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

October 4, 1982

OFFICE OF SECRETARY
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BRANCH

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Attention: Docketing and Service Branch

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

Dear Sirs:

PERSONNEL WITH UNESCORTED ACCESS
TO PROTECTED AREAS; FITNESS FOR
DUTY; PROPOSED RULE
47FR33980; AUGUST 5, 1982

We are pleased to submit our comments on the subject proposed rule. Our comments were prepared as responses to the questions asked in the "Supplementary Information" section of the Federal Register notice and as general comments addressing the proposed rule itself.

Commission Question 1

The establishment of criteria similar to the FAA's 14 CFR 91.11 is advisable since there are no current standards established for fitness for duty screening. However, it should be noted that from both military and civilian experience the enforcement of the FAA's rule is difficult and many times is used only after-the-fact in incidents relating to abuse of alcohol or drugs.

Commission Question 2

All the various means of screening mentioned will contribute to identifying the potential abuser of alcohol or drugs and certainly cover aspects of an individual's background, character, and related behavioral changes. The legality of breath tests or similar checks on physical characteristics should be investigated.

Commission Question 3

Limiting the fitness for duty rule to vital areas is theoretically correct. However, from a pragmatic point of view, the clearance or fitness standards should apply to both the protected and vital areas; the rationale being more efficient utilization of personnel.

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add: S. Muroch
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PDR PR
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Acknowledged by card. 10/8/82 *emp*

Commissioner Gilinsky Question 1

The rule should apply to all personnel who are allowed unescorted access to protected areas, including NRC personnel. There is no justifiable reason why NRC personnel should be excluded.

Commissioner Gilinsky Question 2

The legality of testing for specific blood alcohol level should be investigated similarly to several of the other tests mentioned in "Commission Question 2."

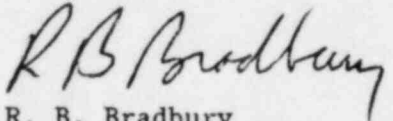
General Comments

1. The proposed rule places the onus on the licensee to establish, document and implement procedures to ensure that personnel with unescorted access to protected areas are not unfit for duty. This, potentially, will lead to a myriad of criteria with little uniformity throughout the industry; thus allowing I&E Inspectors wide latitude in interpreting and enforcing this regulation.
2. ANSI N18.17 (recently revised to ANSI/ANS 3.3) establishes criteria for screening plant employees who are granted unescorted access to the protected area and vital areas. This program (background investigation, psychological screening and behavioral observation, etc) provides the basis for plant unescorted access. Why duplicate identical or similar requirements in Part 50?
3. Why is the proposed rule placed in 10CFR50 - Licensing of Nuclear Power Plants, etc, rather than 10CFR73 - Physical Protection of Nuclear Power Plants?
4. Placing the responsibility of detecting aberrant behavior (e.g., drug use, long-term low-level alcoholism) on the security force may not be realistic. Unless the behavior is significantly impaired (e.g., gross inebriation) the security force may not be able to detect unusual behavior. The individual's supervisor, having daily long-term observation, would be better able to detect aberrant behavior.

In summary, we recommend that the proposed rule be coordinated with ANSI/ANS 3.3 screening requirements, that the NRC establish minimum guidelines within which the licensee can operate, and that consideration should be given to placing the proposed rule in Part 73.

We appreciate this opportunity to assist in the development of this rule, and hope that the above comments will be of use to you in its finalization.

Very truly yours,

A handwritten signature in cursive script, appearing to read "R B Bradbury".

R. B. Bradbury
Chief Licensing Engineer

DJC:SAC