



AMERICAN NUCLEAR SOCIETY
STANDARDS COMMITTEE

DOCKETED
USMPC

'82 SEP 29 P12:03

Headquarters:
555 North Kensington Avenue
LaGrange Park, Illinois 60525 USA
Telephone 312/352-6611
Telecopy 312/352-0499
Telex 254635

September 27, 1982

emp
OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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

Attention: Docketing and Service Branch

Subject: NRC Proposed Rule 10 CFR 50.22
Fitness for Duty

DOCKET NUMBER
PROPOSED RULE PR-50

(26)
(47 FP 33980)

Dear Sir:

The members of the ANS-3 Standards Committee for reactor operations wish to provide the following comments regarding the NRC's proposed amendment to its regulations which would require that utilities licensed to operate nuclear power reactors establish procedures to ensure that personnel with unescorted access to protected areas of the facility are not under the influence of drugs or alcohol or otherwise unfit for duty. The members of the ANS-3 committee cannot support this proposed amendment. The proposed amendment implies that the nuclear industry has not exercised its responsibility to operate its nuclear plants in a responsible manner. This is not the case, and in fact, the quoted history of the number of reported drug related incidents in which licensees or contractor employees were arrested or terminated shows that industry has been responsive in this area. These incidents were identified and action taken primarily as a result of licensee action.

The proposed rule will seriously affect the internal employer/employee relationships within a utility and could result in conflict with state privacy laws. Many licensees are experiencing significant difficulties in retaining experienced individuals in their nuclear facilities because of the perceived harassment caused by NRC inspection programs, quality assurance programs, security programs, continued requalification requirements, overtime hour restrictions and other programs recently imposed in response to TMI. This situation can only be made more difficult by subjecting nuclear power plant employees to the humiliation of requiring frequent blood tests, urinalysis, breath tests or other requirements of this nature. Procedures to absolutely assure fitness for duty based on an individual's fatigue, stress, illness, temporary physical impairments, drug use or alcohol use may not be feasible at this time. Most facilities have already established programs to make nuclear facility supervisors aware of typical behavior of those individuals who are under the influence of drugs or alcohol. In many cases, procedures or policies have been established for handling of individuals who have been identified through these programs.

8210010218 820927
PDR PR
50 47FR33980 PDR

DS 10
add E.W. Menschoff 5650 NL

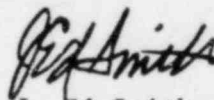
Acknowledged by card 9/30/82 emp

Secretary of the Commission
Page Two
September 27, 1982

Continued observation programs are now a requirement in ANS 3.3 Standard, "Security for Nuclear Plants".

The Commission should not now publish this proposed amendment since there is no known technology by which licensees can assure fitness for duty. History has shown that licensees are conscious of the need for more attention in this area and have already taken appropriate steps on an individual basis. Implementation of such a rule could cause an additional reduction of the experienced personnel in the power plant based on the additional harassment it will impose on qualified competent nuclear power plant personnel.

Sincerely,



J. Ed Smith, Chairman
ANS-3

JES/kk

DUKE POWER COMPANY

OCONEE NUCLEAR STATION
P. O. BOX 1439
SENECA, S. C. 29678