

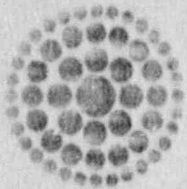
DOCKET NUMBER
PROPOSED RULE **PR 55**
(55 FR 14288)

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**Florida
Power**
CORPORATION

July 13, 1990
LFM90-0062

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

Attn: Docketing and Services Branch

SUBJECT: Proposed Amendment to 10 CFR Part 55, "Operator's License" (55 FR 14288)

Dear Mr. Chilk:

On April 17, 1990, the Nuclear Regulatory Commission (NRC) published in the Federal Register, a proposed amendment of 10 CFR Part 55 to specifically require licensed operator compliance with Fitness-For-Duty (FFD) programs and to promulgate a conforming modification to the NRC's enforcement policy.

The proposed regulation purportedly contains no new requirements for Part 55 licensees; but merely clarifies that certain requirements which they are required to comply with under Part 26 are to be included in their licenses and that their violation of those requirements could subject them to individual enforcement action by the NRC. However, existing regulations, 10CFR55.61(b)(3) & (4), clearly state that licenses can be revoked, suspended, or modified, in whole or in part, "(3) For willful violation of, or failure to observe any of the terms and conditions of the Act, or the license, or any rule, regulation, or order of the Commission, or (4) For any conduct determined to be a hazard to safe operation of the facility". Thus, existing regulations clearly provide the basis for enforcement actions against licensed operators for violation of the fitness-for-duty rule. Therefore, the proposed amendment is not necessary for enforcement action.

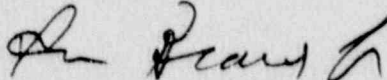
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The proposed amendment would also have the following adverse consequences:

- a. It would decrease the probability that a licensed operator with a drug or alcohol problem will seek assistance from the employee assistance programs;
- b. The proposed amendment would require that licensed operators be treated differently from other personnel with unescorted access to the Protected Area. Thus, it challenges the licensed operator's trustworthiness without any justification. This would have a negative impact on the morale of this professional group;
- c. It appears to place more stringent requirements on operators regarding alcohol than specified by Part 26.

Florida Power Corporation, therefore, strongly opposes the proposed rulemaking.

Sincerely,



P. M. Beard, Jr.
Senior Vice President
Nuclear Operations

PMB/GMF/kdh

xc: Rick Enkeboll (NUMARC)