



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

October 25, 1990

The Honorable John D. Dingell
Chairman, Committee on Energy and Commerce
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I am responding on behalf of the Commission to your letter of September 24, 1990, which forwarded a report by the Committee staff of its investigation into the handling of a drug test by the Houston Lighting and Power Company before the implementation of the Commission's fitness for duty regulations, codified at 10 CFR Part 26. Our initial analysis of several of the issues raised in your report is enclosed.

A number of the issues which the report addresses were of concern to the Commission during development of Part 26. The Commission already has scheduled a review of the results of the fitness for duty program and the lessons learned during implementation of Part 26 in the summer of 1991. We intend to include the issues raised by the Committee staff as part of that review.

The NRC staff will continue to work closely with the National Institute on Drug Abuse (NIDA) to achieve the goal of a safe, drug free workplace. We have sent a copy of your letter and the enclosed report to NIDA so that they may consider the testing issues associated with the program that NIDA developed in accordance with Executive Order No. 12564, of September 15, 1986. Some of the issues identified in the report may be more appropriate for NIDA rather than the NRC, to address. These include the establishment of uniform GC/MS procedures, blind performance testing, adequacy of laboratory documentation, improvements in challenge procedures, and establishment of a professional certification program for medical review officers (MROs) and laboratory personnel.

As you note in your letter, the Commission recently published for comment a proposed amendment to 10 CFR 26.24 which would prohibit taking action against an individual based solely on an unconfirmed positive screening test result. The Commission will carefully consider public comments concerning the amendment and will ensure that a proper balance is maintained between the public need for safe nuclear operations and the individual's rights.

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PDR COMMS NRCC
CORRESPONDENCE PDC

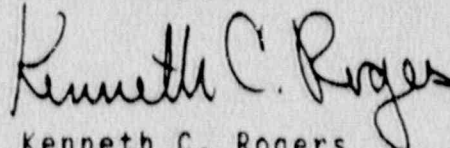
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Finally, on October 11, 1990, the Houston Lighting and Power Company forwarded to the NRC its evaluation of the Committee's investigation report. A copy of the utility's letter is enclosed for your information.

Sincerely,



Kenneth C. Rogers
Acting Chairman

Enclosures:

1. NRC Comments on Issues Raised
2. October 11, 1990 letter from Houston
Lighting & Power Company to Chairman Carr

cc: The Honorable Norman Lent
Dr. Joseph H. Autry, NIDA