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DOCKETED
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20 August 1982

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Secretary of the Commission
NRC
Attn: Docketing and Service Branch
Washington DC 20555

Subject: Proposed Licensee Procedures To Assure
Fitness For Duty At Nuclear Power Plants

DOCKET NUMBER **PR-50**
PROPOSED RULE **(47 FR 33980)**

Dear Sirs:

I have the following comments on the proposed procedures.

1. Any procedure, rule or requirement that would apply to utility or contractor personnel should apply equally to NRC personnel. My experience in operating plants has shown the NRC personnel often are attempting to oversee technical areas in which they have no expertise. It, therefor, follows that similar deficiencies could exist in the general area of fitness. Based on this the same rules must apply to all.
2. I oppose breath tests and/or blood alcohol level tests for two reasons. First these will not show up drug problems and there is a serious constitutional question on broad application of the tests. Second I believe the utility management currently has the right (and duty) to observe, directly or through designated personnel, the actions of all employees and contractors. Any abnormal behavior is grounds for question, relief of duty and any appropriate disciplinary action deemed proper by the utility. Adding the very significant burden (i.e., cost to the consumer) of psychological, behavioral or chemical tests would only compound an already grossly over done "security" program. Let management function based on experience with the employee. Reactor Operators and others who have responsible positions and access to critical plant areas have a considerable work history upon which to base a judgement.
3. I see no legal, let alone practical, way blood (or breath) tests could be implimented on a broad scale. Further many perscription drugs taken on doctors orders, could show up as false "positive" readings which further complicates on already complex task. The time required for plant access, even with documentation per 10CFR73.55 for security, is already a gross burden on the utility (that is it's customers bills) to little positive effect. Addition of a complex chemical test would ensure even less productive work was accomplished.

*DS 10
add: Ellis Nepschoff
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Secretary of the Commission
NRC

4. As an alternative to the suggested new procedures, if some action is believed to be required to show government action, simply restress utility responsibility to ensure workers do not use controlled substances on-site and that workers not be allowed on-site when under the influence of any substance or condition that would have an adverse effect on their performance. This is admittedly a vague, open statement but the proposed alternative of breath, blood, and mental state tests is impossible in practice. A worker could pass all the battery of tests one day, have a gross personal tragedy, such as the death of a child and be totally unacceptable the next day. This requires competent judgement to handle not a new set of expensive tests.

Thank you for your consideration of these comments.

Very truly yours,

J. W. Jacox

JWJ:lp

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August 19, 1982

John C. Hoyle
Acting Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington D.C. 20555

DOCKET NUMBER
PROPOSED RULE

(5)
PR-50
(47 FR 33980)

ATTENTION: DOCKETING AND SERVICE BRANCH

Dear Mr. Hoyle:

I am writing in response to your request for comment on the proposed amendment to 10 CFR Part 50, Personnel With Unescorted Access to Protected Areas; Fitness for Duty.

I view the proposal as a regulatory interference of employee rights.

I do not disagree with what I perceive to be the intent of the amendment (protection for the public). Being a former licensed nuclear plant operator, I know the need to have alert and fit personnel. However, as a Union Business Representative, I feel you are only giving the employers an advantage over their employees in that the amendment places the employee in a guilty until proven innocent position.

Most, if not all, employers have company rules covering drug and alcohol abuse and have a responsibility not only to themselves but to their employees and the public to enforce such rules. There have been many labor arbitrations and court cases around employee abuse of alcohol and drugs on and off the job. These cases have laid out ground rules to handle such problems that are both fair and reasonable, to protect all parties concerned.

For a Federal Agency to give a hammer to one party; "I have to do this because it is an NRC Regulation", will only cause a great

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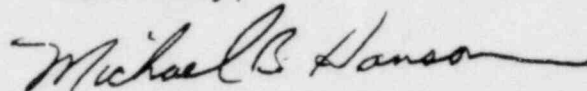
John C. Hoyle
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deal of hardship on all concerned. This type of amendment will only necessitate the need to recover a lot of old ground in the area of labor relations.

I feel that through enforcement of already established regulations the area of concern can be handled.

I would further express, if the commission is amending regulations, they would do so to cover all concerned. To implement a rule that does not require observance by those commissioned to enforce it would appear to be unfair and without equity.

Sincerely,



Michael B. Hanson
Business Representative

MBH/yh

cc: Charles Silvernale
Business Manager, IBEW, Local 77

Paul Shoop
International Representative, IBEW

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