the preliminary testing stage.

Further more, if the on-site testing process is as flawless, and the damage to an individual's person as unlikely as the rule's detractors would suggest, perhaps the NRC should save the money being spent for its own Fitness-For-Duty Program by utilizing the same drug testing facilities, laboratories, standards, frequency, and errors as those at the nuclear sites they regulate.

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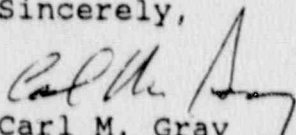
The need to change this rule has an interesting origin. I find it incredible to imagine a facility staff that would ratchet the existing rule to include expulsion from their site based solely on unconfirmed test results. The site and corporate management certainly could not have imagined any of themselves being excluded from the site as a result of a testing error, moreover not being allowed to manage with even a phone or memo during the period of expulsion. Perhaps the rule should be expanded further to clarify an intent of not allowing any interaction of the offender toward operation of the site during the period required for absolution.

Wisconsin Electric Power Company has adopted a split-sample method of testing as a means to protect themselves and their employees from errors in sampling. The Nuclear Regulatory Commission could do well in their quest to protect the health and safety of the public and the nuclear option by taking a common sense approach here, ...adopting this rule, rather than further frustrating the experienced professionals who have found it ever more appealing to leave nuclear behind.

§ 26.24 paragraph (d) as revised in the proposed rule of Friday, August 31, 1990, and given the interpretations of Commissioner's Rogers and Curtiss, should become rule.

I'm licensed as a Senior Reactor Operator and work rotating shifts in the position of Shift Superintendent at the Point Beach Nuclear Plant (PBNP). PBNP is a two unit Westinghouse pressurized water reactor station operated by Wisconsin Electric Power Company. My nuclear experience dates to 1962.

Sincerely,


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